



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 12 December 2016

### Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, Colacino, Crasnich (until 8.17 pm), Curran and Petty

### In Attendance

General Manager – D Farmer, 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, Director Planning and Environment – Future, City and Neighbourhoods – A Carfield, Manager Governance and Information – K Cowgill, Manager Finance – B Jenkins, Manager Property and Recreation (Acting) – P Dorahy, Manager Environmental Strategy and Planning – R Campbell, Manager Community Cultural and Economic Development (Acting) – S Savage, Manager City Works and Services – M Roebuck, Manager Project Delivery – G Whittaker and Manager Infrastructure Strategy and Planning – M Dowd

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## DISCLOSURE OF INTERESTS

Councillor Martin declared non-significant, non-pecuniary conflict of interest in Items 2 and 3 insofar as she works for the Department of Planning and Environment and both matters engage or refer aspects of work to the Department. Councillor Martin advised that she would be remaining in the Chamber during debate and voting on both matters.

Councillor Martin declared a significant, non-pecuniary conflict of interest in Item 4 as her son uses the services of Port Kembla Youth Services. Councillor Martin advised that she would depart the Chamber during debate and voting on this matter.

Councillor Takacs declared a non-significant, non-pecuniary conflict of interest in Item 1 because he believed it involved a possible change to the Section 94 Contributions for his employer, the University of Wollongong. Councillor Takacs advised that he would depart the Chamber during debate and voting on this matter.

Councillor Connor declared a significant, non-pecuniary conflict of interest in Item B in that the matter relates to a direct family member, though deceased. Councillor Connor advised that he would depart the Chamber during debate and voting on the matter.

## PRESENTATION – RESULTS OF RESEARCH PROJECT – YEAR 6 STUDENTS FROM WOLLONGONG PUBLIC SCHOOL

The Lord Mayor tabled a copy of a Research Project undertaken by Year 6 students at Wollongong Public School and he summarised the results. The students will be heading to Canberra in recognition of their success and he extended his congratulations to the Year 6 students, as well as Wollongong Public School.

## CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 21 NOVEMBER 2016

**143** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the Minutes of the Ordinary Meeting of Council held on Monday, 21 November 2016 (a copy having been circulated to Councillors) be taken as read and confirmed.

## PUBLIC ACCESS FORUM – VALIDITY OF BLUE MILE MASTER PLAN

Mr I Young said that Council had been using the City Foreshore Plan of Management (PoM) in assessing development applications and leases in the area covered by the Blue Mile Master Plan since 2008. The City Foreshore PoM was never approved and the Statutory PoM for both Stuart Park and City Beach were not revoked. He stated that the City Foreshore PoM is not a statutory document and elements of this PoM are in direct conflict with elements in the Statutory PoMs in so much as conditions in the Statutory PoMs restrict and/or prohibit activities listed as permissible in the City Foreshore PoM. He felt that the failure to use the correct PoMs is seen as a very serious breach of Council's responsibilities under both the Local Government and Crown Land Acts.

Mr Young urged Councillors to instigate full and comprehensive investigations into the circumstances and implications of the use of the City Foreshore POM and the non-considerations of the Statutory PoMs. He also urged Councillors to direct Council management to comply with their legal responsibilities under both the Local Government and Crown Land Acts.

**144** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Merrin that Mr Young be thanked for his presentation and invited to table his notes.

## CALL OF THE AGENDA

- 145 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that the staff recommendations for Items 3, and 8 to 15 inclusive, be adopted as a block.

## ITEM A - NOTICE OF MOTION - COUNCILLOR COLACINO - RECKLESS DRIVING THROUGH THE ROYAL NATIONAL PARK

- 146 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Kershaw that Council staff write to all Departments responsible for the safe driving of vehicles using Lawrence Hargrave Drive, Otford Road, Lady Wakehurst Drive and Sir Bertram Stevens Drive in the Royal National Park and further to the Helensburgh roundabout, requesting that investigations take place with a view to addressing the reckless, irresponsible and dangerous road usage in this area.

## DEPARTURE OF COUNCILLORS

Due to a prior disclosure of interest, Councillor Connor departed the Chamber and was not present for debate and voting on Item B.

During debate and prior to voting on Item B, Councillors Colacino and Blicavs departed and returned to the meeting, the times being from 6.28 pm to 6.29 pm, and from 6.28 pm to 6.30 pm respectively.

## ITEM B - NOTICE OF MOTION - COUNCILLOR CURRAN - PUBLIC RECOGNITION FOR THE LATE REX CONNOR

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Martin that an additional three minutes be granted to Councillor Curran to address the meeting in relation to Item B.

- 147 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Curran seconded Councillor Crasnich that in recognition of the Late Reginald Francis Xavier "Rex" Connor and his significant contribution to Wollongong and representation in Local, State and Federal Government, Council consider dedicating and naming a public park and viewing platform at Hill 60 Port Kembla, 'Rex Connor Park', or some other suitable form of recognition with reference to Council's Community Recognition Program Policy, and following community and stakeholder consultation.

*Variation* The variation moved by Councillor Brown to add the words "or some other suitable form of recognition with reference to Council's Community Recognition Program Policy, and following community and stakeholder consultation" was accepted by the mover and seconder.

**In favour** Councillors Kershaw, Brown, Martin, Takacs, Merrin, Blicavs, Dorahy, Crasnich, Curran, Petty and Bradbery

**Against** Councillor Colacino

## DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest, Councillor Takacs departed the Chamber and was not present during debate and voting for Item 1.

## ITEM 1 - WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2016) - POST EXHIBITION

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

- 1 The Wollongong Section 94A Development Contributions Plan (2016) be adopted including the additional amendments proposed as per the recent Ministerial Direction dated 14 April 2016 and renumbering of the exemption subclauses under clause 13.
- 2 The adoption of the Plan be notified in the local newspapers in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

## ITEM 2 - SUBMISSION ON THE DRAFT MEDIUM DENSITY HOUSING CODE AND DRAFT DESIGN GUIDE

**149 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Merrin that the draft submission on the Draft Medium Density Housing Code and Medium Density Design Guide be endorsed for finalisation by the General Manager and provided to the State Government.

## ITEM 3 - SUBMISSION ON THE DRAFT COASTAL MANAGEMENT SEPP

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 145).

**COUNCIL'S RESOLUTION** – The draft submission on the draft Coastal Management SEPP be endorsed for finalisation by the General Manager and provided to the State Government.

## DEPARTURE OF COUNCILLORS

Due to a prior disclosure of interest, Councillor Martin departed the Chamber and was not present during the debate and voting on Item 4.

During debate and prior to voting on Item 4, Councillor Colacino departed and returned to the meeting, the time being from 7.21 pm to 7.23 pm.

## ITEM 4 - FUTURE DIRECTION OF WOLLONGONG CITY COUNCIL'S YOUTH SERVICES

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

- 1 Council note the report.
- 2 Consideration of the matter be deferred to the Council meeting on 8 May 2017, and include a review of any transition arrangements.
- 3 Council Officers, and available Councillors, meet with Neighbourhood Youth Work Program providers once more to determine their ability to meet Council's requirements for the delivery of youth services to the 12-24 year old demographic in the Wollongong Local Government Area. From 1 July 2017, services deemed compliant will enter new funding agreements setting out clear objectives and data collection methods and these will be reviewed by Council quarterly. Non-compliance will result in the termination of the funding agreement.

- 4 Any current providers who do not engage in the process in (3) above, will be deemed as non-compliant and the funding agreement terminated.
- 5 The outcome of this process with the current providers be the subject of a Councillor Briefing in April 2017.

*Variation* The variations moved by –

- Councillor Brown to include the words “and include a review of any transition arrangements” to Part 2; and,
- Councillor Kershaw to include the words “and available Councillors” to Part 3, were accepted by the mover and seconder.

**In favour** Councillors Connor, Brown, Takacs, Merrin, Dorahy, Colacino, Crasnich and Bradbery

**Against** Councillors Kershaw, Blicavs, Curran and Petty

## DEPARTURE OF COUNCILLORS

Prior to the vote being taken for Item 5, the time being 8.17 pm, Councillor Crasnich departed the meeting.

During debate and prior to voting on Item 5, Councillor Blicavs departed and returned to the meeting, the time being from 8.17 pm to 8.18 pm.

## ITEM 5 - BULLI BEACH DUNE MANAGEMENT OPTIONS

MOVED by Councillor Dorahy seconded Councillor Blicavs that –

- 1 Dune re-profiling be progressed at Bulli Beach.
- 2 Council provide continuing dune management works to minimise the dune growth.

At this stage, Councillor Brown FORESHADOWED a MOTION should Councillor Dorahy's Motion be defeated.

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

**In favour** Councillors Dorahy and Petty

**Against** Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Blicavs, Colacino, Curran and Bradbery

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

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

**151 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Brown seconded Councillor Kershaw that -

- 1 Dune re-profiling not be progressed at Bulli Beach.
- 2 Installation of a tower to address sight line issues at Bulli Beach be progressed through the annual planning process.
- 3 Dune vegetation management works continue to be undertaken at the site in accordance with the Dune Management Strategy.

## **ITEM 6 - REVIEW OF DELEGATIONS TO THE GENERAL MANAGER IN LIGHT OF LOCAL GOVERNMENT ACT AMENDMENTS**

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

- 1 Council note the report on Delegations to the General Manager – Tendering.
- 2 Council delegate to the General Manager all of the delegable functions of the Council, but excluding:
  - a Those functions specified in clauses (a) to (u) of section 377(1) of the Local Government Act 1993.
  - b The granting of leases of Council property where the total lease rental payable to Council for the term of the lease is more than \$1 million (including GST).
  - c The granting of leases of Council property where the term of the lease is for 10 years or more.
  - d The acceptance of tenders required to be invited pursuant to section 55 of the Local Government Act 1993 as at the date of this delegation.
- 3 Council fix the amount of \$3,000 as the amount above which any individual rate charge or debt owed to the Council may be written off only by resolution of the Council pursuant to clauses 131(1) and 213(2) of the Local Government (General) Regulation 2005.
- 4 Council delegate to the General Manager the determination of certain Development Applications in accordance with the Independent Hearing and Assessment Panel Charter.
- 5 Council receive a report in the final quarter of each calendar year of in-progress tenders to consider providing delegation to accept specific tenders within a specified time period.
- 6 Council delegate to the General Manager, Lord Mayor and Deputy Lord Mayor, the authority to accept, or otherwise, by a majority determination, tenders under the following Request for Tender processes between 13 December 2016 and 29 January 2017:
  - i T16/34 Nicolson Park Woonona - Playground Replacement
  - ii T16/38 Solar Photovoltaic Systems
  - iii T16/40 Bridge Maintenance of Cabbage Tree Creek Fairy Meadow
  - iv T16/41 Cathodic Protection of Bridge 2 at Yallah Bay Road Yallah with a report on the exercise of such delegation to be provided to the Ordinary Meeting of Council in February 2017.

## **ITEM 7 - DRAFT COUNCIL POLICY: RELATED PARTY DISCLOSURE**

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

- 1 The Related Party Disclosure Policy be adopted.
- 2 A Councillor Briefing be held early in 2017 to discuss permitted recipients and also the Government Information (Public Access) Act 2009 status (points 6 and 7 of the policy, respectively).



## **ITEM 8 - TENDER T16/35 WHYTES GULLY COMMUNITY RECYCLING CENTRE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 145).

### **COUNCIL'S RESOLUTION** –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Project Coordination (Australia) Pty Ltd for the Whytes Gully Community Recycling Centre, for the sum of \$897,840.00, 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 9 - TENDER T16/36 GRAND PACIFIC WALK - PROVISION OF A FOOTPATH BETWEEN COALCLIFF AND STANWELL PARK**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 145).

### **COUNCIL'S RESOLUTION** –

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for Tender T16/36 Grand Pacific Walk - Provision of Footpath between Coalcliff and Stanwell Park and resolve to enter into negotiations with suitable contractors 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 suitable contractors and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with a contractor who demonstrates a capacity and ability to undertake the works.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations with a suitable contractor 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 10 - PROPOSED NAMING OF ROADS AT AVONDALE AND BULLI**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 145).

**COUNCIL'S RESOLUTION** – Action be taken under Section 162 of the Roads Act 1993 to name the following roads -

- 1 Road at Avondale off South Avondale Road as "Linbrook Lane".
- 2 Unnamed lane currently numbered as Lane 54 between George Avenue and William Street, Bulli as "Chilby Lane".

### **ITEM 11 - PROPOSED TRANSFER OF COUNCIL LAND TO ITSELF TO ENABLE ISSUE OF CERTIFICATES OF TITLE FOR LAND AT DAPTO**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 145).

#### **COUNCIL'S RESOLUTION** –

- 1 Council authorise the transfer of Lots 308 – 313 DP 1188000 to itself.
- 2 The General Manager be delegated authority to finalise and execute the transfer and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the Common Seal of Council to be affixed to the transfer document and any other documentation required to give effect to this resolution.

### **ITEM 12 - MODEL CODE OF CONDUCT COMPLAINTS STATISTICS REPORT 2015-2016**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 145).

**COUNCIL'S RESOLUTION** – The report on Model Code of Conduct Complaints Statistics report for 2015-2016 be received and noted.

### **ITEM 13 - OCTOBER 2016 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 145).

#### **COUNCIL'S RESOLUTION** –

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

### **ITEM 14 - STATEMENT OF INVESTMENTS - OCTOBER 2016**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 145).

**COUNCIL'S RESOLUTION** – Council receive the Statement of Investments for October 2016.

**ITEM 15 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 16 NOVEMBER 2016**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 145).

**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 16 November 2016 in relation of the Regulation of Traffic be adopted.

**THE MEETING CONCLUDED AT 8.48 PM**

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 30 January 2017.

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Chairperson