



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 31 October 2016

### Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, Colacino, Crasnich, Curran (until 7.37 pm) and Petty

### In Attendance

General Manager (Acting) – A Carfield, Director Corporate and Community Services – Creative, Engaged and Innovative City (Acting) – K Hunt, Director Infrastructure and Works – Connectivity, Assets and Liveable City (Acting) – G Doyle, Manager Governance and Information – K Cowgill, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell and Manager Community Cultural and Economic Development (Acting) – S Savage, Manager City Works and Services – M Roebuck, Manager Finance (Acting) – S Packer and Manager Infrastructure Strategy and Planning – M Dowd

### Apology

Min No.

124

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that the apology tendered on behalf of Councillor Connor be accepted.

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## **DISCLOSURE OF INTERESTS**

Councillor Martin declared a conflict of interest in Item A due to her close relationship with the previous market operators. Councillor Martin advised that she would depart the meeting during debate and voting on the matter.

## **INAUGURAL CALL OF THE RADIANCE OF THE SEAS**

Councillor Colacino tabled a plaque presented to Council commemorating the Inaugural Call of the Radiance of Seas. Councillor Colacino advised that the ship's visit to our region trended nationally in the media from 7 am to midday on 30 October. Also, the 'hits' on Destination Wollongong's website had increased by 700%.

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 10 OCTOBER 2016**

**125 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Kershaw that the Minutes of the Ordinary Meeting of Council held on Monday, 10 October 2016 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **PUBLIC ACCESS FORUM – CURRENT STATE OF WOLLONGONG HARBOUR**

On behalf of Wollongong Yacht Club, Mr S Phillips advised of the Club's frustration with the current state of affairs with Wollongong Harbour. The harbour precinct is highly prized by the Wollongong community however it is being allowed to deteriorate. Crown Lands NSW does not have the resources or funds to properly manage the harbour precinct. As an example, Mr Phillips said that no progress had been made on reopening the slipway and boatyard after three years. The slipway and boatyard closed when the previous operator left when unable to meet the requirements of Crown Lands for its operation. Crown Lands have done studies on site contamination and have demolished the old asbestos clad workshop. Wollongong Yacht Club responded to Crown Lands EOI at the end of 2015 to establish a temporary boat repair facility. The Club spent nine months negotiating with Crown Lands and EPA devising how the yard could be operated without harm to the environment. These negotiations collapsed when Crown Lands imposed such restrictions on use that no useful repair work could be carried out and Crown Lands now suggests it will be the end of 2017 before remediation can commence on the current boatyard site.

Wollongong Harbour does have the potential to be the jewel in the crown of Wollongong, but to achieve that, it needs a dedicated local group to drive its revitalisation. There are limited commercial opportunities available to fund this revitalisation. In conclusion, Mr Phillips advised that these commercial developments, including the slipway and boatyard, should support the boating public's use of the harbour together with the requirements of the broader community.

## **PUBLIC ACCESS FORUM - NSW CROWN LANDS MANAGEMENT BILL 2016 AND LORD MAYOR'S CONCERNS REGARDING NSW GOVERNMENT'S PROPOSED CROWN LANDS OVERHAUL**

On behalf of Protect our Parks Inc, Mr J Riggall advised that POPI was a community-based, non-partisan organisation formed by residents of the Wollongong area, with the aim of ensuring that the public interest is always given priority over private profits in public parks. His group has serious concerns about the NSW Government's proposed Crown Land Management Bill which was presented to Parliament on 19 October 2016 and is due to return to Parliament on 8 November.

The Bill will replace the Crown Lands Act 1989 and allied legislation. Mr Riggall said that contrary to the Government's advice, the Bill will have devastating consequences for future generations needing or wanting to use public land for recreation, whereas it will provide a goldmine for vested interests to make private profits. In conclusion, Mr Riggall asked that Council consider taking urgent action to seek deferral of the Bill until early 2017, as well as seek reports on implications for Council and the community due to the Bill and recent changes to the Local Government Act.

- 126** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that all speakers be thanked for their presentation and invited to table their notes.

### **CALL OF THE AGENDA**

- 127** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the staff recommendations for Items 1 to 7 inclusive, be adopted as a block.

### **DEPARTURE OF COUNCILLOR**

During debate and prior to voting on the Matter of Great Urgency, Councillor Blicavs departed and returned to the meeting, the time being from 6.29 pm to 6.30 pm.

### **MATTER OF GREAT URGENCY - CROWN LAND MANAGEMENT BILL 2016**

Councillor Curran requested that the Lord Mayor consider a matter which she considered to be urgent and related to the Crown Land Management Bill 2016. Councillor Curran considered this matter to be urgent as the Bill is soon to be debated in the NSW Parliament.

The Lord Mayor ruled Councillor Curran's request to be urgent.

A PROCEDURAL MOTION was MOVED by Councillor Bradbery that Council deal with a Matter of Great Urgency relating to the Crown Land Management Bill 2016. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

The Lord Mayor called upon Councillor Curran to put forward her motion.

A PROCEDURAL MOTION was MOVED by Councillor Merrin seconded Councillor Martin that an additional two minutes be granted to Councillor Curran to address the meeting in relation to her Matter of Great Urgency.

**128 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Curran seconded Councillor Brown that –

- 1 Council write to the Minister for Primary Industry and Lands, The Hon. Niall Blair MLC, and all NSW Members of Parliament, raising our concern that no opportunity has been provided for Council to analyse and assess the complex Crown Land Management Bill 2016. This letter also request a delay in the passing of the Crown Land Management Bill 2016 until adequate time is provided for Councils to analyse and make detailed comment prior to this Bill being debated and passed.
- 2 The letter be emailed and also posted by close of business on 2 November 2016.

*Variation* The variation moved by Councillor Merrin to remove the words 'invite or' (before the word 'opportunity') in Part 1 was accepted by the mover and seconder.

### DEPARTURE OF COUNCILLORS

Due to a prior disclosure of interest, Councillor Martin departed the meeting and was not present for the debate and voting on Item A.

During debate and prior to voting on Item A, Councillor Crasnich departed and returned to the meeting, the time being from 6.58 pm to 6.59 pm.

Councillor Dorahy briefly departed the meeting following a question put by the Lord Mayor to the Manager Property and Recreation in relation to comparisons between this matter and Skydive The Beach. Councillor Dorahy has previously declared a conflict of interest in matters relating to Skydive The Beach.

Following the vote taken on the original motion and during debate on the Foreshadowed Motion, the time being 7.37 pm, Councillor Curran departed the meeting.

### ITEM A - NOTICE OF MOTION - COUNCILLOR PETTY - WOLLONGONG MALL MARKETS AGREEMENT

A PROCEDURAL MOTION was MOVED by Councillor Merrin seconded Councillor Blicavs that an additional two minutes be granted for Councillor Petty to address the meeting in relation to Item A.

MOVED by Councillor Petty seconded Councillor Merrin that Council go into open session to debate the recent Mall Market agreement, compliance with the agreement, effect on non-market businesses, long term aspirations for an invigorated Mall, the effect on existing business operators inside and outside the Mall, Mall patronage and parking.

At this stage, Councillor Bradbery FORESHADOWED a MOTION should Councillor Petty's Motion be defeated.

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

In favour Councillor Merrin

Against Councillors Kershaw, Brown, Takacs, Blicavs, Dorahy, Colacino, Crasnich, Curran, Petty and Bradbery

Councillor Bradbery's FORESHADOWED MOTION then BECAME the MOTION.

Councillor Bradbery's MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

**129 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery seconded Councillor Curran that -

- 1 Council notes the Professional Conduct Coordinator has reviewed the process of the Mall Market licencing Expression of Interests and outcomes, and advises that the process was fair, appropriate and legal and followed in accordance with Council's Formal Quotation and Tendering Procedures Management Policy and the Local Government Act 1993.
- 2 A report be submitted to Council in 12 months on the impact of increased activation, inclusive of the Markets, on the CBD business operations, as measured against the aims, desires and outcomes of activating the Mall and the relevant Markets' Development Control Plan.

*Variation* The variation moved by Councillor Brown (the addition of the words 'and the relevant Markets' Development Control Plan' at the end of Part 2) was accepted by the mover and seconder.

#### **ITEM B - NOTICE OF MOTION - COUNCILLOR MERRIN - GENDER PAY EQUITY IN OUR WORKFORCE**

**130 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Takacs that -

- 1 Council report annually on pay equity in the Wollongong City Council workforce.
- 2 A report be submitted to Council in three months setting the parameters, indices and benchmarks required to meet Part 1 above.

*Variation* The variation moved by Councillor Bradbery (replacement of the words 'report annually on gender pay equity in our workforce' with Parts 1 and 2) was accepted by the mover and seconder.

#### **ITEM 1 - PESTICIDES NOTIFICATION PLAN - COUNCIL POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 127).

**COUNCIL'S RESOLUTION** – The revised Pesticides Notification Plan – Council Policy be adopted, noting there were only minor administrative changes required to the Policy.

#### **ITEM 2 - ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2016 - POST ADVERTISING**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 127).

**COUNCIL'S RESOLUTION** - The audited Financial Statements for the year ended 30 June 2016, together with the Auditor's report, be presented to the public.

### **ITEM 3 - TENDER T16/24 - PURCHASE OF ELECTRONIC CARDIO EQUIPMENT FOR BEATON PARK LEISURE CENTRE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 127).

#### **COUNCIL'S RESOLUTION -**

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Technogym Pty Ltd for supply of electronic cardio equipment, in the sum of \$146,120, 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 4 - SEPTEMBER 2016 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 127).

#### **COUNCIL'S RESOLUTION -**

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

### **ITEM 5 - STATEMENT OF INVESTMENTS - SEPTEMBER 2016**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 127).

**COUNCIL'S RESOLUTION** - Council receive the Statement of Investments for September 2016.

### **ITEM 6 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 5 OCTOBER 2016**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 127).

**COUNCIL'S RESOLUTION** - In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meeting held on 5 October 2016 in relation to the Regulation of Traffic be adopted.

**ITEM 7 - TABLING OF ANNUAL RETURNS OF DISCLOSURES OF INTERESTS AND OTHER MATTERS - 2015-2016**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 127).

**COUNCIL'S RESOLUTION** - Council note the tabling of the Annual Returns of Disclosures of Interests and Other Matters as required by Section 450A of the Local Government Act 1993.

**THE MEETING CONCLUDED AT 7.59 PM.**

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Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 21 November 2016.

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Chairperson