



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00 pm

**Monday 22 February 2016**

### Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Connor, Kershaw (until 8.56 pm), Brown (until 8.56 pm), 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 – 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 Community Cultural and Economic Development – K Hunt and Manager City Works and Services – M Roebuck

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## **DISCLOSURES OF INTERESTS**

Councillor Brown declared a significant, pecuniary interest in Item 5 as a close family member works for the company listed in the report. Councillor Brown advised that he would depart the Chambers during debate and voting on this matter.

Councillor Blicavs declared a non-significant, non-pecuniary interest in Item 5 as she is a Director on the Top Blokes Foundation Board, where a co-Director is the Chief Executive Officer of an organisation mentioned in the paper.

Councillor Martin declared a non-significant, non-pecuniary interest in Items 3, 4 and 5 as they involve her employer, the NSW Department of Planning and Environment. Councillor Martin advised that she has no direct role in any of these planning matters.

Councillor Dorahy declared a non-significant, non-pecuniary interest in Item 8 as he is a Director of Venues NSW and the Traffic Committee had considered a matter in relation to events at the Wollongong Entertainment Centre.

The Lord Mayor declared a pecuniary interest in Item 5 as he is Chair of a Community Consultative Committee on pollution matters. The Lord Mayor advised that he would vacate the Chair during the debate and voting on this matter.

Councillor Kershaw declared a significant, pecuniary interest in Item 5 as she has a close relative employed by the party involved in this proposal.

Councillor Curran advised of the possibility of an actual or perceived pecuniary conflict of interest in Item 1. However, as the matter involved the whole Wollongong local government area, she proposed to remain in the Chamber during deliberation on the matter.

Prior to consideration of Item A, Councillor Connor declared a non-significant, non-pecuniary conflict of interest in Item A, as he is Principal of one of the schools in the area which use Helensburgh Pool.

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 1 FEBRUARY 2016**

- 13 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 1 February 2016 (a copy having been circulated to Councillors) be taken as read and confirmed.

### **PUBLIC ACCESS FORUM – MERGER PROPOSAL**

On behalf of Save our Services Wollongong, Mr S Spencer sought reform which would –

- a recognise and actively support neighbourhood forums or ward committees, engaging with them collaboratively;
- b prepare specific neighbourhood/ward plans, programs and budgets, based on need, in association with those communities;
- c decentralise administration and operations with ward managers and staff;
- d have the efficiency and effectiveness of Council benchmarked and the expected improvements identified and monitored for:
  - community involvement in adopting priorities
  - the adoption of realistic implementation plans
  - regular and transparent reporting of progress
  - accountability

In conclusion, Mr Spencer invited Councillors to meet with Save our Services Wollongong to discuss how the reform his group is advocating may still be achieved.

A PROCEDURAL MOTION was MOVED by Councillor Curran seconded Councillor Petty that Ms S McKay be allowed to address the meeting under the Public Access Forum.

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

## **PUBLIC ACCESS FORUM – MERGER PROPOSAL**

Ms S McKay felt there had been a lack of interaction with the community, both in Wollongong and Shellharbour. She said there are pros and cons for the merger, and whilst Shellharbour had not been as active as it could have been, that Council with a new regime, is now working towards improvement.

Ms McKay said that both Councils should look at working together in order to determine what the community wants.

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

## **CALL OF THE AGENDA**

- 15** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the staff recommendations for Items 4, and 6 to 9 inclusive, be adopted as a block.

## **DEPARTURE OF COUNCILLORS**

During debate and prior to voting on Item A, Councillors Blicavs and Crasnich departed and returned to the meeting, the times being from 6.27 pm to 6.29 pm, and from 6.39 pm to 6.41 pm, respectively.

## **DISCLOSURE OF INTEREST**

Councillor Connor declared a non-significant, non-pecuniary conflict of interest in Item A, as he is Principal of one of the schools in the area which use Helensburgh Pool.

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**ITEM A – NOTICE OF MOTION - COUNCILLOR COLACINO - FEASIBILITY AND ASSOCIATED COSTS - HEATING OF HELENSBURGH POOL**

**16 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Blicavs that -

- 1 Council -
  - a Undertake a comprehensive examination which will look at the feasibility of, and costs associated with, the heating of Helensburgh Pool, and/or extending the pool length to 50 metres and the number of lanes to eight.
  - b Investigate what would be the expected catchment area of residents who might make use of the Pool when heated.
  - c Investigate what catchment area of schools might make use of the Pool after it is heated and what purposes it could be utilised for.
  - d Include in the report what would be the charge for entry after the heating works have been finished, and would that fee also be charged during the summer period.
  - e Include what would be the annual ongoing costs associated with the heating of Helensburgh Pool.
- 2 The above investigations be the subject of a report which is to be finalised and presented to the newly-elected Council not later than four months of that Council being elected.

*Variation The variation moved by Councillor Takacs to add the words 'and/or extending the pool length to 50 metres and the number of lanes to eight' was accepted by the mover and seconder.*

**DEPARTURE OF COUNCILLORS**

During debate and prior to voting on Item 1, the following Councillors departed and returned to the meeting –

- Councillor Dorahy from 6.54 pm to 6.56 pm;
- Councillor Colacino from 6.56 pm to 6.57 pm; and,
- Councillor Curran from 7.14 pm to 7.15 pm.

## **ITEM 1 - SUBMISSION TO DELEGATE ON MERGER PROPOSAL: SHELLHARBOUR CITY COUNCIL AND WOLLONGONG CITY COUNCIL**

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

- Moved by Councillor Martin seconded by Councillor Dorahy – five minutes for Councillor Merrin;
- Moved by Councillor Crasnich seconded by Councillor Merrin – five minutes for Councillor Blicavs;
- Moved by Councillor Merrin seconded by Councillor Crasnich – five minutes for Councillor Curran;
- Moved by Councillor Crasnich seconded by Councillor Curran – five minutes for Councillor Petty; and,
- Moved by Councillor Dorahy seconded by Councillor Crasnich – three minutes for Councillor Martin.

### **17 COUNCIL'S RESOLUTION** – MOVED by Councillor Brown seconded Councillor Connor that Council -

- 1 Receive the report by the General Manager on the Submission to Delegate on Merger Proposal: Shellharbour City Council and Wollongong City Council.
- 2 Supports, in the event of any merger, the direct election of the Lord Mayor.
- 3 Supports, in the event of any merger, a composition of twelve Councillors elected in four wards of three, in addition to the Lord Mayor.
- 4 Supports, in the event of any merger, the name Wollongong being retained in the name of the new local government area, and that Council agree in principle to have any new name endorsed at a poll to be possibly conducted at a future Council Election.
- 5 Authorise the General Manager to –
  - a Finalise the submission to reflect the resolutions of Council regarding the Merger Proposal, subject to the following additional point –
    - 11 Other Factors: A new point 11.5 which seeks a minor boundary adjustment in the Darkes Forest area;
  - b Submit Council's response to the Delegate.

**Variation** *The variation moved by Councillor Colacino to add the words 'at a poll to be possibly conducted at a future Council Election' to Part 4, was accepted by the mover and seconder.*

An AMENDMENT was MOVED by Councillor Merrin seconded Councillor Takacs that Council -

- 1 Receive the report by the General Manager on the Submission to Delegate on Merger Proposal: Shellharbour City Council and Wollongong City Council, with changes to the submission such that –
  - a The item on Natural Resources Management be reworded and taken out of the summary where it is used as a potential benefit to the citizens of Wollongong; and
  - b The Conclusion page – the addition of the words ‘that in light of Council’s determination of 11 March 2013 Council does not support amalgamations in our region unless –
    - There can be demonstrated economic efficiencies and financial benefit for ratepayers;
    - There will be an improvement in community services resulting from any financial benefits;
    - There is maintained a ‘community of interest’ and,
    - There is a degree of public support for the proposal”and,  
in light of our findings that there are no major benefits to Wollongong of this proposed merger, then Council opposes the merger’.
- 2 Supports, in the event of any merger, the direct election of the Lord Mayor.
- 3 Supports, in the event of any merger, a composition of fifteen Councillors elected in two wards of seven, in addition to the Lord Mayor.
- 4 Supports, in the event of any merger, the name Illawarra City Council being the name of the new local government area, and that Council agree in principle to have any new name endorsed at a future poll of residents.
- 5 Authorise the General Manager to –
  - a Finalise the submission to reflect the resolutions of Council regarding the Merger Proposal, subject to the following additional point –
    - 11 Other Factors: A new point 11.5 which seeks a minor boundary adjustment in the Darkes Forest area;



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- b Submit Council's response to the Delegate.

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

**In favour** Councillors Takacs and Merrin

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

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

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

**Against** Councillors Merrin, Curran and Petty

## DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 2, Councillors Curran and Colacino departed and returned to the meeting, the times being from 8.21 pm to 8.23 pm, and from 8.43 pm to 8.46 pm, respectively.

## ITEM 2 - PROPOSED PHASE 1 AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993

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

- 1 Council note the Office of Local Government's proposed Phase 1 amendments to the Local Government Act 1993.
- 2 The General Manager be authorised to respond to the Office of Local Government survey on the Phase 1 amendments to the Local Government Act 1993 generally in accordance with the comments set out in the report, subject to –
  - a The submission response at 8.2 being changed from 'support' to 'oppose' the amendment to the State of the Environment Reporting.
  - b The submission response at 4.1 being changed from 'support' to 'oppose', and state that Council supports Federal, State and Local Government elections being conducted under identical provisions, wherever possible.

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- c The submission response at 1.2, reflect the desire to retain in the Charter a point similar to the fifth point in Section 8.1 of the current Local Government Act which requires councils to properly manage and protect the environment.

**Variation** *The following variations were accepted by the Mover and Seconder –*

- *Councillor Brown – the addition of Part 2b; and,*
- *Councillor Takacs – the addition of Part 2c.*

**In favour** Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Colacino, Curran and Petty

**Against** Councillors Blicavs, Dorahy, Crasnich and Bradbery

### **ITEM 3 - SUBMISSION ON THE NSW COASTAL REFORM FRAMEWORK**

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

- 1 The draft submission on the NSW Coastal Reform Framework be endorsed for finalisation by the General Manager and provided to the State Government (Attachment 3 of the report).
- 2 The submission include a request for commitment from the State Government for ongoing funding support for councils in the preparation and implementation of their coastal management programs.
- 3 The submission include a request to ensure there is no loss of protection provisions in the existing SEPP's 14, 26 and 71, and the Coastal Policy.
- 4 The Draft Wollongong Coastal Zone Management Plan not be submitted to the State Government for certification at this stage.

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

## **ITEM 4 - WEST DAPTO URBAN RELEASE AREA - DARKES ROAD SOUTH WEST PRECINCT PLANNING PROPOSAL - POST EXHIBITION REPORT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

### **COUNCIL'S RESOLUTION** – Council -

- 1 Proceed with the Planning Proposal for 105 Darkes Road, Kembla Grange (Lot 202 DP 1192033), 109 Darkes Road, Kembla Grange (Lot 1 DP 795839 and Lot 3 DP 1008723), 141 Darkes Road, Kembla Grange (Lot 1 DP 770451), Lot 111 West Dapto Road, Kembla Grange (Lot 111 DP 718106), Lot 4 West Dapto Road, Kembla Grange (Lot 4 DP 1008723), Lot 201 West Dapto Road, Kembla Grange (Lot 201 DP 1192033), and Lot 3 Darkes Road, Kembla Grange (Lot 3 DP 1008723), with corresponding amendments to the Land Zoning, Floor Space Ratio, Lot Size, Height of Building and Land Reservation Acquisition maps.
- 2 Refer the finalised Planning Proposal to the NSW Department of Planning and Environment to arrange for the drafting of the amending instrument.
- 3 Note that the General Manager will exercise delegation issued by the NSW Department of Planning and Environment under Section 69 in relation to the proposal.

### **DEPARTURE OF COUNCILLORS**

Due to prior disclosures of interests –

- The Lord Mayor vacated the Chair and departed the Chamber, and Deputy Lord Mayor, Councillor Dorahy, assumed the Chair.
- Councillors Kershaw and Brown departed the meeting, the time being 8.56 pm.

## **ITEM 5 - DRAFT PLANNING PROPOSAL - PORT OF PORT KEMBLA**

- 20** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor Curran that the matter be deferred pending a Briefing.

## **ATTENDANCE OF COUNCILLOR AND RESUMPTION OF CHAIR**

At this stage, the time being 9.06 pm, the Lord Mayor returned to the meeting, resumed the Chair and subsequently closed the meeting.

## **ITEM 6 - DRAFT QUARTERLY REVIEW STATEMENT - DECEMBER 2015**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

### **COUNCIL'S RESOLUTION** –

- 1 The draft Quarterly Review Statement December 2015 be adopted.
- 2 The Budget Review Statement as at December 2015 be adopted and revised totals of income and expenditure be approved and voted.

## **ITEM 7 - APPROVAL FOR COUNCILLOR ATTENDANCE - AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) 2016 NSW CONFERENCE, GUNNEDAH**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

**COUNCIL'S RESOLUTION** – Council approve the attendance of Councillors Curran, Martin and Merrin at the 2016 NSW Conference of the Australian Local Government Women's Association in Gunnedah, including travel and three nights' accommodation.

## **ITEM 8 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 20 JANUARY 2016**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

**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 20 January 2016 in relation to Regulation of Traffic be adopted.

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## **ITEM 9 - BI-MONTHLY TABLING OF RETURNS OF DISCLOSURES OF INTERESTS AND OTHER MATTERS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

**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 9.06 PM.**

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Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 14 March 2016.

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Chairperson