



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 12 March 2018

Present

Lord Mayor – Councillor Bradbery AM (in the Chair), Councillors Blakey, D Brown, T Brown, Colacino, Connor, Cox, Dorahy, Figliomeni, Kershaw, King, Rimmer and Walters

In Attendance

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

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DISCLOSURES OF INTERESTS

Councillor T Brown declared a non-pecuniary, non-significant conflict of interest in Item 3 as the Visionary Investment Group is a client of SMART (University of Wollongong).

Councillor Walters declared a non-pecuniary, non-significant conflict of interest in Item 1 as his primary residence is within 50 metres of the proposal. Councillor Walters advised that he would depart the Chamber during debate and voting on this matter.

Councillor Figliomeni declared a conflict of interest in Item 2 as he holds shares in Stockland. Councillor Figliomeni advised that he would depart the Chamber during debate and voting on this matter.

PETITION - REMOVAL OF TREE VANDALISM SIGN - HOLBORN STREET, BERKELEY

Councillor Figliomeni tabled a petition from five residents in Holborn Street, Berkeley, in relation to a large sign placed on the western side of the street. There was already a sign in place, but without consultation, the larger sign was installed and residents feel that it degrades the whole street. Residents have requested that the sign be removed as they consider it is inappropriate to use a sign of this size to make a statement.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 19 FEBRUARY 2018

- 22 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 19 February 2018 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM - DRAFT PLANNING PROPOSAL 227 CORDEAUX ROAD MT KEMBLA

Mr D Thompson, on behalf of Cardno, appreciated Council's work on both this Planning Proposal and the previous Farmborough Heights to Mt Kembla Concept Plan. Whilst supportive of the report's recommendations, Cardno was concerned by the notation that Council could resolve to increase the minimum lot size to one hectare to limit the number of additional lots and think that this would unnecessarily constrain the site. A one hectare minimum lot size would limit the development to three additional lots and the Concept Plan identifies the potential for up to six lots, subject to resolution of environmental constraints, including access.

In summary, Mr Thompson said that Cardno strongly supported the 5,000m² minimum lot size and requested that the proposal proceed to the Gateway as soon as possible.

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

CALL OF THE AGENDA

- 24 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the staff recommendations for Items 3, 4, 7, 9 to 15 inclusive, be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Colacino that the Motions on Notice be considered after the numbered agenda items. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

ITEM A - NOTICE OF MOTION - COUNCILLOR DOM FIGLIOMENI - REROUTING OF GRAND PACIFIC DRIVE

Item A was considered at the conclusion of the numbered Agenda Items (refer to Minute number 30).

ITEM B - NOTICE OF MOTION – COUNCILLOR DOM FIGLIOMENI – FINANCIAL AND OPERATIONAL COSTS AND BENEFITS OF COMMERCIAL USE OF CARPARK, PORT KEMBLA SURF CLUB

Item B was considered at the conclusion of the numbered Agenda Items (refer to Minute number 31).

DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest, Councillor Walters departed the meeting and was not present for the debate and voting on Item 1.

ITEM 1 - DRAFT PLANNING PROPOSAL 227 CORDEAUX ROAD (LOT 100 DP 1123517) MOUNT KEMBLA - PP-2017/3

During the debate on Item 1, a PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Connor that an additional 30 seconds be granted to Councillor D Brown to address the meeting. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

25 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor D Brown seconded Councillor Colacino that -

- 1 A draft Planning Proposal be prepared and submitted to the NSW Department of Planning and Environment for 227 (Lot 100 DP 1123517) Cordeaux Road, Mount Kembla seeking a Gateway determination to:
 - a Rezone (4.3ha) of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of 5,000m² and Floor Space Ratio of 0.3 : 1; and
 - b Rezone the remainder of the site (1.5ha) from E3 Environmental Management to E2 Environmental Conservation.
- 2 The draft Planning Proposal be exhibited for 28 days.
- 3 The Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegation in accordance with Council's resolution of 26 November 2012.

In favour Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Colacino, Dorahy, Figliomeni and Bradbery

Against Councillors Cox and Blakey

DEPARTURE OF COUNCILLORS

Due to prior disclosure of interest, Councillor Figliomeni departed the meeting and was not present for the debate and voting on Item 2.

During debate and prior to voting on Item 2, Councillor Colacino departed and returned to the meeting, the time being from 6.40 pm to 6.42 pm.

ITEM 2 - DRAFT PLANNING PROPOSAL OF LOTS 1, 2 AND 3 DP 810104 LOCATED BETWEEN BONG BONG ROAD AND CLEVELAND ROAD WITHIN STAGE 3 OF THE WEST DAPTO URBAN RELEASE AREA

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

- 1 A revised draft Planning Proposal be prepared for Lot 1, 2 and 3 DP 810104 between Bong Bong Road Horsley and Cleveland Road Huntley, and submitted to the NSW Department of Planning and Environment requesting a revised Gateway Determination be issued to amend the Wollongong Local Environmental Plan in the following manner:
 - a Rezone from RU2 Rural Landscape to a mix of E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, R2 Low Density Residential, R3 Medium Density Residential, and RE1 Public Recreation (Attachment 4 of the report).
 - b Amending the Maximum Height of Buildings Map to show 9m for the R2 Low Density Residential zone and 16m for the R3 Medium Density Residential zone (Attachment 4 of the report).
 - c Amending the Minimum Lot Size Map to show 250m² for the R2 Low Density Residential zone, 300m² for the R3 Medium Density zone, 2000m² for the E4 Environmental Living zone and 39.99ha for the E2 Environmental Conservation and E3 Environmental Management zones (Attachment 4 of the report).
 - d Amending the Floor Space Ratio map to show 0.5:1 for the R2 Low Density Residential zone, and 0.75:1 for R3 Medium Density Residential zone (Attachment 4 of the report).
 - e Amending the Natural Resource Sensitivity Map to more accurately reflect the sensitive vegetation on the site (Attachment 4 of the report).
 - f Amending the Land Reservation Acquisition Map to show the proposed acquisition of the 2 parks and the widening of Cleveland Road (Attachment 4 of the report).
 - g Amending the Heritage Map to include curtilage of 'Waples Butchery' and 'Sunnyside' (Attachment 4 of the report).
 - h Amending the Flood Map to more accurately reflect the 1:100 flood planning area (Attachment 4 of the report).
 - i Amending the Riparian Map to remove the non-excitant watercourse (Attachment 4 of the report).
 - j Amending the Urban Release Area map to include the site.
 - k Including LEP model provision Clause 4.1C Minimum Lot size (Integrated Housing) – to apply to the Wollongong LGA.
- 2 Should a Gateway Determination be issued, consultation be undertaken with the following agencies:
 - a Water NSW
 - b NSW Office of Environment and Heritage
 - c NSW Rural Fire Service

- d Department of Education and Communities
 - e Endeavour Energy
 - f Transport for NSW – Roads and Maritime Services
 - g State Emergency Services
 - h Sydney Water
 - i Heritage Council
- 3 The Draft Planning Proposal be exhibited for a minimum period of 28 days.
- 4 The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.
- 5 The draft Neighbourhood Plan for the precinct (Attachment 3 of the report) form an amendment to Chapter D16 West Dapto Release Area and be exhibited with the draft Planning Proposal.
- 6 The proposed dedication of the western E2 zoned land to Council with in perpetuity funding under a conservation covenant such as a Biodiversity Stewardship site, be supported in principle, subject to further consultation with Council Officers and the Office of Environment and Heritage.
- 7 The legal agreement for the transfer of E2 zoned land with in perpetuity funding to Council be finalised prior to development consent for subdivision.
- 8 The proponent be requested to undertake the following additional investigations and submit prior to the finalisation of the Planning Proposal:
- a Stage 2 – Detailed Site Investigation Contamination Report.
 - b Remediation Action Plan.
 - c Site Audit Statement reviewing the Stage 1 and Stage 2 Investigations and the Remediation Action Plan.
 - d Amended Flood Study and Stormwater assessment.
 - e Biodiversity Conservation Strategy detailing the in perpetuity conservation covenant and funding for restoration and enhancement of biodiversity values within the regional biodiversity corridor.
 - f Escarpment Management Plan in accordance with Illawarra Escarpment Management Strategy 2015, addressing Clauses 5.52 Conservation Benefit, Clauses 5.53 Environmental Envelope and Clause 5.54 Assessment Criteria.
 - g Bushfire Risk Assessment.
 - h Aboriginal Heritage Cultural Assessment.
 - i Traffic Impact Assessment to be prepared in accordance with Table 2.1 of the RTA Guide to Traffic Generating Development.
 - j A revegetation and vegetation management plan for the rehabilitation of the riparian zone.
 - k A Conservation Management Plan for the appropriate management and retention of the Waples Butchery and archaeological site at Sunnyside. In particular it is to take into consideration the extent to which the proposal affects the heritage significance of the item/streetscape/subdivision pattern.

ITEM 3 - DRAFT NEIGHBOURHOOD PLAN FOR HUNTLEY SOUTH (STAGES 2 AND 3)

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 24).

COUNCIL'S RESOLUTION –

- 1 The draft Neighbourhood Plan for Huntley Avondale Road South – Stages 2 and 3 Precinct be progressed to public exhibition for a minimum period of 28 days (Attachment 3 of the report).
- 2 Consultation with relevant State government agencies occur as part of the exhibition period.

ITEM 4 - DRAFT SUBMISSION ON OFFICE OF LOCAL GOVERNMENT CONSULTATION DRAFT CODE OF MEETING PRACTICE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 24).

COUNCIL'S RESOLUTION – Council authorise the General Manager to finalise the submission on the draft Model Code of Meeting Practice and forward it to the Office of Local Government.

ITEM 5 - DRAFT SUBMISSION ON OFFICE OF LOCAL GOVERNMENT CONSULTATION DRAFT COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT PROGRAM

27 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that –

- 1 Council authorise the General Manager to finalise the submission on the draft Councillor Induction and Professional Development Program and forward it to the Office of Local Government.
- 2 The last paragraph of the submission be amended to read “Councillors noted that should the State Government wish to progress with codified competency standards via required professional development, that this should be considered within a broader framework of expectations for Councillors’ time commitment to civic duties and appropriate remuneration for this commitment”.

ITEM 6 - SUBMISSION ON NSW DRAFT FREIGHT AND PORTS PLAN

28 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that the General Manager be delegated to finalise the submission attached to the report on the NSW Draft Freight and Ports Plan, and forward to Transport for NSW by 25 March 2018.

ITEM 7 - COUNCILLOR REPRESENTATION ON HEALTHY CITIES ILLAWARRA BOARD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 24).

COUNCIL'S RESOLUTION –

- 1 As the sole nominee, Councillor Cath Blakey be appointed as Council's representative on the Healthy Cities Illawarra Board.
- 2 The appointment be for a period which aligns with the yearly determination of Councillor representation on various Committees and external organisations, which generally takes place in September.

ITEM 8 - 2018 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - COUNCILLOR ATTENDANCE AND DEVELOPMENT OF MOTIONS

29 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Kershaw that Council endorse -

- 1 The attendance of Councillors Bradbery, Kershaw, Colacino and Walters at the 2018 National General Assembly of Local Government in Canberra.
- 2 Councillors to liaise with Lord Mayor's Office on submitting Motions for consideration at the Conference.
- 3 The Lord Mayor as the voting delegate.

ITEM 9 - CHANGE OF COUNCILLOR BRIEFING AND COUNCIL MEETING DAYS FOLLOWING SCHOOL HOLIDAYS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 24).

COUNCIL'S RESOLUTION – The Councillor Briefing Session scheduled for Tuesday, 1 May, and the Council Meeting scheduled for Tuesday, 24 July, be rescheduled to Monday, 30 April and 23 July 2018, respectively.

ITEM 10 - PROPOSED ACQUISITION OF PART OF LOTS 1 AND 2 DP 1213645 NOS 29 AND 29A FARRELL ROAD, BULLI FOR ROAD WIDENING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 24).

COUNCIL'S RESOLUTION –

- 1 Council acquire Lot 123 DP 232477 for road widening, being the portion of Lots 1 and 2 DP 1213645 Nos 29 and 29A Farrell Road, Bulli, as shown shaded dark grey on the attachment to the report, on the following conditions:
 - a Compensation be paid in the amount of \$52,000 (GST exc).
 - b Council be responsible for all costs including valuation, transfer, legal and fencing, letterbox and water meter relocation costs, if required.
- 2 The General Manager be granted authority to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

ITEM 11 - TENDER T17/07 - DESIGN, CONSTRUCTION AND MAINTENANCE OF IAN MCLENNAN PARK SPORTSFIELD AND SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 24).

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 the design, construction and maintenance of Ian McLennan Park Sportsfield, in the sum of \$2,071,116.26, 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.
- 4 Council agree for Football South Coast to reallocate the \$200,000 from construction contingency, to fund “project enhancements” above the agreed baseline scope (half provided immediately on project start, with remainder in the second half of the 2018/19 financial year), with Council to accept the risk relating to contingency.

ITEM 12 - TENDER T17/58 - AUSTINMER BOATSHED EXTENSION PROJECT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 24).

COUNCIL'S RESOLUTION –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Peloton Constructions Pty Ltd for the extension to Austinmer Boatshed, in the sum of \$513,904.00, 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 - JANUARY 2018 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 24).

COUNCIL'S RESOLUTION –

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

ITEM 14 - STATEMENTS OF INVESTMENTS - JANUARY 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 24).

COUNCIL'S RESOLUTION – Council receive the Statements of Investments for January 2018.

ITEM 15 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 14 FEBRUARY AND ELECTRONIC MEETING HELD ON 16 FEBRUARY 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 24).

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 14 February 2018 and Electronic meeting held on 16 February 2018 in relation to the Regulation of Traffic be adopted.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item A, Councillor Rimmer departed and returned to the meeting, the time being from 7.10 pm to 7.12 pm.

ITEM A - NOTICE OF MOTION - COUNCILLOR DOM FIGLIOMENI - REROUTING OF GRAND PACIFIC DRIVE

MOVED by Councillor Figliomeni seconded Councillor King that -

- 1 Council ask Destination Wollongong to investigate the rerouting of the Grand Pacific Drive to include Port Kembla and Military Road and report back to Council within three months.
- 2 Where necessary, Council liaise with Roads and Maritime Services about installing directional signage to Hill 60 and Port Kembla Town Centre on a rerouted Grand Pacific Drive.

At this stage, Councillor Colacino FORESHADOWED a MOTION should Councillor Figliomeni's Motion be defeated.

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

In favour Councillors King, Connor, Cox, Blakey, Dorahy and Figliomeni
Against Councillors Kershaw, Rimmer, Brown, Brown, Colacino, Walters and Bradbery

Following the defeat of Councillor Figliomeni's Motion, Councillor Colacino's FORESHADOWED MOTION became the MOTION.

During the debate, a PROCEDURAL MOTION was MOVED by Councillor Walters seconded Councillor Connor that an additional 30 seconds be granted to Councillor Colacino to address the meeting. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

30 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor T Brown that -

- 1 Destination Wollongong be asked to include Port Kembla into discussions it has with the Grand Pacific Drive Stakeholder Group regarding the future route of the Grand Pacific Drive.
- 2 The Port Kembla Revitalisation Plan include signage and wayfinding opportunities to Port Kembla, Wentworth Street, Hill 60 and surrounds.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item B, Councillor T Brown departed and returned to the meeting, the time being from 7.46 pm to 7.47 pm.

ITEM B - NOTICE OF MOTION – COUNCILLOR DOM FIGLIOMENI – FINANCIAL AND OPERATIONAL COSTS AND BENEFITS OF COMMERCIAL USE OF CARPARK, PORT KEMBLA SURF CLUB

MOVED by Councillor Figliomeni seconded Councillor Walters that management explore and provide a report to Council on the financial and operational costs and benefits regarding opening and allowing the bottom carpark at the Port Kembla Surf Club to be used by campervans, motor homes, caravans etc on a full commercial basis.

At this stage, Councillor D Brown FORESHADOWED a MOTION should Councillor Figliomeni's Motion be defeated.

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

In favour Councillors Walters, Dorahy and Figliomeni
Against Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Cox, Blakey, Colacino and Bradbery

Following the defeat of Councillor Figliomeni's Motion, Councillor D Brown's FORESHADOWED MOTION became the MOTION.

31 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor D Brown seconded Councillor Connor that -

- 1 Consideration for the use for the Port Kembla Surf Club bottom car park be made in conjunction with the Port Kembla Revitalisation Project, and in consultation with the Port Kembla Surf Club.
- 2 Updated information on campervan tourism and possible campervan sites within the City be included in an Information Note or Councillor Briefing Session.

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

- *Councillor King to add the words 'and in consultation with the Port Kembla Surf Club' to Part 1; and,*
- *Councillor Colacino to add the word 'Updated' to Part 2.*

In favour Councillors Rimmer, D Brown, T Brown, King, Connor, Blakey, Colacino and Walters
Against Councillors Kershaw, Cox, Dorahy, Figliomeni and Bradbery

THE MEETING CONCLUDED AT 8.30 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 3 April 2018.

Chairperson