



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 19 October 2015

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor (until 9.51 pm), 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 (Acting) – M Dowd, Director Planning and Environment – Future, City and Neighbourhoods – A Carfield, General Counsel – J Reilly, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell, Manager Community Cultural and Economic Development – K Hunt and Manager City Works and Services (Acting) – T Subotic

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DISCLOSURES OF INTERESTS

Councillor Martin declared non-significant, non-pecuniary interests in Items B, 2, 4 and 5 insofar as they relate to Planning Proposals and she works for the Department of Planning and Environment. However, Councillor Martin advised that she does not work on Wollongong-based projects.

Councillor Brown declared a pecuniary interest in Item 19 as a close family member lives in the near vicinity of where the works will be undertaken. Councillor Brown advised that he would be departing the meeting during debate and voting on this matter.

Councillor Colacino declared a non-pecuniary, non-significant interest in Item 6 as he lives within 200 metres of the area being considered. Councillor Colacino also declared an interest in Item 25 as it involves his request for leave of absence. In relation to both Items, Councillor Colacino advised that he would be departing the meeting during debate and voting on the matters.

Councillor Petty declared a significant pecuniary interest in Item 17 as he is employed by a company that trades with one of the tenderers. Councillor Petty also declared a non-significant, non-pecuniary interest in Item 6 as he could have a potential interest as he has been told that Kennett Homes Aged Care has been sold and although there is no indication about who has purchased the facility, the purchaser could possibly be his neighbour. Councillor Petty advised that he would depart the meeting during the debate and voting both Items 6 and 17.

Councillor Blicavs declared an interest in Item 22 as she is a Trustee and Director of Local Government Superannuation. Councillor Blicavs advised that this was not material to the recommendation and she intended to remain at the meeting during debate and voting on the matter.

AWARD FOR EXCELLENCE IN ROAD SAFETY ENGINEERING – MT KEIRA ROAD REMEDIATION WORKS - IPWEA CONFERENCE

The Lord Mayor tabled an Award received for a joint submission from Council, the NSW Public Works and Specialised Geotechnical for the category 'Excellence in Road Safety Engineering' for significant safety improvements in relation to the Mt Keira Road remediation works.

The Lord Mayor recognised the hard work and contributions of the team in achieving this Award and thanked those involved, in particular, Mr P Tobin from Council and Mr M Roebuck, formerly from NSW Public Works.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 14 SEPTEMBER 2015

- 138** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that the Minutes of the Ordinary Meeting of Council held on Monday, 14 September 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

CONFIRMATION OF MINUTES OF CLOSED COUNCIL SESSION HELD ON MONDAY, 14 SEPTEMBER 2015

- 139** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the Minutes of the Closed Council Session held on Monday, 14 September 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM - GREENHOUSE GAS EMISSION REDUCTION TARGET

Dr E Rooksby supported the motion on tonight's business paper to set carbon emission reduction targets for Council operations and for the local government area more broadly. She said that targets, including but not limited to carbon emissions reduction, are a valuable way of quantifying and supporting achievement of goals. Setting a target is part of Council doing its fair share of climate mitigation.

Dr Rooksby said that there were collateral benefits in taking action to meet emission reduction targets, such as reducing Council's operational costs, and an improvement to public health.

Mr S Young advised that Climate Scientists are saying that the planet is warming and human activity is the main cause. This will result in more extreme weather, flooding, and bushfires, all increasing demand on Council services. He felt that Council needed to do more on mitigation to complement its excellent work on adaptation. Setting emission reduction targets is becoming best practice for government agencies to do their fair share of mitigation.

However, possible objections to setting emissions targets are that targets are not needed as Council already has programs for energy efficiency. In this respect, he said that Council already uses targets for high importance areas of its operation such as the annual budget, and indicators in the Community Strategic Plan. Another objection could be that carbon neutral

for whole local government area by 2050 was too ambitious. In this respect, Mr Young stated that many Councils are setting more aggressive targets eg Adelaide and Melbourne are aiming for 2020. Offsets can be used as a backup. Another objection could be that research is needed before setting targets and in this respect, he said that this depends on what further information might emerge. Secondary issues of definitions and detailed scope can be addressed by staff looking at what other councils have done and perhaps making some pragmatic assumptions. In conclusion, Mr Young said that targets are a “best practice” management tool for aspects of operations that really matter. Carbon neutral Wollongong by 2050 is a feasible and a conservative goal. Cities around the world like Copenhagen and Singapore have prospered while reducing their emissions. He urged Councillors to support the motion and be part of the global effort to keep Global Warming to within 2 degrees. Make today a significant moment for the City of Innovation to do its fair share towards keeping this wonderful area safe and beautiful for our grandchildren.

PUBLIC ACCESS FORUM – CREATIVE INDUSTRIES

Mr G Sykes, on behalf of Playscript, advised that he wanted to address the meeting in relation to a collective vision of the arts in this City and, in particular, from the context and with the stimulus of foreshadowed and planned changes to the Steelworks and consequences for employment in the Illawarra. A key focus of the phrase “creative industries” can be found in the word “industries”. He advised that industries generate income and practitioners in creative arts industries seek income from their skilled and productive practices. The arts are industries alongside other sectors of the economy. However, Mr Sykes felt that a second tier of arts practice was missing between community and amateur arts, which are well represented, and at least in performance arts, mainstage or touring performance shows.

In conclusion, Mr Sykes felt that venues were very important for music, dance, theatre, and visual artists and key terms in understanding the needs of venues for creative industries emergence are affordability, access and equity. It is not enough to delegate the use of space at arms’ length. Active policy and governance should be used to ensure any subsidy from public funds will provide for low rental and some income generation by artists. Venues can be the key to unlocking the untapped potential for creative arts in this City.

140 **COUNCIL’S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that all speakers be thanked for their presentation and invited to table their notes.

CALL OF THE AGENDA

- 141** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Takacs that the staff recommendations for Items 2 to 5, 7 to 9, 11 to 16, 18, 20, 21, 23, 24, 26 and 27 inclusive, be adopted as a block.

SUSPENSION OF STANDING ORDERS

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Blicavs that Item 1 be considered as the next Item of Business, under Suspension of Standing Orders.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 1, Councillor Crasnich departed and returned to the meeting, the time being from 6.58 pm to 6.59 pm.

ITEM 1 – ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

MOVED by Councillor Blicavs seconded Councillor Crasnich 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 to the report) be presented to the public at the 9 November 2015 Council meeting.
- 3 Mr Denis Banicevic from PricewaterhouseCoopers be thanked for his presentation.
- 4 A Briefing be held in relation to the use of Restricted Funds for future borrowings. Members of the Audit and Corporate Governance Committees be invited to attend.
- 5 The Briefing look at the ability to borrow, not only from Restricted Funds, but to also look at options for borrowing from areas outside of Council.

Variations The variations moved by Councillor Petty (the addition of Part 4) and Councillor Curran (the addition of Part 5) were accepted by the mover and seconder.

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142 COUNCIL'S RESOLUTION - An AMENDMENT was MOVED by Councillor Dorahy seconded Councillor Kershaw 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 to the report) be presented to the public at the 9 November 2015 Council meeting.
- 3 Mr Denis Banicevic from PricewaterhouseCoopers be thanked for his presentation.

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

In favour Councillors Kershaw, Connor, Brown, Takacs, Dorahy, Colacino and Bradbery

Against Councillors Martin, Merrin, Blicavs, Crasnich, Curran and Petty

Councillor Dorahy's AMENDMENT then BECAME the MOTION.

The MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

Standing Orders were resumed.

DEPARTURE OF COUNCILLORS

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

- Councillor Connor from 7.09 pm to 7.11 pm;
- Councillor Curran from 7.32 pm to 7.33 pm; and,
- Councillor Blicavs from 8.12 pm to 8.13 pm.

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ITEM A – NOTICE OF MOTION – COUNCILLOR MERRIN – GREENHOUSE GAS EMISSION REDUCTION TARGETS

The following PROCEDURAL MOTIONS were MOVED and CARRIED to allow additional time for the following Councillors to address the meeting in relation to Item A –

- Moved by Councillor Martin seconded Councillor Dorahy – an additional three minutes for Councillor Merrin; and
- Moved by Councillor Curran seconded Councillor Merrin – an additional three minutes for Councillor Takacs.

MOVED by Councillor Merrin seconded Councillor Takacs that Council –

- 1 Adopt a target of reducing greenhouse gas emissions from its own operations, including energy purchased and landfill, of CO₂-e by 50% over 2013-14 levels by 2030;
- 2 Adopt an aspirational target of zero net emissions for the whole local government area by 2050 in consultation with our community, business and industrial stakeholders;
- 3 Develop an action plan to achieve these targets;
- 4 Report annually on progress towards achieving these targets; and,
- 5 Annually review these targets, considering the potential to tighten them.

Variation *The following variations were accepted by the mover and seconder –*

- *Councillor Martin to add the words ‘an aspirational’ and ‘in consultation with our community, business and industrial stakeholders’ to Part 2; and,*
- *Councillor Petty to change the word ‘goals’ to ‘targets’ in parts 3, 4 and 5.*

At this stage, Councillor Colacino FORESHADOWED a MOTION should Councillor Merrin’s Motion be defeated.

Councillor Merrin’s MOTION on being PUT to the VOTE was LOST.

In favour Councillors Martin, Takacs, Merrin and Curran

Against Councillors Kershaw, Connor, Brown, Blicavs, Dorahy, Colacino, Crasnich, Petty and Bradbery

Following the defeat of Councillor Merrin’s Motion, Councillor Colacino’s FORESHADOWED MOTION became the MOTION.

143 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Colacino seconded Councillor Crasnich that Council investigate the points raised in the Notice of Motion and report back to Councillors no later than the end of this financial year with a comprehensive information package regarding the cost and feasibility of implementing the following points outlined in the Notice of Motion –

Council -

- 1 *Adopt a target of reducing greenhouse gas emissions from its own operations, including energy purchased and landfill, of CO2-e by 50% over 2013-14 levels by 2030;*
- 2 *Adopt an aspirational target of zero net emissions for the whole local government area by 2050 in consultation with our community, business and industrial stakeholders;*
- 3 *Develop an action plan to achieve these targets;*
- 4 *Report annually on progress towards achieving these targets; and,*
- 5 *Annually review these targets, considering the potential to tighten them.*

An AMENDMENT was MOVED by Councillor Takacs seconded Councillor Merrin that Council investigate the points raised in the Notice of Motion and report back to Councillors no later than February 2016 with a comprehensive information package regarding the cost and feasibility of implementing the following points outlined in the Notice of Motion –

Council -

- 1 *Adopt a target of reducing greenhouse gas emissions from its own operations, including energy purchased and landfill, of CO2-e by 50% over 2013-14 levels by 2030;*
- 2 *Adopt an aspirational target of zero net emissions for the whole local government area by 2050 in consultation with our community, business and industrial stakeholders;*
- 3 *Develop an action plan to achieve these targets;*
- 4 *Report annually on progress towards achieving these targets; and,*
- 5 *Annually review these targets, considering the potential to tighten them.*

A PROCEDURAL MOTION was MOVED by Councillor Blicavs seconded Councillor Crasnich that the motion be put. CARRIED.

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

In favour
Against

Councillors Martin, Takacs and Merrin

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

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

In favour
Against

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

Councillors Kershaw, Curran and Petty

DEPARTURE OF COUNCILLORS

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

- Councillor Merrin from 8.34 pm to 8.36 pm;
- Councillor Colacino from 8.38 pm to 8.41 pm; and,
- Councillor Kershaw from 8.59 pm to 9.00 pm.

ITEM B – ITEM LAID ON TABLE ON 14 SEPTEMBER 2015 – WEST DAPTO URBAN RELEASE AREA – YALLAH-MARSHALL MOUNT PRECINCT – INFRASTRUCTURE COSTS

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Blicavs that the matter be taken off the table and all speaking rights be reinstated and debate recommence on this Item. CARRIED.

PROCEDURAL MOTIONS were MOVED and CARRIED to allow additional time for the following Councillors to address the meeting –

- Moved by Councillor Crasnich seconded Councillor Brown – an additional two minutes for Councillor Martin;
- Moved by Councillor Crasnich seconded Councillor Colacino – an additional two minutes for Councillor Dorahy; and,
- Moved by Councillor Crasnich seconded Councillor Connor – an additional two minutes for Councillor Curran

MOVED by Councillor Martin seconded Councillor Dorahy that -

- 1 The Yallah-Marshall Mount Planning Proposal (Attachment 4 of the report) be forwarded to the NSW Department of Planning and Environment for finalisation.

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- 2 Council review the Section 94 Plan, with a view to entering into discussions with developers or landowners to meet land acquisition and road construction costs as part of a Voluntary Planning Agreement, where they will benefit from subdivisions that front a proposed road.
- 3 Landowners/developers be required to dedicate creek parklands at no cost to Council as part of a Voluntary Planning Agreement.
- 4 Final road layouts, including the conceptual roads mentioned in the local infrastructure report be prepared and costed with timelines over the 20 years of likely land release for design and construction, with developers and/or landowners carrying the majority of financial burden as per point (2).
- 5 Council prepare a submission to IPART and the NSW Housing Acceleration Fund to reduce the burden on Council for the cost of remaining local infrastructure across the entire West Dapto land release area.
- 6 A further report be submitted on amendments to the Wollongong DCP 2009 Chapter D16 to incorporate provisions for Yallah-Marshall Mount.
- 7 The revised Section 94 Plan for West Dapto, inclusive of Marshall Mount, reflect the reductions in total cost of local infrastructure, including the review of the distance and costings of the conceptual Marshall Mount local bypass, with the resultant significant reduction in construction costs.

At this stage, Councillor Connor FORESHADOWED a MOTION should Councillor Martin's Motion be defeated.

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

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

Following the defeat of Councillor Martin's Motion, Councillor Connor's FORESHADOWED MOTION became the MOTION.

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144 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Connor seconded Councillor Curran that -

- 1 The revised infrastructure cost estimates for Yallah-Marshall Mount be included in a revised draft West Dapto Section 94 Development Contribution Plan, which is scheduled to be reported to Council in November 2015 and if endorsed, exhibited and submitted to IPART for review.
- 2 Council proceed with finalisation of the Yallah-Marshall Mount Planning Proposal once IPART and the NSW Government determine how the shortfall in funding for required local infrastructure across the West Dapto land release will be met.

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

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

ITEM 1 – ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

This Item was considered under a Suspension of Standing Orders, refer Minute Number 142.

ITEM 2 – DRAFT PLANNING PROPOSAL FOR LOT 6500 DP 1083715 "HORSE Paddock" SITE, WEST OF EDGEWOOD ESTATE, RIXONS PASS ROAD, WOONONA

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 A draft Planning Proposal for Lot 6500 DP 1083715 at Edgewood Estate, Woonona not be prepared.
- 2 The applicant be advised of Council's decision.

ITEM 3 – WEST DAPTO SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN (2015) – INTERIM REVIEW – POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 The West Dapto Release Area – Section 94 Development Contributions Plan (2015) (Attachment 1 of the report) be adopted with the proposed amendments as outlined in the report.
- 2 The adoption of the Plan be notified in the local newspapers in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 A further report on the West Dapto Section 94 Plan be presented to Council on 9 November 2015 which will form the basis of further application/s to IPART and the NSW Department of Planning and Environment for additional local infrastructure revenues.

ITEM 4 – WEST DAPTO URBAN RELEASE AREA – DRAFT NEIGHBOURHOOD PLAN AND PLANNING PROPOSAL FOR WEST DAPTO ROAD AND SHEAFFES ROAD, KEMBLA GRANGE – POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 The revised Neighbourhood Plan for West Dapto Road and Sheaffes Road, Kemplab Grange be adopted as an amendment to Wollongong Development Control Plan 2009 Chapter D16 West Dapto Release Area.
- 2 A revised draft Planning Proposal be forwarded to NSW Department of Planning and Environment for a “Gateway” determination and if endorsed, exhibited for a minimum period of 28 days.
- 3 The Department of Planning and Environment be advised that Council does not wish to exercise its plan making delegations, as Council is the major landowner in the neighbourhood.

ITEM 5 – PLANNING PROPOSAL: SHONE AVENUE AND WEST DAPTO ROAD, HORSLEY – POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION – Council –

- 1 Proceed with the Planning Proposal relating to part Lot 1 DP 607456 and part Lot 1 DP 26069 to include amendments to the Wollongong Local Environmental Plan 2009 to realign part of the R2 Low Density Residential and E3 Environmental Management zone boundary in order to facilitate the endorsed Neighbourhood Plan at Shone Avenue and West Dapto Road, Horsley (with corresponding amendments to the Minimum Lot Size and Floor Space Ratio Maps).
- 2 Refer the final Planning Proposal to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal.
- 3 Note that the General Manager will thereafter proceed to exercise his delegation issued by the NSW Department of Planning and Environment under Section 69 in relation to the final proposal.

DEPARTURE OF COUNCILLORS

Due to prior disclosures of interests, Councillors Colacino and Petty departed the Chamber and were not present during debate and voting on Item 6.

Councillors Merrin and Dorahy departed the meeting at 9.45 pm and were not present during the debate and voting for Item 6.

ITEM 6 – PROPOSED ALCOHOL PROHIBITED PARK, THE DRIVE, STANWELL PARK

- 145 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Brown seconded Councillor Blicavs that the pocket park area opposite Kennett Homes Aged Care, 103 The Drive, Stanwell Park be established as an alcohol prohibited area between sunset and sunrise.

ITEM 7 – POLICY REVIEW: FRAUD AND CORRUPTION PREVENTION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION – The existing Fraud and Corruption Prevention Policy be adopted without change.

ITEM 8 – POLICY REVIEW: SUBDIVISION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 The draft amended Subdivision Policy be placed on exhibition for a minimum period of 28 days and submissions be invited from the public.
- 2 A further report be submitted to Council following conclusion of the public exhibition period, along with a summary of any submissions received.

ITEM 9 – POLICY REVIEW: ROAD NAMING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION – The revised Road Naming Policy be adopted.

ATTENDANCE OF COUNCILLORS

During the debate and prior to voting on Item 10, the following Councillors returned to the meeting –

- Councillor Colacino at 9.45 pm; and,
- Councillors Merrin, Petty and Dorahy at 9.46 pm.

ITEM 10 – PROGRESS OF REVIEW OF ILLEGAL WASTE DUMPING PREVENTION MOUNDS

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

- 1 The report in response to Council's resolution of 3 August 2015 be noted.
- 2 The progress of the Rectification Plan be noted.

ITEM 11 – WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2015) – POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 The Wollongong Section 94A Development Contributions Plan (2015) be adopted.
- 2 The adoption of the Plan be notified in the local newspapers in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

ITEM 12 – PROPOSED ACQUISITION OF PORTIONS OF PROPERTIES IN MURRAY ROAD, EAST CORRIMAL FOR ROAD WIDENING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 Council acquire Lots 102, 103 and 107 DP 240922 for road widening, being the portions of Lot 921 DP 880913 No 35 and Lots 46 and 47 DP 9943 Nos 43 and 45 Murray Road, East Corrimal, shown on Attachment 1 to the report, on the following conditions:
 - a Compensation be paid in the amounts of:
 - \$32,000 (GST exc) – No 35 Murray Road;
 - \$19,000 (GST exc) – No 43 Murray Road; and
 - \$19,000 (GST exc) – No 45 Murray Road.

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- b Council be responsible for all costs in the matter including transfer, legal and fence relocation/water meter relocation costs.
- 2 Upon acquisition, the land be dedicated as public road under the provisions of Section 10 of the Roads Act 1993.
- 3 Authority be granted to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

ITEM 13 – PROPOSED COMPULSORY ACQUISITION AND LAND EXCHANGE – CORDEAUX ROAD, MOUNT KEMBLA FOR ROAD REALIGNMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

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 from Council of the portion of Cordeaux Road, Mount Kembla, as shown hatched red on the attachment to the report.
- 2 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 1 DP 1103781 Cordeaux Road, Mount Kembla, as shown shaded orange on the attachment to the report.
- 3 Council accept the payment from South32 Illawarra Coal of \$1.00 (GST exc) in compensation if demanded, as agreed between the parties for the sale of the subject portion of Cordeaux Road, Mount Kembla.
- 4 Council authorise the payment to South32 Illawarra Coal of \$1.00 (GST exc) in compensation if demanded, as agreed between the parties, for the acquisition of the subject portion of Lot 1 DP 1103781 Cordeaux Road, Mount Kembla.
- 5 Upon the acquisition of the subject portion of Lot 1 DP 1103781 being finalised, the land be dedicated as public road under Section 10 of the Roads Act 1993.

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- 6 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 14 – PROPOSED ACQUISITION OF LAND FOR ROAD PURPOSES – PAYNES ROAD, DOMBARTON

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 Council acquire the part of Lot 231 DP 630024 No 322 Paynes Road, Dombarton, known as Lot 226 DP 1194212, as shown hatched on Attachment 2 to the report, on the following conditions:
 - a Council pay \$31,500 (GST exc).
 - b Council be responsible for all costs in the matter.
- 2 Upon the acquisition being finalised, the land be dedicated as public road under the provisions of Section 10 of the Roads Act 1993.

ITEM 15 – PROPOSED GRANT OF EASEMENT FOR UNDERGROUND CABLES OVER LOT 238 DP 1048602 ARAGAN CIRCUIT, BULLI

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 Council authorise the grant of an Easement for Underground Cables three (3) wide in favour of Endeavour Energy over Lot 238 DP 1048602 Aragan Circuit, Bulli, as shown by black dashed line on Attachment 1 to the report.
- 2 Council accept the payment of \$8,625.00 (+GST) from Endeavour Energy as compensation for the grant of the easement.
- 3 Approval be granted to affix the Common Seal of Council to the Transfer Granting Easement document and any other documentation required to give effect to this resolution.

ITEM 16 – PROPOSED ACQUISITION OF EASEMENT FOR DRAINAGE AT KEIRAVILLE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 Council approve the acquisition of the Easement for Drainage 3.05 wide over Lots 101, 102, 103, 112 and 114 DP 234188 Nos 9, 11, 12 and 13 Dallas Street and No 16 Binda Street, Keiraville, as shown shaded dark grey on the attachment to the report.
- 2 Authority be granted to affix the Common Seal of Council to the Transfer Granting Easement documents and any other documents required to give effect to this resolution.

DEPARTURE OF COUNCILLORS

Due to a prior disclosure of interest, Councillor Petty departed the Chamber and was not present during debate and voting on Item 17.

Prior to voting on Item 17, the time being 9.51 pm, Councillor Connor departed the meeting.

ITEM 17 – TENDER T14/27 – PROVISION OF CONSTRUCTION MATERIALS PANEL

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

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tenders of listed tables provided for a Joint Construction Materials Panel, in the sum of an accumulative amount of services of \$1,330,000.00, excluding GST over the term of the tender contract of three years, plus two options to extend for a further duration of one year each with the exception of the supply of concrete (as per Recommendation 5 below).
- 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 resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contracts and any other documentation, should it be required to give effect to this resolution.

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- 4 Council delegate to the General Manager the authority to approve any adjustments to the ranking of all services when a Joint Construction Materials Provider amends rates in accordance with the specifications of this tender.
- 5 Council reject the tender responses relating to the supply of concrete as the number of conforming tender submissions did not justify the allocation of business and would place Council at a non-competitive market disadvantage.
- 6 Fresh tenders be called for the supply of concrete.

Variation *The variation moved by Councillor Curran to delete Parts 6 and 7 of the report's recommendations and to add a new Part 6 was accepted by the mover and seconder.*

ITEM 18 – TENDER T15/17 – SUBLIME POINT WATER TREATMENT FACILITY – PERMANENT WORKS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of SAS Water Solutions Pty Ltd for provision of Sublime Point Water Treatment Facility Permanent Works to Council, in the sum of \$900,307.83, 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.

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.

DEPARTURE OF COUNCILLORS

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

During the debate and prior to voting on Item 19, Councillor Colacino departed and returned to the meeting, the time being from 10.02 pm to 10.04 pm.

ITEM 19 – TENDER T15/07 – DEBRIS CONTROL STRUCTURE FOR COLLEGE PLACE, GWYNNEVILLE

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

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Brefni Excavation and Earthmoving Pty Ltd for the provision of a Debris Control Structure for College Place, Gwynneville in the sum of \$148,194.00, 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 20 – COLEDALE COMMUNITY HALL – PROPOSED FEES AND CHARGES – 2015-2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION – Council adopt the Coledale Community Hall Fees and Charges 2015/2016.

ITEM 21 – CORPORATE GOVERNANCE COMMITTEE MEMBERSHIP AND CHAIRPERSON

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 Council endorse the appointment of Ms Catherine Hudson as an Independent Member of the Corporate Governance Committee for a three year period, expiring November 2018.
- 2 Mr Terry Clout be appointed Chairperson of the Corporate Governance Committee.
- 3 Council formally thank Ms Kylie McRae and acknowledge her contribution and commitment to the Corporate Governance Committee during the past seven years as an Independent Member and Chairperson.

ITEM 22 – POLICY REVIEW: INVESTMENT

MOVED by Councillor Merrin seconded Councillor Takacs that Council –

- 1 Adopt the revised Investment Policy.
- 2 Highlight within the monthly investment report those investments that are assessed as 'ethical' investments (consistent with environmental, social and governance principles), based on a publicly available and accredited list such as that provided by the Australian Ethical Fund or the United Nations Principles for Responsible Investment.
- 3 Give preference to those investments assessed as being consistent with environmental, social and governance principles, where:
 - The investment is compliant with Council's Investment Policy, and,
 - The rate of return quoted is favourable to Council relative to other similar investments that may be on offer at the time of investment.
- 4 Request a report in 12 months to review the financial, environmental, social and other factors arising from this change in investment strategy.

At this stage, Councillor Blicavs FORESHADOWED a MOTION should Councillor Merrin's Motion be defeated.

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

In favour Councillors Takacs, Merrin and Curran

Against Councillors Kershaw, Brown, Martin, Blicavs, Dorahy, Colacino, Crasnich, Petty and Bradbery

Following the defeat of Councillor Merrin's Motion, Councillor Blicavs' FORESHADOWED MOTION became the MOTION.

149 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Blicavs seconded Councillor Dorahy that Council -

- 1 Adopt the revised Investment Policy.
- 2 Write to relevant State Government Ministers requesting that local government in NSW be given greater flexibility to deliver on ethical investment outcomes, with greater returns for ratepayers.

Variation *The variation moved by Councillor Brown (the addition of Part 2) was accepted by the mover and seconder.*

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

In favour Councillors Kershaw, Martin, Brown, Takacs, Blicavs, Dorahy, Colacino, Crasnich and Bradbery

Against Councillors Merrin, Curran and Petty

ITEM 23 – STATEMENT OF INVESTMENTS – AUGUST 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION – Council receive the Statement of Investments for August 2015.

ITEM 24 – AUGUST 2015 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

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

DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest, Councillor Colacino was not present during debate and voting on Item 25.

ITEM 25 – LEAVE OF ABSENCE – COUNCILLOR COLACINO – 23 NOVEMBER TO 18 DECEMBER 2015

150 **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Dorahy seconded Councillor Crasnich that Councillor Colacino be granted leave of absence for the period 23 November to 18 December 2015 inclusive.

ITEM 26 – ANNUAL TABLING OF RETURNS OF DISCLOSURES OF INTEREST AND OTHER MATTERS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION –

- 1 Council note the tabling of the Returns of Disclosures of Interests and Other Matters as required by Section 450A of the Local Government Act 1993.
- 2 The Office of Local Government be advised of the failure of two employees to lodge their Annual Return by the due date and the applicable circumstances in each case.

ITEM 27 – CITY OF WOLLONGONG TRAFFIC COMMITTEE – MINUTES OF MEETING HELD 16 SEPTEMBER 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 141).

COUNCIL'S RESOLUTION – In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meeting held on 16 September 2015 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 10.28 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 9 November 2015.

Chairperson