



## MINUTES

## ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 19 February 2018

### Present

Lord Mayor – Councillor Bradbery AM (in the Chair), Councillors Blakey, D Brown, T Brown, Colacino, Cox, Dorahy, Figliomeni, Kershaw, Rimmer and Walters

### In Attendance

General Manager – D Farmer, Director Infrastructure and Works, Connectivity Assets and Liveable City – G Doyle, Director Planning and Environment, Future City and Neighbourhoods – A Carfield, Director Corporate Services, Connected and Engaged City – R Campbell, Director Community Services, Creative and Innovative City – R Elrington, Manager Governance and Information (Acting) – C Phelan, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning (Acting) – D Green, Manager City Works and Services – M Roebuck, Manager Project Delivery – G Whittaker, Manager Infrastructure Strategy and Planning – M Dowd and Manager Community Cultural and Economic Development – K Hunt

### Apologies

Min No.

- 15** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that the apology tendered on behalf of Councillors Connor and King be accepted and leave of absence granted.

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## **PETITION - EXTENSION OF SWIMMING SEASON - WESTERN SUBURBS POOL**

The Lord Mayor tabled a petition signed by 154 persons calling on Council to extend the duration of the swimming season at Western Suburbs Pool, Unanderra. Quoting from the petition, the Lord Mayor advised that Council had recently refurbished the pool plant room, swimming club room and renewed the solar heating system and reports from pool staff indicate that the new solar system is working extremely effectively. It was believed that the pool can sustain water of a suitable temperature for swimming beyond the usual season length. Petitioners request that Council extend the swimming season length at Western Suburbs Pool through to the end of May 2018, with the 2018-2019 season to commence at the beginning of September 2018. Whilst petitioners would like to see this extension become permanent, they understand that initially it may be done as a trial.

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 30 JANUARY 2018**

- 16** **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor D Brown seconded Councillor T Brown that the Minutes of the Ordinary Meeting of Council held on Tuesday, 30 January 2018 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **PUBLIC ACCESS FORUM - SANDON POINT ABORIGINAL TENT EMBASSY - REMOVAL OF UNAUTHORISED STRUCTURE**

Following the conclusion of Ms Robinson's five minute address, a PROCEDURAL MOTION was MOVED by Councillor Blakey seconded Councillor Cox that Ms Robinson be allowed an additional two minutes to address the meeting. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

Ms S Robinson on behalf of the Sandon Point Aboriginal Tent Embassy (SPATE) said that given the lack of clarity, as well as the extent to which due and proper internal consultation has been carried out with Aboriginal communities and the uncertainty about which structures will be removed, she asked that the matter be deferred until Council receives clearer evidence from the Illawarra Local Aboriginal Land Council and Joint Management Committee that broad and inclusive consultation with the Aboriginal community members has been carried out to better gauge community opinion about the removal of structures at the Tent Embassy.

Ms Robinson also offered an alternative solution which was for Council to carry out further work with the Joint Management Committee to develop a more specific and clear plan for the treatment of structures at the Tent Embassy. The plan should set out what structures are to be removed, those to be retained and how any removal will be achieved. The plan should also outline how the housing, health and welfare needs of the current occupant will be addressed.

Mr J Kennedy, also on behalf of SPATE, advised that the third most significant find was at Sandon Point, dating back 5,000 to 6,000 years. The structures on that site exist not only as a resistance to the development in the area, but they have brought the Illawarra together and mark the significance of the site. His main concerns related to appropriate consultation and whether due process had been followed. Mr Kennedy said that members of the Land Council were not engaged in the decision-making process, nor was the Board.

Mr Kennedy tabled the resolution passed by the Joint Management Committee in relation to the removal of the unauthorised structures which he said did not reflect what is in the business paper report. In terms of unauthorised structures, Mr Kennedy said that the pod structures which he, his father and other family members built are not unauthorised and he asked for confirmation of what is considered to be unauthorised structures. Council was approached for assistance and its response is to tear down the only thing that gives the Aboriginal people representation in this entire nation. In conclusion, Mr Kennedy asked for further consultation in the interests of the entire community; black, white or brindle.

- 17 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that the speakers be thanked for their presentation and invited to table their notes.

### CALL OF THE AGENDA

- 18 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor D Brown seconded Councillor Figliomeni that the staff recommendations for Items 3, and 5 to 15 inclusive, be adopted as a block.

### ITEM 1 - SANDON POINT ABORIGINAL TENT EMBASSY - REMOVAL OF UNAUTHORISED STRUCTURES

- 19 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that -
- 1 Council reaffirm its acknowledgement of the cultural significance of the Sandon Point – McCauley's Beach Aboriginal Place.
  - 2 Council acknowledge the resolution of the majority of the Sandon Point Aboriginal Place Joint Management Agreement Partner organisations, for Council to assist with the removal of some structures at the McCauley's Beach Site.
  - 3 In accordance with the request, the General Manager be delegated authority to utilise Council resources to assist with the removal of structures constructed after 31 December 2016 and the removal of any other structures following consultation, clarification and agreement with the Sandon Point Aboriginal Place Joint Management Agreement Partner organisations.
  - 4 Any works by Council be done in consultation with representatives of the Sandon Point Aboriginal Place Joint Management Agreement Partner organisations, the Office of Environment and Heritage (OEH), and NSW Police.
  - 5 The following organisations / persons be advised of Council's resolution:
    - Illawarra Local Aboriginal Land Council (ILALC)
    - Sandon Point Aboriginal Tent Embassy (SPATE)
    - Korewal Elouera Jerrungarah Tribal Elders Aboriginal Corporation (KEJ)
    - Wadi Wadi Coomaditchi Aboriginal Corporation
    - Wodi Wodi Elders Council
    - Northern Illawarra Residents Action Group (NIRAG)
    - Sandon Point Surf Club
    - Sandon Point Residents Association
    - Sandon Point Aboriginal Place (SPAP)
    - The Member for Keira
    - The Member for Cunningham

- 6 Council continue to keep the area clear of any structures which do not have the approval of Council and the Sandon Point Aboriginal Place Joint Management Agreement Partner organisations.
- 7 Signage be placed on or adjoining the site, in consultation with the Sandon Point Aboriginal Place Joint Management Agreement Partner organisations, which clearly states why Council is undertaking this action.

*Variations* The variation moved by Councillor Cox to delete the words 'The structures be removed' and replace them with 'Any works by Council be done' in Part 4 was accepted by the mover.

The following variations were accepted by the mover and seconder –

- Councillor Bradbery – the addition of 'Member for Cunningham' in Point 5, and, a new Point 3; and,
- Councillor Colacino – the addition of Point 7.

## **ITEM 2 - ADOPTION AND GAZETTAL OF THE WOLLONGONG COASTAL ZONE MANAGEMENT PLAN**

**20 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor D Brown that -

- 1 The certified final draft of the Wollongong Coastal Zone Management Plan be adopted (Attachments 1 to 3 of the report).
- 2 The draft Council Notice for the NSW Gazette, advising adoption and gazettal of the Wollongong Coastal Zone Management Plan be endorsed (Attachment 4 of the report).
- 3 The Council Notice and the Wollongong Coastal Zone Management Plan be published in the NSW Gazette.
- 4 A community briefing on the implications arising from Council adopting and gazetting the Wollongong Coastal Zone Management Plan be held after the gazettal.

## **ITEM 3 - DRAFT AGEING PLAN 2018 - 2022**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

**COUNCIL'S RESOLUTION** -

- 1 Council endorse the Draft Ageing Plan 2018 – 2022.
- 2 Council note the draft Ageing Plan 2018 - 2022 - Implementation Plan (Attachment 2 of the report).
- 3 Council note the Summary of Submissions (Attachment 3 of the report).

## **ITEM 4 - CONNECTING NEIGHBOURS GRANTS (PILOT)**

**21 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that Council support the commencement of the Connecting Neighbours Grants pilot in February 2018.

#### **ITEM 5 - DRAFT COMBINED NEIGHBOURHOOD PLAN FOR HAYES LANE, IREDELL ROAD AND WOLLONGONG COAL SITES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

##### **COUNCIL'S RESOLUTION** –

- 1 A draft Neighbourhood Plan for Hayes Lane, Iredell Road and the southern part of the Shone Avenue South West (Wollongong Coal) precincts be progressed to public exhibition for a minimum period of 28 days (Attachment 4 of the report).
- 2 Consultation with relevant State Government agencies occur as part of the exhibition period.

#### **ITEM 6 - PROPOSED RENAMING OF PART OF ROBSONS ROAD, KEIRAVILLE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

**COUNCIL'S RESOLUTION** – Council take action under Section 162 of the Roads Act 1993 to rename the northern part of Robsons Road in Keiraville as “O’Leary Road”.

#### **ITEM 7 - PROPOSED NAMING OF LANE 34 LOCATED OFF RAWSON STREET, COLEDALE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

**COUNCIL'S RESOLUTION** – Council take action under Section 162 of the Roads Act 1993 to name Lane 34 located off Rawson Street in Coledale as “Carrick Lane”.

#### **ITEM 8 - LEASE OF UNIT 2, KEMBLA TERRACES, 74 KEMBLA STREET, WOLLONGONG**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

##### **COUNCIL'S RESOLUTION** –

- 1 Council authorise a lease of the vacant premises known as Unit 2, Kembla Terraces, 74 Kembla Street, Wollongong to Not Insolvent Pty Ltd for a period of five years with an option to renew for a further five years, subject to the terms and conditions outlined in the report.
- 2 Authority is granted to affix the Common Seal of Council to the lease documents and any other documents required to give effect to this resolution.

**ITEM 9 - PROPOSED GRANT OF EASEMENT TO DRAIN WATER OVER LOT B DP 35975 AND LOT 29 DP 219749 HUTTON AVENUE, BULLI - HUTTON AVENUE PARK**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

**COUNCIL'S RESOLUTION** –

- 1 Council approve the grant of an Easement to Drain Water 1m wide over Lot B DP 35975 and Lot 29 DP 219749 Hutton Avenue, Bulli – Hutton Avenue Park in favour of Lot 125 DP 35975 No 11 Westmacott Parade, Bulli, as shown hatched on the attachment to the report.
- 2 Council accept payment in the amount of \$13,500 (GST free) from the owners of Lot 125 DP 35975 No 11 Westmacott Parade, Bulli as compensation for the grant of the easement.
- 3 The applicants be responsible for all costs associated with this matter.
- 4 Approval be granted to affix the Common Seal of Council to the survey plan, administration sheet, Section 88B Instrument and the General Manager be delegated to execute any other documentation required to give effect to this resolution.

**ITEM 10 - PERFORMANCE REVIEW COMMITTEE - REVIEW OF CHARTER**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

**COUNCIL'S RESOLUTION** –

- 1 Council note the report.
- 2 The revised Performance Review Committee Charter be adopted.

**ITEM 11 - TENDER T17/30 - ROAD AND FOOTPATH VIDEO AND CONDITION ASSESSMENT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

**COUNCIL'S RESOLUTION** –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the following tenders:
  - a Infrastructure Management Group Pty Ltd for the video and condition assessment of the road network, as per the tender, on a Schedule of Rates basis for a total cost (based on estimated quantities) of \$160,125.00 excluding GST.
  - b Pavement Management Services Pty Ltd for the video and condition assessment of the footpath and shared pathway network, as per the tender, on a Schedule of Rates basis for a total cost (based on estimated quantities) of \$76,690.00 excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contracts and any other documentation required to give effect to this determination, including use of the Common Seal of Council on the contracts and any other documentation, should it be required.

## **ITEM 12 - EXERCISE OF DELEGATIONS BY THE GENERAL MANAGER OVER THE CHRISTMAS/NEW YEAR PERIOD - TENDERS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

**COUNCIL'S RESOLUTION** – Council note the exercise of delegations by the General Manager and Lord Mayor or Deputy Lord Mayor over the Christmas/New Year period.

## **ITEM 13 - DRAFT QUARTERLY REVIEW STATEMENT DECEMBER 2017**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

### **COUNCIL'S RESOLUTION** -

- 1 The draft Quarterly Review Statement December 2017 be adopted.
- 2 The Budget Review Statement as at December 2017 be adopted and revised totals of income and expenditure be approved and voted.

## **ITEM 14 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 17 JANUARY 2018**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

**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 January 2018 in relation to the Regulation of Traffic be adopted.

## **ITEM 15 - BI-MONTHLY RETURNS OF DISCLOSURES OF INTERESTS AND OTHER MATTERS - FEBRUARY 2018**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 18).

**COUNCIL'S RESOLUTION** – Council note the tabling of the Returns of Disclosures of Interest as required by Section 450A of the Local Government Act 1993.

## **THE MEETING CONCLUDED AT 7.28 PM**

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 12 March 2018.

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Chairperson