



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 28 May 2018

Present

Lord Mayor – Councillor Bradbery AM (in the Chair), Councillors Blakey, D Brown, T Brown, Colacino, Connor, Cox, Dorahy, Figliomeni, Kershaw, King, Rimmer (until 8.58 pm) 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 Community Cultural and Economic Development – K Hunt, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning (Acting) – W Peterson, Manager City Works and Services – M Roebuck, Manager Project Delivery – G Whittaker, Manager Infrastructure Strategy and Planning – M Dowd and General Counsel – J Reilly

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CLOSED SESSION

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Reason for Confidentiality

This report was considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

DISCLOSURE OF INTERESTS

Councillor Rimmer declared a non-pecuniary perceived conflict of interest in Item C1 as she has family who have an interest in land near the road network which is being discussed. Councillor Rimmer advised she will depart the Chamber during debate and voting on the matter.

Councillor T Brown declared a non-pecuniary perceived conflict of interest in Item 5 as she is employed by the University of Wollongong. Councillor Brown advised she will depart the Chamber during debate and voting on the matter.

Councillor Figliomeni declared a non-pecuniary conflict of interest in Item 2 as he resides in Gallipoli Street and this matter includes rezoning of Gallipoli Park. Councillor Figliomeni advised he will depart the Chamber during debate and voting on the matter.

The Lord Mayor declared a significant non-pecuniary conflict of interest in Item B as he is a Minister of Religion and deals with the local funeral business owners and managers, and has a close relationship and regular contact with them. The Lord Mayor advised he will depart the Chamber during debate and voting on the matter.

Councillor Kershaw declared a non-pecuniary, non-significant conflict of interest in Item 15 as her husband is the President of Bellambi Surf Lifesaving Club and her family are members of the Club. Councillor Kershaw advised she will remain in the Chamber if the matter is discussed.

Councillor Connor declared a non-pecuniary, non-significant conflict of interest in Item C as he is employed by the Department of Education.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 7 MAY 2018

- 57 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the Minutes of the Ordinary Meeting of Council held on Monday, 7 May 2018 (a copy having been circulated to Councillors) be taken as read and confirmed.

DEPARTURE OF COUNCILLOR

During the Public Address by Ms Bailey and Ms J Briscoe-Hough, Councillor Connor departed and returned to the meeting, the time being from 6.07 pm to 6.13 pm.

PUBLIC ACCESS FORUM – ITEM B - PUBLIC CREMATORIUM

Ms J Baily supported the motion to put out to public tender the operation of the crematorium. She had buried two loved ones in the last 20 years and both times the fees were staggering, and that is for a family of seven adult children who can pitch in to cover the costs. Ms Bailey recently trained to offer funeral services because she felt strongly that people need meaningful and low-cost options and death needs to be returned to the community rather than the funeral industry. In NSW 80% of the industry is owned by InvoCare and in Wollongong, once the Council closes its crematorium there will be a duopoly in the delivery of crematoria services.

The study by Sydney Business School finds that the costs of funerals in NSW are higher than elsewhere because of the industry dominance of InvoCare. In conclusion, Ms Bailey said that it was important for people to access funeral services close to home. The whole rite and ritual of farewelling a loved one should not be mass produced or industrialised so people have to travel 30 kms to cremate or bury their loved one. The families she has worked with so far could not afford this and therefore would not have the same send-off. This leads to a poor bereavement.

Ms J Briscoe-Hough supported the Notice of Motion and advised that Tender Funerals had been recently established due to the high cost of funerals. There are a lot of people who are disadvantaged and are unable to afford funerals and Tender Funerals was one way of addressing this need. She said that the last time there were 'whispers' that the Crematorium was to close, there was a huge outcry. She felt that the cremator could be developed into a viable business model and that a social enterprise model would provide a community service and also keep other providers in check.

Ms Briscoe-Hough said that should the Cremator close, then there is the possibility that the community would need to travel to Nowra or Sydney. In conclusion, she requested Councillors to consider what is right for the community.

PUBLIC ACCESS FORUM – ITEM 1 PORT KEMBLA 2505 REVITALISATION PLAN AND ITEM 2 PLANNING PROPOSAL FORMER PORT KEMBLA PUBLIC SCHOOL SITE

Ms A Martin, Chairperson of Our Community Project supported the Revitalisation Plan and acknowledged the enormous and rich history of the community, as well as the culture and social activity in and around Port Kembla. She referred to the opportunity for a range of housing types for Wentworth Street, Port Kembla, which includes the community centre at the top of Wentworth Street. She advised that her group was more than happy to enter into discussions with Council around that particular site for affordable housing; one which focuses on old people and particularly old women who are increasingly becoming homeless. She advised that her group has access to funding as a community organisation and there is opportunity to work in partnership with Council. Port Kembla has a good community culture and Ms Martin asked Council not to constrain the potential for development in Wentworth Street.

In terms of the planning proposal for the former Port Kembla Public School site, Ms Martin was supportive of the draft Planning Proposal. She felt that it was important to get good quality residential on that site, along with good housing choices.

PUBLIC ACCESS FORUM – ITEM 2 DRAFT PLANNING PROPOSAL – FORMER PORT KEMBLA PUBLIC SCHOOL SITE

Mr L Rollinson on behalf of Martin, Morris and Jones (MMJ) advised that MMJ was the proponent on behalf of the current owners of the site. In the main, the report including the recommendation was supported and will lead to progressing the proposal to the consultation phase for the rezoning. He acknowledged the design detail requirements and agreed with Council that it should be a more collaborative process and therefore welcomed that opportunity moving forward.

In conclusion, Mr Rollinson said that the site was a large, under-utilised property and has great potential to support a range of housing products which will help contribute to the viability of the Port Kembla Town Centre.

DEPARTURE OF COUNCILLOR

During the address by Mr M Chiodo, Councillor Walters departed and returned to the meeting, the time being from 6.42 pm to 6.45 pm.

PUBLIC ACCESS FORUM – ITEM 5 VOLUNTARY PLANNING AGREEMENT WITH UNIVERSITY OF WOLLONGONG

Mr M Chiodo on behalf of the University of Wollongong Juniors Football Club supported the report's recommendation and said that the proposed upgrades to Kooloobong Oval will have great benefits for the community. Football/soccer is the fastest growing sport in the region with over 9,000 junior players. Wollongong's demographic is growing and changing with many young families moving into apartment and townhouse-style living and the Club is providing these new families with access to organised sporting recreation and therefore assisting them to become part of the greater Wollongong community.

The proposed upgraded facilities at Kooloobong Oval will provide junior football with the opportunity to participate and experience their sport on improved facilities and build a pathway not only to progressing their football excellence but also as a pathway into future studies at the University of Wollongong.

Mr B Baird on behalf of the Friends of the Wollongong Botanic Garden asked Council to reject the report's recommendation due to the number of serious concerns about both the original and the revised VPA particularly in respect of the State Heritage listed land of Kooloobong Oval. These concerns are clearly set out in the Group's written submission and he requested that those submissions presented in opposition to the VPA relating to Kooloobong Oval be allowed to apply to the second public exhibition period, if that is the resolution of Council, and groups not be required to resubmit submissions.

The Friends of the Wollongong Botanic Garden contend that the University's VPA process and the recommendation to the submission run counter to Council's own policies of community engagement and environmental sustainability. He requested that an Independent Hearing and Assessment Panel review the VPA for possible breach of the Deed of Gift. There remains a number of hidden aspects and risks associated with the VPA and he requested that the UOW resubmit a further revised VPA without the proposal to upgrade Kooloobong Ovals. The effect of a 20 year lease agreement and alienation from the garden with an entirely different use is to provide a "virtual ownership" of the land by the University – a "possession is 9/10^{ths} of the law" situation. In conclusion, Mr Baird put the question, Who will remember in 20 or more years that the land under Kooloobong Oval is community land, part of the Botanic Garden and gifted for that purpose?

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

CALL OF THE AGENDA

- 59** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that the staff recommendations for Items A, C, 3 and 6 to 20 inclusive, be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Colacino that Item B be considered after the numbered agenda Items, prior to Closed Session. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

ITEM D – LORD MAYORAL MINUTE – APPOINTMENTS TO THE ILLAWARRA SHOALHAVEN JOINT ORGANISATION

60 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -

- 1 Wollongong City Council:
 - a Endorse the continuation of Councillor David Brown's appointment as a voting representative on the Illawarra Shoalhaven Joint Organisation (ISJO) Board.
 - b Elect an alternate Councillor delegate to represent Council on the ISJO Board, as required.
- 2 The election of the alternate Councillor delegate be undertaken by open means, on a show of hands.
- 3 The appointments be for the term of Council to ensure consistent representation.

In relation to Point 2 of Council's resolution the Lord Mayor conducted the election for the alternate Councillor delegate. Nominations were received for Councillors T Brown and Walters.

On a show of hands Councillor T Brown was duly elected as the alternate Councillor delegate.

ITEM A - NOTICE OF MOTION - COUNCILLOR COLACINO - IMPROVED ROAD SAFETY MEASURES FOR VULNERABLE ROAD USERS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION -

- 1 Council investigate improved road safety measures for vulnerable road users, who are limited to using the road pavement for pedestrian movements in the Wollongong Local Government Area.
- 2 The investigation also look at possible traffic calming measures including shared roadway zones, as well as the legalities of a possible reduction of the speed limit where a formal pedestrian off road area cannot be clearly delineated.
- 3 The staff response be made available by 20 August 2018 and be in the form of a Councillor Briefing or Information Note.

ITEM B - NOTICE OF MOTION - COUNCILLOR COX - PUBLIC CREMATORIUM

This item was considered prior to the Closed Session Item C1.

ITEM C - NOTICE OF MOTION - COUNCILLOR FIGLIOMENI - WEST DAPTO DEVELOPMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION - The Lord Mayor write to the –

- 1 Minister for Health to seek information from the NSW Government if there are plans for the provision of health facilities for the West Dapto growth area and if so, the timeframe for provision.
- 2 Minister for Education to seek details from the NSW Government on the provision and timing of primary and high schools in the West Dapto growth areas.

ITEM 1 - PORT KEMBLA 2505 REVITALISATION PLAN - POST EXHIBITION

61 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor King seconded Councillor Connor that -

- 1 The Port Kembla 2505 Revitalisation Plan 2018 – 2043 be adopted.
- 2 The Port Kembla Implementation Plan 2018 be noted and be used to inform future projects in Port Kembla.
- 3 Further consideration be given to the appropriate priority for the Implementation items relating to signage, footpath café authorisation, shared pathways and car parking.
- 4 The next Budget consider these items for implementation.

Variation The variation moved by Councillor Blakey (the addition of the words 'shared pathways' to Point 3) was accepted by the mover and seconder.

DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest Councillor Figliomeni departed the meeting and was not present during debate and voting on Item 2.

ITEM 2 - DRAFT PLANNING PROPOSAL: FORMER PORT KEMBLA PUBLIC SCHOOL SITE LOT 1 DP 811699 MILITARY ROAD, PORT KEMBLA

62 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor King seconded Councillor D Brown that -

- 1 A draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 for Lot 1 DP811699 Military Road, Port Kembla (the former Port Kembla Public School site) to enable medium density residential development, including:
 - a Rezone Lot 1 DP811699 Military Road, Port Kembla from B4 Mixed Use to R3 Medium Density Residential and possibly part RE2 Private Recreation;
 - b The potential Floor Space Ratio, Height of Buildings and Minimum Lot Size controls to be determined by the Urban Design Review process and reported to Council prior to exhibition;
 - c Amend the Heritage Schedule to refer to the site as "Site of former Port Kembla Public School";
 - d Amend the Key Site Map to identify the site as a Key Site under Clause 7.18 Design Excellence; and
 - e Agreement to provide at least 5% Affordable Rental Housing within the development including details of the proposed management arrangements of the dwellings and the proposed housing needs sector to be targeted.
- 2 The draft Planning Proposal also rezone Gallipoli Park (Lot 301 DP878127), Marne Street/Gallipoli Street, Port Kembla from R2 Low Density Residential to RE1 Public Recreation, and remove the floor space ratio provision associated with the site.
- 3 The draft Planning Proposal be referred to the NSW Department of Planning and Environment for a conditional Gateway determination and the following additional information be requested to be prepared:
 - a The proposed future built form of the site be guided by an Urban Design Review process involving the site owner and consultants, a representative of Council's

- Design Review Panel, NSW Ports, the NSW Department of Planning and Environment and a representative of the Port Kembla Chamber of Commerce.
- b The Urban Design Review process is to be reported to Council to enable the built form controls to be incorporated into the draft Planning Proposal.
- 4 Should a Gateway determination be issued, consultation be undertaken with the following agencies and stakeholders during public exhibition:
- a EPA;
 - b NSW Office of Environment and Heritage;
 - c NSW Heritage Council;
 - d Endeavour Energy;
 - e Transport for NSW – Roads and Maritime Services;
 - f Sydney Water;
 - g Illawarra Local Aboriginal Land Council; and
 - h NSW Ports.
- 5 A site specific DCP Chapter be prepared by the proponent in accordance with the “Key Site’s” Map designation based on the Urban Design Review process and submitted prior to the finalisation of the draft Planning Proposal. The DCP Chapter should also include:
- a Consideration that future potential port intensification may result in increased port noise impacting the proposed development, site specific noise amelioration controls and design measures are to be identified and incorporated within the residential design of the Plan. As a conservative measure, a minimum acoustic glazing requirement (Rw32 and Rw35) for all north facing dwellings is recommended. Furthermore, engineering and design solutions addressing dwelling design and layout are to identify and address activities that are carried out in open air and the noise sources which are not able to be eliminated or easily mitigated. The design solutions are to improve quality of life within the residential development by minimising potential noise impacts.
 - b A Heritage Interpretation Management Strategy which is to comprise of the following and will inform the design guidelines of the site:
 - i Key views and site lines into and out of the site;
 - ii Historic built form locations and building sitings, access points etc;
 - iii Social History of the site and the significance of past debates over conflicts with adjacent industrial development and the school and school activism in this space which eventually led to the relocation of the school;
 - iv The role of the school in providing education to the local Aboriginal community;
 - v Appropriate means for providing on site interpretation and recognition of historic significance of the site; and
 - vi Consideration of any special Aboriginal Cultural Significance, and/or archaeological significance attached to the site.
- 6 The draft Planning Proposal be exhibited for a minimum period of 28 days.
- 7 The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise Plan making delegations, in accordance with Council’s resolution of 26 November 2012.

ITEM 3 - BEATON PARK, GWYNNEVILLE - DRAFT PLAN OF MANAGEMENT AND PLANNING PROPOSAL - POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION -

- 1 The Beaton Park Plan of Management (Attachment 8 to the report) be adopted in accordance with section 40 of the Local Government Act 1993.
- 2 The draft Planning Proposal to add "medical centre" and "community health facilities" for Lots 113 DP 788462, 104 DP 594259, 401 DP 1128781 and "registered club" for Lot 113 DP 788462 as permissible uses in the RE1 Public Recreation zone for the Beaton Park site through a Schedule 1 amendment be finalised.
- 3 The final Planning Proposal be referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal, noting that the General Manager will thereafter proceed to exercise his delegation issued by the NSW Department of Planning and Environment under section 3.36 of the Environmental Planning and Assessment Act 1979 in relation to the final Planning Proposal.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 4, Councillor Rimmer departed and returned to the meeting, the time being from 7.31 pm to 7.33 pm.

ITEM 4 - DRAFT PLANNING PROPOSAL AND DRAFT DCP CHAPTER AMENDMENTS FOR YALLAH-MARSHALL MOUNT

63 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor King that -

- 1 A draft Planning Proposal for the Yallah-Marshall Mount precinct be submitted to the NSW Department of Planning and Environment to seek a Gateway determination to:
 - a update the Land Reservation Acquisition Maps to reflect the updated road reservation requirements for Marshall Mount Road, Yallah Road, Road 8 and the Bypass Road, and make consequential changes to E2 Environmental Conservation zoned areas to E3 Environmental Management where a road is proposed;
 - b amend the Minimum Lot Size maps for R2 Low Density Residential land within 30 metres of Road No 8 to have a minimum lot size of 300 m²; and
 - c rezone the right of way within Lot 5 DP 24143 from E2 Environmental Conservation to E3 Environmental Management to enable access to Lot 1 DP 372848.
- 2 Following a Gateway determination, the draft Planning Proposal be exhibited for a minimum of 28 days.
- 3 The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise Plan Making delegations, in accordance with Council's resolution of 26 November 2012.
- 4 Draft amendments to Chapter D16 – West Dapto Urban Release Area of Wollongong Development Control Plan 2009 to add the generic controls for the Yallah-Marshall Mount Precinct be exhibited for a minimum period of 28 days.

DEPARTURE OF COUNCILLORS

Due to a prior disclosure of interest Councillor T Brown departed the meeting and was not present during debate or voting on Item 5.

During debate and prior to voting on Item 5 the following Councillors departed and returned to the meeting:

- Councillor Walters from 7.55 pm to 7.57 pm;
- Councillor Cox from 8.15 pm to 8.16 pm;
- Councillor Colacino from 8.18 pm to 8.20 pm.

ITEM 5 - PROPOSED VOLUNTARY PLANNING AGREEMENT WITH UNIVERSITY OF WOLLONGONG

64 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor D Brown seconded Councillor King that –

- 1 a The revised draft Planning Agreement between University of Wollongong and Council for the carrying out of public domain works be exhibited for community comment for a minimum period of 28 days.
 - b The staff responses to the initial community consultation be circulated to Councillors, together with the Deed of Gift and Council's ownership of the Botanic Garden, and the implications on the Heritage listing, for comment before the second round of consultation progresses.
 - c The community responses to the first round of consultation be included with those received from the second round of consultation.
- 2 This matter return to Council for consideration following exhibition.

Variation The following variations to Point 1b above were accepted by the mover and seconder:

- Councillor Colacino (the addition of the words 'together with the Deed of Gift and Council's ownership of the Botanic Garden');
- Councillor Blakey (the addition of the words 'and the implications on the Heritage listing').

In favour Councillors Kershaw, Rimmer, D Brown, King, Connor, Colacino, Walters, Dorahy, Figliomeni and Bradbery

Against Councillors Cox and Blakey

ITEM 6 - CONNECTING NEIGHBOURS GRANTS (PILOT) - 2017 - 2018 RECIPIENTS REPORT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION - Council approve the successful recipients for Connecting Neighbours Grants (Pilot) from the 2017/18 financial year budget.

ITEM 7 - ORGANISATIONAL STRUCTURE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION - In accordance with Section 332 of the Local Government Act 1993, Council endorse the senior staff structure as outlined in Attachment 1 to the report.

ITEM 8 - POLICY REVIEW: PLANNING AGREEMENTS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION - The updated Planning Agreements Policy (Attachment 1 to the report) be adopted by Council.

ITEM 9 - POLICY REVIEW - APPOINTMENT OF COUNCILLOR DELEGATES TO COMMITTEES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION - Council adopt the Appointment of Councillor Delegates to Committees Policy.

ITEM 10 - PROPOSED ROAD CLOSURE OF MINOR PORTION OF RAILWAY CRESCENT AT STANWELL PARK

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION -

- 1 Council close and sell part of the public road known as Railway Crescent, Stanwell Park, which is encroached upon by a retaining wall, to the owner of 64 Lawrence Hargrave Drive.
- 2 The owners of 64 Lawrence Hargrave Drive pay Council \$900 per square metre for the road which equates to \$4,500 with the final purchase price to be dependent upon the registered acquisition survey.
- 3 The applicant to be responsible for all costs associated with the road closure and sale.
- 4 The General Manager be authorised to sign any documentation necessary to give effect to this resolution.
- 5 Authority be granted to the Lord Mayor and General Manager to affix the Common Seal of Council to any necessary documentation to effect this resolution.

ITEM 11 - LEASE OF TOWRADGI SURF LIFE SAVING CLUB AND BOATSHED, PART LOTS 188, 189 AND 190 DP 13182, MARINE PARADE, TOWRADGI TO TOWRADGI SURF LIFE SAVING CLUB INC

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION -

- 1 Council approve a 21 year lease of premises known as Towradgi Surf Life Saving Club Building and Boatshed Building, part Lots 188, 189 and 190 DP 13182, Marine Parade, Towradgi to Towradgi Surf Life Saving Club Inc (as shown in the draft lease – Attachment to the report).
- 2 Council delegate to the General Manager, the authority to finalise and execute the Lease and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of the Lease and any other documentation, should it be required, to give effect to this resolution.

ITEM 12 - PROPOSED TRANSFER OF THREE PARCELS OF LAND FROM ENDEAVOUR ENERGY AND CREATION OF EASEMENTS – BERKELEY, FAIRY MEADOW AND WOLLONGONG

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION -

- 1 Council acquire Lot 906 DP 36770 Kelly Street, Berkeley, Lot B DP 29635 Hopewood Crescent, Fairy Meadow and Lot Y DP 412393 Town Hall Place, Wollongong from Endeavour Energy, as shown hatched on Attachments 1, 2 and 3 to the report, on the following conditions:
 - a Payment by Council of compensation of \$1.00 for each parcel.
 - b The properties be accepted in their current condition.
 - c Each party be responsible for their own legal costs.
- 2 Council authorise the grant of easements as follows:
 - a Easement for Underground Cables 3m Wide over Lot 1 DP 723202 Crown Street and Lot 501 DP 735570 Burelli Street, Wollongong, as shown on Attachment 3 to the report.
 - b Easement for Indoor Substation No 43027 4m x 4.3m with a height of 2.7m and unlimited in depth over Lot 501 DP 735570 Burelli Street, Wollongong, as shown on Attachment 3 to the report.
 - c Easement for Indoor Substation No 43103 6m x 5m with a height of 2.7m and unlimited in depth over Lot 1 DP 1161730 Crown Street, Wollongong, as shown on Attachment 3 to the report.
 - d Easement for Access 5m Wide over Lot 501 DP 735570 Burelli Street, Wollongong, as shown on Attachment 3 to the report.
- 3 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to the transfers, easement creation documents and any other documentation required to give effect to this resolution.

ITEM 13 - PROPOSED ACQUISITION OF LAND AT SCARBOROUGH OWNED BY AUSTRALIAN SECURITIES AND INVESTMENT COMMISSION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION -

- 1 Council authorise the acquisition of Portion 28 Volume 7524 Folio 80 from the Australian Securities and Investment Commission (ASIC) for \$1 (GST free) as shown on the plan attached to the report.
- 2 The General Manager and Lord Mayor be authorised to sign any legal documentation necessary to complete the acquisition.
- 3 Each party be responsible for their own costs in association with the matter.
- 4 Upon the acquisition being finalised, the land be classified as Community Land under the Local Government Act 1993.

ITEM 14 - TENDER T17/32 - LAKE ILLAWARRA ENTRANCE CHANNEL MANAGEMENT OPTIONS DEVELOPMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Water Research Laboratory (WRL) for the development of options for the ongoing management of the Lake Illawarra Entrance channel, in the sum of \$262,675, excluding GST.
- 2 Accept the proposed additional scope for the completion of a sediment tracer study to improve the confidence of the study outcomes, in the sum of \$231,065, excluding GST.
- 3 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.
- 4 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 15 - TENDER T18/11 - LIFEGUARD TOWER CONSTRUCTION AT BELLAMBI SURF LIFE SAVING CLUB

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION -

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept the tender received for the construction of a relocatable lifeguard tower at Bellambi beach and resolve to enter into negotiations with the tenderer 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 clause 178(4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to enter into negotiations with the tenderer 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 tenderer, and, in the event of failure of negotiations with the tenderer, any other party, 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 16 - TENDER T18/13 - WOMBARRA PRE SCHOOL REFURBISHMENT AND RETAINING WALL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

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 Pty Ltd for the refurbishment of Wombarra Pre School and the construction of a new Retaining Wall, in the sum of \$879,090.00, 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 17 - DRAFT QUARTERLY REVIEW STATEMENT MARCH 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION -

- 1 The draft Quarterly Review Statement March 2018 be adopted.
- 2 The Budget Review Statement as at March 2018 be adopted and revised totals of income and expenditure be approved and voted.

ITEM 18 - APRIL 2018 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION -

- 1 The financials be received and noted.
- 2 Council approves the proposed changes to the Capital budget including an overall increase of \$2.4M in the Capital Works Program.

ITEM 19 - STATEMENT OF INVESTMENT - APRIL 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

COUNCIL'S RESOLUTION - Council receive the Statement of Investment for April 2018.

ITEM 20 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 9 MAY AND ELECTRONIC MEETING OF 14 MAY 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 59).

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 9 May and electronic meeting of 14 May 2018 in relation to the Regulation of Traffic be adopted.

DEPARTURE OF LORD MAYOR

Due to a prior disclosure of interest in Item B the Lord Mayor vacated the Chair and departed the meeting, the time being 8.25 pm. At this stage the Deputy Lord Mayor, Councillor D Brown assumed the Chair.

During debate and prior to voting on Item B the following Councillors departed and returned to the meeting:

- Councillor Connor from 8.34 pm to 8.54 pm;
- Councillor Dorahy from 8.43 pm to 8.45 pm.

ITEM B - NOTICE OF MOTION - COUNCILLOR COX - PUBLIC CREMATORIUM

MOVED by Councillor Cox seconded Councillor Blakey that Council –

- 1 Notes the community concern regarding the impending closure of Wollongong's public Crematorium.
- 2 Calls for expressions of interest for organisations to operate the Crematorium as a public service, including contributing funds for repairing or upgrading the existing cremator.

The MOTION on being PUT to the VOTE was LOST.

In favour Councillors Cox and Blakey

Against Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Colacino, Walters, Dorahy and Figliomeni

RETURN OF LORD MAYOR AND RESUMPTION OF CHAIR

Following debate and voting on Item B, the Deputy Lord Mayor vacated the Chair and the Lord Mayor resumed the Chair, the time being 8.55 pm.

CLOSED COUNCIL SESSION

The Lord Mayor called for a motion to close the meeting to consider a report which deals with road network options for West Dapto in accordance with Section 10A (2) (c) of the Local Government Act 1993.

65 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Walters seconded Councillor D Brown that Council move into Closed Session to consider a report which deals with road network options for West Dapto in accordance with Section 10A (2) (c) of the Local Government Act 1993 on the basis that –

- 1 The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 2 On balance, the public interest in preserving the confidentiality of the information supplied outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting.

Prior to putting the above Motion to the vote, the Lord Mayor advised members of the gallery that Item C1 relates to road network options for West Dapto and is classified as Confidential for the following reasons –

- 1 Section 10A 2 (c) of the Local Government Act 1993, permits the meeting to be closed to the public, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

- 2 In accordance with Section 10A (4) of the Local Government Act, the Lord Mayor invited members of the gallery to make representations to the Council meeting as to whether this part of the meeting should be closed.

There being no members present in the gallery, the MOTION was PUT to the VOTE and was CARRIED UNANIMOUSLY.

DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest in Item C1 Councillor Rimmer departed the meeting, the time being 8.58 pm.

At this stage, the time being 8.58 pm, the Meeting moved into Closed Session.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item C1 the following Councillors departed and returned to the meeting:

- Councillor Blakey from 9.03 pm to 9.05 pm;
- Councillor Connor from 9.30 pm to 9.31 pm;
- Councillor King from 9.30 pm to 9.31 pm.

EXTENSION OF MEETING TIME

A PROCEDURAL MOTION was MOVED by Councillor Colacino seconded Councillor Cox that the meeting time be extended to 10.15 pm.

ITEM C1 - WEST DAPTO STRATEGIC REVIEW - ROAD NETWORK OPTIONS

MOVED by Councillor D Brown seconded Councillor Dorahy that -

- 1 Council endorses in principle the preferred Strategic Review Road Network for West Dapto as shown on the draft 2018 West Dapto Structure Plan (Attachment 1 to the report).
- 2 Council endorses in principle the proposed Northern Transport Corridor Option 2 as a major collector sub arterial road with flood access reliability (Attachment 2 to the report).
- 3 a The General Manager be authorised to negotiate strategic acquisition of all land required to deliver the regional road outcome for the West Dapto Release Area, including in particular the Northern Transport Corridor in accordance with Council's preferred option. This will include:
 - i undertaking stakeholder engagement with affected land owners regarding the need to secure the Northern Transport Corridor strategic alignment;
 - ii specific stakeholder engagement with those parties directly affected by the proposed Northern Transport Corridor strategic alignment, being chiefly those persons who have purchased or sought to purchase future residential lots.
- b The General Manager report on the negotiation and stakeholder engagement, progress and that the preferred road network and structure plan be confirmed following a future endorsement of the General Manager's report.
- 4 a Council notes that a further report will be presented to Council seeking support to exhibit an updated draft 2018 West Dapto Vision document.
- b The Council endorsed preferred Northern Transport Corridor option be reflected in the Structure Plan component of the West Dapto Vision document.

- c The subsequent report –
 - i be presented to Council once the targeted engagement outlined in Recommendation 3 has occurred; and,
 - ii provide an update on the outcome of the engagement process.

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

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

In favour Councillors King, Blakey, Walters, Dorahy and Bradbery
Against Councillors Kershaw, D Brown, T Brown, Connor, Cox, Colacino and Figliomeni

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

EXTENSION OF MEETING TIME

A PROCEDURAL MOTION was MOVED by Councillor Kershaw seconded Councillor Figliomeni that the meeting time be extended to 10.30 pm.

An AMENDMENT was MOVED by Councillor Connor seconded Councillor King that:

- 1 Council endorses in principle the preferred Strategic Review Road Network for West Dapto as shown on the draft 2018 West Dapto Structure Plan (Attachment 1 to the report).
- 2 Council request a comparison of the proposed Northern Transport Corridor Options 2 and 2B as major collector sub arterial roads with flood access reliability (Attachment 2 to the report), with a further report to be provided to Council.

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

In favour Councillors King, Connor and Bradbery
Against Councillors Kershaw, D Brown, T Brown, Cox, Blakey, Colacino, Walters, Dorahy and Figliomeni

66 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Figliomeni seconded Councillor Kershaw that -

- 1 Council endorses in principle the preferred Strategic Review Road Network for West Dapto as shown on the draft 2018 West Dapto Structure Plan (Attachment 1 to the report).
- 2 Council endorses in principle the proposed Northern Transport Corridor Option 2B as a major collector sub arterial road with flood access reliability (Attachment 2 to the report).
- 3 a The General Manager be authorised to negotiate strategic acquisition of all land required to deliver the regional road outcome for the West Dapto Release Area, including in particular the Northern Transport Corridor in accordance with Council's preferred option. This will include undertaking stakeholder engagement with affected land owners regarding the need to secure the Northern Transport Corridor strategic alignment.
- b The General Manager report on the negotiation and stakeholder engagement, progress and that the preferred road network and structure plan be confirmed following a future endorsement of the General Manager's report.

- 4 a Council notes that a further report will be presented to Council seeking support to exhibit an updated draft 2018 West Dapto Vision document.
- b The Council endorsed preferred Northern Transport Corridor option be reflected in the Structure Plan component of the West Dapto Vision document.

In favour Councillors Kershaw, D Brown, T Brown, Cox, Blakey, Colacino, Dorahy and Figliomeni

Against Councillors King, Connor, Walters and Bradbery

67 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor Figliomeni that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 10.20 pm.

The Lord Mayor advised the meeting of Council's resolution whilst in Closed Session (refer to Minute Number 66).

THE MEETING CONCLUDED AT 10.23 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 25 June 2018.

Chairperson