



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 14 March 2016

Present

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

In Attendance

General Manager – D Farmer, Director Corporate and Community Services – Creative, Engaged and Innovative City – G Doyle, Director Infrastructure and Works – Connectivity, Assets and Liveable City – M Hyde, Director Planning and Environment – Future, City and Neighbourhoods (Acting) – M Riordan, Manager Governance and Information – K Cowgill, Manager Finance – B Jenkins, Manager Property and Recreation (Acting) – P Dorahy, Manager Community Cultural and Economic Development – K Hunt, Manager Environmental Strategy and Planning – R Campbell and Manager City Works and Services – M Roebuck

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DISCLOSURES OF INTERESTS

Councillor Martin declared non-significant, non-pecuniary interests in Items 2 and 3 insofar as both Items refer to Planning Proposals, as well as a response to SEPP 65, which are part of the operations of the Department of Planning and Environment. Councillor Martin advised that she was employed by the Department; however, she would remain in the Chambers during debate and voting on both matters.

Councillor Dorahy declared a non-significant, non-pecuniary interest in Item 6 as he is a Director of Wests Illawarra. Councillor Dorahy advised that he would remain at the meeting for debate and voting on this matter.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 22 FEBRUARY 2016

21 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the Minutes of the Ordinary Meeting of Council held on Monday, 22 February 2016 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM - REVIEW OF WOLLONGONG DCP 2009 CHAPTER C3 BOARDING HOUSES

Mr D Winterbottom felt that whilst the report into the review of the boarding house section of the Development Control Plan includes many suggestions and comments from Neighbourhood Forum 5, there were still a number of issues namely, definition, access, design and car parking which have been misunderstood and the scale of the problem has been grossly underestimated. Whilst most issues were resolved at a meeting late last week, the recommendations in the business paper need to be amended.

Mr Winterbottom felt that Council's interpretation of the definition needs to be clarified. Boarding houses need to be located close to services and, in particular, the University. Design and amenity standards need to be aligned with Council's controls for similar development. Car parking standards need to be realistic and recommendations should address these issues. In conclusion, Mr Winterbottom suggested various changes to the recommendations contained in the report.

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Curran that a five minute extension be granted to Mr Winterbottom to address the meeting. The PROCEDURAL MOTION was CARRIED.

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

CALL OF THE AGENDA

- 23 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that the staff recommendations for Items 3, 5, 7, 9, 10, 12 to 18 inclusive, be adopted as a block.

ITEM 1 - REVIEW OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 - CHAPTER C3 BOARDING HOUSES

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

- 1 The Wollongong Development Control Plan 2009 Chapter C3 Boarding Houses (Attachment 1 of the report) be adopted with the following changes –
 - a Amend Clause 3.1.1(a) to read – “Access to public transport within 400m walking distance of a railway station or bus stop used by a regular bus service (within the meaning of the *Passenger Transport Act 1990*) that has at least one bus per hour servicing the bus stop between 06:00 and 21:00 each day from Monday to Friday (inclusively) and between 08:00 and 18:00 on each Saturday and Sunday”.
 - b Amend Clause 3.2 Setbacks to read “Where a proposed boarding house has the built form of a dwelling house, multi-unit dwelling or residential apartment building, the relevant setback requirements of Chapter B1 Residential Development or B3 Mixed Use Development shall apply”.
 - c Amend Clause 4.1.3.18 to read “A landscape plan will be required for new purpose built boarding houses in accordance with Chapter E6 Landscaping”.
- 2
 - a Information on boarding houses be made available on the Council website along with a link to the Boarding Houses Register managed by NSW Fair Trading.
 - b The information on Council's website include –

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- i guidelines for developers and property owners advising when a building may trigger the relevant boarding house planning rules due to the number of occupants or the nature of their occupancy.
 - ii contact numbers for use by residents experiencing amenity issues relating to boarding houses or 'group households'.
- 3 A letter be sent to the NSW Department of Planning and Environment regarding -
 - a discrepancies between legal definitions of boarding houses and the letter seek a clearer outline of what definition is to be enforced; and
 - b the role and applicability of group homes as registered boarding houses.
- 4 A Councillor Briefing be held following clarification of the legal definitions in point 3.
- 5 The Briefing include suggestions for any changes to the Development Control Plan needed to give effect to any clarifications.

Variation *The variation moved by Councillor Petty (the addition of Part 3b) was accepted by the mover and seconder.*

ITEM 2 - EXPANDED DESIGN REVIEW PANEL - STATE ENVIRONMENTAL PLANNING POLICY NO. 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

25 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that -

- 1 Council endorse the expansion of the current Design Review Panel to comply with SEPP 65 (State Environmental Planning Policy No. 65 - *Design Quality of Residential Apartment Development*).
- 2 The fee structure for the expanded Design Review Panel service be included and exhibited as part of 2016/17 Fees and Charges.
- 3 A review of the expanded Design Review Panel service be undertaken after 18 months.

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ITEM 3 - DRAFT PLANNING PROPOSAL REQUEST FOR DWELLING ENTITLEMENTS AT LOT 1 DP 977471 DENMARK STREET, WOMBARRA AND 335 LAWRENCE HARGRAVE DRIVE, CLIFTON

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

COUNCIL'S RESOLUTION – The proponent be advised that Council does not support the request to prepare a draft Planning Proposal(s) to amend the Wollongong Local Environmental Plan 2009 to permit a dwelling house at either Lot 1 DP 977471 Denmark Street, Wombarra or 335 Lawrence Hargrave Drive, Clifton.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 4, Councillor Curran departed and returned to the meeting, the time being from 7.07 pm to 7.08 pm.

ITEM 4 - PUBLIC EXHIBITION - PUBLIC ART STRATEGY 2016-2021

26 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor Colacino that Council endorse the draft Public Art Strategy and Guidelines 2016-2021 for public exhibition from 16 March to 15 April 2016.

ITEM 5 - POLICY REVIEW: COMMERCIAL SURF SCHOOL ACTIVITIES ON FORESHORE PUBLIC OPEN SPACE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

COUNCIL'S RESOLUTION – The Commercial Surf School Activities on Foreshore Public Open Space Policy be adopted, noting that no changes to the existing policy were necessary.

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DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 6, Councillor Connor departed and returned to the meeting, the time being from 7.21 pm to 7.23 pm.

ITEM 6 - POLICY REVIEW: SHARED SPORTSFIELDS

27 COUNCIL'S RESOLUTION – MOVED by Councillor Dorahy seconded Councillor Colacino that -

- 1 The Shared Sportsfields Council Policy be adopted, noting that no changes to the existing policy were necessary.
- 2 Council identify each sporting club or organisation within the Local Government Area which has an Agreement with Council for sportsfield use and each be provided with a copy of the Shared Sportsfields Policy as a means of ensuring they understand theirs and Council's obligations.
- 3 Council provide on its website relevant contact information for sporting organisations to simplify approaches to Council.

Variation *The variation moved by Councillor Bradbery (to remove the words 'communication by management of' in Part 3) was accepted by the mover and seconder.*

An AMENDMENT was MOVED by Councillor Curran seconded Councillor Petty that the Shared Sportsfields Council Policy be adopted, noting that no changes to the existing policy were necessary.

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

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

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

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

ITEM 7 - DRAFT POLICY: SPONSORSHIP OF COUNCIL ACTIVITIES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

COUNCIL'S RESOLUTION – The Sponsorship of Council Activities Policy be adopted.

ITEM 8 - POLICY REVIEW: PRIVACY MANAGEMENT PLAN

MOVED by Councillor Colacino seconded Councillor Crasnich that -

- 1 The revised Privacy Management Plan be adopted, subject to an amendment to Part 1.3 (What is Health Information?) to read 'personal information from a health professional about the physical....'.
- 2 A copy of the adopted Policy be forwarded to the Privacy Commissioner.

A PROCEDURAL MOTION was MOVED by Councillor Petty seconded Councillor Blicavs that this matter lay on the table. The PROCEDURAL MOTION was CARRIED.

ITEM 9 - LEASE TO NSW GIRL GUIDES ASSOCIATION OF THE GIRL GUIDE HALL AT PART LOT 1 DP 860110 TALLEGALLA STREET, UNANDERRA

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

COUNCIL'S RESOLUTION – Council authorise -

- 1 The change in the description of the 'lease' area to 'Part Lot 1 DP 860110'.
- 2 The granting of a licence over the land surrounding the Guide Hall, being Part Lot 1 DP 860110.
- 3 The change of the commencement date of the lease and licence to be 1 January 2016.

ITEM 10 - OUT OF ROUND FINANCIAL ASSISTANCE AND MINOR DONATION PROGRESS REPORT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

COUNCIL'S RESOLUTION – The report be noted.

ITEM 11 - TENDER T15/27 - SECURITY SURVEILLANCE, GUARDS, PATROLS AND MONITORING

28 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Blicavs that -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of OzTech for Security surveillance, guards, patrols and monitoring for the Mall and CBD Assets of Council, in the sum of \$1,597,986 excluding GST for a (3) year term with the option to extend for a further (3) + (3) years if deemed suitable by Council.
- 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 12 - TENDER T15/42 TOWRADGI COMMUNITY CENTRE UPGRADE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Momentum Built Pty Ltd for Towradgi Community Centre upgrade, in the sum of \$274,829.00 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 13 - TENDER T16/02 CLIFF ROAD TO TRAMWAY ACCESS STAIRS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

COUNCIL'S RESOLUTION –

- 1 a In accordance with the Local Government (General) Regulation 2005, Clause 178(1) (b), Council decline to accept any of the tenders which Council has received for the replacement of the stairs from Cliff Road to Tramway adjacent to Continental Pool and resolve to enter into negotiations with one or all of the tenderers, or any other parties with a view to entering into a contract in relation to the subject matter of the tender.
- b In accordance with the Local Government (General) Regulation 2005, Clause 178(4), the reason for Council hereby resolving to enter into negotiations with one or all of the tenderers or any other party and not inviting fresh tenders is that no acceptable tender was received within the budget allocated and it is anticipated that a satisfactory outcome can be achieved with one of those parties, or any other party who have demonstrated a capacity and ability to undertake the works.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderers, and, in the event of failure of negotiations with those tenderers, any other parties, 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 14 - TENDER T16/03 JP GALVIN PARK - REPLACEMENT OF EXISTING SHELTERS, FURNITURE AND BARBEQUES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Precinct Street and Park for the supply and replacement of existing shelters, furniture and barbeques, in the sum of \$506,154.20, 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 15 - JANUARY 2016 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

COUNCIL'S RESOLUTION –

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

ITEM 16 - STATEMENT OF INVESTMENTS - JANUARY 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

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

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ITEM 17 - QUARTERLY REPORT ON DEVELOPMENT APPLICATIONS INVOLVING VARIATIONS TO DEVELOPMENT STANDARDS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

COUNCIL'S RESOLUTION – Council note the report.

ITEM 18 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 17 FEBRUARY 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 23).

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 February 2016 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 7.43 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 4 April 2016.

Chairperson