



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 11 December 2017

Present

Lord Mayor – Councillor Gordon Bradbery OAM (in the Chair), Councillors Cameron Walters, Cath Blakey, Chris Connor, David Brown, Dom Figliomeni, Janice Kershaw, Jenelle Rimmer, John Dorahy (until 8.27 pm), Leigh Colacino, Mithra Cox, Tania Brown and Vicky King

In Attendance

General Manager – David Farmer, Director Infrastructure and Works, Connectivity Assets and Liveable City – Greg Doyle, Director Planning and Environment, Future City and Neighbourhoods – Andrew Carfield, Director Corporate Services, Connected and Engaged City (Acting) – Kylee Cowgill, Director Community Services, Creative and Innovative City (Acting) – Kerry Hunt, Manager Governance and Information (Acting) – Clare Phelan, Manager Finance (Acting) – Steve Packer, Manager Property and Recreation – Peter Coyte, Manager Environmental Strategy and Planning – Renee Campbell, Manager City Works and Services – Mark Roebuck, Manager Project Delivery – Glenn Whittaker, Manager Infrastructure Strategy and Planning – Mike Dowd, Manager Development Assessment and Certification, Mark Riordan and Manager Community, Cultural and Economic Development (Acting) – Sue Savage

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DISCLOSURE OF INTERESTS

Councillor Figliomeni declared a conflict of interest in Item 6 as he is on Council of the University of Wollongong. Councillor Figliomeni advised he would leave the meeting during consideration of this Item.

Councillor T Brown a non-pecuniary, non-significant conflict of interest in Item 6 as she works for the University of Wollongong. Councillor Brown advised she would leave the Chambers during discussion and voting of this item.

Councillor Rimmer a non-pecuniary, non-significant conflict of interest in Item 8 as she works for a State Member of Parliament and will remain in Chambers during discussion and voting.

Councillor Walters a non-pecuniary, non-significant conflict of interest in Item 8 as she works for a State Member of Parliament and will remain in Chambers during discussion and voting.

PETITIONS

Councillor D Brown tabled a petition for children's play equipment and adult gym equipment to be installed at Waldron Park, Mount St Thomas.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 20 NOVEMBER 2017

163 **COUNCIL RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that the Minutes of the Ordinary Meeting of Council held on Monday, 20 November 2017 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM - ITEM 6 – PROPOSED VOLUNTARY PLANNING AGREEMENT WITH UNIVERSITY OF WOLLONGONG

Bess Moylan thanked Councillors D Brown, T Brown, Dorahy, Cox and Blakey for taking an interest and contacting her to discuss this matter.

Items proposed in the Voluntary Planning Agreement (VPA) are vague in detail leaving open opportunities for misunderstanding and assumptions. There has been no environmental impacts for any of these items, for example:

- the items have not been raised by the community for development
- they are not in the Council's current works program
- they are not in the current Section 94 contribution plans
- these are ones that the University have decided are going to be of benefit to the community.

Some of the items will require community consultation so they are not necessarily guaranteed. They may have to go through the Development Application process and may be rejected. This possibly could lead some of the Council staff to a situation where they are pressured to approve some of the activities because they are in the Plan eg 20 year lease to the University to the Koolobong Oval is suggested in the VPA yet there has been no consideration whether that has been approved or will be put through.

Master planning for Beaton Park and Botanic Garden is currently underway and this suggests activities should not be entertained until these processes have been completed. This could possibly be confusing to the public and even undermines the integrity of the process. If people, for example, think that it has already been decided to move the soccer club from Beaton Park to the Koolobong Oval there will be questions about transparency and due process.

Some of the items appear to be those that the University was already to undertake and some might suggest it may be more benefit to the University than the broader community. It might be more equitable for Section 94 contributions from the University to be spread across the entire city to benefit.

Some items don't reflect local community needs. The community has asked for bike paths but none of the items in this VPA mention bike paths. There is an Access and Movement Strategy currently underway in the Keiraville/Gwynneville area. The implementation plan for that Strategy will have quite a number of items that will cost quite a lot of money. There is currently no reference to that need that the community, and the University, and the Council have identified.

If this goes ahead Councillors should be reviewing submissions, not just the General Manager.

PUBLIC ACCESS FORUM - ITEM 6 – PROPOSED VOLUNTARY PLANNING AGREEMENT WITH UNIVERSITY OF WOLLONGONG

Damien Israel, Chief Finance Officer for the University of Wollongong (University) addressed the meeting on this matter. He advised the University views the Voluntary Planning Agreement (VPA) very much a partnership approach between the University and Council to work together on a program of investments within the environs of the Wollongong Campus for the benefit of the community. The VPA responds to the opportunity raised in the process of developing our 20 year Wollongong Campus Master Plan to improve and activate the Northfields Avenue precinct informed by consultation with the community and Council.

The University also seeks to contribute to the challenges identified by Council in the provision of improved sporting facilities for a growing population through funding a substantial upgrade to the existing Kooloogong Ovals sportsfields. Together with the separate program of local works being scoped by Council over coming years for the Gwynneville/Keiraville area, we believe that our combined efforts will deliver significant benefit to both the local neighbourhood community and the wider Wollongong community.

PUBLIC ACCESS FORUM – ITEM C – NOTICE OF MOTION – COUNCILLOR COX – RUSSELL VALE COAL MINE

Kay Osborn representing the Illawarra Residents for Responsible Mining Inc (IRRM) addressed the meeting on this matter also providing a detailed paper on the matter to Councillors. Wollongong City Council approved the operations of the Russell Vale Emplacement Area (EA or Slag Heap) in three stages between 1986 and 1990. Numerous conditions of the approval remain unmet. This presentation aims to draw Council's attention to a number of risks which may have flow on effects to residents and ratepayers. These include: the risk of being left with the costs of rehabilitation in the vent of financial collapse of the mining company, Wollongong Coal Ltd; liability from an accident or disaster at the EA site; and, being the subject of litigation over a disaster or the ongoing particulate pollution emitted from the site.

The IRRM asked Council to assure residents and ratepayers that they will act promptly and decisively to finalise the final landform documents for the site, end the approval for the dumping of the mine's waste thereon and see through the rehabilitation of the land by Wollongong Coal. This conclusion would not only spare Council from the risk it is courting through the ongoing mismanagement of the site, it would also enable the ultimate goal of the original development approval to be realised – the expansion of the Russell Vale Golf Course.

164 **COUNCIL RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that all speakers be thanked for their presentation and invited to table their notes.

CALL OF THE AGENDA

- 165 **COUNCIL RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the staff recommendations for Items 2, 3, 7, 8 and 10 to 12, 14 to 18, 20 to 28 inclusive, be adopted as a block.

SUSPENSION OF STANDING ORDERS

- 166 **COUNCIL RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the Notice of Motions be considered after the numbered agenda items under suspension of standing orders.

ITEM 1 - DRAFT URBAN GREENING STRATEGY 2017 - 2037

- 167 **COUNCIL RESOLUTION** - RESOLVED carried on the motion of Councillor D Brown seconded Councillor Rimmer:

- 1 The updated draft Urban Greening Strategy 2017-2037 be adopted by Council.
- 2 Council note the draft Urban Greening Strategy Implementation Plan 2017-21.

In favour Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Cox, Blakey, Colacino, Walters, Dorahy and Bradbery

Against Councillor Figliomeni

ITEM 2 - DRAFT CITY OF WOLLONGONG PEDESTRIAN PLAN 2017 - 2021

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 Council adopt the final draft City of Wollongong Pedestrian Plan 2017-21.
- 2 Council note the City of Wollongong Pedestrian Plan 2017-21 Implementation Plan

ITEM 3 - DRAFT WEST DAPTO SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN 2017 FOR ADOPTION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 The advice from the Minister for Planning dated 21 September 2017 and the NSW Department of Planning & Environment letter dated 24 November 2017 be noted.
- 2 The revised draft West Dapto Section 94 Development Contributions Plan (2017) which incorporates the NSW Department of Planning & Environment requirements and other minor amendments, be adopted and the Plan publically notified.
- 3 Council note that the Yallah-Marshall Mount Planning Proposal has been forwarded to the NSW Department of Planning & Environment for review, finalisation and notification.

ITEM 4 - SUBMISSION ON THE NSW GOVERNMENT'S FUTURE TRANSPORT 2056 STRATEGY

- 168 **COUNCIL RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Connor that the General Manager be endorsed to finalise the attached submission on the Draft Future Transport 2056 Strategy and forward to Transport for NSW by 13 December 2017.

ITEM 5 - POLICY REVIEW: CODE OF MEETING PRACTICE AND PUBLIC ACCESS FORUM

- 169 **COUNCIL RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor King that consideration of the Code of Meeting Practice and Public Access Forum Policy be deferred until after finalisation of the NSW OLG Model Code of Meeting Practice and that Council make a submission on the Model Code consultation drafts.

DEPARTURE OF COUNCILLOR

Due to a prior Disclosure of Interest Councillors T Brown and Figliomeni departed the Chamber and were not present during debate and voting for Item 6.

During debate and prior to voting on Item 6, Councillor Walters departed and returned to the meeting, the time being from 6.48 pm to 6.53 pm.

ITEM 6 - PROPOSED VOLUNTARY PLANNING AGREEMENT WITH UNIVERSITY OF WOLLONGONG

- 170 **COUNCIL RESOLUTION** – RESOLVED on the motion of Councillor D Brown seconded Councillor Dorahy that:

- 1 The draft planning agreement between University of Wollongong and Council for the carrying out of public domain works be exhibited for community comment for a minimum period of two (2) months.
- 2 This matter return to Council for consideration following exhibition.

Variation The variation moved by Lord Mayor to increase the exhibition period to two (2) months was accepted by the mover and seconder.

In favour Councillors Kershaw, Rimmer, D Brown, King, Connor, Colacino, Walters, Dorahy and Bradbery

Against Councillors Cox and Blakey

ITEM 7 - WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 CONTAMINATED LANDS REVIEW - POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 The following revised Wollongong Development Control Plan 2009 Chapters be adopted:
 - a E7 : Waste Management;
 - b E19: Earthworks;
 - c E20: Contaminated Land Management, as amended following exhibition;
 - d E21: Demolition and Hazardous Materials Management; and
 - e E22: Erosion and Sediment Control Management, as amended following exhibition.
- 2 The adoption of the revised Wollongong Development Control Plan 2009 Chapters be notified in local newspapers in accordance with the Environmental Planning and Assessment Regulation 2000.

ITEM 8 - MODEL CODE OF CONDUCT COMPLAINTS STATISTICS REPORT 2016-2017

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION – The report on Model Code of Conduct Complaints Statistics Report for 2016-2017 be received and noted.

ITEM 9 - CORRIMAL TOWN CENTRE SHOPFRONT IMPROVEMENT PROGRAM

171 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor King that -

- 1 Council provide funding to the proposed recipients for the Corrimal Shopfront Improvement Program as set out in Attachment 1.
- 2 The Corrimal Main Street and Town Square Precinct Plan – Scoping of Town Square and Main Street Renewal Project, start in 2018.

ITEM 10 - POLICY REVIEW: USE OF CONFIDENTIAL INFORMATION POLICY - POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION –

- 1 Council note the report on the revised Use of Confidential Information policy – post exhibition, and the submissions made to the draft;
- 2 The revised Use of Confidential Information policy be adopted.

ITEM 11 - POLICY REVIEW: PUBLIC ACCESS TO DOCUMENTS AND INFORMATION HELD BY COUNCIL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION – Council adopt the revised Public Access to Documents and Information Held by Council policy.

ITEM 12 - POLICY REVIEW: COUNCILLOR ACCESS TO COUNCIL INFORMATION AND STAFF - POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 Council note the report on the revised Councillor Access to Council Information and Staff policy – post exhibition, and the submission made to the draft;
- 2 The revised Councillor Access to Council Information and Staff Policy be adopted.

ITEM 13 - CROWN STREET MALL ACTIVATION AND MARKET PROGRESS REPORT

172 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor T Brown that Council note this report.

ITEM 14 - DELEGATIONS TO THE GENERAL MANAGER OVER CHRISTMAS PERIOD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 Council note the report on Delegations to the General Manager over Christmas Period.
- 2 Council note the exercise of delegations to the General Manager during the Caretaker Period.
- 3 Council delegate to the General Manager and the Lord Mayor or Deputy Lord Mayor the authority to accept, or otherwise, tenders under Request for Tender processes between 12 December 2017 and 28 January 2018, with a report on the exercise of such delegation to be provided to the Ordinary Meeting of Council in February 2018.

ITEM 15 - TENDER T17/45 FOWLERS RD TO FAIRWATER RD - STAGE 1C AND 1D - ELECTRICAL POWER SUPPLY RELOCATIONS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Abergeldie Contractors Pty Ltd for West Dapto Access - Fowlers Road to Fairwater Drive Stages 1C & 1D - Electrical Power Supply Relocations, in the sum of \$2,446,786.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 16 - TENDER T17/48 HARRY GRAHAM DRIVE EMBANKMENT STABILISATION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Specialised Geo Pty Ltd for Harry Graham Drive Embankment Stabilisation Stage 1, in the sum of \$422,071.50, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 17 - TENDER T17/44 CONISTON COMMUNITY CENTRE REFURBISHMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Batmac Constructions Pty Ltd for the Coniston Community Centre Refurbishment, in the sum of \$453,905.28, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 18 - TENDER T17/40 WOLLONGONG MEMORIAL GARDEN FRONT QUADRANT GARDEN STAGE 3

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept the tender received for Wollongong Memorial Garden Front Quadrant Garden Stage 3 and resolve to enter into negotiations with the tenderer or any other party with a view to entering into a contract in relation to the subject matter of the tender.
- b In accordance with clause 178(4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to enter into negotiations with the tenderer or any other party and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with one of those parties who demonstrate a capacity and ability to undertake the works.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderer, and, in the event of failure of negotiations that tenderer, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 3 Council grant authority for the use of the Common seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 19 - POLICY REVIEW: CRIME PREVENTION

173 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Walters that Council adopt the Crime Prevention Council Policy.

ITEM 20 - OUTCOME OF EXHIBITION OF PROPOSED NAMING OF KARREUAIIRA RESERVE, WONGAWILLI

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION - Council adopt the naming proposal 'Karreuairra Reserve'.

ITEM 21 - PROPOSED GRANT OF EASEMENT TO DRAIN WATER OVER LOT 20 DP 852981 NO 192 GIPPS ROAD, GWYNNEVILLE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 Council approve the grant of an Easement to Drain Water 1m wide over Lot 20 DP 852981 No 192 Gipps Road, Gwynneville, being the Wollongong Senior Citizens Centre and Wollongong Workshop Theatre, in favour of Lot 10 DP 1107164 No 11 Catherine Street, Gwynneville, as shown on the attachment to this report.
- 2 Council accept the payment in the amount of \$54,000 (GST free) from the owner of Lot 10 DP 1107164 No 11 Catherine Street, Gwynneville as compensation for the grant of the easement.
- 3 The creation of the easement be subject to approval of the applicant's development application for the redevelopment of his property at No 11 Catherine Street, Gwynneville and payment by him of all costs in the creation of the easement.
- 4 Approval be granted to affix the Common Seal of Council to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.

ITEM 22 - PROPOSED GRANT OF EASEMENT FOR UNDERGROUND CABLES OVER LOT 18 DP 854650 HUXLEY DRIVE, HORSLEY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 Council authorise the grant of an Easement for Underground Cables 3m Wide in favour of Endeavour Energy over Lot 18 DP 854650 Huxley Drive, Horsley, as shown by heavy black dashed line on the attachment to this report.
- 2 Council accept the payment of \$1,530 (+ GST) from Endeavour Energy as compensation for the grant of the easement.
- 3 Approval be granted to affix the Common Seal of Council to the Transfer Granting Easement document and any other documentation required to give effect to this resolution.

ITEM 23 - PROPOSED DEDICATION OF DOMVILLE ROAD, OTFORD AS PUBLIC ROAD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION - In accordance with Section 16 of the Roads Act 193, Council approve the dedication of Domville Road, Otford as public road, as shown hatched on the attachment to this report, and action be taken to dedicate the road by the placement of a notice in the NSW Government Gazette.

ITEM 24 - OCTOBER 2017 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 The financials be received and noted.
- 2 Proposed changes in the Capital Works Program be approved.

ITEM 25 - STATEMENTS OF INVESTMENTS - OCTOBER 2017

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION - Council receive the Statements of Investments for October 2017.

ITEM 26 - QUARTERLY REPORT ON DEVELOPMENT APPLICATIONS INVOLVING VARIATIONS TO DEVELOPMENT STANDARDS 1 JULY TO 30 SEPTEMBER 2017

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION - Council note the report.

ITEM 27 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 15 NOVEMBER 2017

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION - In accordance with the powers delegated to Council, the Minutes and recommendations of the City of Wollongong Traffic Committee meeting held 15 November 2017 in relation to the Regulation of Traffic be adopted.

ITEM 28 - BI-MONTHLY RETURNS OF DISCLOSURES OF INTERESTS AND OTHER MATTERS - DECEMBER 2017

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION - Council note the tabling of the Returns of Disclosures of Interest as required by Section 450A of the Local Government Act 1993.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item A, Councillor Colacino departed and returned to the meeting, the time being from 7.40 pm to 7.43 pm.

During debate and prior to voting on Item A, Councillor Cox departed and returned to the meeting, the time being from 7.56 pm to 7.57 pm

ITEM A - NOTICE OF MOTION - COUNCILLOR WALTERS - FUNDING SHORTFALL - WOLLONGONG SHUTTLE BUS

MOVED by Councillor Walters seconded Councillor Colacino that –

- 1 Wollongong City Council request that the General Manager approaches Wollongong University to discuss meeting the 25% shortfall for the Wollongong Shuttle funding (Route 55A and 55C). (12.5% funding from University of Wollongong and Wollongong City Council.)
- 2 The General Manager report back to Council on the outcomes of the discussions with the University of Wollongong. This reporting occur in the form of a briefing to take place as soon as possible.
- 3 Wollongong City Council requests the official total costings from Transport for NSW for meeting the 25% proposed funding component so that Council and the University can consider the full implications of this fund-sharing agreement.
- 4 Council write to the NSW Premier Gladys Berejiklian and the Minister for Transport and Infrastructure, Andrew Constance, requesting that the deadline for the cessation of the free shuttle service, as it currently stands, be delayed for a period of three months so the discussions and considerations outlined in Points 1, 2 and 3 can be progressed.

Variation The variation moved by Councillor Colacino to add Point 4 of Motion was accepted by the mover.

At this stage, Councillor D Brown FORESHADOWED a MOTION should Councillor Walters' Motion be defeated.

During debate a PROCEDURAL MOTION was MOVED by Councillor Colacino and seconded Councillor Walters to allow additional time for Councillor Dorahy [two minutes] to address the meeting. CARRIED.

Councillor Walter's MOTION on being PUT to the VOTE was LOST.

In favour Councillors Colacino, Walters and Dorahy

Against Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Cox, Blakey, Figliomeni and Bradbery

Following the defeat of Councillor Walters' Motion, Councillor D Brown's FORESHADOWED MOTION became the MOTION.

174 COUNCIL'S RESOLUTION - RESOLVED on the MOTION by Councillor D Brown seconded Councillor T Brown that Council -

- 1 Reaffirms its opposition to any introduction of a fee for the Gong Shuttle, noting that the NSW Government committed to 'continue to operate the free shuttle bus in the Wollongong City Centre, with strong patronage which continues to rise' as identified in the Illawarra Regional Transport Plan 2014.
- 2 Once again urges Premier Berejiklian to reverse the move to charge a fee on the Shuttle and request the State Government continue to fully fund the service.

- 3 Authorise payment of up to \$350,000 per annum, starting from the 2018-19 financial year, to fund in partnership with the University of Wollongong and/or other partners, the announced State Government funding shortfall for the Gong Shuttle:
 - a Confirms the funding above be conditional on the Shuttle remaining free for users and be for a term of three years or a lesser period if the State Government agrees to maintain full funding;
 - b Delegates to the General Manager, Lord Mayor and Deputy Lord Mayor the authority to finalise any agreements to give effect to this resolution.
- 4 Continues to recognise the Gong Shuttle has been a huge success since such a service was proposed in Wollongong's City Centre Revitalisation Strategy as was adopted in 2006 of which elements were in 2007.
- 5 Thank local stakeholders, interest groups and residents who support the campaign to keep the Gong Shuttle free and urge them to continue their efforts to this end.
- 6 Agree in principle to maintain funding of approximately \$180,000 per annum, on average, to provide shelters, seats, bike racks and associated infrastructure at Gong Shuttle stops.
- 7 Continue investigating a southern suburbs shuttle loop as outlined in Wollongong's 2013 Access and Movement Strategy.
- 8 Write to the NSW Premier Gladys Berejiklian and the Minister for Transport and Infrastructure, Andrew Constance, requesting that the deadline for the cessation of the free shuttle service, as it currently stands, be delayed for a period of three months so the discussions and considerations outlined in Points 1 to 7 can be progressed.

Variation The variation moved by Councillor Colacino to add Point 8 was accepted by the mover and seconder.

In favour Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Colacino, Walters, Dorahy and Bradbery

Against Councillor Figliomeni

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item B, Councillor Dorahy departed the Chambers at 8.27 pm and tendered his apologies for the remainder of the meeting.

During debate and prior to voting on Item B, Councillor Colacino departed the Chambers and returned to the meeting, the time being from 8.28 pm to 8.31 pm.

ITEM B - NOTICE OF MOTION - COUNCILLOR COX - RUSSELL VALE COAL MINE

175 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor Blakey that Councillors be given a briefing on the Russell Vale coal mine, including but not limited to:

- 1 The land use agreement between Wollongong Coal and Wollongong Council on the mine site and adjacent land in the Russell Vale Golf course;
- 2 Unpaid security bonds, and what efforts Council has made to recover those debts;
- 3 Council's liability for site remediation in the event that Wollongong Coal goes bankrupt;
- 4 Update on emplacement area Council conditions;
- 5 Environmental controls currently in place, both for the mine and also the emplacement area on Council land; and
- 6 Indicative cost to Council if the Company defaults on its obligations.

Variation The variation moved by Councillor Figliomeni to add Point 6 was accepted by the mover and seconder.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item C, Councillor Rimmer departed the Chambers and returned to the meeting, the time being from 8.48 pm to 8.50 pm.

ITEM C - NOTICE OF MOTION - COUNCILLOR COX - WOLLONGONG BECOMES A BIKE FRIENDLY CITY

Moved by Councillor Cox seconded Councillor Blakey that -

- 1 Council develop a 30 year plan to transform Wollongong into a bike friendly city, with the ambition that by 2050:
 - a Every road has a dedicated cycleway, that is physically separated from car traffic.
 - b Bikes outnumber cars on our roads, and more trips are made by bike than by car.
 - c Wollongong is recognised as a global leader in active transport.
- 2 The 30 year bike plan should include measurable targets and milestones that are embedded into our current strategic plan. These targets and milestones should be measurable, and should map out a clear path to reach and achieve our ultimate 2050 goal of a cycleway on every street. The first milestone would be the completion of the 2014-2018 Bike Plan.

During debate a PROCEDURAL MOTION was MOVED by Councillor Colacino and seconded Councillor Walters to allow additional time for Councillor Blakey [one minute] to address the meeting. CARRIED.

At this stage Councillor D Brown Foreshadowed a Motion should Councillor Cox's Motion be defeated.

The MOTION was PUT to the VOTE and LOST.

In favour Councillors Cox and Blakey

Against Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Colacino, Walters, Figliomeni and Bradbery

Following the defeat of Councillor Cox's Motion, Councillor D Brown's FORESHADOWED MOTION became the MOTION.

176 COUNCIL'S RESOLUTION – RESOLVED on the Motion of Councillor D Brown seconded Councillor T Brown that consideration of cycling usage targets and supporting infrastructure be deferred until City of Wollongong Bike Plan 2014-2018 is presented for review.

In favour Councillors Rimmer, D Brown, T Brown, Connor, Cox, Blakey, Figliomeni and Bradbery

Against Councillors Colacino, Walters, King and Kershaw

ITEM D - NOTICE OF MOTION - COUNCILLOR WALTERS - REOPENING OF BREAKWATERS AT PORT KEMBLA TO THE PUBLIC

177 COUNCIL'S RESOLUTION - Councillor Walters seconded Councillor Colacino submitted the following Motion -

- 1 Wollongong City Council request the General Manager approaches NSW Ports to discuss the reopening of breakwaters at Port Kembla to the public. This would be to discuss the areas that were open to the public prior to the lease of Port Kembla. With the outcome of these discussions be provided in an information note to Councillors.
- 2 Wollongong City Council supports the opening of the breakwaters at Port Kembla to the public as it is utilised by locals and tourists for a range of activities.
- 3 Wollongong City Council supports the opening of the breakwater between dawn to dusk and closing them in severe weather conditions.

In favour Councillors Figliomeni, Walters, Colacino, Cox, Blakey, Connor and Rimmer

Against Councillors Kershaw, D Brown, T Brown, King and Bradbery

CLOSED COUNCIL SESSION

The Lord Mayor called for a motion to close the meeting for consideration of a report which deals with the Southern Suburbs District Community Centre and Library.

178 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the MOTION by Councillor Figliomeni seconded Councillor Connor that the meeting into Closed Session to consider Southern Suburbs District Community Centre and Library in accordance with Section 10A 2(d)(i) of the Local Government Act 1993 on the basis that –

- a the report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it;
- b on balance, the public interest in preserving the confidentiality of commercial information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting.

Before the MOTION was PUT in accordance with Section 10A(4) of the Local Government Act 1993, the Lord Mayor invited members of the gallery to make representations to the Council as to whether this part of the meeting should be closed.

One submission was received from Kate McIlwain on behalf of the Illawarra Mercury objecting to the closure of the meeting.

The MOTION was PUT to the VOTE and CARRIED UNANIMOUSLY.

At this stage, the time being 9.30 pm members of the press and gallery departed the Council Chambers and the meeting moved into closed session.

Council resumed into Open Session at 9.48 pm and members of the gallery were invited back into the Council Chambers.

ITEM 29 – RESOLUTION FROM THE CLOSED SESSION OF COUNCIL – SOUTHERN SUBURBS DISTRICT COMMUNITY CENTRE AND LIBRARY

179 **COUNCIL'S RESOLUTION** - The Lord Mayor advised those present that whilst in Closed Session, Council resolved to –

- 1 Council authorise the acquisition of properties on King Street, Warrawong subject to the following conditions:
 - a Council proceed to contract on negotiated prices as detailed in the confidential report to Council.
 - b The General Manager is delegated to negotiate and complete the acquisition of the remaining properties.
 - c Each party be responsible for their own legal costs.
- 2 Council authorise the demolition upon the acquisition being finalised on the basis that demolition costs do not exceed those outlined in the confidential report to Council per property.
- 3 Council allocate funds for the purchase of the properties from the Strategic Projects Restricted Account.
- 4 Upon the acquisition being finalised, the properties be classified as Operational Land in accordance with the Local Government Act 1993.
- 5 Authority be granted to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to the resolution.
- 6 The General Manager be authorised to sign any documentation necessary to complete the acquisition.

THE MEETING CONCLUDED AT 9.50 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 30 January 2018.

Chairperson