

at 6.00 pm

Monday 27 June 2016

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy (from 6.19 pm), Colacino, Crasnich 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 Project Delivery – G Whittaker, Manager Infrastructure Strategy and Planning – M Dowd, Manager Development Assessment and Certification – M Riordan, Manager City Works and Services – M Roebuck and Manager Community Cultural and Economic Development – K Hunt

Apologies

Min No.

67 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the apologies tendered on behalf of Councillors Connor and Curran be accepted.

INDEX

PAGE NO.

	Disclosures of Interest	1
	Confirmation of Minutes of Ordinary Meeting of Council held on Monday, 30 May 2016	1
	Public Access Forum – Wollongong Local Government Area – Refugee Welcome Zone	1
	Public Access Forum – Water Quality Testing – Bellambi Creek	2
	Public Access Forum – Draft Annual Plan 2016-17	2
	Public Access Forum – Mt Keira Vision and Stakeholder Engagement Report	3
	Public Access Forum – Budget Management – Blue Mile and Flooding to Southern Wollongong	3
	Public Access Forum – Outstanding Conditions on Russell Vale Emplacement Area	4
	Call of the Agenda	5
ITEM A	Lord Mayoral Minute - Illegal Building Works	5
ITEM B	Notice of Motion - Councillor Takacs - Wollongong Local Government Area - Refugee Welcome Zone	6
ITEM C	Notice of Motion - Councillor Merrin - Water Quality Testing - Bellambi Creek	7
ITEM 1	Draft Annual Plan and Attachments 2016-17 - Feedback Following Exhibition and Preliminary End of Term Report 2012-2016	8
ITEM 2	Preliminary End of Term Report 2012-2016 (considered with Item 1)	8
ITEM 3	Mount Keira Vision and Stakeholder Engagement Report	9
ITEM 4	Draft Planning Proposal: 220 Waples Road (Lot 14 DP 261286), Farmborough Heights	9

	PAGE NO.
ITEM 5	Draft Planning Proposal: Lot 101 DP 825516 Farmborough Road, Farmborough Heights..... 10
ITEM 6	Acquisition of Land at 234 Paynes Road, Dombarton for Road Purposes 11
ITEM 7	Draft Public Art Strategy and Guidelines 2016-2021 12
ITEM 8	Draft Crown Street Mall Activity Policy 12
ITEM 9	Disability Inclusion Action Plan 2016 - 2020..... 12
ITEM 10	Proposed Reclassification and Sale of Lot 2 DP231004 Rear of 46 Montague Street, North Wollongong 13
ITEM 11	Tender T15/41 Bulli Surf Life Saving Clubhouse Refurbishment - Outcome of Tender Negotiations..... 13
ITEM 12	Tender T16/21 – Construction of a New Amenities Block and Electrical Upgrade at Stuart Park 14
ITEM 13	Tender T16/18 - Refurbishment Works to the Gentleman's Rock Pool at North Wollongong..... 14
ITEM 14	Tender T16/22 – Design, Construction, Supply, Delivery and Installation of a Demountable Transportable Building Purpose Built for use as a Camp Kitchen at Windang Beach Tourist Park..... 15
ITEM 15	Tender T16/13 Central Depot Amenities and Multi Purpose Room Building Refurbishment 15
ITEM 16	Tender T16/20 – Market Street Car Park - Refurbishment and Safety Upgrade..... 16
ITEM 17	Variation of Grant Agreement - Volunteering Illawarra 17
ITEM 18	Financial Assistance Policy - 2016-2017 Recipients Report..... 17
ITEM 19	Assistance to Residents affected by recent Storm Event - June 2016 17
ITEM 20	CCTV Policy and Code of Practice Council Policy - Use of Cameras by Regulation and Enforcement Officers 18

	PAGE NO.
ITEM 21	May 2016 Financials..... 18
ITEM 22	Statement of Investments - May 2016..... 18
ITEM 23	City of Wollongong Traffic Committee - Minutes of Meeting held 25 May 2016..... 18
ITEM 24	Biodiversity Legislation Submission..... 19
ITEM 15	Tender T16/13 Central Depot Amenities and Multi Purpose Room Building Refurbishment 20

DISCLOSURES OF INTERESTS

Councillor Martin declared a non-significant, non-pecuniary interest in Items 4 and 5 insofar as they refer to Planning Proposals that may proceed to her employer, the Department of Planning and Environment. Councillor Martin advised that whilst she is employed by the Department, her work does not include anything related to the Wollongong Local Government area.

Councillor Dorahy was not present for the call of disclosures of interests, however, during the debate on Item C, Councillor Dorahy disclosed a pecuniary interest due to being a small shareholder in Wollongong Coal. At that point, Councillor Dorahy departed the meeting and was not present for further debate and voting on Item C.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 30 MAY 2016

- 68** **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, 30 May 2016 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM – WOLLONGONG LOCAL GOVERNMENT AREA – REFUGEE WELCOME ZONE

On behalf of the Illawarra Refugee Action Collective (RAC), Ms M Perrott advised that Wollongong had a distinct multicultural population dating back to the post World War II period. She said that RAC was well aware of the great initiatives Council has taken to promote multiculturalism as well as the support for new arrivals to this City. She also noted the many cultural programs supported by Council, along with the traineeships for refugees at the Botanic Garden and Green Connect, as well as the Wollongong Youth Centre programs for young refugees.

Ms Perrott urged Council to publicise its humanitarian stand by placing a banner reaffirming Wollongong's commitment to being a Refugee Welcome Zone, as proposed in the motion by Councillor Takacs.

PUBLIC ACCESS FORUM – WATER QUALITY TESTING – BELLAMBI CREEK

Ms K Osborn for Illawarra Residents for Responsible Mining, stated that Bellambi Creek and Hicks Street Creek both flow through Russell Vale Colliery, owned by Wollongong Coal Limited. Residents regularly observe these Creeks being discoloured, sometimes even black, when they emerge from the Colliery. Flood mitigation works, including a realignment of Bellambi Creek aimed at protecting coal fines from washing into the Creeks, were a condition of Russell Vale Colliery's Preliminary Works Major Project. The flood mitigation works were due to be completed in October 2012, but have not been carried out.

Illawarra Residents for Responsible Mining ask that Council write to the Minister for Planning requesting that the overdue flood mitigation works and Bellambi Creek realignment be carried out without further delay. Ms Osborn also requested Council write to the Minister for the EPA seeking an update on the Russell Vale Colliery's Environmental Protection Licence to prevent pollution of Bellambi and Hicks Street Creeks, real-time monitoring of the quality of creek water exiting the Colliery site, enforcement of the updated Environmental Protection Licence and prosecution for breaches.

PUBLIC ACCESS FORUM – DRAFT ANNUAL PLAN 2016-17

Ms T Brown, Chair of Destination Wollongong, provided an update on the five year funding agreement recently negotiated with Council and the progress toward expanding the local visitor economy, which brought over \$1 billion dollars to the region last year. She thanked Council for the ongoing commitment to ensuring that Wollongong continues to be recognised as one of Australia's premier regional destinations. The Illawarra welcomed five million visitors in 2015, an increase of 17.5 percent on 2011, when the last agreement was activated, with \$1 billion spent locally.

The City's Major Events Program has also proven to be highly successful and 2016 brings the inaugural cruise ship visit to Port Kembla. Royal Caribbean will make their maiden voyage into Wollongong on 30 October, opening up opportunities for all businesses to benefit. She also noted that the 2016-17 budget includes provision for a number of key local projects as well as capital projects which would enhance the amenity of many local tourism assets. This additional spend on local assets and infrastructure ensures residents and visitors experience the best Wollongong has to offer, and come back for me. Ms Brown welcomed the additional \$360,000 over the next three years to support the delivery of the Wollongong Major Events

Strategy. This program has been an enormous success and she believed that it is a key area of investment as business events are the highest yielding sector of the visitor economy. In conclusion, Ms Brown stated that the future was bright and thanks to Council's commitment to investment in this region, together with Destination Wollongong, Wollongong will become one of Australia's premier regional destinations.

ATTENDANCE OF COUNCILLOR

During the address by Mr G Burgess, the time being 6.19 pm, Councillor Dorahy attended the meeting.

PUBLIC ACCESS FORUM – ITEM 3 – MT KEIRA VISION AND STAKEHOLDER ENGAGEMENT REPORT

Mr G Burgess on behalf of the National Parks Association - Illawarra Branch, congratulated Council and TRC Tourism on the work in relation to the Mt Keira Summit Park Vision. His Association was pleased to have had input into the process and, on the whole, supported the vision.

Mr Burgess offered comments in relation to governance of the site. He suggested alternate governance options and referred to the Mt Wellington Park Management Trust in Hobart which appears to be an effective model. He also suggested a more basic concept such as establishing 'The Friends of Mt Keira Summit Park' and referred to the well-managed facility of Minnamurra Rainforest. In terms of mountain biking, NPA was of the opinion that this does not have a place at Mt Keira and expressed concern about the feasibility of high speed cycling down from the escarpment edge. In conclusion, Mr Burgess encouraged Council to facilitate meetings with private landholders in investigating suitable biking routes. He also stated that the NPA looks forward to being involved in the development of the Concept Master Plan and Plan of Management.

PUBLIC ACCESS FORUM – BUDGET MANAGEMENT – BLUE MILE AND FLOODING TO SOUTHERN WOLLONGONG

Mr I Young advised that he had written to Councillors previously in relation to the projected cost of implementing the Blue Mile Master Plan which he considered would blow out to over \$100M. This figure was based on his estimate of work completed, current work listed in the draft budget, and items which are not yet in the forward budget, based on industry benchmark costing. Mr Young outlined the reasons for this view and he urged Councillors to take the same level of scrutiny of all aspects of the Blue Mile

Master Plan as they did with the Mall and Pavilion upgrades. He said that waiting until 2018 to review the Plan was too long and he felt that the review needed to be undertaken now, the budget reset, and Councillors needed to be represented on any engagement committee.

On the issue of flooding, Mr Young said that on 5 June 2016, premises in Swan Street at the southern end of Kembla Street, were inundated with water. One resident had reported that the insurance company had refused to cover the damage, declaring it a flood reportedly based on comments from Council. He said that the flooding was foreseeable and preventable and that Council had failed to enact measures required to prevent residences from being inundated with water. The insurance companies appear to be using advice from Council in denying claims and he said that these matters need to be further investigated and reported to Council. Mr Young asked that urgent action be taken to redirect funds in the budget to have the fill in JJ Kelly Park removed, along with the removal of vegetation downstream.

PUBLIC ACCESS FORUM – OUTSTANDING CONDITIONS ON RUSSELL VALE EMPLACEMENT AREA

Mr G Workman said that the Russell Vale Emplacement Area slag heap was approved in April 1990 and contained 54 conditions, with no environmental monitoring. The approval of the emplacement of 2.2M tonnes of coal waste in a residential and environmentally sensitive area may have been an acceptable method of treating coal waste in 1990, but Mr Workman said that it is certainly not acceptable today; yet the slag heap is still current and operating. To date, the majority of the 54 conditions are non-compliant, unknown or awaiting additional information from Council and although the matter was brought to the attention of Council some two years ago, Mr Workman felt that Council had completely lost control of the process.

He went on to outline numerous non-compliance issues including a 176,000 tonne stockpile illegally stored on the site. In conclusion, Mr Workman requested that Council immediately issue an Order to have the illegal stockpile removed; the Department of Planning and Environment be petitioned to include the 200,000 tonne stockpile under their Order; Council petition the Environment Protection Authority to develop and enforce an EPL strictly for the Russell Vale Emplacement Area; Council immediately pursue options for closing down the slag heap for the protection and amenity of the surrounding neighbourhood and lastly, Mr Workman asked that Council keep residents informed of all developments in the matter and that this protracted situation be made transparent.

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

CALL OF THE AGENDA

- 70 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the staff recommendations for Items 4, 6, 8 to 11, 14, and 16 to 23 inclusive, be adopted as a block.

ITEM A – LORD MAYORAL MINUTE - ILLEGAL BUILDING WORKS

- 71 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -

- 1 Council write to the Minister for Planning, The Hon Rob Stokes MP, and the Building Professionals Board, seeking support and assistance in -
 - a Changing the legislation to deter illegal developments that are built without appropriate approvals;
 - b Increasing sanctions for illegal works and commencement of building works, modifications or variations without appropriate consent; and,
 - c Implementing the recommendation from the draft IPART report – Regulation Review - Local Government Compliance and Enforcement (October 2013) relating to the creation of a single State regulator – ‘The Building Authority’, containing at a minimum, the roles of the Building Professionals Board and the building trades regulation aspects of NSW Fair Trading.
- 2 This Lord Mayoral Minute be tabled as a Notice of Motion at the 2016 Local Government NSW Annual Conference.

ITEM B – NOTICE OF MOTION - COUNCILLOR TAKACS - WOLLONGONG LOCAL GOVERNMENT AREA - REFUGEE WELCOME ZONE

MOVED by Councillor Takacs seconded Councillor Brown that Council -

- 1 Reaffirms its 2005 commitment that the Wollongong Local Government Area is a Refugee Welcome Zone.
- 2 Take action to show its public support for refugees and asylum seekers by having a banner or sign installed in a prominent location with the message “*The City of Wollongong Welcomes Refugees*”.
- 3
 - a Organise the placement of the banner as soon as possible, given that Refugee Week will have just ended, and,
 - b Use the occasion to publicly welcome refugees to our City.

72 COUNCIL’S RESOLUTION - An AMENDMENT was MOVED by Councillor Bradbery seconded Councillor Colacino that Council -

- 1 Reaffirms its 2005 commitment that the Wollongong Local Government Area is a Refugee Welcome Zone.
- 2 Take action to show its public support for refugees and asylum seekers by having a banner on Council’s website with the message “*The City of Wollongong Welcomes Refugees*”.
- 3 The wording on the website be reviewed by Council in 18 months.

Variation The variation moved by Councillor Colacino (the addition of Part 3) was accepted by the mover.

Councillor Bradbery’s AMENDMENT on being PUT to the VOTE was CARRIED.

In favour Councillors Kershaw, Blicavs, Dorahy, Colacino, Crasnich, Petty and Bradbery

Against Councillors Brown, Martin, Takacs and Merrin

Councillor Bradbery’s AMENDMENT then BECAME the MOTION.

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

DISCLOSURE OF INTEREST

Councillor Dorahy disclosed a pecuniary interest in Item C due to being a small shareholder in Wollongong Coal. At this stage, the time being 7.35 pm, Councillor Dorahy departed the meeting and was not present for further debate and voting on Item C.

ITEM C – NOTICE OF MOTION - COUNCILLOR MERRIN - WATER QUALITY TESTING - BELLAMBI CREEK

73 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Takacs that Council write to the Minister for the Environment, The Hon Mark Speakman MP, the Minister for Lands and Water, The Hon Niall Blair MLC, the Minister for Planning, The Hon Rob Stokes MP, and the Environment Protection Authority requesting that –

- 1 Appropriate water quality testing and monitoring of Bellambi Creek and Hicks Street Creek, below Russell Vale Colliery, be carried out; and,
- 2 The Colliery be required to take necessary action to ensure that Bellambi Creek and Hicks Street Creek are not polluted by runoff from the mine.
- 3 Councillors receive a briefing on Council's responsibilities.

Variation The following variations were -

- *Accepted by the mover: Councillor Takacs (the removal of the words 'continuous real time' from Part 1); and,*
- *Accepted by the mover and seconder: Councillor Petty (the addition of Part 3).*

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Kershaw that Items 1 and 2 be considered concurrently. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Items 1 and 2 Councillor Colacino departed and returned to the meeting, the time being from 7.53 pm to 7.55 pm.

Councillor Blicavs departed the meeting at 8.07 pm and was not present for the vote taken for Items 1 and 2.

Minute No.

**ITEM 1 - DRAFT ANNUAL PLAN AND ATTACHMENTS 2016-17 -
FEEDBACK FOLLOWING EXHIBITION AND ITEM 2 - PRELIMINARY
END OF TERM REPORT 2012-2016**

74 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Brown seconded Councillor Crasnich that -

- 1 Council incorporate the changes recommended in the report for the following documents and these documents be adopted:
 - a draft Annual Plan 2016-17;
 - b draft Budget 2016-17; and,
 - c draft Revenue Policy, Fees and Charges 2016-17.
- 2 Council make its rates and charges for the period 1 July 2016 to 30 June 2017 as detailed in the draft Revenue Policy 2016-17 and as amended in the report, including the Special Rate Variation comprising of 6.24% increase in General Revenue as determined by Independent Pricing and Regulatory Tribunal (IPART).
- 3 The General Manager be authorised to make any minor changes as requested by resolution of the Council.
- 4 The Preliminary End of Term Report 2012-2016 be adopted.

In favour Councillors Kershaw, Brown, Martin, Takacs, Merrin, Dorahy, Colacino, Crasnich and Bradbery

Against Councillor Petty

ITEM 2 - PRELIMINARY END OF TERM REPORT 2012-2016

Item 2 was considered concurrently with Item 1 (refer Minute Number 74).

ATTENDANCE OF COUNCILLOR

During the debate and prior to voting on Item 3, Councillor Blicavs returned to the meeting, the time being 8.08 pm.

ITEM 3 - MOUNT KEIRA VISION AND STAKEHOLDER ENGAGEMENT REPORT

75 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Colacino that -

- 1 Council adopt the Mt Keira Summit Park Vision (Attachment 1 of the report).
- 2 The adopted Mt Keira Summit Park Vision be used as the basis for the development of a Plan of Management and Landscape Masterplan for the site.
- 3 All stakeholders and community members who have contributed to the process of formulating the Vision be formally acknowledged and invited to stay involved with the development of a Plan of Management and Landscape Masterplan for Mt Keira Summit Park.

ITEM 4 - DRAFT PLANNING PROPOSAL: 220 WAPLES ROAD (LOT 14 DP 261286), FARMBOROUGH HEIGHTS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION –

- 1 The draft Planning Proposal for 220 Waples Road, Farmborough Heights be progressed by -
 - a finalising the Planning Proposal that seeks to amend the Land Zoning Map by rezoning the southern two-thirds of the site (2.2 hectares) from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of part 1,000m² and 3,000m² and Floor Space Ratio of 0.3:1, and by rezoning the northern third of the site (1.0 hectares) to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha;
 - b the final Planning Proposal being referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal; and
 - c noting that the General Manager will thereafter proceed to exercise his delegation issued by the NSW Department of Planning and Environment under Section 69 in relation to the final proposal.

Minute No.

- 2 Council support the establishment of a Conservation Property Vegetation Plan between the landowner and the NSW Government Local Land Services for the area to be rezoned E2 Environmental Conservation to re-vegetate and protect in perpetuity the riparian corridor in the north of the site (to be managed and funded through the creation of a Community Title subdivision).
- 3 The Conservation Property Vegetation Plan be established prior to development consent.

DEPARTURE OF COUNCILLOR

During the debate and prior to voting on Item 5, Councillor Merrin departed the meeting, the time being 8.29 pm. Councillor Merrin was not present for the vote taken for Item 5.

ITEM 5 - DRAFT PLANNING PROPOSAL: LOT 101 DP 825516 FARMBOROUGH ROAD, FARMBOROUGH HEIGHTS

76 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Takacs that –

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Environment for Lot 101 DP 825516 Farmborough Road Farmborough Heights seeking a Gateway determination to:
 - a rezone 5.3 hectares of the site from RU2 Rural Landscape to E4 Environmental Living with a Minimum Lot Size of 2,000m² and Floor Space Ratio of 0.3:1;
 - b rezone 5.4 hectares of the site from RU2 Rural Landscape to E4 Environmental Living with a Minimum Lot Size of 5,000m² and Floor Space Ratio of 0.3:1;
 - c rezone the remainder of the site, including the northern riparian corridor (7.8 hectares) from RU2 Rural Landscape to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha; and
 - d update the Natural Resource Sensitivity Biodiversity Map.
- 2 The draft Planning Proposal also rezone Lot 1 DP 720058 and Lot 1 DP 821495 (the paper road) located to the north of Lot 101 DP 825516 from RU2 Rural Landscape to E3 Environmental Management, consistent with the adjoining Lot 106 DP 825517.

- 3 Council support the proposed dedication (with funding) of the area proposed to be rezoned E2 Environmental Conservation (7.8 hectares) to re-vegetate and protect in perpetuity the identified environmental values of the site.
- 4 Following the Gateway determination, the draft Planning Proposal be exhibited for 28 days.
- 5 The 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.
- 6 A report be prepared which explores possible planning policies that reduce the creation of isolated lots of environmentally significant land separated from larger areas of similar land.

ITEM 6 - ACQUISITION OF LAND AT 234 PAYNES ROAD, DOMBARTON FOR ROAD PURPOSES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION –

- 1 Council acquire Lot 228 DP1194212 (parent Lot is Lot 229 DP630024) for public road under the Land Acquisition Act 1991 and pay compensation to the owners at a rate of \$6.50 per sq m which is \$9,700 (GST exclusive).
- 2 Council be responsible for all costs in this matter.
- 3 Upon acquisition, the land be dedicated as public road under the provisions of Section 10 of the Roads Act 1993.
- 4 Authority be granted to affix the Common Seal of Council to any documentation required to give effect to this resolution.
- 5 The General Manager be authorised to sign any required documentation.

ATTENDANCE AND DEPARTURE OF COUNCILLORS

During the debate and prior to voting on Item 7 –

- Councillor Merrin returned to the meeting, the time being 8.34 pm; and,
- Councillor Brown departed and returned to the meeting, the time being from 8.35 pm to 8.36 pm.

ITEM 7 - DRAFT PUBLIC ART STRATEGY AND GUIDELINES 2016-2021

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

- 1 Council adopt the draft Public Art Strategy and Guidelines 2016-2021.
- 2 Council adopt the updated Public Art Policy.

ITEM 8 - DRAFT CROWN STREET MALL ACTIVITY POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION – The draft Crown Street Mall Activity Policy be adopted.

ITEM 9 - DISABILITY INCLUSION ACTION PLAN 2016 - 2020

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION –

- 1 The draft Disability Inclusion Action Plan 2016 - 2020 for implementation from 1 July 2016 be endorsed.
- 2 Council note the draft Disability Inclusion Action Plan 2016 - 2020 - Implementation Plan.

ITEM 10 - PROPOSED RECLASSIFICATION AND SALE OF LOT 2 DP231004 REAR OF 46 MONTAGUE STREET, NORTH WOLLONGONG

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION –

- 1 Lot 2 DP231004 which is Council Community land be reclassified to Operational land and sold to the adjoining owner of Unit 11, 46 Montague Street, North Wollongong.
- 2 The owner of Unit 11, 46 Montague Street, North Wollongong pay Council an amount of \$36,000 (GST exclusive) in compensation for the purchase of Lot 2 DP231004 as per the valuation advice obtained by Council.
- 3 The owner of Unit 11, 46 Montague Street, North Wollongong be responsible for all costs associated with the reclassification and sale.
- 4 The General Manager be authorised to sign all related documents and authority be granted for the use of the Common Seal of Council on any documentation required to give effect to this resolution.

ITEM 11 - TENDER T15/41 BULLI SURF LIFE SAVING CLUBHOUSE REFURBISHMENT - OUTCOME OF TENDER NEGOTIATIONS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the revised submission of Project Coordination (Australia) Pty Ltd for the refurbishment of the Bulli Surf Life Saving Clubhouse, in the sum of \$1,638,120.00, 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 12 - TENDER T16/21 – CONSTRUCTION OF A NEW AMENITIES BLOCK AND ELECTRICAL UPGRADE AT STUART PARK

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Project Coordination (Australia) Pty Ltd for the construction of a new amenities block and associated electrical upgrade at Stuart Park, North Wollongong, for the sum of \$842,010.00, 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 - TENDER T16/18 - REFURBISHMENT WORKS TO THE GENTLEMAN'S ROCK POOL AT NORTH WOLLONGONG

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Cadifern Pty Ltd for refurbishment works to Gentleman's Rock Pool at North Wollongong, in the sum of \$208,300.00, 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 14 - TENDER T16/22 – DESIGN, CONSTRUCTION, SUPPLY, DELIVERY AND INSTALLATION OF A DEMOUNTABLE TRANSPORTABLE BUILDING PURPOSE BUILT FOR USE AS A CAMP KITCHEN AT WINDANG BEACH TOURIST PARK

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Uniplan Group Pty Ltd for the design, construction, supply, delivery and installation of a demountable transportable building purpose built for the use of a Camp Kitchen for the sum of \$154,620.00 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 15 - TENDER T16/13 CENTRAL DEPOT AMENITIES AND MULTI PURPOSE ROOM BUILDING REFURBISHMENT

MOVED by Councillor Brown seconded Councillor Martin that -

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for Central Depot Amenities and Multi-Purpose Room Building Refurbishment 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 clause 178(4) of the Local Government (General) Regulation 2005, 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 demonstrate a capacity and ability to undertake the works.

Minute No.

- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 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.

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Dorahy that Item 15 lay on the table.

ITEM 16 - TENDER T16/20 – MARKET STREET CAR PARK - REFURBISHMENT AND SAFETY UPGRADE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Zauner Constructions Pty Ltd for the Market Street Car Park Refurbishment and safety upgrade, in the sum of \$1,699,009.00 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 17 - VARIATION OF GRANT AGREEMENT - VOLUNTEERING ILLAWARRA

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION –

- 1 Council endorse acceptance of Department of Social Services' offer of a Variation of Grant Agreement, to extend the existing funding contract for Council's Volunteering Illawarra service until 31 December 2016.
- 2 Council endorse in principle acceptance of the anticipated further extension to the funding contract, for the period 1 January 2017 to 30 June 2017.
- 3 Council delegate signature of the variation documents to the General Manager.

ITEM 18 - FINANCIAL ASSISTANCE POLICY - 2016-2017 RECIPIENTS REPORT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION – Council note the report.

ITEM 19 - ASSISTANCE TO RESIDENTS AFFECTED BY RECENT STORM EVENT - JUNE 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION – The report be noted.

ITEM 20 - CCTV POLICY AND CODE OF PRACTICE COUNCIL POLICY - USE OF CAMERAS BY REGULATION AND ENFORCEMENT OFFICERS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION – The minor amendments to Council's CCTV Policy and Code of Practice, as indicated in the attachment to the report, be adopted.

ITEM 21 - MAY 2016 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION –

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

ITEM 22 - STATEMENT OF INVESTMENTS - MAY 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

COUNCIL'S RESOLUTION – Council receive the Statement of Investments for May 2016.

ITEM 23 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 25 MAY 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 70).

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 25 May 2016 in relation to Regulation of Traffic be adopted.

ITEM 24 - BIODIVERSITY LEGISLATION SUBMISSION

- 80 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Merrin that the draft submission on the NSW Biodiversity Reforms Package be endorsed for finalisation by the General Manager and provided to the State Government (Attachment 1 of the report), subject to the amendment to Page 4 of the submission - *Sensitive Values Threshold Map – For the Wollongong LGA include* - the fourth point be amended to read 'If not as part of the forthcoming Coastal SEPP mapping of coastal wetlands and environmental features and buffers, then the foreshore and a buffer to Lake Illawarra and all riparian corridors within the catchment of Lake Illawarra'.

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Blicavs that Item 15 be taken off the table.

ITEM 15 - TENDER T16/13 CENTRAL DEPOT AMENITIES AND MULTI PURPOSE ROOM BUILDING REFURBISHMENT

Prior to Item 15 being laid on the table, the following recommendation had been moved by Councillor Brown seconded Councillor Martin that -

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for Central Depot Amenities and Multi-Purpose Room Building Refurbishment 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 clause 178(4) of the Local Government (General) Regulation 2005, 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 demonstrate 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 tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 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.

CLOSED SESSION

A PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Colacino that Council move into Closed Session in order to allow open debate and questions in relation to Item 15. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

In accordance with Section 10A (4) of the Local Government Act, the Lord Mayor invited members of the gallery to make representations to the Council meeting as to whether this part of the meeting should be closed.

No submissions were received.

81 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Crasnich seconded Councillor Brown that Council move into Closed Session.

Members of the public gallery subsequently departed the Chamber.

At this stage, the time being 8.58 pm, Council moved into Closed Session.

Whilst in Closed Session, a PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Crasnich that the meeting move out of Closed Session and into Open Council. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

At this stage, the time being 9.36 pm the meeting moved into Open Council and the public were invited back into the Chambers.

ITEM 15 - TENDER T16/13 CENTRAL DEPOT AMENITIES AND MULTI PURPOSE ROOM BUILDING REFURBISHMENT

A PROCEDURAL MOTION was MOVED by Councillor Petty seconded Councillor Crasnich that the matter lay on the table. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

82 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Brown seconded Councillor Martin that -

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for Central Depot Amenities and Multi-Purpose

Minute No.

Room Building Refurbishment 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 clause 178(4) of the Local Government (General) Regulation 2005, 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 demonstrate 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 tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 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.

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

Against Councillor Petty

THE MEETING CONCLUDED AT 9.38 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 25 July 2016.

Chairperson