

at 6.00 pm

Monday 25 November 2013

### Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Blicavs (from 6.09 pm), 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 (Acting) – D Lazarus, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell, Manager Project Delivery – G Whittaker, Manager Community Cultural and Economic Development – T Buchanan and Manager Regulation and Enforcement – J Nicol

### Apology

Min No.

**240 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Connor seconded Councillor Curran that the apology tendered on behalf of Councillor Merrin be accepted.

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## **DISCLOSURE OF INTERESTS**

Councillor Martin declared an interest in Items 1, 2, 3 and 4 due to her employment at the Department of Planning and Infrastructure. However, Councillor Martin advised that she does not work on Wollongong-based issues.

## **PETITION – OPENING HOURS AND STAFFING – UNANDERRA LIBRARY**

Councillor Brown tabled a petition signed by 423 people requesting that Council maintain the current operating hours and staffing levels at Unanderra Library.

**241** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Martin that the petition be received.

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 11 NOVEMBER 2013**

**242** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that the Minutes of the Ordinary Meeting of Council held on Monday, 11 November 2013 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **ATTENDANCE OF COUNCILLOR**

During debate and prior to voting on Item B, Councillor Blicavs attended the meeting, the time being 6.09 pm.

Minute No.

**LORD MAYORAL MINUTE – IMPACT OF SOUTH COAST LINE RAILWAY TIMETABLE CHANGES ON NORTHERN SUBURBS**

**243 COUNCIL'S RESOLUTION** – MOVED by Councillor Bradbery that –

- 1 The Lord Mayor and General Manager meet with the NSW Minister for Transport, The Hon. Gladys Berejiklian, to –
  - a Discuss the need for an urgent review of the South Coast Line timetable with the objective of addressing the impact of timetable changes on commuters between Wollongong and Sydney and, more specifically, those in the northern suburbs of Wollongong.
  - b Draw to the Minister's attention to the need for disabled access at Unanderra Railway Station.
- 2 Wollongong City Council calls upon all Local State Members of Parliament to support Council in this need for a review of parking opportunities at Thirroul, Helensburgh, Waterfall, Dapto and Unanderra Stations.

Variation *The variations moved by –*

- *Councillor Colacino to add the words 'of parking opportunities at Thirroul, Helensburgh and Waterfall Stations' to Part 2, and,*
- *Councillor Curran to add the words 'Dapto and Unanderra' to Part 2, together with the addition of Part 1 (b),*  
*were accepted by the Lord Mayor.*

An AMENDMENT was MOVED by Councillor Kershaw seconded Councillor Colacino that –

- 1 The Lord Mayor and General Manager meet with the NSW Minister for Transport, The Hon. Gladys Berejiklian, to discuss the need for an urgent review of the South Coast Line timetable with the objective of addressing the impact of timetable changes on commuters between Wollongong and Sydney and more specifically those in the northern suburbs of Wollongong.
- 2 Wollongong City Council calls upon all Local State Members of Parliament to support Council in this need for a review of parking opportunities at Thirroul, Helensburgh and Waterfall Stations.

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

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

The Lord Mayor used his CASTING VOTE to vote against the AMENDMENT.

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

Minute No.

## DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item A, Councillor Crasnich departed and returned to the meeting, the time being from 6.26 pm to 6.27 pm.

## ITEM A – NOTICE OF MOTION - COUNCILLOR TAKACS - SAVINGS FROM INSTALLING SOLAR PHOTOVOLTAIC SYSTEMS

A PROCEDURAL MOTION was MOVED by Councillor Colacino seconded Councillor Blicavs that Councillor Takacs be granted an extension of time to address the meeting.

**244** **COUNCIL'S RESOLUTION** – MOVED by Councillor Takacs seconded Councillor Brown that –

- 1 A report come to Council outlining the opportunities for cost savings through the installation of metered and unmetered solar photovoltaic systems on Council buildings.
- 2 The report identify -
  - a Further work which needs to be performed to fully quantify the savings, and
  - b A preliminary list of buildings to be considered.

An AMENDMENT was MOVED by Councillor Colacino seconded Councillor Blicavs that -

- 1 A report come to Council outlining the opportunities for cost savings through the installation of metered and unmetered solar photovoltaic systems on Council-owned buildings.
- 2 The report identify -
  - a Further work which needs to be performed to fully quantify the savings, and
  - b A preliminary list of Council-owned buildings to be considered.

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

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

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

Minute No.

## CALL OF THE AGENDA

**245 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Kershaw that the staff recommendations for Items 3, 4, 6 to 10, and 14 to 16 inclusive, be adopted as a block.

### ITEM 1 - REGULATORY OPTIONS FOR THE DRAFT PLANNING PROPOSAL FOR FLINDERS, KEIRA AND CAMPBELL STREETS, WOLLONGONG

**246 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Brown seconded Councillor Connor that a letter be sent to the NSW Minister for Planning requesting that the Joint Regional Planning Panel (JRPP) be appointed as the Relevant Planning Authority for the draft Planning Proposal that affects land bounded by Flinders Street, Keira Street and Campbell Street, Wollongong, as Council is the major land owner in the precinct and has signed a contract for the sale of its land.

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

## DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 2, Councillor Colacino departed and returned to the meeting, the time being from 7.15 pm to 7.18 pm.

### ITEM 2 - DRAFT PLANNING PROPOSAL - 47-49 BORONIA AVENUE, WINDANG - POST EXHIBITION REPORT

MOVED by Councillor Takacs seconded Councillor Crasnich that -

- 1 The draft Planning Proposal for 47-49 Boronia Avenue, Windang (Lot 51 DP 554443 and Lot 102 DP 1078687) to rezone the site from RE2 Private Recreation and R2 Low Density Residential to E4 Environmental Living not proceed, and the site contain its current controls.
- 2 The proponent and submitters be advised of Council's decision.

Minute No.

**247**

**COUNCIL'S RESOLUTION** - An AMENDMENT was MOVED by Councillor Brown seconded Councillor Martin that –

- 1 The Planning Proposal for 47-49 Boronia Avenue, Windang (Lot 51 DP554443 and Lot 102 DP1078687) to rezone the site from RE2 Private Recreation and R2 Low Density Residential to E4 Environmental Living with a minimum lot size of 1,000m<sup>2</sup> and a floor space ratio of 0.5:1 proceed and be finalised under delegation issued to the General Manager.
- 2 As part of the first development application lodged for subdivision or residential development on the site:
  - a A detailed Flood Study is to be submitted, demonstrating no additional adverse impacts off site, proposed floor levels, access arrangements and evacuation arrangements.
  - b Development Consent DA-2005/1643 (as amended) be surrendered.
- 3 The proponent and submitters be advised of Council's decision.

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

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

Councillor Brown's AMENDMENT then BECAME the MOTION.

The MOTION on being PUT to the VOTE was CARRIED.

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



Minute No.

**ITEM 3 - DRAFT PLANNING PROPOSAL FOR 19 ACACIA STREET, WINDANG - POST EXHIBITION REPORT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 245).

**COUNCIL'S RESOLUTION** -

- 1 The draft Planning Proposal for 19 Acacia Street, Windang (Lot 7 Sec A DP 19008) to rezone the site from R2 Low Density Residential to B2 Local Centre and increase the Floor Space Ratio from 0.5:1 to 0.75:1 be finalised by the General Manager under delegation from the NSW Department of Planning and Infrastructure, as authorised by Council on 26 November 2012.
- 2 The proponent and submitters be advised of Council's decision.

**ITEM 4 - WEST DAPTO RELEASE AREA - DARKES ROAD SOUTH WEST NEIGHBOURHOOD PLAN**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 245).

**COUNCIL'S RESOLUTION** - The following documents be exhibited for a minimum period of 28 days for community input:

- 1 The draft Neighbourhood Plan prepared for land fronting Darkes and West Dapto Roads, Kembla Grange along with covering report (Attachments 3 and 4 of the report).
- 2 Draft revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area (Attachment 11 of the report).

## **ITEM 5 - TENDER T13/11 DESIGN AND CONSTRUCTION OF SKATE PLAZA AT HOLBORN PARK, BERKELEY**

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

- 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 design and construction of a Skate Plaza at Holborn Park, Berkeley and resolve to enter into negotiations with one or all of the tenderers, or any other party, 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 it is anticipated that a satisfactory outcome can be achieved with one of those parties 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 recommended 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.

## **ITEM 6 - POLICY REVIEW - CONFLICT OF INTERESTS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 245).

**COUNCIL'S RESOLUTION** – The draft Conflict of Interests policy (attached to the report) be adopted.

## **ITEM 7 - POLICY REVIEW - ENFORCEMENT POLICY, PRIVATE PRINCIPAL CERTIFYING AUTHORITY COMPLAINT POLICY, PENALTY NOTICE POLICY AND THE ENVIRONMENTAL RISK ASSESSMENT OF INDUSTRIAL AUDITING POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 245).

### **COUNCIL'S RESOLUTION –**

- 1 The amended Enforcement Policy, Private Principal Certifying Authority Complaint Policy and Penalty Notice Policy be adopted.
- 2 The Environmental Risk Assessment of Industrial Premises – Auditing Policy be revoked.

## **ITEM 8 - POLICY REVIEW - CRIME PREVENTION**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 245).

**COUNCIL'S RESOLUTION –** The draft Crime Prevention Policy be adopted.

## **ITEM 9 - POLICY REVIEW - GRAFFITI MANAGEMENT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 245).

**COUNCIL'S RESOLUTION –** The revised Graffiti Management Policy be endorsed and adopted by Council.

Minute No.

**ITEM 10 - PROPOSED COMPULSORY ACQUISITION OF LAND AND EASEMENT - SHONE AVENUE, WONGAWILLI**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 245).

**COUNCIL'S RESOLUTION** –

- 1 Pursuant to Section 186 of the Local Government Act 1993, Council make application to the Minister for Local Government and the Governor for the compulsory acquisition of that portion of Lot 14 DP 255284, as shown hatched on the attachment to the report.
- 2 Pursuant to Section 186 of the Local Government Act 1993, Council make application to the Minister for Local Government and the Governor for the compulsory acquisition of an Easement to Drain Water Variable Width over Lot 2 DP 658275 Shone Avenue, Wongawilli, as shown shaded dark grey on the attachment to the report.
- 3 Authority be delegated to the General Manager to finalise the negotiations on the acquisition of the land from Lot 14 DP 255284 and the easement from Lot 2 DP 658275 Shone Avenue, Wongawilli, as shown on the attachment to the report.
- 4 Authority be granted to affix the Common Seal of Council to the compulsory acquisition documentation and any other documentation required to give effect to this resolution.

**DEPARTURE OF COUNCILLOR**

During debate and prior to voting on Item 11, Councillor Crasnich departed and returned to the meeting, the time being from 7.36 pm to 7.38 pm.

**ITEM 11 - PROPOSED ACQUISITION OF LAND FOR ROAD WIDENING IN COLEMANS LANE, BULLI**

**249** **COUNCIL'S RESOLUTION** – MOVED by Councillor Curran seconded Councillor Petty that the proposed acquisition of land for road widening in Colemans Lane, Bulli be deferred, and a report come to Council identifying –

- 1 All acquisitions and transfers of land in Colemans Lane and Fowlers Street since 1970 in regard to this road widening.
- 2 The proposed road and footpath widening plans.

Minute No.

An AMENDMENT was MOVED by Councillor Colacino seconded Councillor Brown that –

- 1 Council authorise the acquisition of the portion of Lot 1 DP 1071046 No 25 Park Road, Bulli, shown shaded dark grey on the attachment to the report, subject to the following conditions:
  - a Purchase price of \$41,000 (GST exc).
  - b Council be responsible for all costs in the matter, including survey, plan lodgement, transfer, legal costs and the cost of reinstatement of fencing to the new boundary, if required.
- 2 Council authorise the acquisition of the portion of Lot 100 DP 866930 No 28 Ursula Road, Bulli, shown shaded dark grey on the attachment to the report, subject to the following conditions:
  - a Purchase price of \$47,000 (GST exc).
  - b Council be responsible for all costs in the matter including survey, plan lodgement, transfer, legal costs and the cost of reinstatement of fencing to the new boundary.
- 3 Upon completion of the acquisition, the land be dedicated as public road in accordance with Section 10 of the Roads Act 1993.
- 4 Authority be granted to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

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

In favour  
Against

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

Councillor Bradbery used his CASTING VOTE to vote against the AMENDMENT.

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

In favour  
Against

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

Councillor Bradbery used his CASTING VOTE to vote in support of Councillor Curran's MOTION.

Minute No.

**ITEM 12 - DRAFT QUARTERLY REVIEW - SEPTEMBER 2013**

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

- 1 The draft Quarterly Review September 2013 be adopted noting corrections made to drafting errors on Pages 22 and 23 (Attachment 1 of the report).
- 2 The Budget Review Statement as at 30 September 2013 be adopted and revised totals of income and expenditure be approved and voted.

**ITEM 13 - OCTOBER 2013 FINANCIALS**

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

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

**ITEM 14 - STATEMENT OF INVESTMENTS - OCTOBER 2013**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 245).

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

**ITEM 15 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 6 NOVEMBER 2013**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 245).

**COUNCIL'S RESOLUTION** – In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee meeting held 6 November 2013 in relation to Regulation of Traffic be adopted.

Minute No.

## **ITEM 16 - 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 245).

**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 8.00 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 9 December 2013.

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Chairperson