

MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00pm

Monday 25 March 2013

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, 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 - P Kofod, Director Planning and Environment – Nature, City and Neighbourhoods – A Carfield, Manager Finance – B Jenkins, Manager Property and Recreation (Acting) – W Douglass, Manager Environmental Strategy and Planning – R Campbell, Manager Library and Community Services – J Thompson, Manager Infrastructure (Acting) – M Malone and Project Manager – P Coyte

Apologies

Min No.

- 47 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Brown seconded Councillor Petty that the apology tendered on behalf of Councillor Merrin be accepted.

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ONE MINUTE'S SILENCE – PASSING OF FORMER ALDERMEN NOEL HOWARD OAM AND JOHN FRENCH

The Lord Mayor advised Council of the passing on 10 March 2013 of former Alderman Noel Howard OAM. Mr Howard joined Council in September 1974 and served as an Alderman for Ward 2 for 14 years. Mr Howard commenced employment at the Illawarra Retirement Trust in 1969 when the organisation had \$48 in assets and by 1992, the IRT had assets of \$42M and a turnover of over \$20M annually. In 1994 Mr Howard was named the Illawarra Corporate Executive of the Year and in January 1995 he received the Order of Australia for Service to the Care of Aged People.

The Lord Mayor also advised of the passing on 8 March 2013 of John French who served as an Alderman from 1974 to 1983. Mr French had special interests in the development of facilities for youth, the aged and migrants. He was a member of Council's Finance, Works, Environment, Youth, Recreation, Surf Lifesaving and Lake Illawarra Committees.

The Lord Mayor extended Council's deepest sympathy to both families and requested that one minute's silence be observed as a mark of respect for both Mr Noel Howard OAM and Mr John French.

One minute's silence was duly observed.

DISCLOSURE OF INTEREST

Councillor Martin declared a non-significant conflict of interest in Items 2, 3 and 5 insofar as she is employed by the NSW Department of Planning and Infrastructure.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 11 MARCH 2013

48 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, 11 March 2013 (a copy having been circulated to all Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM – WEST DAPTO INITIAL STRATEGY AND RELATED MATTERS

On behalf of residents in Marshall Street, Western Avenue and Avondale Road and the greater Dapto area, Ms F Abercrombie welcomed improvements to road access to West Dapto, as well as the efforts by the Lord Mayor, Councillors and Council Officers in ensuring community engagement in the process. Residents were also pleased to see that a Steering Committee has been formed to oversee the West Dapto Initial Access Strategy. In this respect, Ms Abercrombie offered the Committee assistance, if this was deemed appropriate. She felt that community engagement could be better served with the addition of community members on the Committee.

In relation to the proposed reclassification of Council-owned land in Avondale Road, Ms Abercrombie asked Councillors to consider the following before voting on the matter –

- 1 Why spend more Council funds on reclassifying land which may never be used?
- 2 Why not perform the Cleveland Road upgrade, monitor traffic and if it is deemed appropriate to reclassify the land, reclassify at that point in time?
- 3 The reclassification of community land is something that concerns many Councillors in relation to the West Dapto Strategy.

PUBLIC ACCESS FORUM – EXTENSION OF SWIMMING SEASON – WESTERN SUBURBS POOL

Ms K Hetherington asked that Council give consideration to the extension of the swimming season at the Western Suburbs Pool until the end of May, so that the season aligns with Port Kembla and Thirroul Pools. She said that an article in the Illawarra Mercury during 2012 highlighted the fact that the pool operates at a much lower cost-per-person than other Council pools, possibly reflecting its patronage and the pride the Pool Attendants take in managing the pool and its surrounds. This pool is well patronised by a swimming club, regular lap swimmers, as well as members of the local community.

Ms Hetherington advised that there is a growing number of mature age swimmers who are endeavouring to be proactive in managing their health and fitness. In conclusion, Ms Hetherington said that the Western Suburbs Pool was an ideal and focal place for an extended swimming season.

PUBLIC ACCESS FORUM - EXPANSION OF GUJARAT NRE OPERATIONS AT RUSSELL VALE COLLIERY

Mr G Workman, on behalf of Illawarra Residents for Responsible Mining, advised that Gujarat NRE has applied to the Department of Planning and Infrastructure for a major expansion of its operations at Russell Vale Colliery. The application seeks to increase production at the Colliery to 3 million tonnes per year, by longwall mining a third seam of coal under the Sydney Water Catchment Special Area. If approved, this would result in a ten-fold increase in coal extraction compared to current and recent production levels. The proposal will increase coal trucks to 682 movements per day in peak times, averaging one truck every 80 seconds. Also, there would be an increase to stockpiling at the Russell Vale site from between 315,000 and 840,000 tonnes.

The proposed expansion has significant implications for the community and the environment. With its close proximity to residential areas, the expansion will negatively impact the local community in a number of ways including: noise pollution; airborne coal and other particulate pollution, as well as a massive increase in coal trucks. In conclusion, Mr Workman advised that the proposed longwall mining expansion would also damage the Sydney Water Catchment Special Area, an area that is already riddled with coal mine related damage.

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

MATTER OF GREAT URGENCY

Councillor Curran advised that she wished to put forward a motion which she considered urgent, due to reporting timelines, and related to the extension of opening hours at the Western Suburbs Pool.

The Lord Mayor deemed the matter to be of great urgency.

A PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Martin that Council consider a matter relating to the extension of opening hours at Western Suburbs Pool. CARRIED UNANIMOUSLY.

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

- 1 The petition regarding the extended opening hours of Western Suburbs Pool be received.
- 2 A report be prepared for Council that considers costs and the feasibility of extending the Pool's opening season until the end of May 2013.
- 3 This report be presented to the Council meeting of 8 April 2013.

**PROCEDURAL MOTION – MATTER TAKEN OFF TABLE -
MANAGEMENT OF THE MT KEIRA ROAD CLOSURE**

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Connor that Item 1 be taken off the table. CARRIED UNANIMOUSLY.

**ITEM 1 - ITEM LAID ON THE TABLE AT COUNCIL MEETING
11 MARCH 2013 - MANAGEMENT OF THE MT KEIRA ROAD CLOSURE**

51 **COUNCIL'S RESOLUTION** – MOVED Councillor Brown seconded Councillor Blicavs that -

- 1 Mt Keira Road remain closed to the general traffic until the required remediation works are completed and the risk to the public is reduced to at least tolerable.
- 2 Road closure signage be updated in line with Drawing 5099 SK01 and the community be advised on the status of the road closure via direct communications and Council's website.
- 3 The permanent and safe opening of Mt Keira Road to all road users be completed as soon as practicable.
- 4 A briefing be held to consider a City-wide policy for responding to rock-fall/slip events on the Escarpment that includes full or partial closing of roads, maintaining public safety generally and community engagement.

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An AMENDMENT was MOVED by Councillor Takacs seconded Councillor Dorahy that –

- 1 Mt Keira Road remain closed to the general traffic, with the exception of cyclists, and no additional protection measures be put in place.
- 2 Road closure signage be updated in line with Drawing 5099 SK01 and the community be advised on the status of the road closure via direct communications and Council's website.
- 3 The permanent and safe opening of Mt Keira Road to all road users be completed as soon as practicable.
- 4 A briefing be held to consider a City-wide policy for responding to rock-fall/slip events on the Escarpment that includes full or partial closing of roads, maintaining public safety generally and community engagement

The AMENDMENT on being PUT to the VOTE was LOST.

In favour
Against

Councillors Takacs and Dorahy

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

The MOTION was PUT and CARRIED UNANIMOUSLY.

CALL OF THE AGENDA

52 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that the staff recommendations for Items 4, and 7 to 14 inclusive, be adopted as a block.

DEPARTURE OF COUNCILLORS

During consideration of Item 2 and prior to voting on the item, Councillors Blicavs and Colacino departed and returned to the meeting, the times being from 6.53 pm to 6.56 pm and 6.59 pm to 7.01 pm, respectively.

ITEM 2 - WEST DAPTO INITIAL ACCESS STRATEGY - UPDATE

53 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Crasnich seconded Councillor Connor that -

- 1 Council adopt the route from the intersection of the Princes Highway and Fowlers Road to the new roundabout on Fairwater Drive, to be known as the “West Dapto Access – Princes Highway to Fairwater Drive” as its optimum transport access route over the South Coast railway line.
- 2 Council accept the \$600,000 funding from the Department of Planning and Infrastructure and continue to pursue funding opportunities for the implementation of the West Dapto Access – Princes Highway to Fairwater Drive.
- 3 Council communicate its adopted route with the community.
- 4 Tenders be called for the development of the design for the proposed access route.
- 5 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 part Lot 1 DP 81501 Cleveland Road, Dapto, as shown in Attachment 3 of the report.
- 6 If agreement is reached with the owner of the land prior to the compulsory acquisition application being finalised, authority be granted to the General Manager to finalise the negotiations.
- 7 Upon acquisition, the land be dedicated as public road in accordance with Section 10 of the Roads Act 1993.
- 8 Authority be granted to affix the Common Seal of Council to the compulsory acquisition documents and any other documents required to give effect to this resolution.
- 9 Subject to resolution of Recommendation 5, Council endorse the commencement of the Cleveland Road upgrade works.
- 10 Council further investigate Scenario 2 (outlined in the report) as a preferred option, as developments in and around the Wongawilli subdivision come online.

Variation *The variation put forward by Councillor Connor (the addition of Part 10) was accepted by the mover.*

ITEM 3 - WEST DAPTO INITIAL ACCESS STRATEGY STEERING COMMITTEE - REVISION OF CHARTER

54 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor Curran that -

- 1 A revised charter for the West Dapto Initial Access Strategy Steering Committee be developed and reported to Council for adoption that includes: consideration of planning and development matters as well as provision of infrastructure to support the planned development in the West Dapto Urban Release Area.
- 2 This report investigate the various options surrounding the inclusion of community representatives.

ITEM 4 - TENDER T12/26 - CONSTRUCTION SERVICES - REALIGNMENT OF SHONE AVENUE HORSLEY INCLUDING 3 SPAN ROAD BRIDGE AND CREEK DIVERSION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 52).

COUNCIL'S RESOLUTION -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Abergeldie Contractors Pty Ltd for the provision of construction services to construct the proposed realignment of Shone Avenue at Horsley including a 3 span bridge and creek diversion works, in the sum of \$5,694,438.87, excluding GST. This amount includes a Provisional Sum of \$430,868.94.
- 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.

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ITEM 5 - PROPOSED RECLASSIFICATION OF COUNCIL OWNED LAND AT BROKERS ROAD, MT PLEASANT, GREENACRE ROAD/NORTHCOTE STREET, WOLLONGONG, AND AVONDALE ROAD (WESTERN AVENUE), DAPTO

55 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor Blicavs that -

- 1 A finalised Planning Proposal be submitted to the NSW Department of Planning and Infrastructure to -
 - a Reclassify the following four (4) parcels of Council owned land from Community land to Operational land and remove any real or perceived trusts, caveats and interests from the land:
 - Part of Brokers Road Reserve (Lot 10 DP 579510) (Attachment 1 of the report).
 - Lot 14 Section B DP 15742, Northcote Street, Wollongong (Attachment 5 of the report).
 - Lot 6 Section C DP 15742, Greenacre Road, Wollongong (Attachment 5 of the report).
 - Part of Lot 49 DP 24980, Avondale Road, Dapto (Attachment 6 of the report) extension of Western Avenue.
 - b Rezone part of Brokers Road Reserve (Lot 10 DP 579510) from RE1 Public Recreation to R2 Low Density Residential and designate a Floor Space Ratio of 0.5:1 and a Minimum Lot Size of 449m², consistent with the adjoining land. (Attachments 2, 3 and 4 of the report).
- 2 Implementation of the Western Avenue link to Marshall Street not occur pending the monitoring of traffic movements following the completion of the Cleveland Road upgrades to identify any need for further road infrastructure improvements.
- 3 Council officers work with the community to identify and design any further road infrastructure improvements required following the completion of the Cleveland Road upgrades.

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Brown that an extension of time be granted to Councillor Colacino to address the meeting in relation to Item 6.

ITEM 6 - BALD HILL LANDSCAPE MASTERPLAN

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

- 1 The Draft Concept Landscape Master Plan for Bald Hill, as exhibited and attached to the report, be adopted by Council as the starting point for the future renewal and development of the Bald Hill precinct.
- 2 During the development of Council's 2013-18 Delivery Program, Council consider the allocation of \$100,000 in 2013-14 to advance a staged Implementation Plan and Landscape Master Plan for Bald Hill with all works based upon the Concept Landscape Master Plan for Bald Hill.

ITEM 7 - WOLLONGONG CITY CATCHMENT - ADOPTION OF FINAL FLOOD STUDY REPORT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 52).

COUNCIL'S RESOLUTION – Council adopt the Wollongong City Flood Study.

Minute No.

ITEM 8 - TENDER T12/46 - CAWLEY PARK SOCCER AMENITIES RENOVATIONS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 52).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Manteena Pty Ltd for the renovation of the amenities at the Cawley Park Soccer Club, in the sum of \$212,966.00 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 - FEBRUARY 2013 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 52).

COUNCIL'S RESOLUTION –

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

ITEM 10 - STATEMENT OF INVESTMENTS - FEBRUARY 2013

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 52).

COUNCIL'S RESOLUTION – Council receive the Statement of Investments for February 2013.

ITEM 11 - COMMENCEMENT OF CODE OF CONDUCT 2013

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 52).

COUNCIL'S RESOLUTION – Council note the Division of Local Government Circular 13-06 relating to the commencement of the Division's Model Code of Conduct Framework.

ITEM 12 - NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CONFERENCE ATTENDANCE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 52).

COUNCIL'S RESOLUTION -

- 1 The Lord Mayor, Councillor Blicavs and Councillor Kershaw be authorised to attend the 2013 National General Assembly of Local Government Conference and associated functions, staying three nights on business.
- 2 The Lord Mayor be nominated as the voting delegate.

ITEM 13 - MINUTES OF CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD ON 27 FEBRUARY 2013 AND ELECTRONIC MEETING HELD ON 12 MARCH 2013

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 52).

COUNCIL'S RESOLUTION – In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee held on 27 February 2013 and 12 March 2013 in relation to Regulation of Traffic be adopted.

Minute No.

ITEM 14 - BI-MONTHLY TABLING OF RETURNS OF DISCLOSURES OF INTEREST

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 52).

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 7.40 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 8 April 2013.

Chairperson