



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Tuesday 28 January 2014

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin (from 6.01 pm), Merrin, Blicavs, Dorahy (from 6.05 pm), 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, Manager Property and Recreation – P Coyte, Manager Community Cultural and Economic Development – T Buchanan, Manager Infrastructure Strategy and Planning – M Dowd, Manager Project Delivery – G Whittaker and Manager Development Assessment and Certification – M Riordan

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ATTENDANCE OF COUNCILLOR

At this stage, the time being 6.01 pm, Councillor Martin attended the meeting.

CERTIFICATE OF APPRECIATION - LEGACY

Councillor Connor tabled a Certificate of Appreciation from the Legacy Club of Wollongong and South Coast in recognition of Council's contribution and sponsorship of the recent Legacy Camp at Mt Keira.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 9 DECEMBER 2013

- 1 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the Minutes of the Ordinary Meeting of Council held on Monday, 9 December 2013 (a copy having been circulated to Councillors) be taken as read and confirmed.

ATTENDANCE OF COUNCILLOR

During Mr Burgess' Public Access Forum address, Councillor Dorahy attended the meeting, the time being 6.05 pm.

PUBLIC ACCESS FORUM – PURCHASE OF LANDS AT HELENSBURGH, LILYVALE AND OTFORD

Mr G Burgess from the Illawarra Branch of the National Parks Association of NSW advised that in 2013, Minister Parker wrote to his Association and requested the Association work with the National Parks and Wildlife Service to recommend reserve proposals. Mr Burgess said that the Otford Valley Farm is a fine example of this, but unfortunately the Government had been somewhat reluctant to follow through in this instance.

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These lands were a key part of the Illawarra Escarpment priority corridor as identified by the Great Eastern Ranges (GER) Illawarra to Shoalhaven (I2S) initiative partnership. Otford Valley Farm lands are one of the largest privately owned areas in the region that form a strategic link between major reserve areas of the Royal National Park, and both the Garrawarra and Illawarra Escarpment State Conservation Areas. These lands are also environmentally significant to the Upper Hacking River Catchment.

In conclusion, Mr Burgess supported the Notice of Motion on tonight's agenda and said that Government acquisition of these lands was a key to closing a gap in this strategically important part of the Illawarra GER I2S corridor.

PUBLIC ACCESS FORUM – CONTINENTAL POOL – EARLY MORNING USE BY SWIMMERS

Mr P Ryan, on behalf of ocean water swimming pool users, advised of strong opposition to any cuts or withdrawal of facilities. He said that early morning swimmers who use the Continental Pool choose to do so for various reasons, such as work commitments, carer responsibilities, etc. He felt that the more the pools were utilised early in the morning and at other times, the less likelihood of undesirables damaging facilities. Mr Ryan stated that the decision to prevent entry to the Continental Pool prior to recommended times was baseless and made on misconstrued interpretation of the Work Health and Safety Act.

Swimmers also believe that Council's financial situation has not been properly explained, nor justified, and swimmers support *Save Our Services Wollongong's* call for an expert analysis of Council's financial situation. In conclusion, Mr Ryan said that the early morning swimmers had helped build this City and that older citizens deserved respect. The swimmers did not want anything extra, but just want what they have had for over 50 years maintained. Removing something which was so important to the health and wellbeing of so many, was considered unconscionable.

DEPARTURE OF COUNCILLOR

During Mr Knowles' Public Access Forum address, Councillor Connor departed and returned to the meeting, the time being from 6.17 pm to 6.22 pm.

PUBLIC ACCESS FORUM – DEVELOPMENT APPLICATIONS SUBJECT TO LAND AND ENVIRONMENT COURT ACTION

Mr R Knowles raised the issue of the evaluation of development applications which seek a departure from Local Environmental Plan principles. Whilst he recognised that Council was under considerable pressure to approve development applications and to also seek higher densities, he believed that too often, the rights of existing residents were frequently ignored. Mr Knowles referred to a development proposal which was refused by Council. The developer subsequently lodged an appeal with the Land and Environment Court, rather than submit amended plans. There was subsequently an onsite meeting in September and in mid-November, Council wrote to objectors advising that it had reviewed the amended plans and was now prepared to agree to the Land and Environment Court making orders granting development consent. Mr Knowles noted that there had been no consultation with surrounding residents in relation to the amended plans.

Mr Knowles said that the lack of consultation was inconsistent with planning principles as stated in Council's 2012-2013 Annual Report and was contrary to the planning principle of 'maximum opportunity for genuine participation in decisions which affect their lives'. Council released its report evaluating the amended plans just over one working day prior to the Land and Environment Court Hearing to grant orders. This timeline limited opportunities for residents, who may have opposed the plans, to seek legal advice and/or prepare a well-planned submission. In conclusion, Mr Knowles stated that residents must have faith in Council and its planning documents and they expect Council to defend its Local Environmental Plan. There needs to be a limit on how much variance should be approved.

PUBLIC ACCESS FORUM – RATEPAYER AND SMALL BUSINESS CONCERNS

Mr J McDonogh said that as a resident, ratepayer and small business operator for the past 50 years, he is appalled at Council's performance. As elected representatives, Councillors are entrusted to care for and maintain facilities and infrastructure. Mr McDonogh expressed concern that Council was considering selling, closing or privatising things such as swimming pools, sporting grounds, ocean pools, etc. He said that if someone was managing his business and could not stay within budget, he would be asking serious questions.

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Mr McDonogh questioned Council's priorities and asked why it was prepared to over-spend on projects such as the Blue Mile and the Mall, when by Council's own admission, it did not have the funds. In conclusion, Mr McDonogh asked that Council check its priorities to ensure that all streets have kerb and guttering, and sporting and community facilities are maintained. Facilities have been paid for over a number of years and Mr McDonogh believed that it was Council's duty to not only maintain, but to improve and increase facilities.

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

DEPARTURE OF COUNCILLOR

During debate on Item B, Councillor Colacino departed the meeting, the time being 6.31 pm. Councillor Colacino was not present during the vote taken for Item B.

ITEM B – LORD MAYORAL MINUTE - ACKNOWLEDGEMENT OF PROFESSOR DON IVERSON

- 3 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council, on behalf of our community, formally recognise the outstanding achievements and contributions Professor Don Iverson has made to our region and write to him to convey our gratitude.

ATTENDANCE OF COUNCILLOR

During the debate and prior to voting on Item C, Councillor Colacino returned to the meeting, the time being 6.33 pm.

ITEM C – LORD MAYORAL MINUTE - DEFERRAL OF ORDINARY COUNCIL MEETING OF 10 FEBRUARY 2014

- 4 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Council reschedule the Ordinary Council Meeting currently planned for 10 February 2014 to 17 February 2014.

DEPARTURE OF COUNCILLOR

During discussion and prior to voting on Item A, Councillor Curran departed and returned to the meeting, the time being from 6.51 pm to 6.53 pm.

ITEM A – NOTICE OF MOTION - COUNCILLOR MERRIN - PURCHASE OF LAND AT HELENSBURGH, LILYVALE AND OTFORD

- 5 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Merrin seconded Councillor Takacs that Council urgently write to the Premier of NSW, The Hon. Barry O'Farrell MP, with a copy to the Minister for the Environment, The Hon. Robyn Parker MP, requesting that the State Government purchase land currently for sale at Helensburgh, Lilyvale and Otford, for inclusion in the Royal National Park.

Variation *The variation moved by Councillor Takacs to add the words 'to the Premier of NSW, The Hon. Barry O'Farrell MP, with a copy' was accepted by the mover.*

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Blicavs, Dorahy, Curran, Petty and Bradbery

Against Councillors Colacino and Crasnich

CALL OF THE AGENDA

- 6 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Kershaw that the staff recommendations for Items 5 to 14 inclusive, be adopted as a block.

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ITEM 1 - CROWN STREET AND INNER CITY BUILDING FACADE REJUVENATION PROGRAM

- 7 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Blicavs seconded Councillor Brown that Council provide financial assistance to the proposed recipients shown in Attachment 1 of the report, pursuant to the Financial Assistance Policy (Crown Street and Inner City Building Facade Rejuvenation Program).

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

DEPARTURE OF COUNCILLORS

During discussion and prior to voting on Item 2, Councillors Merrin and Crasnich departed and returned to the meeting, the times being from 7.31 pm to 7.33 pm and from 7.46 pm to 7.47 pm, respectively.

ITEM 2 - POLICY REVIEW - CODE OF MEETING PRACTICE

- 8 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the amended Code of Meeting Practice (attached to the report) be adopted, subject to an amendment to Clause 6.5 – Speaking to Motions – Point 4 to read –

“A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on that specific motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding. Such statements or explanations will be limited to no longer than three minutes unless Council’s consent is given for a specified extension of time”.

Variation *The variation moved by Councillor Bradbery to add the words ‘subject to an amendment to Clause 6.5 – Speaking to Motions – Point 4 to read – A Councillor.....extension of time’ was accepted by the mover and seconder.*

ITEM 3 - QUARTERLY REPORT ON DEVELOPMENT APPLICATIONS INVOLVING VARIATIONS TO DEVELOPMENT STANDARDS -

- 9** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that Council note the report.

ITEM 4 - TENDER T13/10 PROVISION OF DECORATIVE LIGHTING FOR THE REFURBISHMENT OF THE CROWN STREET MALL

MOVED by Councillor Curran seconded Councillor Merrin that -

- 1 Council decline to accept any of the tenders received for the supply of decorative lighting for the refurbishment of the Crown Street Mall.
- 2 A report be prepared that analyses the tender project specifications and process to:
 - a Identify possible factors that produced only two suppliers submitting tenders.
 - b Identify possible improvements to the Tender process that will ensure higher quality or more suitable suppliers for the provision of decorative lighting for the refurbishment of the Crown Street Mall.
 - c Identify a list of suitable suppliers who have demonstrated experience and expertise in delivery of similar projects.
- 3 Following Council's consideration of the above report, new tenders be issued for decision by Council.

- 10** **COUNCIL'S RESOLUTION** - An AMENDMENT was MOVED by Councillor Brown 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 supply of decorative lighting and resolve to enter into negotiations with one or all of the tenderers, or any other parties 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

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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.
- 3 The General Manager report on negotiations with the City Centre Major Projects Steering Committee.
- 4 A report be prepared for the Information Folder and presented to a Councillor Briefing Session, which analyses the tender project specifications and process to:
 - a Identify possible factors that produced only two suppliers submitting tenders.
 - b Identify possible improvements to the Tender process that will ensure higher quality or more suitable suppliers for the provision of decorative lighting for the refurbishment of the Crown Street Mall.

Variation *The variation moved by Councillor Petty, ie the addition of Point 4 to the Amendment was accepted by the mover and seconder.*

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

Councillor Brown's AMENDMENT then BECAME the MOTION.

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

ITEM 5 - TENDER T13/20 – REVIEW OF BROOKS CREEK FLOOD STUDY/FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of SMEC Australia Pty Ltd for review of Brooks Creek Flood Study and Floodplain Risk Management Study and Plan, in the sum of \$76,517, 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 6 - TENDER T13/31 GRAND PACIFIC WALK STAGE 1 COALCLIFF/STANWELL PARK – STONEY CREEK SHAREWAY BRIDGE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Fernandez Constructions Pty Ltd for construction of a new shareway bridge over Stoney Creek in Coalcliff, in the sum of \$724,986 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 - TENDER T13/33 BUSHELL'S HILL BRIDGE REPAIRS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Silver Raven Pty Ltd for the provision of bridge remediation works to Bushell's Hill Bridge on Cordeaux Road, Mt Kembla in the sum of \$123,637.00, 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 8 - PROPOSED ACQUISITION OF DRAINAGE RESERVE ADJOINING NOS 721 AND 723 LAWRENCE HARGRAVE DRIVE AND NO 22 HYDE LANE, COLEDALE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION –

- 1 Minute No 89 of the Ordinary Meeting of Council held on 27 May 2013 be rescinded.
- 2 Council authorise the acquisition of the drainage reserve adjoining Lot 1 DP 1099809 No 721 and Lot 1 DP 1169156 No 723 Lawrence Hargrave Drive and Lot 2 DP 1169156 No 22 Hyde Lane, Coledale, as shown hatched on the plan attached to the report, from the Australian Securities and Investment Commission (ASIC) for \$1.00 (GST exc), if demanded.
- 3 Upon the acquisition being finalised, the land be classified as Operational land under the Local Government 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.

ITEM 9 - PROPOSED ACQUISITION OF PART OF LOT 95 DP 9943 NO 29 MURRAY ROAD, EAST CORRIMAL FOR ROAD WIDENING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION –

- 1 Council acquire Lot 110 DP 240922 for road widening, being the portion of Lot 95 DP 9943 No 29 Murray Road, East Corrimal, shown on Attachment 1 of the report, on the following conditions:
 - a Compensation in the amount of \$14,000 (GST exc).
 - b Council be responsible for all costs in the matter.
- 2 Upon acquisition, the land be dedicated as public road under the provisions of Section 10 of the Roads Act 1993.
- 3 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.

ITEM 10 - REVOCATION OF POLICY - LOCAL ETHNIC AFFAIRS POLICY STATEMENT (LEAPS)

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION –

- 1 Council's Local Ethnic Affairs Policy Statement (LEAPS) be revoked.
- 2 Council fulfil its Legislative responsibilities identified in the Community Relations Commission and Principles of Multiculturalism Act 2000 and promote and uphold the principles of multiculturalism through the delivery of the Wollongong 2022 Community Strategic Plan and related plans.
- 3 Council commit to the Multicultural Policies and Services Program - Multicultural Planning Framework as the tool to guide the implementation of the principles of multiculturalism and integration.

ITEM 11 - NOVEMBER 2013 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION –

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

ITEM 12 - DECEMBER 2013 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION –

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

ITEM 13 - STATEMENTS OF INVESTMENTS - NOVEMBER AND DECEMBER 2013

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION – Council receive the Statements of Investments for November and December 2013.

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ITEM 14 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 17 DECEMBER 2013

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION – In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee meeting held 17 December 2013 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 8.26 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 17 February 2014.

Chairperson