

at 6.00 pm

Monday 10 March 2014

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Blicavs, Dorahy, Colacino, 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 – A Carfield, Manager Governance and Information – L Kofod, Manager Finance – B Jenkins, Manager Property and Recreation (representative) – W Douglass, Manager Environmental Strategy and Planning – R Campbell, Manager Development Assessment and Certification – M Riordan, Manager Regulation and Enforcement – J Nicol

Apologies

Min No.

- 26** **RESOLVED UNANIMOUSLY** on the motion of Councillor Brown seconded Councillor Martin that apologies tendered on behalf of Councillors Merrin and Crasnich be accepted.

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DISCLOSURE OF INTEREST -

Councillor Petty declared a significant pecuniary conflict of interest in Item 3 as he is a director of a company that has recent business dealings with Council relating to the Policy. Councillor Petty advised he would depart the Chamber during debate and voting on the matter.

Councillor Blicavs declared a significant pecuniary conflict of interest in Item 3 as she owns a consultancy company that undertakes work for a local fire company. Councillor Blicavs advised she would depart the Chamber during debate and voting on the matter.

Councillor Petty declared a non-significant, non-pecuniary conflict of interest in Item 7 as he is an employee of a company that has business dealings with associates of tenderers. Councillor Petty advised he would depart the Chamber during debate and voting on the matter.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 24 FEBRUARY 2014

27 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 24 February 2014 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM – EROSION AND INSTABILITY OF WINDANG FORESHORE

Mr Lopez, Park Manager of Gateway Lifestyle Oaklands Village addressed the meeting on this matter on behalf of himself and the residents of the Village. Their concern is for the area along the foreshore and the reserve adjacent to the Village.

The Lake Illawarra Authority (LIA) recently took down a fence adjacent to No 17 Judbooley Parade, allowing access to the Village and residents' items have gone missing. The LIA have also recently completed some work on the reserve to help stop

the erosion and to even out the land. This work has made the area worse. Three months ago they started and the soil and sand is protruding back into the Lake. The Lord Mayor advised them previously that the fence would not be pulled down until the footpath had been installed, as there could be life threatening incidents.

With the LIA nearly finished they are hoping that planting trees would hold the soil and sand together so no more erosion occurs. They are trying to do everything they can to alleviate any issues.

- 28** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that the speaker be thanked for his presentation and invited to table his notes.

CALL OF THE AGENDA

- 29** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the staff recommendations for Items 5, 10 and 11 inclusive, be adopted as a block.

DEPARTURE OF COUNCILLORS

During discussion and prior to voting on Item A, Councillors Kershaw and Colacino departed and returned to the meeting, the time being from 6.12 pm to 6.15 pm and 6.38 pm to 6.40 pm, respectively.

**ITEM A – NOTICE OF MOTION - COUNCILLOR CURRAN -
EROSION AND INSTABILITY OF WINDANG FORESHORE -**

MOVED by Councillor Curran seconded Councillor Martin that -

- 1 Council, in association with the Lake Illawarra Authority Transition Committee, investigate the causes and degree of the erosion and instability of the foreshore at Windang, including the land to the east and west of the Windang Bridge, and land neighbouring the Oaklands Village, Judbooley Parade and reserve.
- 2 The investigation to include:
 - a All factors that have contributed to the erosion and bank instability;
 - b Full geotechnical assessment of foreshore and lands adjoining Lake Illawarra including land in Oaklands Village, Judbooley Parade, Windang;
 - c Predicted impact of erosion and instability of the foreshore in Windang;
 - d Solutions to remediate the areas impacted and prevent injury or further erosion and impact on homes and public assets neighbouring or adjoining the Lake Illawarra foreshore at Windang;
 - e List of priority of works required to make good and stabilise all land and foreshore affected by erosion and changes to water current, channels and sedimentation; and
 - f Sources of funding and budget allocation for both the identified priority works and works necessary for the long term prevention of further erosion.”
- 3 Council immediately erect a fence at the foreshore at Windang until the foreshore has been stabilised and a safe walkway established.

Variation The variation moved by Councillor Curran (the addition of Point 3) was accepted by the seconder.

A PROCEDURAL MOTION was MOVED by Councillor Takacs seconded Councillor Martin that an extension of time be granted to Councillor Curran to address the meeting in relation to her Motion.

30 COUNCIL'S RESOLUTION - An AMENDMENT was MOVED by Councillor Takacs seconded Councillor Petty that -

- 1 Council write to the relevant NSW State Government Minister and Agency requesting they investigate the causes and degree of the erosion and instability of the foreshore at Windang, including the land to the east and west of the Windang Bridge, and land neighbouring the Oaklands Village, Judbooley Parade and reserves.
- 2 The investigation to include:
 - a All factors that have contributed to the erosion and bank instability;
 - b Full geotechnical assessment of foreshore and lands adjoining Lake Illawarra including land in Oaklands Village, Judbooley Parade, Windang;
 - c Predicted impact of erosion and instability of the foreshore in Windang;
 - d Solutions to remediate the areas impacted and prevent injury or further erosion and impact on homes and public assets neighbouring or adjoining the Lake Illawarra foreshore at Windang;
 - e List of priority of works required to make good and stabilise all land and foreshore affected by erosion and changes to water current, channels and sedimentation.

Variation The variation moved by Councillor Curran (the addition of the words 'relevant NSW State Government Minister and Agency' to Point 1) was accepted by the mover and seconder.

A PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Petty that an extension of time be granted to Councillor Martin to address the meeting in relation to the Amendment.

Councillor Takacs' AMENDMENT on being PUT to the VOTE was CARRIED.

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Dorahy, Curran, Petty and Bradbery
Against Councillor Colacino

Councillor Takacs' AMENDMENT then BECAME the MOTION.

The MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

ITEM 1 - NSW ABORIGINAL CULTURAL HERITAGE REFORM

31 COUNCIL'S RESOLUTION - UNANIMOUSLY - on the motion of Councillor Brown seconded Councillor Kershaw that -

- 1 The draft submission to the NSW Government's Aboriginal Cultural Heritage Reform (Attachment 1 to the report) be endorsed, finalised by the General Manager and submitted to the NSW Government.
- 2 The review of Chapter E10: Aboriginal Heritage of the Wollongong Development Control Plan 2009, scheduled to be completed in 2014, be deferred, pending the progression of the NSW Government's Aboriginal Cultural Heritage Reform.
- 3 The Aboriginal Cultural Heritage Management Development Assessment Toolkit be received and noted and a letter of appreciation be sent to Shellharbour City and Kiama Municipal Councils.

ITEM 2 - DRAFT POLICY - SWIMMING POOL BARRIER

32 **COUNCIL'S RESOLUTION** – on the motion of Councillor Colacino seconded Councillor Blicavs that the draft Swimming Pool Barrier Policy be adopted by Council.

An AMENDMENT was MOVED by Councillor Curran seconded Councillor Martin that –

1 The Draft Swimming Pool Barrier Policy be adopted by Council subject to the following addition to page 4, Section 11.0 2(b) of the attached Policy -

“.....if such structure affects or impacts on the barrier or the effectiveness of the barrier”.

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

In favour	Connor, Martin and Curran
Against	Kershaw, Brown, Takacs, Blicavs, Dorahy, Colacino, Petty and Bradbery

The MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

DEPARTURE OF COUNCILLORS

Due to prior disclosures of interest Councillors Blicavs and Petty departed the meeting, the time being 7.18 pm. Councillors Blicavs and Petty were not present during debate or voting on Item 3 below.

Councillors Blicavs and Petty returned to the meeting at 7.19 pm.

ITEM 3 - POLICY REVIEW - FIRE SAFETY

33 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the amended Fire Safety Policy be adopted.

DEPARTURE OF COUNCILLOR

During discussion and prior to voting on Item 4, Councillor Colacino departed and returned to the meeting, the time being from 7.19 pm to 7.22 pm.

ITEM 4 - COMMUNITY ENGAGEMENT - PROPOSED SUBURB NAME CHANGE FOR PENROSE

34 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor Brown that -

- 1 A community engagement process be carried out to determine the views of affected residents and the broader community on the options proposed in this report for resolving the Penrose suburb name conflict with the Wingecarribee locality.
- 2 The outcomes of that engagement process be reported back to Council with a recommendation to be put to the Geographical Names Board NSW.
- 3 Reimbursement of engagement costs be sought from the Geographical Names Board NSW.

Variation The variation moved by Councillor Brown (the addition of Point 3) was accepted by the mover.

ITEM 5 - TENDER T13/25 CONSTRUCTION OF A SEAWALL AT THIRROUL BEACH, CLIFF PARADE, THIRROUL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

COUNCIL'S RESOLUTION -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of GC Group Company Pty Ltd for installation and construction of a seawall at Thirroul Beach, Cliff Parade, Thirroul in the sum of \$169,164.00 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 6 - TENDER T13/36 DESIGN, SUPPLY AND INSTALLATION OF A COMPLETE LIGHTING SOLUTION TO ROBERT ZIEMS PARK, CORRIMAL

35 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Kershaw that -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Musco Lighting Australia Pty Ltd for the provision of design, supply and installation of sportsfield lighting to Robert Ziems Park, Corrimal, in the sum of \$133,000.00 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.

DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest Councillor Petty departed the meeting, the time being 7.37 pm. Councillor Petty was not present during debate or voting on Item 7 below.

Councillor Petty returned to the meeting at 7.45 pm.

ITEM 7 - TENDER T13/39 FRED FINCH PARK NETBALL COURTS ASPHALT RESURFACING

36 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Curran seconded Councillor Takacs that -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Roadworx Surfacing Pty Ltd for the provision of asphaltic surfacing to Fred Finch Park in the sum of \$295,315.98 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 8 - PROPOSED ACQUISITION OF NO 1 ARROW AVENUE, FIGTREE - FLOOD MITIGATION

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

- 1 Subject to funding being provided by the Office of Environment and Heritage to the amount of \$350,000 (GST will not apply), Council authorise the acquisition of Lot 10 DP 30180 No 1 Arrow Avenue, Figtree, on the following terms:
 - a Purchase price of \$525,000 (GST will not apply).
 - b Each party being responsible for their own legal costs.
- 2 Council endorse the allocation of the purchase price, demolition cost and associated costs from the current Capital Budget provided for floodplain management.

- 3 Upon the acquisition being finalised, Lot 10 DP 30180 No 1 Arrow Avenue, Figtree be classified as community land in accordance with the Local Government Act 1993.
- 4 Authority be granted to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

ITEM 9 - JANUARY 2014 FINANCIALS

38 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that -

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

ITEM 10 - STATEMENT OF INVESTMENTS - JANUARY 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

COUNCIL'S RESOLUTION - that Council receive the Statement of Investments for January 2014.

ITEM 11 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 19 FEBRUARY 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

COUNCIL'S RESOLUTION - that in accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee meeting held on 19 February 2014 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 7.58 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 24 March 2014.

Chairperson