



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00 pm

**Monday 27 October 2014**

### Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, 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 – L Kofod, Manager Finance – B Jenkins and Manager Environmental Strategy and Planning – R Campbell

### Apology

**189 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Crasnich seconded Councillor Connor that the apology tendered on behalf of Councillor Blicavs be accepted.

## INDEX

	PAGE NO.
Disclosures of Interest .....	1
Petition Seeking an Urgent Upgrade of Lee Street, Warrawong .....	1
Award – NSW Touch Association.....	1
Confirmation of Minutes of Ordinary Meeting of Council held on Monday, 13 October 2014 .....	1
Public Access Forum – Dogs on Beaches and Parks Policy .....	2
Public Access Forum – Street Tree Management - Corrimal .....	3
Call of the Agenda .....	3
ITEM A Lord Mayoral Minute - Coal Seam Gas Mining (CSG) – Drinking Water Catchment .....	4
ITEM B Lord Mayoral Minute – Implications of Climate Change .....	5
ITEM 1 Draft Asbestos Policy .....	5
ITEM 2 Draft Planning Proposal Request: 69-73 Lower Coast Road, Stanwell Park .....	6
ITEM 3 Policy Review: Interest Payable – Default by Lessees and Licensees.....	6
ITEM 4 Thirroul District Community Centre and Library - Tasman Room - 2014-15 Fees and Charges.....	7
ITEM 5 Tender T14/22 - Construction and Delivery of a Demountable Lifeguard Tower at City Beach, Wollongong .....	7
ITEM 6 Tender T14/19 – Construction of a Baseball/Softball Fence at Fred Finch Park, Berkeley .....	8
ITEM 7 September 2014 Financials.....	8
ITEM 8 Statement of Investments - September 2014 .....	8
ITEM 9 Tabling of Annual Returns of Disclosures of Interests and Other Matters .....	9
ITEM 10 Review of SEPP 65 and the Apartment Design Guide .....	9

Minute No.

## **DISCLOSURES OF INTERESTS**

Councillor Martin declared a non-significant conflict of interest in Item 2 (Planning Proposal) and Item 10 (SEPP 65) as she is employed by the Department of Planning and Infrastructure. Councillor Martin advised that she would remain in the Chamber during debate and voting on both matters.

Councillor Colacino declared a non-pecuniary, non-significant interest in Item 2. He advised that he would remove himself from the Chamber during debate and voting on this matter.

## **PETITION SEEKING AN URGENT UPGRADE OF LEE STREET, WARRAWONG**

The Lord Mayor tabled a petition signed by 29 residents calling for an urgent upgrade of Lee Street, Warrawong due to safety concerns. Residents have requested that a footpath be built on at least one side of the street, a speed limit sign be immediately installed, and that speed humps be installed along the street, particularly at the beginning of Lee Street, at the Cowper Street end.

**190** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Connor that the petition be received.

## **AWARD – NSW TOUCH ASSOCIATION**

The Lord Mayor tabled an Award received from the NSW Touch Association in recognition of Council's support for hosting the 2014 Country Championships.

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 13 OCTOBER 2014**

**191** **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, 13 October 2014 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **PUBLIC ACCESS FORUM – REVIEW OF DOGS ON BEACHES AND PARKS POLICY**

Mr D Hurley was happy with the current off leash facilities in the northern suburbs. He said that Council's proposal to look at parks as alternative off leash areas was not feasible, particularly given that most were unsuitable due to size and lack of fencing, as well as being too close to the road.

Mr Hurley stated that dogs needed to be well-socialised and there was a mountain of evidence which shows that this cannot be achieved when a dog was on a leash. Also, various studies have shown that dogs that are not well-socialised become aggressive towards other dogs and members of the public. Mr Hurley advised that Dr Ian Dunbar, a very well respected Research Scientist, has stated that if cities further restrict off leash areas for dogs, there will most certainly be an increase in the number and severity of dog bites, and legislators will be held responsible. In conclusion, Mr Hurley said that the only justification Council can have for reducing off-leash areas would be if there was a significant majority of the community that supported such a move, or if there was a significant danger to the public in relation to off-leash beaches. In the absence of such a mandate, he said that the evidence shows that there is a need for an increase in off-leash areas to benefit both dog owners and non-dog owners alike.

Mr G Jones made reference to recent media articles and he said that beaches which were considered dangerous due to rips etc were ideal for off leash dog areas. In terms of dogs defecating on beaches and the lack of removal of those excretions by their owners, Mr Jones said that there will always be people who do not 'do the right thing' and that this was not dissimilar to people who litter beaches and have no regard for other beach users. In terms of the recent statement that 'dogs attract sharks', Mr Jones said that some dogs may go into the water, but there are many swimmers who go out a lot further from the shore, and therefore this statement was incorrect. With respect to the idea of dog parks, Mr Jones said that areas west of the Highway at Bulli and also west of Lawrence Hargrave Drive were not viable due to snakes and ticks.

In conclusion, Mr Jones felt that Council should employ more Rangers and fine people who do not remove dog excretions and rubbish from beaches.

## **PUBLIC ACCESS FORUM – STREET TREE MANAGEMENT - CORRIMAL**

Mr M Andrews said that the rezoning of the area adjacent to Corrimal Railway Station to medium density residential had created a high level of development pressure. Combined with other factors, the rezoning was having a significant impact on amenity trees. An opportunity had been created for Council to plan and allocate funding within its 2015-2016 budget to demonstrate leadership and commitment to urban sustainability by carrying out a detailed assessment of its street tree assets in this precinct and to implement a strategic street tree management, replacement and establishment program.

Mr Andrews also asked to be advised of Council's processes which ensure that work implemented by energy providers on Council street tree assets comply with the Australian Standard AZ4373 – 2007 Pruning of Amenity Trees. He also asked what steps are implemented by Council under its Tree Management Policy with regard to trees on private land in order to ensure that the cumulative impact of tree removal approvals recognise and implement commitment to maintaining a functional, sustainable and biodiverse urban forest, which links the escarpment to the sea.

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

### **CALL OF THE AGENDA**

**193 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that the staff recommendations for Items 3 to 6, and 8 and 9 inclusive, be adopted as a block.

Minute No.

**ITEM A – LORD MAYORAL MINUTE - COAL SEAM GAS MINING (CSG)  
- DRINKING WATER CATCHMENT**

MOVED by Councillor Bradbery that -

- 1 Council write to relevant State Ministers and thank the State Government for listening and thus vindicating Council's opposition to coal seam gas and petroleum exploration and mining in the Sydney Water Catchment.
- 2 Wollongong City Council recognise the significant role taken by the community in the protection of these vital assets.

**194 COUNCIL'S RESOLUTION** - An AMENDMENT was MOVED by Councillor Merrin seconded Councillor Takacs that –

- 1 Council write to relevant State Ministers and thank the State Government for listening and thus vindicating Council's opposition to coal seam gas and petroleum exploration and mining in the Sydney Water Catchment, and request the process of investigating further non-compliant licences be continued by the State Government.
- 2 Council also thank the State Government for the temporary freeze on all coal seam gas and petroleum exploration and mining, and requests that the Government impose a permanent ban on all coal seam gas and petroleum exploration and mining as Council has requested in the past in the West Dapto Urban Release Area and the Sydney Water Catchment.
- 3 Wollongong City Council recognise the significant role taken by the community in the protection of these vital assets.
- 4 Council reaffirm its previously-adopted position on coal seam gas and petroleum exploration and mining.

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

- *Councillor Connor - the removal of the words in Part 1 "and we request all non-compliant licences in New South Wales be cancelled" and replacing with "and request the process of investigating further non-compliant licences be continued by the State Government"; and*
- *Councillor Brown – the addition of Point 4.*

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

Councillor Merrin's AMENDMENT then BECAME the MOTION.

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

Minute No.

**ITEM B – LORD MAYORAL MINUTE - IMPLICATIONS OF CLIMATE CHANGE**

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

- 1 Wollongong City Council initiate Community Fora in early 2015 with the aim of engaging the community to better understand and explore the implications of climate change on our City, including, but not limited to the following -
  - a Implications of climate change for flood, bushfire and sea level rise, risk and disaster management vis-à-vis Wollongong local government area;
  - b Modelling of these implications for the City and its infrastructure, services, lifestyle and economy;
  - c Clarify Wollongong City Council's role and purpose for such modelling and studies, and address the use and/or misuse of such information by other agencies; and,
  - d The cost of climate change and what can be done to mitigate the impact for ratepayers.
- 2 Wollongong City Council –
  - a Invite the Chief Scientist of Australia and/or NSW, and other appropriately recognised, non-partisan experts to address the Fora;
  - b Extend an invitation for representation by Insurance Companies; and,
  - c Also extend invitations to relevant Government Agencies.

*Variation The following variations were accepted by the mover -*

- *Councillor Colacino (the addition of Point 2(b); and,*
- *Councillor Curran (the addition of Point 2(c)).*

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

**Against** Councillor Dorahy

**ITEM 1 - DRAFT ASBESTOS POLICY**

**196 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that Council adopt the Asbestos Policy.

Minute No.

**DISCLOSURE OF INTEREST**

Due to a prior disclosure of interest, Councillor Colacino departed the Council Chamber and was not present during the debate and vote taken with respect to Item 2.

**ITEM 2 - DRAFT PLANNING PROPOSAL REQUEST: 69-73 LOWER COAST ROAD, STANWELL PARK**

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

- 1 A draft Planning Proposal not be prepared to rezone Lot 52 DP7664 (No 69), Lot 51 DP7664 (No 71) and Lot 50 DP7664 (No 73) Lower Coast Road, Stanwell Park, and the current E2 Environmental Conservation zone and planning controls be retained.
- 2 The proponents/owners be advised of Council's decision.

**ITEM 3 - POLICY REVIEW: INTEREST PAYABLE – DEFAULT BY LESSEES AND LICENSEES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 193).

**COUNCIL'S RESOLUTION** –

- 1 A provision for "Interest Payable – Default by Lessees and Licensees" be included in the draft Fees and Charges for 2015/2016.
- 2 The maximum penalty interest payable under this provision be identical to the penalty rate of interest which Council is empowered under the Local Government Act 1993 to levy on outstanding Council rates and charges.
- 3 Subject to the provision as outlined in Recommendation 1 being adopted by Council in the Fees and Charges for 2015/2016, the Interest Payable – Default by Lessees and Licensees Policy be revoked on 1 July 2015.

#### **ITEM 4 - THIRROUL DISTRICT COMMUNITY CENTRE AND LIBRARY - TASMAN ROOM - 2014-15 FEES AND CHARGES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 193).

**COUNCIL'S RESOLUTION** – Council adopt the fees and charges proposed for hire of the Tasman Room, located within Thirroul District Community Centre and Library, for the 2014-2015 financial year.

#### **ITEM 5 - TENDER T14/22 - CONSTRUCTION AND DELIVERY OF A DEMOUNTABLE LIFEGUARD TOWER AT CITY BEACH, WOLLONGONG**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 193).

##### **COUNCIL'S RESOLUTION** –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Encat Metal and Civil Pty Ltd for the construction and delivery of a demountable lifeguard tower at City Beach, Wollongong, in the sum of \$117,935, 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.

Minute No.

**ITEM 6 - TENDER T14/19 - CONSTRUCTION OF A BASEBALL/SOFTBALL FENCE AT FRED FINCH PARK, BERKELEY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 193).

**COUNCIL'S RESOLUTION** –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Colemans Group (Aust) Pty Ltd for the construction of a baseball/softball fence at Fred Finch Park, Berkeley in the sum of \$149,850, 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 7 - SEPTEMBER 2014 FINANCIALS**

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

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

**ITEM 8 - STATEMENT OF INVESTMENTS - SEPTEMBER 2014**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 193).

**COUNCIL'S RESOLUTION** – Council receive the Statement of Investments for September 2014.

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

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 193).

### **COUNCIL'S RESOLUTION –**

- 1 Council note the tabling of the Returns of Disclosures of Interests and Other Matters as required by Section 450A of the Local Government Act 1993.
- 2 The Office of Local Government be advised of the failure of three employees to lodge their Annual Return by the due date and the applicable circumstances in each case.

## **ITEM 10 - REVIEW OF SEPP 65 AND THE APARTMENT DESIGN GUIDE**

A PROCEDURAL MOTION was MOVED by Councillor Merrin seconded Councillor Dorahy that an extension of time be granted to Councillor Curran to address the meeting in relation to Item 10. A two-minute extension was granted by the Lord Mayor.

- 199 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY** on the motion of Councillor Brown seconded Councillor Curran that the draft submission on the proposed amendments to SEPP 65 and the proposed new Apartment Design Guide (Attachment 1 of the report) be endorsed for finalisation by the General Manager and submission to the NSW Department of Planning and Environment, subject to the addition of the following words at the end of Point 5 (top of Page 42 of the Business Paper) "to ensure locally appropriate design outcomes that reflect community expectations".

## **THE MEETING CONCLUDED AT 7.53 PM.**

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 10 November 2014.