



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.03 pm

Monday 13 October 2014

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, 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 – 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 – P Coyte, Manager Environmental Strategy and Planning – R Campbell, Manager Community Cultural and Economic Development – T Buchanan, Manager Project Delivery – G Whittaker and Manager Infrastructure Strategy and Planning – M Dowd

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DISCLOSURES OF INTERESTS

Councillor Martin declared a non-significant conflict of interest in Items 6, 7 and 12 as they all relate to Planning Proposals which will go, or have already been to the Department of Planning and Environment and she is employed by that Department.

Councillor Brown declared a non-pecuniary, non-significant interest in Item 19 on the basis that he was a former work colleague of one of the persons mentioned in the report.

Councillor Dorahy declared a non-pecuniary, non-significant interest in Item 13 as he is a Director of local Leagues Club, Wests Illawarra.

Councillor Dorahy declared a non-pecuniary, non-significant interest in Item 19 due to his membership of the Corporate Governance Committee.

Councillor Colacino took the opportunity to state that he and his family members had absolutely no pecuniary interest to declare for any Item on the agenda, including Item 4, either in the past or currently, and he was not expecting anything into the future.

Councillor Bradbery declared a non-pecuniary, non-significant conflict of interest in Item 7 as he is a resident of Shearwater Drive.

Councillor Bradbery declared a non-pecuniary, non-significant conflict of interest in Item 19 as he was familiar with the family of one of the individuals noted in the particular set of nominations. Councillor Bradbery advised that he would vacate the Chair and Chambers during debate and voting on the matter.

PETITION – REVIEW OF DOGS ON BEACHES POLICY

Councillor Martin tabled a petition with over 2,000 signatures opposing proposed changes to the *Dogs on Beaches and Parks* policy, unless such changes enable increased access for unleashed dogs on beaches.

173 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Blicavs seconded Councillor Connor that the petition be received.

PRESENTATION – 2014 UNITED INDEPENDENT POOLS – EXCELLENCE IN RISK MANAGEMENT AWARD

The Lord Mayor tabled the 2014 United Independent Pools (UIP) Excellence in Risk Management Award recently won by Council for its Corporate Emergency Planning Framework. In addition to the perpetual trophy, the Award includes \$5,000 worth of risk engineering consulting services.

The Lord Mayor advised that Council had established the Corporate Emergency Planning Framework to enhance its emergency planning and response preparedness and he expressed his thanks to staff, particularly Council's Risk and Insurance Team Leader, Mr J Hall.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 8 SEPTEMBER 2014

174 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that the Minutes of the Ordinary Meeting of Council held on Monday, 8 September 2014 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM – MANAGEMENT OF LAKE ILLAWARRA

Ms A Marlow asked that Council pursue the following changes to the proposals contained in the Lake Illawarra Land Management and Lake Illawarra Management Framework reports on tonight's agenda -

- 1 In terms of the Memorandum of Understanding - both Councils should guarantee adequate recurring funding for enhancing the ecological health of the Lake.
- 2 Because grant funding is unreliable, Council needs to continue to fight for a State Government dedicated fund of \$18M over 10 years.
- 3 If all else fails, Council needs to consider a rate levy as a means of funding Lake management.
- 4 Recognising that the Lake is a single entity requiring cohesive, integrated management, Council should undertake to:
 - continue to fight for the return of Kully Bay wharf lands to Council management;
 - retain and rehabilitate Joe's Bay wetland;
 - ensure a strong Estuary Management Committee that has rights

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over approval of plans affecting the health of the Lake; can commission scientific studies; can engage effectively with external bodies such as Sydney Water and can ensure that the priorities of the range of Council departments dealing with the Lake's well-being are compatible;

- bolster scientifically based management by increasing the number of scientific experts on the Committee to two and paying them properly;
- create and maintain a Lake Illawarra Estuary Management Committee website as a means of transparency, accountability and information sharing.

PUBLIC ACCESS FORUM – DOGS ON BEACHES AND PARKS POLICY

Ms M Wall advised that almost half of the Wollongong coastline was in the northern suburbs; however, off leash dog beaches north of Bulli Point totalled only 1.9 kms. The proposed changes to the Dogs on Beaches and Parks policy seek to further reduce this area. The draft policy also suggests the creation of dog parks; however, Ms Wall said that this was impossible due to the geography and current land use. Ms Wall also stated that she was aware that the Lord Mayor and Councillors had independently visited beaches to get a first-hand perspective of beach usage. However, she felt that to obtain accurate survey information, one needed to have a sustained approach to data collection carried out over many days, and not just one day on a hot weekend.

In conclusion, Ms Wall offered the following suggestions to make the policy work more effectively. This included better signage from all directions at off leash beaches; a focus group for dogs be formed to make recommendations to Council for events, issues, improvements to policy, as well as operational and management issues; and, education of the community in relation to the safe and responsible exercise and ownership of dogs. Ms Wall stated that Wollongong had fabulous natural resources which can be enjoyed by dog owners, residents and visitors alike and that it was possible for all to share and enjoy these resources.

175 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Martin that speakers be thanked for their presentation and invited to table their notes.

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CALL OF THE AGENDA

- 176 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Martin that the staff recommendations for Items 8, 9, 11 to 18, and 20 to 26 inclusive, be adopted as a block.

ITEM A – NOTICE OF MOTION COUNCILLOR MERRIN - INFORMATION REGARDING DOG ACTIVITY PARKS

MOVED by Councillor Merrin seconded Councillor Blicavs that –

- 1 A report come to the Council meeting on 10 November 2014 in relation to Dog Activity Parks.
- 2 The report provide details on –
 - a Dog Activity Parks provided by Shellharbour City Council, Kiama Municipal Council, and by other Councils, including:
 - the size and number of parks in relation to population,
 - the amount of use of the parks,
 - the structure of fencing and landscaping,
 - any associated dog owner support and training programs, and
 - amenities, such as drinking water and picnic facilities.
 - b Dog agility equipment which may be suitable for use in Dog Activity Parks in Wollongong; their sources and pricing and the success or otherwise of their use by Shellharbour City Council, Kiama Municipal Council, and other Councils.
 - c The potential for a Dog Activity Park in each Ward.

- 177 COUNCIL'S RESOLUTION** - An AMENDMENT was MOVED by Councillor Kershaw seconded Councillor Brown that –

- 1 A report come to the Council meeting on 24 November 2014 in relation to Dog Activity Parks.
- 2 The report provide details on –
 - a Dog Activity Parks provided by Shellharbour City Council, Kiama Municipal Council, and by other Councils, including:
 - the size and number of parks in relation to population,
 - the amount of use of the parks,
 - the structure of fencing and landscaping,
 - any associated dog owner support and training programs, and
 - amenities, such as drinking water and picnic facilities.

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- b Dog agility equipment which may be suitable for use in Dog Activity Parks in Wollongong; their sources and pricing and the success or otherwise of their use by Shellharbour City Council, Kiama Municipal Council, and other Councils.
- c The potential for a Dog Activity Park in each Ward.

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

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

Councillor Kershaw's AMENDMENT then BECAME the MOTION.

The MOTION on being PUT to the VOTE was CARRIED.

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

A PROCEDURAL MOTION was MOVED by Councillor Blicavs seconded Councillor Brown that Standing Orders be suspended in order to receive an address by Mr B Hangar from Hill Rogers Spencer Steer in relation to the Annual Financial Statements. MOTION CARRIED.

ITEM 1 - ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

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

- 1 The Annual Financial Statements be endorsed and an opinion be formed in the prescribed format (as per Attachments 2 and 3 of the report) on the General Purpose Financial Statement and the Special Purpose Financial Statements.
- 2 The audited Financial Statements, together with the Auditor's Report and Financial Commentary (Attachment 5 of the report) be presented to the public at the 10 November 2014 Council meeting.

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Martin that Standing Orders be resumed. MOTION CARRIED.

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ITEM 2 - A MANAGEMENT FRAMEWORK FOR LAKE ILLAWARRA

The following PROCEDURAL MOTIONS to grant extensions of time to address the meeting in relation to Item 2 were MOVED by –

- Councillor Crasnich seconded Councillor Merrin: an extension for Councillor Curran; and,
- Councillor Martin seconded Councillor Brown: an extension for Councillor Connor.

MOTIONS CARRIED.

Five minute extensions were granted by the Lord Mayor.

179 COUNCIL'S RESOLUTION – MOVED by Councillor Curran seconded Councillor Dorahy that –

- 1 Council -
 - a Endorse the establishment of the Lake Illawarra Estuary Management Committee.
 - b Endorse the proposed Terms of Reference for the Lake Illawarra Estuary Management Committee, subject to the following amendments –
 - i the membership also comprising two independent Scientific advisors,
 - ii the Committee meet a minimum of four times a year,
 - iii the proportion of funding be negotiated at 2:1, Wollongong to Shellharbour.
 - c Note that the proposed Terms of Reference will also need consideration and endorsement from Shellharbour City Council.
 - d Nominate the two (2) Councillor representatives from Wollongong City Council on the Lake Illawarra Estuary Management Committee.
 - e Delegate the General Manager to –
 - i recruit and appoint other members of the Lake Illawarra Estuary Management Committee and Sydney Water, in accordance with its Terms of Reference; and,
 - ii negotiate a Memorandum of Understanding with Shellharbour City Council which sets out the resource allocations and joint working arrangements between the two Councils for protecting and improving the health of Lake Illawarra.

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- 2 A report be submitted on the option to appoint a dedicated Manager of Council's responsibilities regarding Lake Illawarra and its catchment. Such a Manager would understand all the issues regarding the Lake and its catchment, and be responsible to the General Manager and Council for ensuring that the actions identified in any Strategic Plan for the Lake and its catchment are implemented.
- 3 The report include cost and location in the organisational structure, draft position description and how this cost will be met by Wollongong City Council.

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

- Councillor Takacs variation to Part 1(b) (the addition of (i) 'subject to the inclusion of two independent Scientific advisors'); and,
- Councillor Merrin's variation to Part 1(b) (the addition of (ii) 'the Committee meet a minimum of four times a year') and Part 1(b) (the addition of (iii) 'the proportion of funding be negotiated at 2:1, Wollongong to Shellharbour').

An AMENDMENT was MOVED by Councillor Blicavs seconded Councillor Colacino that Council –

- 1 Endorse the establishment of the Lake Illawarra Estuary Management Committee.
- 2 Endorse the proposed Terms of Reference for the Lake Illawarra Estuary Management Committee, subject to the membership also comprising two independent Scientific advisors.
- 3 Note that the proposed Terms of Reference will also need consideration and endorsement from Shellharbour City Council.
- 4 Nominate the two (2) Councillor representatives from Wollongong City Council on the Lake Illawarra Estuary Management Committee.
- 5 Delegate the General Manager to –
 - a recruit and appoint other members of the Lake Illawarra Estuary Management Committee, in accordance with its Terms of Reference; and,
 - b negotiate a Memorandum of Understanding with Shellharbour City Council which sets out the resource allocations and joint working arrangements between the two Councils for protecting and improving the health of Lake Illawarra.

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

In favour
Against

Councillors Blicavs, Colacino and Crasnich
Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Dorahy, Curran, Petty and Bradbery

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

In favour
Against

Councillors Merrin, Blicavs, Dorahy, Colacino, Crasnich, Curran and Petty
Councillors Kershaw, Connor, Brown, Martin, Takacs and Bradbery

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 3, Councillor Colacino departed and returned to the meeting, the time being from 8.24 pm to 8.27 pm.

ITEM 3 - LAKE ILLAWARRA LAND MANAGEMENT ARRANGEMENT

180 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Martin seconded Councillor Connor that Council decline to accept any Lake lands, until the State Government agrees to -

- 1 Provide the funds requested by Council at its 24 March 2014 meeting being (in summary) \$4.25M plus CPI, paid into a dedicated fund for depreciation of transferred assets, and \$18M paid into a dedicated fund for Lake management; or,
- 2 Establish a trust fund jointly managed by the State Government and Wollongong City Council, into which 100% of the net proceeds from Lake land sales is dedicated to fund management of Lake assets and environmental maintenance and improvement.

Variation The variation moved by Councillor Petty to include the words 'net proceeds' in Part 2, was accepted by the mover and seconder.

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

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DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 4, the following Councillors departed and returned to the meeting –

Councillor Crasnich from 8.36 pm to 8.38 pm;

Councillor Curran from 8.43 pm to 8.45 pm;

Councillor Connor from 8.47 pm to 8.50 pm; and

Councillor Dorahy from 8.57 pm to 8.58 pm.

ITEM 4 - BRICKYARD POINT - HEADLANDS HOTEL DRAFT DEVELOPMENT CONTROL PLAN CHAPTER

181 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor Blicavs that the draft Wollongong Development Control Plan 2009 – Brickyard Point Austinmer chapter be exhibited for a minimum period of 28 days, subject to the following amendments –

- 1 Introduction: Fifth line to read – the ability to deliver a range of development types (excluding residential) in a headland setting.
- 2 Vision: A key tourism location which supports tourism development (not residential).
- 3 Aims:
 - (a) Provide a tourist-oriented iconic development (excluding residential) which is sensitive to the visual, natural and cultural attributes of the site.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 5, Councillors Merrin and Takacs departed and returned to the meeting, the times being from 9.01 pm to 9.03 pm; and from 9.30 pm to 9.32 pm, respectively.

ITEM 5 - FIT FOR THE FUTURE - NSW LOCAL GOVERNMENT REFORMS

The following PROCEDURAL MOTIONS to grant extensions of time to address the meeting in relation to Item 5 were MOVED by –

- Councillor Dorahy seconded Councillor Martin: an extension for Councillor Blicavs; and,
- Councillor Martin seconded Councillor Connor: an extension for Councillor Brown.

MOTIONS CARRIED.

Five minute extensions were granted by the Lord Mayor.

Note: The following resolution was the subject of a Notice of Rescission which was dealt with at this meeting (Refer to Minute Numbers 187 and 188).

182 COUNCIL'S RESOLUTION - MOVED by Councillor Blicavs seconded Councillor Dorahy that –

- 1 Council receive and note the information on the NSW Government's Fit for the Future program, particularly the self-assessment process and the development of a 'roadmap'.
- 2 Council's participation in the NSW Government's pilot program for Joint Organisations be endorsed, in collaboration with Shellharbour, Kiama and Shoalhaven Councils.

An AMENDMENT was MOVED by Councillor Brown seconded Councillor Martin that -

- 1 Council receive and note the information on the NSW Government's Fit for the Future program, particularly the self-assessment process and the development of a 'roadmap'.
- 2 Council's participation in the NSW Government's pilot Joint Organisation program be endorsed for Wollongong, Kiama and Shellharbour Councils with our expression of interest to the Office of Local Government noting that our participation is contingent upon only those Councils being included; that the Council reaffirms support for the composition of the governing body reflecting some measure of proportionality and that any powers of the Joint Organisation be those freely delegated or withdrawn by member Councils.

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

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

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

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

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 6, Councillors Blicavs and Brown departed and returned to the meeting, the times being from 10.00 pm to 10.01 pm, and from 10.01 pm to 10.02, respectively.

EXTENSION OF MEETING TIME

A PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Petty that the meeting time be extended to 10.30 pm. MOTION CARRIED.

ITEM 6 - DRAFT PLANNING PROPOSAL: STAGE 3 WEST DAPTO URBAN RELEASE AREA

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

- 1 A draft Planning Proposal be prepared to:
 - a Rezone the Stockland Residential Development lands being Lots 1, 2 and 3 DP 810104, located between Brooks Reach and Cleveland Road, from RU2 Rural Landscape to a mix of R2 Low Density Residential, E4 Environmental Living, E3 Environmental Management and E2 Environmental Conservation with associated changes to the Floor Space Ratios and Minimum Lot Size (Heights remain unchanged).
 - b Include updated flood information from the Mullet Creek Flood Extension Study (2010) in the Flood Planning maps for Stages 1 to 4 of the West Dapto Urban Release Area.

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- c Update the Land Reservation Acquisition Map – to show Cleveland Road widening to reflect the future Type 3, two lane Collector Road – Minor (Bus Route) totalling a width of 20.4m.
 - d Include model Clause 4.1C to assist in the efficient delivery of integrated housing.
- 2 The draft Stage 3 Planning Proposal be referred to the NSW Department of Planning and Environment for a Gateway determination and if endorsed exhibited for a minimum period of 28 days. The Gateway be requested to issue an 18 month timeframe and require the proponent to prepare the following information for the Stockland lands prior to formal exhibition:
 - a Draft Neighbourhood Plan to enable the community to consider the proposal;
 - b Aboriginal Heritage Assessment;
 - c Non-indigenous Heritage Assessment;
 - d Flora and Fauna Assessment;
 - e A water and sewerage servicing strategy that addresses Sydney Water’s concerns about the capacity and ability to service; and,
 - f Stormwater Assessment Management and Infrastructure Plan that addresses concerns identified in Wollongong City Council’s Lake Illawarra Catchment Stormwater Management Plan and other relevant Studies, including stormwater harvesting and reuse to minimise the impact on Lake Illawarra.
- 3 Stockland be advised that the development is to access via Bong Bong Road, and access to Cleveland Road is denied unless Stockland design and upgrade Cleveland Road to Council’s standards, and not expect reimbursement until at least 2030, as indicated in the West Dapto Section 94 Development Contribution Plan.
- 4 The other land owners affected by the original Planning Proposal request be advised that Council does not have sufficient information to pursue the rezoning of their properties at this time.
- 5 A separate draft Planning Proposal be prepared to rezone the land located north of proposed Lot 1528 (currently known as Lot 1 DP 549692) and proposed Road No 05 in the Hayes Lane West precinct from E3 Environmental Management to R2 Low Density Residential with a Minimum Lot Size of 300m², Floor Space Ratio of 0.5:1, maximum building height of 9m (no change) and adjusting the flood risk restriction to the northern side of proposed Road No 05.

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- 6 The draft Housekeeping Planning Proposal be referred to the NSW Department of Planning and Environment for a Gateway determination and if endorsed exhibited for a minimum period of 14 days.
- 7 Council requests authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012, for both Planning Proposals.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 7, Councillor Colacino departed and returned to the meeting, the time being from 10.22 pm to 10.24 pm.

EXTENSION OF MEETING TIME

A PROCEDURAL MOTION was MOVED by Councillor Petty seconded Councillor Connor that the meeting time be extended to 11.00 pm. MOTION CARRIED.

ITEM 7 - DRAFT PLANNING PROPOSAL - PANORAMA ESTATE, SHEARWATER DRIVE, LAKE HEIGHTS

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

- 1 A draft Planning Proposal be prepared to amend the Wollongong Local Environment Plan 2009 to:
 - a Rezone 136 Shearwater Drive (Lot 520 DP 1108716), 148 Shearwater Drive, (Lot 325 DP 1106412), 172 Shearwater Drive, (Lot 314 DP 1106412), 176 Shearwater Drive, (Lot 313 DP 1106412), and 178 Shearwater Drive, Lake Heights (Lot 312 DP 1106412) from RE1 Public Recreation to R2 Low Density Residential and apply a Floor Space Ratio of 0.5:1, and a Minimum Lot Size of 450m²;
 - b Rezone Lots 526 and 527 DP 1108716 Shearwater Drive, Lake Heights from R2 Low Density Residential to RE1 Public Recreation to reflect their public reserve status and remove the minimum Floor Space Ratio and the Minimum Lot Size requirement;

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- c Update the Natural Resource Sensitivity Map (Attachment 3 of the report) to accurately represent the current distribution of vegetation within the subdivision;
 - d Update the Riparian Land Map (Attachment 4 of the report) to accurately represent the current position of riparian lands within the subdivision.
- 2 The draft Planning Proposal be forwarded to the NSW Department of Planning and Environment for a Gateway determination and if approved exhibited for a minimum period of 28 days.
 - 3 The draft Planning Proposal be submitted to the NSW Department of Planning and Environment for a Gateway determination and requesting authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.
 - 4 Council investigate the opportunity to purchase land in order to formalise a pedestrian connection along the desire line.

Variation *The variation moved by Councillor Martin (the inclusion of Part 4) was accepted by the mover and seconder.*

ITEM 8 - REGIONAL WASTE AVOIDANCE AND RESOURCE RECOVERY STRATEGY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION – Council endorse the Regional Waste Avoidance and Recovery Strategy.

ITEM 9 - 2014 GENERIC PLAN OF MANAGEMENT FOR COMMUNITY LAND - PUBLIC EXHIBITION RESULTS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION – The 2014 Generic Plan of Management for Community Land be adopted (Attachments 1 and 2 of the report).

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 10, Councillor Martin departed and returned to the meeting, the time being from 10.34 pm to 10.36 pm.

ITEM 10 - SUSTAINABLE CHOICE MEMBERSHIP

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

- 1 Council endorse becoming a member of the Sustainable Choice Program.
- 2 Council's Sustainable Procurement Policy be revised to insert an Item 8 into the Statement of Procedures as follows, with subsequent numbering adjusted accordingly:

“8 Council supports the integration of the Sustainable Purchasing Policy Principles, as outlined by the Local Government NSW ‘Sustainable Choice’ program, into all areas of Council business through its Procurement Management Procedures.”

ITEM 11 - POLICY REVIEW: OUTDOOR RESTAURANT ON PUBLIC LAND

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION – Council adopt the Outdoor Restaurant on Public Land Policy as attached to the report.

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ITEM 12 - DRAFT PLANNING PROPOSAL TO PERMIT OUTDOOR DINING UPON COUNCIL LAND (OPERATIONAL LAND AND COMMUNITY LAND) AND CROWN LAND AS EXEMPT DEVELOPMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION –

- 1 The draft Planning Proposal for outdoor dining and display of goods on footpaths be amended by:
 - a Permitting outdoor dining areas (associated with adjacent lawfully approved 'food and drink premises') upon both operational and community land as well as Crown land to be Exempt Development (Schedule 2) under Wollongong LEP 2009.
 - b Deleting the component dealing with outdoor dining areas upon footpaths given that this component is already Exempt Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - c Deleting the component dealing with food and drink premises being a permissible use (with development consent) in the SP2 Infrastructure zone.
 - d Deleting the component dealing with the display of goods upon footpaths.
- 2 The revised draft Planning Proposal be sent to the NSW Department of Planning and Environment for a new Gateway determination and if approved, be re-exhibited for a minimum period of twenty eight (28) days.
- 3 Persons who made submissions be thanked for their input and be advised of Council's decision.

ITEM 13 - INCLUSION OF ADDITIONAL PARCEL OF LAND IN THE LICENCE TO EASTERN SUBURBS LEAGUES CLUB LTD (T/AS BERKELEY SPORTS AND SOCIAL CLUB)

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION – Lot 1166 DP200706 (as per the plan attached to the report) be included in the licence to Eastern Suburbs Leagues Club Ltd on the same terms and conditions adopted on 14 July 2014 (Item 9 Minute 118).

Minute No.

ITEM 14 - PROPOSED ACQUISITION OF EASEMENT FOR DRAINAGE AND PORTION OF LOT 10 DP 814237 CORDEAUX ROAD, MOUNT KEMBLA FOR SHARED PATH WORKS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION –

- 1 Council authorise the acquisition of the portions of Lot 10 DP 814237 Cordeaux Road, Mount Kembla, shown shaded dark grey on the attachment to the report, subject to the following conditions:
 - a Purchase price of \$15,000 (GST exc).
 - b Council be responsible for all costs including valuation, survey, plan lodgement, transfer, legal costs and the cost of reinstatement of fencing to the new boundary, if required.
- 2 Council authorise the acquisition of an Easement for Drainage Variable Width over Lot 10 DP 814237 Cordeaux Road, Mount Kembla, shown hatched on the attachment to the report, subject to the following conditions:
 - a Purchase price of \$15,500 (GST exc).
 - b Council be responsible for all costs including valuation, survey, plan lodgement, transfer and legal costs.
- 3 Upon completion of the acquisition of the portion of Lot 10 DP 814237, the land be dedicated as public road in accordance with Section 10 of the Roads Act 1993.
- 4 Authority be granted to affix the Common Seal of Council to the transfer documents, easement creation documents and any other documentation required to give effect to this resolution.

Minute No.

ITEM 15 - PROPOSED ACQUISITION OF EASEMENT FOR DRAINAGE OF WATER OVER LOT 2 DP 26069 SHONE AVENUE, HORSLEY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION –

- 1 Council authorise the acquisition of an Easement for Drainage of Water Variable Width over that portion of Lot 2 DP 26069 No 57 Shone Avenue, Horsley for \$4,000 (GST exc), as shown on the attachment to the report.
- 2 Subject to the issue of development consent, Council undertake the demolition of the second cottage located on Lot 2 DP 26069 No 57 Shone Avenue, Horsley.
- 3 Authority be granted to affix the Common Seal of Council to the easement creation documents and any other documentation required to give effect to this resolution.

ITEM 16 - PROPOSED COMPULSORY ACQUISITION OF PORTION OF LOT 2 DP 1061983 CORDEAUX ROAD, MOUNT KEMBLA FOR SHARED PATH WORKS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION –

- 1 Pursuant to Section 177 of the Roads Act 1993, Council make application to the Minister for Local Government and the Governor for the compulsory acquisition of that portion of Lot 2 DP 1061983 Cordeaux Road, Mount Kembla, as shown on the attachment to the report.
- 2 Council authorise payment to BHP Billiton of the amount of \$1.00 (GST exc) in compensation if demanded, as agreed between the parties for the acquisition of the subject portion of land.
- 3 Council be responsible for all costs in the matter including survey, plan lodgement and legal costs and the relocation of fencing to the new boundary.
- 4 Upon the acquisition of the subject portion of Lot 2 DP 1061983 being finalised, the land be dedicated as public road under Section 10 of the Roads Act 1993.

Minute No.

- 5 Authority be granted to affix the Common Seal of Council to the compulsory acquisition documents and any other documentation required to give effect to this resolution.

ITEM 17 - TENDER T14/10 DEMOLITION AND ALTERATIONS TO THE BULLI RURAL FIRE SERVICE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION –

- 1 a In accordance with the Local Government (General) Regulation 2005, Clause 178(1) (b), Council decline to accept any of the tenders which Council has received for Demolition and Alterations to the Bulli Rural Fire Service and resolve to enter into negotiations with one of the tenderers or any other party with a view to entering into a contract in relation to the subject matter of the tender.
 - b In accordance with the Local Government (General) Regulation 2005, Clause 178(4), the reason for Council hereby resolving to enter into negotiations with one or all of the tenderers or any other party and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with one of those parties who demonstrate a capacity and ability to undertake the works.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.

ITEM 18 - TENDER T14/20 - WOLLONGONG CITY COUNCIL CENTRAL DEPOT WORKSHOP REROOFING PROJECT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178(1) (a), Council accept the tender of C & M Constructions Pty Ltd for Wollongong City Council Central Depot Workshop Reroofing Project, in the sum of \$431,121.50, 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 CHAIR AND COUNCILLORS

Due to a prior Disclosure of Interest in Item 19, the Lord Mayor vacated the Chair and was not present during the debate and voting on Item 19. At this stage, the time being 10.38 pm, Deputy Lord Mayor, Councillor Connor, assumed the Chair.

Due to a prior Disclosure of Interest in Item 19, Councillor Brown departed the Chambers and was not present during the debate and voting on Item 19.

During the debate and prior to voting on Item 19, Councillor Petty departed and returned to the meeting, the time being from 10.38 pm to 10.40 pm.

ITEM 19 - CORPORATE GOVERNANCE COMMITTEE INDEPENDENT MEMBERSHIP AND APPOINTMENT OF CHAIRPERSON

186 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor Kershaw that –

- 1 Mr Terry Clout be appointed as an independent member of the Corporate Governance Committee for a three year period, expiring October 2017.
- 2 Ms Kylie McRae be appointed Chairperson of the Corporate Governance Committee.
- 3 Council formally thank and acknowledge the contribution and commitment of Mrs Janelle Bond to the Corporate Governance Committee during the past six years.

RESUMPTION OF CHAIR

At this stage, the time being 10.42 pm, Councillor Connor departed the Chair, and the Lord Mayor resumed the Chair.

ITEM 20 - POLICY REVIEW: COMMUNITY RECOGNITION PROGRAM

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION – The Community Recognition Program Policy be endorsed.

ITEM 21 - POLICY REVIEW: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO LORD MAYOR AND COUNCILLORS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION – The amended Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors Policy be adopted.

Minute No.

ITEM 22 - POLICY REVIEW: LEASES AND LICENCES OF COUNCIL'S LAND, BUILDINGS AND PUBLIC ROADS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION – The draft policy *Leases and Licences of Council's Land, Buildings and Public Roads*, as attached to the report, be adopted.

ITEM 23 - AUGUST 2014 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION –

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

ITEM 24 - STATEMENT OF INVESTMENTS - AUGUST 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION – Council receive the Statement of Investments for August 2014.

ITEM 25 - RESCHEDULING OF DECEMBER COUNCIL MEETING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

COUNCIL'S RESOLUTION – The Council meeting scheduled for 8 December 2014 be rescheduled to 15 December 2014 and an additional Councillor Briefing be held on 8 December 2014.

ITEM 26 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 17 SEPTEMBER 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 176).

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 17 September 2014 in relation to Regulation of Traffic be adopted.

NOTICE OF RESCISSION – COUNCILLORS BROWN CONNOR AND KERSHAW - ITEM 5 OF 13 OCTOBER 2014 - FIT FOR THE FUTURE - NSW LOCAL GOVERNMENT REFORMS

The Lord Mayor advised that he had received the following Notice of Rescission from Councillors Brown, Connor and Kershaw –

“We the undersigned Councillors hereby give notice that we wish to move rescission of Council’s resolution of 13 October 2014, Minute Number 182, relating to Item 5 of Council General Business ‘Fit for the Future – NSW Local Government Reforms”.

Council’s decision in this matter, is as follows -

- 1 Council receive and note the information on the NSW Government’s Fit for the Future program, particularly the self-assessment process and the development of a ‘roadmap’.
- 2 Council’s participation in the NSW Government’s pilot program for Joint Organisations be endorsed, in collaboration with Shellharbour, Kiama and Shoalhaven Councils.

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Takacs that the Notice of Rescission be dealt with at this meeting. MOTION CARRIED.

187 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Brown seconded Councillor Kershaw that Item 5 of Council General Business of 13 October 2014, Minute Number 182, be rescinded.

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

Minute No.

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

- 1 Council receive and note the information on the NSW Government's Fit for the Future program, particularly the self-assessment process and the development of a 'roadmap'.
- 2 Council's participation in the NSW Government's pilot Joint Organisation program be endorsed for Wollongong, Kiama, Shellharbour and Shoalhaven Councils with our expression of interest to the Office of Local Government include that our participation reaffirms our support for the composition of the governing body reflecting some measure of proportionality and that any powers of the Joint Organisation be those freely delegated or withdrawn by member Councils.

THE MEETING CONCLUDED AT 10.50 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 27 October 2014.

Chairperson