



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 21 November 2016

Present

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

In Attendance

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

Apology

Min No.

131

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Dorahy that the apology tendered on behalf of Councillor Crasnich be accepted.

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DISCLOSURE OF INTERESTS

Councillor Martin declared a non-significant, non-pecuniary interest in Item 1 as this Planning Proposal will impact on her employer, the Department of Planning and Environment.

During the debate on Item 2, Councillor Martin declared a conflict of interest due to her employment at the Department of Planning and Environment, as the Department is partly responsible for the Coastal SEPP.

Councillor Dorahy declared an interest in Item 1 as he is a Director of Wests Illawarra. Councillor Dorahy advised that he would vacate the Chamber during debate and voting on this matter.

Councillor Brown declared a non-significant, non-pecuniary conflict of interest in Item 1 as he holds membership of Corrimal Leagues Club; an organisation linked to the proponent.

Councillor Curran declared an interest in Item 1 as she had become a member of a Leagues Club which has an affiliation with Wests Illawarra. Councillor Curran advised that she would remain in the Chamber during debate and voting on this matter.

SANDON POINT ABORIGINAL PLACE - JOINT MANAGEMENT AGREEMENT

The Lord Mayor tabled the Sandon Point Aboriginal Place Joint Management Agreement which marked a very significant moment in the history of the City. The Agreement, signed on behalf of the Illawarra Local Aboriginal Land Council, Korewal Elouera Jerrungarugh Tribal Elders Aboriginal Corporation, Sandon Point Tent Embassy, Wadi Wadi Coomaditchi Aboriginal Corporation, Wodi Wodi Elders Council and Wollongong City Council, was significant and had taken five years to achieve. The Agreement will ensure that Sandon Point and McCauley's Beach are managed in a way that respects, conserves and maintains the values of the Sandon Point Aboriginal Place and also recognises the intrinsic relationship that the Aboriginal community have with these sites.

2015-2016 LOCAL GOVERNMENT RISK MANAGEMENT EXCELLENCE AWARDS

The Lord Mayor tabled an Award and cheque presented to Council for Excellence in Risk Management. The Award was achieved in recognition of Council's management of Fine Arts at Wollongong Art Gallery. The Gallery is one of the largest regional art museums in Australia and provides 80,000 visitors each year with access to 2,600 artworks. The Gallery, whilst having a very unique risk profile, has mastered the art of managing Fine Arts.

MOTION OF CONDOLENCE FOR THE LATE JOE SMITH, FORMER ALDERMAN AND DEPUTY LORD MAYOR

- 132** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Takacs that Council acknowledge the recent passing of former Alderman and Deputy Lord Mayor, Joe Smith, and extends its sincere condolences and sympathy to his family and many friends. Council also acknowledges Joe Smith's contribution and commitment to the community.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 31 OCTOBER 2016

- 133** **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, 31 October 2016 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM - DRAFT PLANNING PROPOSAL WESTS ILLAWARRA LEAGUES CLUB AND SURROUNDING SITES

Mr T Wetherall for TCW Consulting, made reference to recommendation four of the Officer's report "The proposed rezoning of sites 2 and 3 not be supported and the current low-density residential zone, height of buildings and floor space ratio development standards be retained". He said that since the preparation of the report, additional flood information had been submitted to Council which addresses a concern of the report that "there is inadequate information to support the proposal for Sites 2 and 3 in terms of flood hazard consideration". Mr Wetherall requested that the proposed rezoning of Sites 2 and 3 be deferred to allow additional time to determine the flooding affectation of the sites.

Mr A Barthelmess, for Rienco Consulting, advised that the modelling undertaken in his June report was reviewed and based on this review, he confirmed that the model results for Sites 2 and 3 are fit for purpose in assessing flood behaviour across these sites. He said that both the existing land use and the proposed land use are already considered as suitable outcomes with regard to the DCP controls for flooding. Any development on the land, whether that is low density residential or future medium density residential, would still have to meet the requirements of Chapter E13 of the DCP, and those requirements are identical, no matter the zone. Mr Barthelmess concluded by saying that there is no flood-related impediment to rezoning Sites 2 and 3.

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

CALL OF THE AGENDA

- 135** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the staff recommendations for Items 6 to 14 inclusive, be adopted as a block.

DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest, Councillor Dorahy departed the Chamber and was not present during the debate and voting for Item 1.

ITEM 1 - DRAFT PLANNING PROPOSAL: WESTS ILLAWARRA LEAGUES CLUB AND SURROUNDING SITES, UNANDERRA

- 136** **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Brown seconded Councillor Blicavs that this Item be deferred to allow staff to consider additional flood study information as provided by the applicant.

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

DEPARTURE OF COUNCILLOR AND DISCLOSURE OF INTEREST

During debate and prior to voting on Item 2, Councillor Blicavs departed and returned to the meeting, the time being from 6.47 pm to 6.49 pm.

During the debate on Item 2, Councillor Martin declared a conflict of interest in the matter due to her employment at the Department of Planning and Environment, as the Department is partly responsible for the Coastal SEPP.

ITEM 2 - SUBMISSION OF THE WOLLONGONG DRAFT COASTAL ZONE MANAGEMENT PLAN FOR CERTIFICATION

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

- 1 The Draft Wollongong Coastal Zone Management Plan be updated to reflect the changes listed in Table 3 of the report.
- 2 The updated Draft Wollongong Coastal Zone Management Plan be submitted to the State Government for certification.
- 3 A further report be provided to Council when the State Government has considered the certification of the Draft Wollongong CZMP.
- 4 Opportunity be provided for a community briefing.

Variation The variation moved by Councillor Curran (the addition of Part 4) was accepted by the mover and seconder.

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

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 3, Councillors Connor and Curran departed and returned to the meeting, the time being from 7.34 pm to 7.36 pm, and from 7.41 pm to 7.43 pm, respectively.

ITEM 3 - POST EXHIBITION REPORT - SUSTAINABILITY REVIEW OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

138 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Brown that the following revised Chapters of the Wollongong Development Control Plan 2009 (Attachments 2-10 of the report) be adopted by Council and a notice be placed in the local newspapers to provide effect of such adoption -

- a A1 Introduction
- b A2 Ecologically Sustainable Development
- c B1 Residential Development
- d B3 Mixed Use Development
- e B5 Industrial Development
- f D13 Wollongong City Centre
- g E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management
- h E6 Landscaping
- i Appendix 4 Definitions

ITEM 4 - ESTABLISHMENT OF FLOODPLAIN RISK MANAGEMENT COMMITTEES

139 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Brown seconded Councillor Blicavs that -

- 1 Two Councillors (one as chairperson) from Wards covered by the respective catchment areas (one from each Ward where catchments cross Wards) be nominated to each of the following identified Floodplain Risk Management Committees –
 - a Hewitts Creek (Ward 1)
 - b Collins Creek (Ward 1)
 - c Towradgi Creek (Ward 1)
 - d Fairy and Cabbage Tree Creeks (Wards 1 and 2)
 - e Wollongong City (Ward 2)
 - f Mullet and Brooks Creeks (Ward 2 and 3)
 - g Lake Illawarra (Ward 3)
 - h Minnegang Creek (Ward 3)
- 2 Council seek other appropriate representation (including Council staff, State Government agencies, and local community members) on each of the identified Floodplain Risk Management Committees.
- 3 The revised Charter for Floodplain Risk Management Committees be adopted.
- 4 The establishment of these Floodplain Risk Management Committees dissolves any existing Committees that have overseen already completed studies in these catchments.

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

140 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor Kershaw that the Hewitts Creek Floodplain Risk Management Committee Charter be amended to include three Councillor representatives.

141 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor Curran that the Mullet and Brooks Creeks Floodplain Risk Management Committee Charter be amended to include three Councillor representatives.

In accordance with Part 1 of the above resolution (Minute number 139), elections were undertaken for appointments to the following Floodplain Risk Management Committees –

- a Hewitts Creek Floodplain Risk Management Committee: Councillors Kershaw, Merrin and Petty were elected, with Councillor Merrin elected as Chair.
- b Collins Creek Floodplain Risk Management Committee: Councillors Kershaw and Merrin, with Councillor Merrin elected as Chair.
- c Towradgi Creek Floodplain Risk Management Committee: Councillors Kershaw and Merrin, with Councillor Kershaw elected as Chair.
- d Fairy and Cabbage Tree Creeks Floodplain Risk Management Committee: Councillor Kershaw (Ward 1) and Councillor Takacs (Ward 2), with Councillor Takacs elected as Chair.

- e Wollongong City Floodplain Risk Management Committee: Councillors Takacs and Dorahy, with Councillor Dorahy elected as Chair.
- f Mullet and Brooks Creeks Floodplain Risk Management Committee: Councillor Brown (Ward 2) and Councillors Curran and Connor (Ward 3), with Councillor Connor elected as Chair.
- g Lake Illawarra Floodplain Risk Management Committee: Councillors Martin and Curran, with Councillor Martin elected as Chair.
- h Minnegang Creek Floodplain Risk Management Committee: Councillors Curran and Martin, with Councillor Martin elected as Chair.

ITEM 5 - COMPULSORY ACQUISITION OF RIGHT OF CARRIAGEWAY OVER CROWN LAND TO PROVIDE ACCESS TO THE WATERFALL (GARRAWARRA) CEMETERY

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

- 1 Council compulsorily acquire a Right of Carriageway over Lot 3 DP840501 which is Crown Land adjoining the Waterfall General (Garrawarra) Cemetery.
- 2 Council seek approval from the Minister for Local Government in accordance with section 187 of the Local Government Act 1993 to give all necessary Proposed Acquisition Notices in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
- 3 Council take each further step as is necessary to obtain approval from the Minister, the Governor or any public authority as may be necessary, and take all actions as may be necessary, to give notices and otherwise carry out the acquisitions by means of compulsory acquisition.
- 4 Council write to the Treasurer of NSW, The Hon Gladys Berejiklian MP, with a copy to Parliamentary Secretary for the Illawarra and South Coast, Gareth Ward MP, requesting the waiver of compensation for the acquisition of the Right of Carriageway over Lot 3 DP 840501, giving the background and reason for this request.
- 5 The General Manager be authorised to sign any documentation necessary to finalise the acquisition and the Common Seal of Council be applied where necessary.

Variation The variations moved by –

- *Councillor Blicavs (the addition of the words “giving the background and reason for this request” to Part 4); and,*
- *Councillor Bradbery (the addition of the words “with a copy to Parliamentary Secretary for the Illawarra and South Coast, Gareth Ward MP” to Part 4),*

were accepted by the mover and seconder.

ITEM 6 - ACQUISITION OF EASEMENT FOR SUCTION LINE OVER CROWN LAND AT PORT KEMBLA

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 135).

COUNCIL'S RESOLUTION –

- 1 Council compulsorily acquire an extension of an easement for a suction line over Crown Land at Port Kembla which was previously acquired from the Crown in DP1047304. The easement extension is shown on the easement acquisition plan attached to the report.
- 2 Council seek approval from the Minister for Local Government in accordance with section 187 of the Local Government Act 1993 to give all necessary Proposed Acquisition Notices in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
- 3 Council take each further step as is necessary to obtain approval from the Minister, the Governor or any public authority as may be necessary, and take all actions as may be necessary, to give notices and otherwise carry out the acquisitions by means of compulsory acquisition.
- 4 Council be responsible for all costs associated with the compulsory acquisition of the easement extension.
- 5 The Valuer General determine the compensation to be paid to the Crown Lands Division for the compulsory acquisition.
- 6 The General Manager be authorised to sign any documentation necessary to complete the compulsory acquisition and the Common Seal of Council be applied where/if necessary.

ITEM 7 - DEDICATION OF LANES AT PORT KEMBLA AS DRAINAGE RESERVE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 135).

COUNCIL'S RESOLUTION –

- 1 Council dedicate Lots 516 to 520 DP14939 as drainage reserve under Section 50 of the Local Government Act 1993.
- 2 Upon dedication all of the abovementioned land becomes operational land.
- 3 The General Manager be authorised to sign any documentation necessary to complete the dedication.

ITEM 8 - TENDER T16/31 PLAYGROUND - KANAHOOKA PARK, KANAHOOKA

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 135).

COUNCIL'S RESOLUTION –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Glenn Simpson Landscapes Pty Ltd for installation of soft fall, landscaping and other works associated with the replacement of the playground at Kanahooka Park, Kanahooka in the sum of \$170,381.00, 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 9 - TENDER T16/33 BEATON PARK ATHLETICS TRACK RESURFACING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 135).

COUNCIL'S RESOLUTION –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Polytan Asia Pacific Pty Ltd for resurfacing and line marking of the Beaton Park athletics track, in the sum of \$458,350.00, 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 10 - COMMUNITY TRANSPORT - PROCUREMENT EXEMPTION - WOLLONGONG RADIO CABS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 135).

COUNCIL'S RESOLUTION – Council, under Section 55(3)(i) of the Local Government Act 1993, enter into an agreement with Wollongong Radio Cabs without inviting tenders, due to extenuating circumstances, unavailability of competitive and reliable tenderers and otherwise for the reasons set out in the report.

ITEM 11 - COMMUNITY TRANSPORT - PROCUREMENT EXEMPTION - CANTY'S BUS RENTALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 135).

COUNCIL'S RESOLUTION – Council, under Section 55(3)(i) of the Local Government Act 1993, enter into an agreement with Canty's Bus Rentals without inviting tenders, due to extenuating circumstances, unavailability of competitive and reliable tenderers and otherwise for the reasons set out in the report.

ITEM 12 - DRAFT QUARTERLY REVIEW STATEMENT SEPTEMBER 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 135).

COUNCIL'S RESOLUTION –

- 1 The draft Quarterly Review Statement September 2016 be adopted.
- 2 The Budget Review Statement as at September 2016 be adopted and revised totals of income and expenditure be approved and voted.

ITEM 13 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 26 OCTOBER 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 135).

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 26 October 2016 in relation to the Regulation of Traffic be adopted.

ITEM 14 - BI-MONTHLY 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 135).

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

THE MEETING CONCLUDED AT 8.21 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 12 December 2016.

Chairperson