



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 24 March 2014

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Dorahy, Colacino, Crasnich, Curran (until 8.38 pm) 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 Infrastructure Strategy and Planning – M Dowd and Manager Project Delivery – G Whittaker

Apology

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39 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor Dorahy that the apology tendered on behalf of Councillor Blicavs be accepted.

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DISCLOSURE OF INTEREST

Councillor Martin declared a non-significant, non-financial interest in Item 5 insofar as the report makes a recommendation which would result in the matter being referred to the Department of Planning and Infrastructure, and she is employed by the Department.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 10 MARCH 2014

- 40** **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, 10 March 2014 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM – INSTALLATION OF PEDESTRIAN CROSSINGS ON BONG BONG ROAD, HORSLEY (BETWEEN LEVEL CROSSING AND SIERRA DRIVE)

Ms A Hughes outlined safety concerns on Bong Bong Road, Horsley and stated that the community had initially requested that a zebra crossing and/or traffic lights be installed in order to provide safe access to schools, parks, public transport, playing fields, tennis courts, the skate park and main central business district of Dapto. The community was advised by Council officers that such a proposal would not work as the road was already far too congested and instead, officers put forward an option which would not stop the flow of traffic. The solution would involve building two sets of pedestrian refuges with blisters on either side of the road. This proposal would be an affordable alternative to the original idea of a zebra crossing/traffic light and would work for all road users.

In conclusion, Ms Hughes said that residents are extremely concerned for the safety of children and other pedestrians trying to negotiate this extremely busy stretch of road and are overwhelmingly supportive of resolving this pressing public safety issue. She sought Council's support in getting this project included in the 2014-15 budget and flagged as a high priority on the 2014-15 Capital Works Program.

- 41** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that Ms Hughes be thanked for her presentation and invited to table her notes.

CALL OF THE AGENDA

- 42 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Martin that the staff recommendations for Items 6, 8, 10 and 11 inclusive, be adopted as a block.

LORD MAYORAL MINUTE - BETTER TRANSPORT LINKS FROM WOLLONGONG

- 43 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Bradbery that Wollongong City Council -

- 1 Support the proposed F6 (M1) extension from Heathcote to St Peters as part of an overall strategy for better transport links between Wollongong and Sydney.
- 2 Continue to emphasise the significance and urgency of the transport infrastructure priorities, namely -
 - a Improvements to the South Coast Rail Line to facilitate commuter service reliability, faster travel times and frequency of services, thus reducing demand for road travel; and,
 - b The completion of the Maldon-Dombarton Line as part of the Port Kembla Port Freight Dispersal and Receival Strategy. This is acknowledged as vital for decreasing demand for freight train slots and pressure on the South Coast Line. The Maldon-Dombarton Line as a freight link would also reduce reliance on truck freight haulage and pressure on local roads.
- 3 Support the petition stating that the petitioners ask the Legislative Assembly to call on the NSW Government to allocate sufficient funds in the 2014-2015 budget to bring planning of the F6 (M1) extension in southern Sydney to 'shovel ready' stage within two years. The petition be available electronically via Council's website and at all Wollongong City Council Libraries for residents to sign.
- 4 Write to the Premier of New South Wales, the Minister for Transport, the Minister for Roads and Maritime Services, the Minister for the Illawarra, and Local Members of Parliament covering the Illawarra and surrounds, expressing our support for the proposed F6 (M1) extension and the detail aforementioned.

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A PROCEDURAL MOTION was MOVED by Councillor Petty that the motion be PUT. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

The Lord Mayoral Minute on then being PUT to the VOTE was CARRIED.

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

Against Councillors Takacs and Merrin

ITEM 1 - FINANCIAL IMPLICATIONS OF THE LAKE ILLAWARRA AUTHORITY CLOSURE

44 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Connor seconded Councillor Martin that Council -

- 1 Note the current understanding of the land, assets and activities proposed to be transferred to Council following the Lake Illawarra Authority closure and that Council's current operational budget allocation to Lake Illawarra does not fully fund the financial requirements should these transfers occur.
- 2 Note the significant loss of State Government funding committed to Lake Illawarra as a result of the Lake Illawarra Authority closure and that funding under existing State Government programs applicable to Lake Illawarra would require 50% contribution from Council and would compete against other state-wide priorities.
- 3 Write to the Minister for Trade and Investments indicating Council's position on the proposed transfer of land and associated assets as set out in the report, modified as follows -

Council will only accept any land or assets if all Lake land, including that identified at King Street and Kully Bay, is transferred to Council and Council will accept any land or assets only if:

The sum of \$4.25M, plus a CPI component, is provided by the State Government into a dedicated fund for depreciation of assets over the next 30 years.

The funding mentioned at point 4 (a) of this motion be guaranteed by the State Government providing \$18M into a dedicated fund representing 10 years of previous ongoing State Government commitment.

- 4 Write to the Minister for the Illawarra, Minister for Trade and

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Investments and Minister for the Environment seeking –

- a Commitment to allocate \$18M funding to the ongoing management of Lake Illawarra equivalent to their funding to the former Lake Illawarra Authority; and
 - b Advice to Council on the funding programs available to Council to support the ongoing management of the Lake.
- 5 Council enter into discussions with the relevant NSW State Ministers to explore the possibility of an alternate governance model for the management of the Lake, as recommended in the recent review of local government, namely, the proposed Joint Organisation and Agencies.

Variation The variation moved by Councillor Merrin to change \$15M to \$18M in points 3 and 4 (a) was accepted by the mover and seconder.

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

Against Councillor Petty

DEPARTURE OF COUNCILLORS

During the debate and prior to voting on Item 2, the following Councillors departed and returned to the meeting –

Councillor Crasnich from 7.21 pm to 7.23 pm;

Councillor Colacino from 7.25 pm to 7.29 pm; and

Councillor Takacs from 7.33 pm to 7.34 pm.

ITEM 2 - FINALISATION OF THE WOLLONGONG DUNE MANAGEMENT STRATEGY FOR THE PATROLLED SWIMMING AREAS OF 17 BEACHES AND UPDATE ON ITS IMPLEMENTATION PLAN

MOVED Councillor Dorahy seconded Councillor Petty that -

- 1 Council adopt the Wollongong Dune Management Strategy for the Patrolled Swimming Areas of 17 Beaches.
- 2 The progress that has been made in implementing the Dune Management Implementation Plan be noted.
- 3 Council implement a process to extend dune management to north and south of the recommended patrolled swimming areas with –

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- a An investigation of beaches being undertaken to identify a strategy of each of the 17 beaches that stops or lessens greatly the creep action of vegetation to the waterline and restricts the height to allow greater vision from paths and grass areas; and,
- b A report being presented to Council in three (3) segments by December 2015, December 2016 and December 2017.

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Martin that Councillor Dorahy be granted an extension of time to address the meeting. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

45 COUNCIL'S RESOLUTION – An AMENDMENT was MOVED by Councillor Merrin seconded Councillor Kershaw that -

- 1 Council adopt the Wollongong Dune Management Strategy for the Patrolled Swimming Areas of 17 Beaches.
- 2 The progress that has been made in implementing the Dune Management Implementation Plan be noted.

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

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

Against Councillors Dorahy, Crasnich and Petty

Councillor Merrin's AMENDMENT then BECAME the MOTION.

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

ITEM 3 - COUNCIL SUBMISSION ON THE FINAL REPORT OF THE INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL: 'REVITALISING LOCAL GOVERNMENT'

46 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that Council endorse the draft submission (Attachment 1 of the report), amended as follows, to be provided to the Office of Local Government in response to the Independent Local Government Review Panel's Final Report, Revitalising Local Government -

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- 1 Point 6 (f) of the submission be changed to restate Council's position of 24 June 2013 that expresses a preference that any peak decision-making body of a Joint Organisation include a composition that provides some measure of proportionality to reflect the differing sizes of component councils (noting that the Final Report includes the option to have mayors and other councillor representation on Joint Organisations).
- 2 Council note that the position of Shoalhaven Council as a possible member of an Illawarra Joint Organisation is not clear in the document and maps, and that Council express a view that Shoalhaven Council should not be included if the Organisation has a role beyond planning co-ordination.

ITEM 4 - LOCAL GOVERNMENT ACTS TASKFORCE REPORT AND PROPOSED SUBMISSION FROM COUNCIL

47 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Martin that Council endorse the draft submission to the Local Government Taskforce (Attachment 1 of the report) in response to calls for submissions from the NSW Division of Local Government, subject to the following amendment -

"Council express a view that Discussion Paper under 'Elections' section 3.3.1 (4) (5) is not supported where Casual Vacancies on Council are filled by appointing the last defeated candidate and Council believes that any by-election to fill casual vacancies be conducted by either attendance voting or postal voting as chosen for that Council for its general elections".

ITEM 5 - WEST DAPTO RELEASE AREA - DARKES ROAD SOUTH WEST NEIGHBOURHOOD PLAN - POST EXHIBITION REPORT

MOVED Councillor Crasnich seconded Councillor Connor that -

- 1 The revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area (Attachment 10 of the report) be adopted, which includes -
 - a The Darkes Road South West Neighbourhood Plan prepared for land fronting Darkes and West Dapto Roads, Kembla Grange with associated specific development controls and amendments; and,
 - b The revised master plan and road network diagrams which incorporate the Fowlers Road to Fairwater Drive link.

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- 2 The adoption of the revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area be notified in the local newspapers in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Letters be sent to those persons who made submissions advising them of the outcome and thanking them for their input.
- 4 A draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 as follows:
 - a The proposed 'Ridge Park' passive open space recreation area within Lot 2 DP 1118463, Lot 4 DP 1008723, Lot 1 DP 795839 and Lot 3 DP 1008723 (land holdings 1 and 2) be rezoned from part R2 Low Density Residential and RE1 Public Recreation to E3 Environmental Management with no minimum lot size or floor space ratio and a building height limit of 9m;
 - b The R3 Medium Density Residential and R2 Low Density Residential Zone boundary within Lot 1 DP 795839 be realigned to follow the proposed road network as shown on Attachment 8 of the report with the R3 Medium Density Residential zoned land having a floor space ratio of 0.75:1, minimum lot size of 300m² and building height limit of 13m and the R2 Low Density Residential land having a floor space ratio of 0.5:1, minimum lot size of 450m² and building height limit of 9m;
 - c The Minimum Lot Size Map be amended for the eastern end of the site to allow for a minimum lot size of 2,000m² and the boundary between the 300m² and 450m² minimum lot size be amended to contain all R3 Medium Density Residential zoned land in the precinct and follow the indicative road layout as shown on Attachment 8 of the report; and,
 - d Clause 4.1 Minimum Subdivision Lot Size be amended to include subclause (4D) to read 'Despite subclause 3, Council may consent to a development application for subdivision in an Urban Release Area which results in an inconsistency with the Lot Size Map where it has endorsed a Neighbourhood Plan under Clause 6.2, and the subdivision is consistent with the endorsed Neighbourhood Plan'.
- 5 The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a Gateway determination and requesting authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.
- 6 The draft Planning Proposal be placed on exhibition for a minimum

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period of twenty eight (28) days.

- 7 The next update of the West Dapto Release Area Section 94 Development Contributions Plan include 'Ridge Park' as shown on Attachments 2 and 8 of the report.

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

- 1 The revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area (Attachment 10 of the report) be adopted, which includes -
 - a The Darkes Road South West Neighbourhood Plan prepared for land fronting Darkes and West Dapto Roads, Kembla Grange with associated specific development controls and amendments; and,
 - b The revised master plan and road network diagrams which incorporate the Fowlers Road to Fairwater Drive link.
- 2 The adoption of the revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area be notified in the local newspapers in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Letters be sent to those persons who made submissions advising them of the outcome and thanking them for their input.
- 4 A draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 as follows:
 - a The proposed 'Ridge Park' passive open space recreation area within Lot 2 DP 1118463, Lot 4 DP 1008723, Lot 1 DP 795839 and Lot 3 DP 1008723 (land holdings 1 and 2) be rezoned from part R2 Low Density Residential and RE1 Public Recreation to E2 Environmental Conservation, with no minimum lot size or floor space ratio and a building height limit of 9m;
 - b The R3 Medium Density Residential and R2 Low Density Residential Zone boundary within Lot 1 DP 795839 be realigned to follow the proposed road network as shown on Attachment 8 of the report with the R3 Medium Density Residential zoned land having a floor space ratio of 0.75:1, minimum lot size of 300m² and building height limit of 13m and the R2 Low Density Residential land having a floor space ratio of 0.5:1, minimum lot size of 450m² and building height limit of 9m;
 - c The Minimum Lot Size Map be amended for the eastern end of the site to allow for a minimum lot size of 2,000m² and the boundary between the 300m² and 450m² minimum lot size be

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amended to contain all R3 Medium Density Residential zoned land in the precinct and follow the indicative road layout as shown on Attachment 8 of the report; and,

- d Clause 4.1 Minimum Subdivision Lot Size be amended to include subclause (4D) to read 'Despite subclause 3, Council may consent to a development application for subdivision in an Urban Release Area which results in an inconsistency with the Lot Size Map where it has endorsed a Neighbourhood Plan under Clause 6.2, and the subdivision is consistent with the endorsed Neighbourhood Plan'.
- 5 The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a Gateway determination and requesting authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.
- 6 The draft Planning Proposal be placed on exhibition for a minimum period of twenty eight (28) days.
- 7 The next update of the West Dapto Release Area Section 94 Development Contributions Plan include 'Ridge Park' as shown on Attachments 2 and 8 of the report.

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

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

Against Councillors Dorahy, Colacino and Crasnich

Councillor Merrin's AMENDMENT then BECAME the MOTION.

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

ITEM 6 - PROPOSED AGREEMENT WITH GPT TO CARRY OUT A MATERIAL PUBLIC BENEFIT - KEIRA STREET WORKS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 42).

COUNCIL'S RESOLUTION – Council -

- 1 Resolve, pursuant to section 55(3) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for implementation of the Keira Street Precinct Plan between Crown and Market Streets because of extenuating circumstances, namely:

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- 1.1 GPT proposing to undertake the works described above as part of their own works and embellishments to Keira Street, with resulting economies of scale;
 - 1.2 The lessened impact upon traffic and pedestrians occasioned by carrying out both the Council works and GPT's works simultaneously;
 - 1.3 The identification of the provision of a material public benefit by GPT to Council in the major project approval in lieu of contributions; and
 - 1.4 The formalisation of a process to manage and recognise those works in a proposed contract between Council and GPT.
- 2 Delegate to the General Manager the authority to finalise and execute a contract and any other documentation required to enter into a contract with GPT to:
- 2.1 Appropriately manage the carrying out of the works by GPT, including quality of works and defects; and
 - 2.2 Recognise the cost to GPT of carrying out the works, and provide a deduction from contributions due and payable to Council under the major projects approval.

ITEM 7 - TENDER T13/32 PROVISION OF PROJECT DEVELOPMENT SERVICES TO COUNCIL INCLUDING CONCEPT DESIGN, DETAILED DESIGN AND CONSTRUCTION DOCUMENTATION FOR THE PROPOSED WEST DAPTO ACCESS - FOWLERS ROAD TO FAIRWATER DRIVE, DAPTO

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

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Cardno Pty Ltd for the provision of project development services including concept design, detailed design and construction documentation for the proposed West Dapto Access - Fowlers Road to Fairwater Drive, Dapto in the sum of \$999,944.82 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 - TENDER T13/30 PROVISION OF AN AIR MANAGEMENT SYSTEM AT BEATON PARK SWIMMING POOL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 42).

COUNCIL'S RESOLUTION -

- 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 provision of a new Beaton Park Swimming Pool Air Management System and resolve to enter into negotiations with the tenderers with a view to entering into a contract in relation to the subject matter of the tender.
 - b In accordance with the Local Government (General) Regulation 2005, Clause 178(4), the reason for Council hereby resolving to enter into negotiations with one or all of the tenderers, or any other party, and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with one of those parties who has 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.

DEPARTURE OF COUNCILLOR

At the commencement of debate and prior to voting on Item 9, Councillor Curran departed the meeting, the time being 8.39 pm.

ITEM 9 - SINGLE-USE PLASTIC BAG REDUCTION PROGRAM

50 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Takacs that -

- 1 Council acknowledge the variety of ways that awareness of the environmental impact of plastic bags has been raised via promotional events and educational material.
- 2 Council endorse the approach of further addressing the issue of single-use plastic bags within a broader litter reduction campaign in partnership with the Environment Protection Authority.

ITEM 10 - REQUEST FOR FINANCIAL ASSISTANCE - CONTRIBUTION TO LEGAL COSTS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 42).

COUNCIL'S RESOLUTION - Pursuant to section 356 of the Local Government Act 1993, Council resolves to grant financial assistance to Canterbury City Council in the amount of \$663.55 for legal costs incurred in an appeal relating to an easement over community land.

ITEM 11 - 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 42).

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 8.48 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 7 April 2014.

Chairperson