



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 8 September 2014

Present

Deputy Lord Mayor, Councillor Connor (in the Chair), Councillors Kershaw, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, Crasnich, Curran and Petty

In Attendance

General Manager – D Farmer, Director Corporate and Community Services – Creative, Engaged and Innovative City – G Doyle, Director Infrastructure and Works – Connectivity, Assets and Liveable City – M Hyde, Director Planning and Environment – Future, City and Neighbourhoods (Acting) – J Nicol, Manager Governance and Information – L Kofod, Manager Finance (Acting) – T Ramsden, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell and Manager Community Cultural and Economic Development – T Buchanan

Apologies

160 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Crasnich seconded Councillor Brown that the apologies tendered on behalf of Councillors Bradbery and Colacino be accepted.

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DISCLOSURES OF INTERESTS

Councillor Martin declared a non-pecuniary, non-significant conflict of interest in Item 2 due to her employment at the Department of Planning and Environment.

During debate on Item 6, Councillor Dorahy declared a non-significant, non-pecuniary interest in that Item, due to his membership of the Wollongong Major Events Committee.

ILLAWARRA ACADEMY OF SPORT SOUTHERN PHONES PRESENTATIONS 2014

Councillor Connor tabled an Award received at the above Ceremony on 5 September 2014, where Council was recognised for its continued support of the Illawarra Academy of Sport. Councillor Connor stated that the Academy had made available elite sporting scholarships to almost 5,000 local athletes over the past 29 years. Council's contribution had provided for the development of more than 75 athletes each year from the Wollongong area and the significance of this contribution was recently evident through the success of local athletes at the Commonwealth Games.

NATIONAL AWARD FOR CHILD FRIENDLY CITIES INITIATIVES - NAPCAN

Councillor Connor advised that at a Ceremony on 5 September 2014, the Governor General, The Hon Sir Peter Cosgrove, presented Council with an Award for its program *Child Friendly Cities Initiative*. The Program was the National Winner of the NAPCAN Play Your Part Award. Councillor Connor commended Council staff for developing this great initiative and said that the role of children in our community was taken seriously by Wollongong City Council.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 25 AUGUST 2014

- 161** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Petty that the Minutes of the Ordinary Meeting of Council held on Monday, 25 August 2014 (a copy having been circulated to Councillors) be taken as read and confirmed, subject to the inclusion of the following statement to reflect that Councillor Petty was not present during debate and voting for Item 9 -

DEPARTURE OF COUNCILLOR

Following an earlier Disclosure of Interest, Councillor Petty departed the Council Chambers and was not present during the debate and voting for Item 9. As Item 9 was the last Item of Business, the meeting was closed before Councillor Petty returned to the Council Chambers.

PUBLIC ACCESS FORUM – DOGS ON BEACHES POLICY

Ms N Szimhart felt that McCauley's Beach was perfect for dogs due to its natural boundaries, no immediate beach access such as a boat ramp, and there are also no facilities at the beach. The beach is unpatrolled, however, within one minute's walk, it is surrounded on both sides by well maintained, patrolled beaches with active Surf Clubs.

Ms Szimhart asked Council to consider the needs of the residents of the area as a community, as well as individuals. The McCauley's Beach off leash area was vital for the emotional and mental health of the community and Ms Szimhart asked that the 'green' zoning be retained.

- 162** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Petty that Ms Szimhart be thanked for her presentation and invited to table her notes.

CALL OF THE AGENDA

- 163** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Curran that the staff recommendations for Items 4, 5, 8, 11 and 12 inclusive, be adopted as a block.

ITEM A – NOTICE OF MOTION COUNCILLOR MERRIN - SUSPENSION AND REVIEW OF 10/50 VEGETATION CLEARING CODE OF PRACTICE

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

- 1 On the recent introduction of the Rural Fires Amendment (Vegetation Clearing) Act 2014 and the 10/50 Vegetation Clearing Code of Practice, Council notes that these provisions:
 - a undermine the community's express desire to preserve the biodiversity values of Wollongong as demonstrated in Council's Community Strategic Plan, and the significant economic benefits for tourism that derive from Wollongong's natural environment;
 - b were introduced without clear mapping and criteria to define clearing entitlement areas at the time of public consultation, effectively preventing community input into the extent of the areas included;
 - c effectively limit the ability of councils to implement their LEPs, DCPs and tree preservation provisions via the issue of conditions of consent relating to ecologically or culturally significant vegetation;
 - d effectively override and undermine Planning for Bushfire Protection 2006 which is the primary instrument used by the Rural Fire Service and councils to determine appropriate bushfire asset protection zones and building standards; and
 - e may limit development that could otherwise be approved under Planning for Bushfire Protection as councils will need to ensure that any vegetation that needs to be retained or protected remains at least 50 metres from an approved dwelling.
- 2 Council request State Government provision of:
 - a citywide mapping of the clearing entitlement areas and the criteria for defining the clearing entitlement areas so that Council can fully assess the potential impacts; and
 - b the background information for these provisions, particularly on the expected reduction in bushfire hazard and ecological impacts.
- 3 An urgent meeting be requested with NSW Premier, The Hon Mike Baird MP, Minister for Police and Emergency Services, The Hon Stuart Ayres MP, NSW Rural Fire Service (RFS) Deputy Commissioner, Rob Rogers, and Local State Members in order to gain

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- a comprehensive understanding of the impact for the Wollongong local government area.
- 4 Council write to all Local Members of the NSW Parliament, the Minister for the Environment, the Minister for The Illawarra and the Minister for Police and Emergency Services and seek:
- a an immediate suspension of these new provisions; and
 - b an urgent scientific review into the ecological impacts and actual bushfire hazard reduction benefits of these provisions.
- 5 Council seek the support of other relevant agencies such as Local Government NSW, the Southern Councils Group and other NSW coastal councils.

Variation The following variations were accepted by the mover and seconder -

- *Councillor Connor - the deletion of Part 1(f) ('will inevitably place pressure on neighbours (including councils) to consent to clearing that they would otherwise not contemplate fearing legal liability should a fire occur') and the change to Part 4 (ie the addition of the word 'Local', as well as the addition of the words 'the Minister for the Environment, the Minister for The Illawarra and the Minister for Police and Emergency Services');* and,
- *Councillor Blicavs – the addition of the words 'State Government' to Part 2.*

In favour Councillors Kershaw, Brown, Martin, Takacs, Merrin, Curran, Petty and Connor

Against Councillors Blicavs, Dorahy and Crasnich

**ITEM 1 - ITEM LAID ON TABLE AT COUNCIL MEETING
25 AUGUST 2014 - PROPOSED ACQUISITION OF LOT 2 DP1153054
SHORT LANE, HELENSBURGH**

A PROCEDURAL MOTION was MOVED by Councillor Kershaw that Item 1 be taken off the table. CARRIED UNANIMOUSLY.

A PROCEDURAL MOTION was moved by Councillor Brown seconded Councillor Blicavs that all speaking rights be reinstated and debate recommence on this Item. CARRIED UNANIMOUSLY.

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The following FORESHADOWED MOTION which was moved by Councillor Kershaw at the Council meeting on 25 August 2014 was subsequently withdrawn –

- 1 Council authorise the acquisition of Lot 2 DP 1153054 Short Lane, Helensburgh, as shown shaded dark grey on the plan attached to the report, on the following conditions:
 - a Purchase price of \$140,000 (GST exc).
 - b Each party be responsible for their own costs in the matter.
- 2 Upon the completion of the transfer, Lot 2 DP 1153054 Short Lane, Helensburgh be dedicated as public road under Section 10 of the Roads Act 1993.
- 3 Council authorise the affixing of the Common Seal of Council to the transfer document and any other documentation required to give effect to this resolution.

165 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Curran seconded Councillor Merrin that -

- 1 Council not proceed to purchase the land Lot 2 DP1153054 Short Lane, Helensburgh.
- 2 Council review any residue access issues in the Helensburgh and Lilyvale area associated with private ownership of roads that were identified as roads in the original or pre-1920 subdivisions of land.

ITEM 2 - FARMBOROUGH HEIGHTS TO MT KEMBLA STRATEGIC PLANNING STUDY: E2 ENVIRONMENTAL CONSERVATION ZONING OPTIONS

166 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Blicavs that the future rezoning of areas recommended for an E2 Environmental Conservation zoning in the Farmborough Heights to Mt Kembla area be advanced through individual Planning Proposals, to ensure an improved environmental outcome through agreed management plans and funding mechanisms.

ITEM 3 - FUTURE USES OF GLENIFFER BRAE

167 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that –

- 1 A Call for Proposals process, as outlined in the report, be undertaken to receive submissions from interested parties for use of the area not currently under lease by the Conservatorium of Music at Gleniffer Brae.
- 2 Submissions made in response to the Call for Proposals process must demonstrate how they address each key community value as documented in the report.
- 3 A further Council report be prepared detailing the outcomes of the Call for Proposals process and any associated costs and recommendations for Council's consideration.
- 4 The report referred to in Part 3, be the subject of a Councillor Briefing Session before it comes to Council.

Variation The variation moved by Councillor Brown (the addition of Part 4) was accepted by the seconder.

ITEM 4 - POLICY REVIEW: ESTABLISHMENT AND MAINTENANCE OF ALCOHOL FREE ZONES ON PUBLIC ROADS AND FOOTPATHS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 163).

COUNCIL'S RESOLUTION – Updated Council policy, Establishment and Maintenance of Alcohol Free Zones on Public Roads and Footpaths, be endorsed.

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ITEM 5 - REVIEW OF ALCOHOL FREE ZONES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 163).

COUNCIL'S RESOLUTION –

- 1 Council endorse the renewal of Alcohol Free Zones in Helensburgh, Thirroul, Corrimal, Warrawong, Wollongong, Berkeley and Dapto as shown in Attachment 1 of the report for a period of four years.
- 2 Council approve replacement and updated Alcohol Free Zone signage to be installed in Helensburgh, Thirroul, Corrimal, Wollongong, Berkeley, Warrawong and Dapto.
- 3 Council support the establishment of Stanwell Park Surf Club car park and Baird Park car park as Alcohol Free Zones, and authorise the public consultation process as required by the Local Government Act.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 6, Councillor Curran departed and returned to the meeting, the time being from 7.25 pm to 7.27 pm.

DISCLOSURE OF INTEREST

Councillor Dorahy declared a non-significant, non-pecuniary interest in Item 6 due to his membership of the Wollongong Major Events Committee.

ITEM 6 - PROPOSAL FOR EXEMPTIONS FROM WOLLONGONG ALCOHOL FREE ZONE DURING MAJOR EVENTS

168 **COUNCIL'S RESOLUTION** – MOVED by Councillor Kershaw seconded Councillor Brown that -

- 1 Council endorse a maximum of 10 major events per annum in each of the following areas to be exempt from alcohol prohibition: Upper Crown Street Mall, Lower Crown Street Mall, Globe Lane and the Arts Precinct.
- 2 Authority be delegated to the General Manager to suspend the alcohol free zone in the other areas to a maximum of two events per year.
- 3 The exemptions in both Part 1 and Part 2 be subject to the relevant event organiser undertaking a formal event approval process, including obtaining development consent, liaising with NSW Police and obtaining approval for a liquor licence from the Office of Liquor, Gaming and Racing, and that all conditions for the safe delivery of an event be the responsibility of the event organiser.

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An AMENDMENT was MOVED by Councillor Merrin seconded Councillor Petty that -

- 1 Council endorse a maximum of 10 events per annum in the following areas to be exempt from alcohol prohibition: Upper Crown Street Mall, Lower Crown Street Mall, Globe Lane and the Arts Precinct.
- 2 Authority be delegated to the General Manager to suspend the alcohol free zone in the other areas to a maximum of two events per year.
- 3 The exemptions in both Part 1 and Part 2 be subject to the relevant event organiser undertaking a formal event approval process, including obtaining development consent, liaising with NSW Police and obtaining approval for a liquor licence from the Office of Liquor, Gaming and Racing, and that all conditions for the safe delivery of an event be the responsibility of the event organiser.

Councillor Merrin's AMENDMENT on being PUT to the VOTE was LOST.

In favour Councillors Merrin and Petty
Against Councillors Kershaw, Brown, Martin, Takacs, Blicavs, Dorahy, Crasnich, Curran and Connor

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

In favour Councillors Kershaw, Brown, Martin, Takacs, Merrin, Dorahy, Crasnich, Curran and Connor
Against Councillors Blicavs and Petty

ITEM 7 - ILLAWARRA ESCARPMENT WALKING TRACK

169 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Blicavs that –

- 1 The history of plans for an Illawarra Escarpment Walking Track, linking the Royal National Park to Morton National Park, be noted.
- 2 Council advise the National Parks and Wildlife Service that Council is willing to participate in, and assist in the establishment of, a multi-agency working party to support National Parks and Wildlife Service implement the Draft Masterplan for Walking Tracks and Associated Facilities 2005.
- 3 Council write to the NSW Minister for the Environment, the Minister for The Illawarra and local State Members of Parliament requesting their support for the development of an Illawarra Escarpment Walking Track.

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ITEM 8 - PROPOSED SALE OF LOT 101 DP 1171375 CORNER WATTS LANE AND BELLAMBI LANE, BELLAMBI

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 163).

COUNCIL'S RESOLUTION –

- 1 Council authorise the sale of Lot 101 DP 1171375 located at the corner of Watts Lane and Bellambi Lane, Bellambi.
- 2 The General Manager be delegated the authority to approve the reserve price and to finalise the terms of sale.
- 3 Authority be granted to affix the Common Seal of Council to all documents relating to this sale.

ITEM 9 - POLICY REVIEW: PROCUREMENT

170 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Merrin seconded Councillor Curran that the policy be adopted, subject to it being renamed 'Sustainable Procurement'.

Variation *The amendment which was moved by Councillor Brown was accepted by the mover and seconder as the motion. The amendment removed Part 2 of the original motion (ie Council supports the integration of the principles of the Sustainable Purchasing Policy, as outlined by 'Sustainable Choice', into all areas of Council business through its Procurement Management Procedures).*

In favour Councillors Brown, Martin, Takacs, Merrin, Blicavs, Dorahy, Crasnich, Curran and Connor

Against Councillors Kershaw and Petty

ITEM 10 - POLICY REVIEW: ENCROACHMENT

171 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that the revised Encroachment Policy be adopted.

ITEM 11 - WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN - 2014 UPDATE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 163).

COUNCIL'S RESOLUTION –

- 1 The draft Wollongong Section 94A Development Contributions Plan 2014 incorporate the following amendments:
 - a updating the Works Program and maps to reflect the 2014-15 Capital Budget Delivery Program;
 - b listing in clause 13 – Residential Care Facilities and Industrial Training Facilities as being exempt uses; and
 - c including other minor changes as listed in the report.
- 2 The draft Wollongong Section 94A Development Contributions Plan 2014 (Attachment 1 of the report) be exhibited for a minimum period of 28 days.

ITEM 12 - QUOTATION E4407 - QUOTATION FOR THE LEASE TO OPERATE BULLI BEACH TOURIST PARK KIOSK/CAFÉ

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 163).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the quotation of Ruby's on Bulli Beach for the lease to operate Bulli Beach Tourist Park Kiosk/Café for a period of 5 years with a 5 year option at a commencing rent of \$84,000 per annum, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the lease agreement 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 lease agreement and any other documentation, should it be required to give effect to this resolution.

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ITEM 13 - MINUTES OF CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 20 AUGUST 2014

172 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that in accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meeting held on 20 August 2014 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED 8.17 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 13 October 2014.

Chairperson