



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00pm

Monday 13 May 2013

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Blicavs, Colacino, 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 - P Kofod, Director Planning and Environment – Nature, City and Neighbourhoods – A Carfield, Manager Governance and Information – L Kofod, Manager Finance – B Jenkins, Manager Environmental Strategy and Planning – R Campbell, Manager Property and Recreation – P Coyte and Manager Infrastructure (Acting) – M Malone

Min No.

70 **RESOLVED** on the motion of Councillor Blicavs seconded Councillor Crasnich that the apology tendered on behalf of Councillor Dorahy be accepted.

INDEX

PAGE NO.

	Disclosures of Interest	1
	Presentation – Heritage Award – Restoration of North Beach Bathers’ Pavilion.....	1
	Petition – Stop Council Charging Fitness Groups Excessive Park Fees	1
	Petition – Life City Wollongong Development Berkeley.....	1
	Confirmation of Minutes of Ordinary Meeting of Council held on Monday, 8 April 2013.....	2
	Public Access Forum – Planning Proposal to Permit Self-Storage Premises in Heavy Industrial Zones	2
	Public Access Forum – Belmore Basin and Brighton Beach – Impacts of Plastic on our Oceans and Marine Life	3
	Public Access Forum – Impact of the Annual Plan on Personal Trainers	3
	Call of the Agenda.....	4
ITEM 1	Review of Wollongong Development Control Plan 2009 - Stage 3 Various Chapters (CM90/13).....	4
ITEM 2	Planning Proposal to Permit Self-Storage Premises in Heavy Industrial Zones (CM91/13).....	5
ITEM 3	West Dapto Review Committee (CM92/13).....	6
ITEM 4	Strategic Programs - Project Governance and Oversight (CM99/13).....	7
ITEM 5	Draft Revised Code of Meeting Practice (CM88/13).....	7
ITEM 6	Review of Gifts and Benefits Policy (CM95/13)	8

PAGE NO.

ITEM 7	Council Policy - Public Private Partnerships (CM89/13)	8
ITEM 8	Proposed Acquisition of Land for Road Purposes - Paynes Road, Dombarton (CM93/13)	8
ITEM 9	Tender T13/02 - Warrawong Community Centre Roof Replacement Project (CM94/13)	9
ITEM 10	March 2013 Financials (CM96/13)	9
ITEM 11	Statement of Investments - March 2013 (CM97/13)	9
ITEM 12	Minutes of the City of Wollongong Traffic Committee meeting held 27 March 2013 (CM98/13).....	10

DISCLOSURES OF INTEREST

Councillor Petty declared a significant pecuniary interest in Item 2 by virtue of the fact that the company, which he is a shareholder, director and employee, has been named in the Council officer's report.

Councillor Martin declared a non-significant, non-pecuniary interest in Item 2, insofar as she is employed by the Department of Planning and Infrastructure, and this matter will be referred to that Department.

PRESENTATION – HERITAGE AWARD – RESTORATION OF NORTH BEACH BATHERS' PAVILION

The Lord Mayor presented a Heritage Award received in recognition of the work, especially the work of staff, in the restoration of the North Beach Bathers' Pavilion. Council received the Award for Adaptive Re-Use under the Regeneration and New Development Category of the National Trust Awards.

PETITION – STOP COUNCIL CHARGING FITNESS GROUPS EXCESSIVE PARK FEES

Councillor Petty, on behalf of 575 people, tabled a petition calling on Council to cease charging local health and fitness businesses for using local parks to train and promote a healthy lifestyle for residents. Petitioners also called on Council to promote the City as a City which supports an active and healthy lifestyle, and not a City that profits from such a lifestyle.

OBJECTION – LIFE CITY WOLLONGONG DEVELOPMENT - BERKELEY

Councillor Curran tabled a letter from L and P Diggins, on behalf of the Berkeley community, objecting to the above development. Councillor Curran believed that Council would be receiving a report on this proposal at the Council meeting of 27 May 2013.

Minute No.

- 71 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the petition and letter tabled by Councillors Petty and Curran respectively, be received and made available to Councillors through the Information Folder.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 8 APRIL 2013

- 72 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Curran that the Minutes of the Ordinary Meeting of Council held on Monday, 8 April 2013 (a copy having been circulated to Councillors) be taken as read and confirmed, subject to the following amendment –

Item 18 – Matter of Great Urgency – Extended Opening – Western Suburbs Pool, Unanderra – the voting on this Item be recorded as Councillor Curran voting against the motion, and all other Councillors voting in support of the motion.

PUBLIC ACCESS FORUM – PLANNING PROPOSAL TO PERMIT SELF-STORAGE PREMISES IN HEAVY INDUSTRIAL ZONES

Mr D Laing, on behalf of Cardno Pty Ltd, said that for almost a decade, Cardno (and its predecessor Forbes Rigby) have represented a consortium of Kemblawarra industrial operators in their protests over Belmorgan and had recognised the early signs that this was nothing more than an extension of King Street Bulky Goods strip with customer parking, small lot sizes and light industrial land uses. Despite continued objections, the light industrial nature of the Belmorgan site exists today. Mr Laing said that Council had previously not supported the rezoning, citing fragmentation of industrial land, loss of employment opportunities and encroachment of inappropriate uses. Yet the recently exhibited planning proposal presents a similar concept (this time self-storage) but again without any comprehensive analysis beyond the original planning proposal.

Mr Laing outlined five main reasons for objecting to the proposal –

- 1 It would reduce the land available for heavy industry and that much of the IN3 land is owned by Bluescope Steel.
- 2 It is contrary to the Illawarra Regional Strategy and Employment Lands Guidelines.
- 3 It is speculative and drive up land prices.

Minute No.

- 4 There is no compelling reason why this proposal cannot go somewhere else.
- 5 It will replace potentially employment-generating development with little or no employment generating development.

PUBLIC ACCESS FORUM - BELMORE BASIN AND BRIGHTON BEACH – IMPACTS OF PLASTIC ON OUR OCEANS AND MARINE LIFE

Ms P Raines presented research she conducted at Belmore Basin and Brighton Beach to determine if plastics are entering the marine environment and if so, how. The research also looked at the types of different plastics which are impacting the area. The reports used for her research were from the United Nations Environment Program, the World Conservation Union and the World Conservation Monitoring Centre.

Ms Raines tabled her report for the information of Council and in the hope that it would be used to benefit the community. She stated that the report contained photos taken in and around the designated research area, including photos taken underwater in Belmore Basin, as well as an interview with a world-renowned environmentalist and questionnaire results. The report also contained a film she made to explain photo degradation.

PUBLIC ACCESS FORUM – IMPACT OF THE ANNUAL PLAN ON PERSONAL TRAINERS

Ms S Campbell advised that she was not opposed to paying a fee for the use of public open spaces, however, she was asking Council to reconsider the amount of the increase being suggested. The proposed increase is up to 50% on top of what is already considered extreme rates by national standards. She said that the Illawarra was out of alignment with greater Australia and is imposing fees that will cripple many small businesses, increase fees for clients and lower the accessibility and affordability of health and fitness.

The consensus within the industry is that the Illawarra is one of the highest priced councils in NSW. As a comparison, an operator with a business the size of her own in Rushcutters Bay, would pay \$275 for a two year lease. This Council is asking her for \$1,613 annually. Ms Campbell said that her training was targeted toward lower income families who cannot afford larger and more expensive gyms. Ms Campbell advised that she partners with not-for-profit organisations to provide low cost training to youth, many of whom are homeless or have been victims of domestic violence. In

Minute No.

conclusion, Ms Campbell stated that the introduction of higher fees would put such opportunities out of reach of many community members and community organisations, and this was a concern.

73 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

74 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Colacino that the staff recommendations for Items 4, 6 to 8 and 11 inclusive, be adopted as a block.

ITEM 1 - REVIEW OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 - STAGE 3 VARIOUS CHAPTERS

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

- 1 The following revised draft chapters of the Wollongong Development Control Plan 2009 be exhibited for a minimum period of twenty eight (28) days:
 - (a) C3 Boarding Houses (Attachment 1 to the report);
 - (b) E16 Bushfire Management (Attachment 2 to the report); and
 - (c) E17 Preservation & Management of Trees and Vegetation (Attachment 3 to the report).
- 2 The draft Tree Management Permit Policy be exhibited for a minimum period of twenty eight (28) days (Attachment 4 to the report).
- 3 A report be prepared that addresses the possibility of mandating the use of non-opaque roller doors on shop fronts in commercial areas via a DCP amendment.
- 4 The Exempt Species List which is placed on exhibition include *Koelreuteria paniculata*, *Celtis occidentalis* and *Nageia falcatus*.

Variation *The variation put forward by Councillor Takacs (point 4 of the above motion) was accepted by the mover and seconder.*

Minute No.

DEPARTURE OF COUNCILLORS

Due to an earlier disclosure of interest, Councillor Petty was not present during discussion and voting on Item 2.

During consideration of Item 2 and prior to voting on the Item, Councillor Crasnich departed and returned to the meeting, the times being from 7.19 pm to 7.21 pm.

ITEM 2 - PLANNING PROPOSAL TO PERMIT SELF-STORAGE PREMISES IN HEAVY INDUSTRIAL ZONES

MOVED by Councillor Curran seconded Councillor Merrin that -

- 1 Council not support the proposal.
- 2 An analysis of Employment Lands be undertaken with assistance of the Employment Lands Taskforce, and a report be provided to Council.

Councillor Kershaw foreshadowed that should the above motion be lost, she would move a motion basically in accordance with the report's recommendations.

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

In favour Councillors Martin, Takacs, Merrin, Curran and Bradbery
Against Councillors Kershaw, Connor, Brown, Blicavs, Colacino and Crasnich

76 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Kershaw seconded Councillor Blicavs that -

- 1 A finalised Planning Proposal be forwarded to the NSW Department of Planning and Infrastructure to include storage premises (including self-storage units) as a permissible use (with consent) in the IN3 Heavy Industrial zone.
- 2 A letter be sent to those who made submissions thanking them for their submission and advising them of the outcome of the Planning Proposal.
- 3 An analysis of Employment Lands be undertaken with assistance of the Employment Lands Taskforce, and a report be provided to Council.

In favour Councillors Kershaw, Connor, Brown, Blicavs, Colacino and Crasnich
Against Councillors Martin, Takacs, Merrin, Curran and Bradbery

Minute No.

ADJOURNMENT OF MEETING

A PROCEDURAL MOTION was moved by Councillor Merrin seconded Councillor Crasnich that the meeting adjourn for a five minute break. At this stage, the time being 7.54 pm, the meeting was adjourned.

The meeting resumed at 7.59 pm with all Councillors in attendance.

ITEM 3 - WEST DAPTO REVIEW COMMITTEE

77 COUNCIL'S RESOLUTION - MOVED Councillor Brown seconded Councillor Blicavs that –

- 1 The proposed West Dapto Review Committee Charter, included as Attachment 1 to the report, be endorsed.
- 2 The Ward 3 Councillors be appointed as members of the West Dapto Review Committee.
- 3 The Lord Mayor be appointed as the Chairperson of the West Dapto Review Committee and the Charter be amended accordingly.

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

- 1 The proposed West Dapto Review Committee Charter, included as Attachment 1 to the report, be endorsed.
- 2 The Ward 3 Councillors be appointed as members of the West Dapto Review Committee.
- 3 The Lord Mayor be appointed as the Chairperson of the West Dapto Review Committee and the Charter be amended accordingly.
- 4 The Charter be reworded –
 - a to be consistent with the changed name of the Committee and also with the wording as reviewed, with the role being restricted to an advisory committee, with all major decisions, particularly about biodiversity, coming to full Council;
 - b to restate that where the Director Planning and Environment determines that the matter requires the decision of Council, the matter be referred to Council.

Minute No.

The AMENDMENT on being PUT to the VOTE was LOST.

In favour
Against

Councillors Takacs, Merrin, Curran and Petty

Councillors Kershaw, Connor, Brown, Martin, Blicavs, Colacino, Crasnich and Bradbery

The MOTION was PUT and CARRIED UNANIMOUSLY.

ITEM 4 - STRATEGIC PROGRAMS - PROJECT GOVERNANCE AND OVERSIGHT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 74).

COUNCIL'S RESOLUTION -

- 1 The five (5) Councillor Aspirations be established as Strategic Programs, each with a member of Executive as Project Sponsor.
- 2 Detailed quarterly reporting on the progress of each Program be included within the existing Council Quarterly Report. This Report also be provided to the Corporate Governance Committee.
- 3 Bi-annual briefings be provided to Councillors.
- 4 Additional committees be considered as required.

ITEM 5 - DRAFT REVISED CODE OF MEETING PRACTICE

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

- 1 The draft revised Code of Meeting Practice be placed on Public Exhibition for a period of 28 days and a period of not less than 42 days is to be allowed for submissions to be made.
- 2 Council's Public Access Forum policy, in its entirety, be included in the Code of Meeting Practice at Section 4.11, as part of the revision to be placed on public exhibition.

Minute No.

ITEM 6 - REVIEW OF GIFTS AND BENEFITS POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 74).

COUNCIL'S RESOLUTION - Council adopt the revised Gifts and Benefits Policy.

ITEM 7 - COUNCIL POLICY - PUBLIC PRIVATE PARTNERSHIPS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 74).

COUNCIL'S RESOLUTION - The Public Private Partnerships Policy review date be extended to 31 August 2017.

ITEM 8 - PROPOSED ACQUISITION OF LAND FOR ROAD PURPOSES - PAYNES ROAD, DOMBARTON

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 74).

COUNCIL'S RESOLUTION -

- 1 Council acquire the portions of land listed below, as indicated on the attachment to the report, for the amounts of compensation as shown:
 - a Part of Lot 229 DP 630024 No 234 Paynes Road, Dombarton - \$2,000 (GST exc).
 - b Part of Lot 230 DP 630024 No 248 Paynes Road, Dombarton - \$11,500 (GST exc).
 - c Part of Lot 231 DP 630024 No 322 Paynes Road, Dombarton - \$19,700 (GST exc).
 - d Part of Lot 1 DP 1033422 No 338 Paynes Road, Dombarton - \$5,900 (GST exc).
- 2 Council be responsible for all costs in this matter.
- 3 Upon acquisition, the land be dedicated as public road under the provisions of Section 10 of the Roads Act 1993.
- 4 Authority be granted to affix the Common Seal of Council to the plan of subdivision, transfer documents and any other documentation required to give effect to this resolution.

ITEM 9 - TENDER T13/02 - WARRAWONG COMMUNITY CENTRE ROOF REPLACEMENT PROJECT

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

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Camarda and Cantrill Pty Ltd for Roof Replacement of the Warrawong Community Centre Project, in the sum of \$141,275 (ex 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 10 - MARCH 2013 FINANCIALS

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

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

ITEM 11 - STATEMENT OF INVESTMENTS - MARCH 2013

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 74).

COUNCIL'S RESOLUTION - Council receive the Statement of Investments for March 2013.

Minute No.

ITEM 12 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 27 MARCH 2013

- 81** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Curran that in accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee held on 27 March 2013 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 8.26 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 27 May 2013.

Chairperson