



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 18 May 2015

### Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors 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, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell, Manager City Works and Services – K Mondal, Manager Infrastructure Strategy and Planning – M Dowd, Manager Community Cultural and Economic Development (Acting) – S Savage and Manager Project Delivery – G Whittaker

### Apologies

- 53 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Dorahy seconded Councillor Connor that the apologies tendered on behalf of Councillors Blicavs and Kershaw be accepted.

## INDEX

	PAGE NO.
Disclosure of Interests .....	1
Public Access Forum – Parking and Traffic Issues – Gwynneville and Keiraville.....	1
Call of the Agenda.....	2
One Minute’s Silence – Passing of Former Deputy Lord Mayor and Councillor, Ian Hunt.....	2
ITEM D Lord Mayoral Minute - Review of Procedures and Systems of Mound Barriers (CM93/15).....	3
ITEM A Notice of Motion – Councillor Merrin – Council Grants, Gifts and In-Kind Goods or Services – Accountability.....	4
ITEM B Notice of Motion – Councillor Curran – Legal Responsibility of Council Regarding the Granting of Leases and Licences involving Crown Land Public Recreation Reserve Trusts.....	4
ITEM C Notice of Motion – Councillor Curran – Delegation of Council Functions.....	5
ITEM 1 Illawarra Pilot Joint Organisation Progress Report .....	6
ITEM 2 Lake Illawarra Estuary Management Committee Update .....	6
ITEM 3 Review of Performance Review Committee Charter .....	7
ITEM 4 Draft Planning Proposal to Permit Outdoor Dining Upon Council Land (Operational Land and Community Land) and Crown Land as Exempt Development .....	8
ITEM 5 Commercial Surf Schools – 2015/2016 Fees and Charges.....	8
ITEM 6 Tender T14/30 – Internal Audit and Ancillary Services to Council 2015-2019 .....	9
ITEM 7 Contracts for Tender T15/02 – Wollongong Youth Centre Roof and Air Conditioning Upgrade and Tender T15/03 – Corrimal Surf Life Saving Club External Refurbishment.....	9
ITEM 8 Draft Quarterly Review Statement – March 2015 .....	10

PAGE NO.

ITEM 9	Quarterly Report on Development Applications Involving Variations to Development Standards.....	10
ITEM 10	Councillor Attendance – 2015 National General Assembly of Local Government.....	10
ITEM 11	City of Wollongong Traffic Committee Minutes – 15 April 2015.....	11
ITEM 12	Bi Monthly Tabling of Returns of Disclosures of Interest and Other Matters .....	11

## **DISCLOSURE OF INTERESTS**

Councillor Martin declared a non-significant, non-pecuniary conflict of interest in Item 4, a draft Planning Proposal which will be referred to the Department of Planning and Environment. She advised that she is employed by that government agency, however her work does not in any way cross over to this territory.

Councillor Dorahy declared a pecuniary conflict of interest in Item B as it makes reference to Skydive The Beach and he holds shares in this business.

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 27 APRIL 2015**

- 54** **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, 27 April 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **CONFIRMATION OF MINUTES OF CLOSED MEETING OF COUNCIL HELD ON MONDAY, 27 APRIL 2015**

- 55** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Colacino that the Minutes of the Closed Meeting of Council held on Monday, 27 April 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **PUBLIC ACCESS FORUM – PARKING AND TRAFFIC ISSUES – GWYNNEVILLE AND KEIRAVILLE**

Dr P Laird, on behalf of the Wollongong Transport Coalition (WTC), advised that the issues surrounding parking and traffic in the Gwynneville and Keiraville areas arise mainly from the growth of the University of Wollongong. In the past 10 years the University has shown strong growth with about 21,000 students overall in 2005 growing to over 31,000 now. Whilst the growth in student numbers on the main campus and their transport needs have in part been met by innovative measures including the free shuttle service, he said there has been a steady spread of parking in the streets of Gwynneville and Keiraville. Following extensive community consultation in 2013, a call was made for a Keiraville - Gwynneville Access and Movement Study. WTC submits that past growth alone warrants the

provision of more paved footpaths, including on Murphys Avenue, and better planning will be needed to accommodate future growth. Dr Laird also said that the completion of the Koolobong 2 residence on the main campus has brought forward further issues, with spill-over parking now on nearby streets during the night, as well as the day. This shows the ratio of one car per five beds is not enough.

In conclusion, Dr Laird raised the issue of Section 94 Contributions. In this respect, the Coalition requests that any developer of a building value of \$5 million and above, who is applying for a reduction in the standard Section 94 Contributions, should prepare a detailed case, and these requests should be determined by a meeting of Council, rather than by delegated authority.

- 56** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Martin that Dr Laird be thanked for his presentation and invited to table his notes.

## **CALL OF THE AGENDA**

- 57** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Curran that the staff recommendations for Items 4 to 7, and 9 to 12 inclusive, be adopted as a block.

## **ONE MINUTE'S SILENCE – PASSING OF FORMER DEPUTY LORD MAYOR AND COUNCILLOR, IAN HUNT**

The Lord Mayor advised of the passing of former Deputy Lord Mayor and Councillor, Ian Hunt, and he invited Councillor Brown to address the meeting.

Councillor Brown, on behalf of Council, expressed condolences to the family of Ian Hunt. He said that Ian Hunt was a friend, colleague, mentor, skilled debater and logical thinker, and his loss will be felt by many.

The Lord Mayor asked that Council observe one minute's silence as a mark of respect for former Deputy Lord Mayor and Councillor, Ian Hunt.

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Dorahy that Council observe one minute's silence. CARRIED UNANIMOUSLY.

**One minute's silence was duly observed.**

## ITEM D – LORD MAYORAL MINUTE - REVIEW OF PROCEDURES AND SYSTEMS OF MOUND BARRIERS

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

- 1 The General Manager engage the services of the Internal Audit Bureau to provide an independent review of –
  - a the procedures and systems that led to the failure of oversight and the circumstances resulting in bonded asbestos contamination in mound barriers on the Old Princes Highway, between Waterfall and Sublime Point; and,
  - b the sourcing of soil or fill for any Council projects and the methods used to assess levels of contamination to avoid similar occurrences and address the level of future risk.
- 2 A review be undertaken of processes whereby illegal contamination and security of Council lands and materials can be further safeguarded from sabotage and illegal dumping.
- 3 Remediation be immediately undertaken to standards approved by the Environmental Protection Authority and other agencies.
- 4 A report addressing the above be brought back to Council by 22 June 2015.
- 5 A further report be submitted to Council on possible sources of bonded asbestos (eg fibro) contamination and the historic use of such material across the Wollongong Local Government Area

*Variation The variation moved by Councillor Curran to add the words 'engage the services of the Internal Audit Bureau to provide an independent' to Part 1 was accepted by the mover.*

## **ITEM A – NOTICE OF MOTION – COUNCILLOR MERRIN – COUNCIL GRANTS, GIFTS AND IN-KIND GOODS OR SERVICES – ACCOUNTABILITY**

**59** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Brown that –

- 1 Council carry out a review of all grants, gifts and in-kind goods or services provided by Council to external organisations or individuals, with the aim of ensuring that appropriately-constituted performance agreements and reporting requirements are in place.
- 2 The outcome of the review be in the form of a report to the Information Folder.

## **DEPARTURE OF COUNCILLORS**

Due to a prior disclosure of interest, Councillor Dorahy departed the Chambers and was not present during any debate and voting on Item B.

During debate and prior to voting on Item B, Councillor Crasnich departed and returned to the meeting, the time being 6.49 pm to 6.50 pm.

## **ITEM B – NOTICE OF MOTION – COUNCILLOR CURRAN – LEGAL RESPONSIBILITY OF COUNCIL REGARDING THE GRANTING OF LEASES AND LICENCES INVOLVING CROWN LAND PUBLIC RECREATION RESERVE TRUSTS**

A PROCEDURAL MOTION was MOVED by Councillor Merrin seconded Councillor Petty that an additional five minutes be granted to Councillor Curran to address the meeting in relation to Item B.

MOVED by Councillor Curran seconded Councillor Merrin that -

- 1 Council, as Trustee and Manager of the affairs of Stuart Park that was gazetted in 1884 as a Special Reserve for Public Park, Ground for Public Recreation or as a place for Public Bathing, urgently seek legal advice from a Senior Counsel as to whether the principles laid down in Case Law of Council of the Municipality of Randwick v Rutledge (1982) 102 CLR 54, 88 apply to Stuart Park and other Crown Reserve Parks held in Trust in the Wollongong local government area, and the proposed licence and lease for Skydiving and the proposed development of a building by Skydive The Beach to provide them with office, training and equipment space and a kiosk at Stuart Park.

Minute No.

- 2 The above advice be provided to the next Council meeting following the receipt of the advice.
- 3 Council not finalise any formal Contracts for the lease or licence for skydive activities and proposed building development at Stuart Park until after the validity of these proposals is known following senior legal advice, and such advice is reported to Council.

A PROCEDURAL MOTION was MOVED by Councillor Connor that the motion be PUT. MOTION CARRIED.

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

In favour Councillors Takacs, Merrin, Curran and Petty

Against Councillors Connor, Brown, Martin, Colacino, Crasnich and Bradbery

### **ITEM C – NOTICE OF MOTION – COUNCILLOR CURRAN – DELEGATION OF COUNCIL FUNCTIONS**

MOVED by Councillor Curran seconded Councillor Merrin that -

- 1 A report be submitted to Council:
  - a outlining and describing the functions delegated to the General Manager as well as any sub-delegations and mechanisms for recording and reporting to Council currently in place; and
  - b providing a list of policies, protocols and/or procedures that guide the delegated decision making process and method and date of their review.
- 2 The General Manager provide Councillors with a weekly newsletter that provides information about decisions made under delegation and sub-delegation and other matters that would be of interest to Council or in Council's responsibility to oversee.
- 3 Council widen the Formal Terms of Reference for the audit of the General Manager's performance in carrying out resolutions of Council to include a point that provides Councillors formal opportunity to be consulted and interviewed for their feedback, views and experience, and have that considered in the assessment and final report by the Auditor.

A PROCEDURAL MOTION was MOVED by Councillor Colacino that the motion be PUT. MOTION CARRIED.



Minute No.

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

In favour Councillors Takacs, Merrin, Curran and Petty

Against Councillors Connor, Brown, Martin, Dorahy, Colacino, Crasnich and Bradbery

## DEPARTURE OF COUNCILLOR

During the debate and prior to voting on Item 1, Councillor Curran departed and returned to the meeting, the time being from 7.03 pm to 7.07 pm.

## ITEM 1 – ILLAWARRA PILOT JOINT ORGANISATION PROGRESS REPORT

**60** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that Council –

- 1 Note the progress report of the Illawarra Pilot Joint Organisation.
- 2 Receive the Illawarra Pilot Joint Organisation Draft Charter and Draft Statement of Regional Strategic Priorities.

## ITEM 2 – LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE UPDATE

**61** **COUNCIL'S RESOLUTION** – MOVED by Councillor Brown seconded Councillor Crasnich that Council –

- 1 Endorse the updated Terms of Reference for the Lake Illawarra Estuary Management Committee.
- 2 Note the Memorandum of Understanding between Wollongong City Council and Shellharbour City Council.
- 3 Endorse Councillor Martin's nomination as the Chair of the Lake Illawarra Estuary Management Committee.
- 4 Note the report regarding a Lake Illawarra Manager position.

Minute No.

AN AMENDMENT was MOVED by Councillor Curran seconded Councillor Martin that Council –

- 1 Endorse the updated Terms of Reference for the Lake Illawarra Estuary Management Committee.
- 2 Note the Memorandum of Understanding between Wollongong City Council and Shellharbour City Council.
- 3 Endorse Councillor Martin's nomination as the Chair of the Lake Illawarra Estuary Management Committee.
- 4 Note the report regarding a Lake Illawarra Manager position.
- 5 Employ a Lake Illawarra Manager for a two-year term from funds allocated for Lake Illawarra which were not expended during the 2014-2015 financial year.

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

In favour  
Against

Councillors Martin, Merrin and Curran

Councillors Connor, Brown, Takacs, Dorahy, Colacino, Crasnich, Petty and Bradbery

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

### ITEM 3 – REVIEW OF PERFORMANCE REVIEW COMMITTEE CHARTER

**62 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that Council adopt the Draft Performance Review Committee Charter, subject to the structure of the Committee being amended to include an Independent Observer and an External Facilitator.

*Variation* The variation moved by Councillor Merrin to include the words 'subject to the structure of the Committee being amended to include an Independent Observer and an External Facilitator' was accepted by the mover and seconder.

#### **ITEM 4 – DRAFT PLANNING PROPOSAL TO PERMIT OUTDOOR DINING UPON COUNCIL LAND (OPERATIONAL LAND AND COMMUNITY LAND) AND CROWN LAND AS EXEMPT DEVELOPMENT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 57).

##### **COUNCIL'S RESOLUTION –**

- 1 The draft Planning Proposal to amend Wollongong Local Environmental Plan 2009 by permitting outdoor dining areas (associated with adjacent lawfully approved 'food and drink premises') upon community land, operational land and Crown land be Exempt Development (Schedule 2), be progressed under delegation issued by the NSW Department of Planning and Environment.
- 2 Persons who made submissions be thanked for their input and advised of Council's decision.
- 3 The Outdoor Dining on Council Owned or Managed Public Land Policy be updated to include appropriate licensing controls for community, operational and Crown land and be subject to a separate report to Council.

#### **ITEM 5 – COMMERCIAL SURF SCHOOLS – 2015/2016 FEES AND CHARGES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 57).

##### **COUNCIL'S RESOLUTION –**

- 1 Fees and Charges for 2015/2016 for Commercial Surf Schools – Non-Prime Sites Annual Licence Fee be placed on public exhibition for 28 days.
- 2 A subsequent report, including comments received during the exhibition period and recommendation regarding the adoption of Fees and Charges, be provided to Council.

## **ITEM 6 – TENDER T14/30 – INTERNAL AUDIT AND ANCILLARY SERVICES TO COUNCIL 2015-2019**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 57).

### **COUNCIL'S RESOLUTION –**

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of KPMG for Internal Audit and Ancillary Services from 1 July 2015 to 30 June 2019.
- 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 – CONTRACTS FOR TENDER T15/02 – WOLLONGONG YOUTH CENTRE ROOF AND AIR CONDITIONING UPGRADE AND TENDER T15/03 – CORRIMAL SURF LIFE SAVING CLUB EXTERNAL REFURBISHMENT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 57).

### **COUNCIL'S RESOLUTION –**

- 1 Council resolve, in accordance with Section 55(3) (i) of the Local Government Act 1993, that because of the extenuating circumstances brought about by the successful tenderer's advice to Council that it is not in a position to carry out either of these projects and that there were other tenderers with the competence to undertake the works, fresh tenders not be invited for the works.
- 2 Authority be granted to the General Manager to negotiate, firstly with any competent unsuccessful tenderers for each project and, in the event that those negotiations are unsuccessful, any other competent contractor with a view to entering into contracts for the works.
- 3 Council note that the process for the selection of the contractor(s) will have regard to the processes applicable for Council's usual tendering policies and procedures.

## DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 8, Councillor Colacino departed and returned to the meeting, the time being from 8.01 pm to 8.03 pm.

## ITEM 8 – DRAFT QUARTERLY REVIEW STATEMENT – MARCH 2015

**63** **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Connor seconded Councillor Dorahy that –

- 1 The draft Quarterly Review Statement March 2015 be adopted.
- 2 The Budget Review Statement as at March 2015 be adopted and revised totals of income and expenditure be approved and voted.

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

Against Councillors Curran and Petty

## ITEM 9 – QUARTERLY REPORT ON DEVELOPMENT APPLICATIONS INVOLVING VARIATIONS TO DEVELOPMENT STANDARDS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 57).

**COUNCIL'S RESOLUTION** – Council note the report.

## ITEM 10 – COUNCILLOR ATTENDANCE – 2015 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 57).

**COUNCIL'S RESOLUTION** – Council approve the attendance of Councillors Bradbery, Kershaw, Blicavs and Merrin at the 2015 National General Assembly of Local Government in Canberra, staying four nights on business.

## **ITEM 11 – CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES – 15 APRIL 2015**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 57).

**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 15 April 2015 in relation to Regulation of Traffic be adopted.

## **ITEM 12 – 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 57).

**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 8.17 PM.**

---

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 9 June 2015.

---

Chairperson