



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 7 April 2014

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, Colacino, Crasnich, Curran and Petty

In Attendance

General Manager – D Farmer, 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 Project Delivery – G Whittaker and Manager Infrastructure and Planning – M Dowd

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DISCLOSURES OF INTEREST

Councillor Petty declared a significant pecuniary interest in Item 4 as he is a Director of a Company which owns real estate within 200 metres of the land. Councillor Petty advised that he would depart the Council Chambers during debate and voting on this matter.

Note: During debate on Item 1, a previous Council decision on planning issues relating to self-storage was mentioned, and at this point Councillor Petty declared a significant interest due to being the owner of a self-storage facility and departed the Chambers. Councillor Petty was not present during the vote taken for Item 1.

Councillor Merrin declared a non-pecuniary, non-significant conflict of interest in Item 1 as one of the landowners was her tax agent.

Councillor Martin advised she did not expect any action in relation to Item 1, however, in case the matter should move forward to the Department of Planning and Infrastructure, she declared a non-significant, non-pecuniary conflict of interest insofar as she is employed by that Department.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 24 MARCH 2014

- 51** **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, 24 March 2014 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM – SALE OF UNDERWOOD STREET CAR PARK, CORRIMAL

Dr R Robinson requested that Council place a moratorium on the sale of the above land until the community has been allowed to participate in the scheduled review of the Corrimal Town Centre Strategic Revitalisation of 2009. Dr Robinson said that the current zoning allowed for a development of a shopping centre on both the Council and privately-owned property to the north. The current zoning did not meet community expectations for the town centre and if the sale were to proceed, he felt this would detract further from the town centre amenity.

In conclusion, Dr Robinson asked that Councillors listen to the voices of residents and place a moratorium on the sale of this property until the review is completed through collaborative, informed and interactive community input.

PUBLIC ACCESS FORUM – EXHIBITION OF DRAFT CITY OF WOLLONGONG BIKE PLAN 2014-2018

Mr Porter advised that the Bike Plan was Wollongong's action plan for bicycle infrastructure and programs to make the local government area safer and more attractive for current and future cyclists. The Plan incorporates shared paths and enables walkers, parents with strollers and people with walking aids or in wheelchairs to move around more safely, with more choices about the places to walk. Significant effort was required to make the Wollongong local government area a bicycle-friendly city and, more importantly, to make cycling a more dominant mode of travel. He advised that the Plan recognised that investment will be required for people to feel legitimate, safe and supported when they cycle. However, in terms of investment Mr Porter said that Council needs to remember that the construction of walking and cycling infrastructure was relatively inexpensive compared to other modes of transport.

Mr Porter concluded by saying that the Bike Plan contained a range of infrastructure and non-infrastructure measures which will significantly contribute to the Wollongong 2022 Community Strategic Plan goal of sustainable, affordable and accessible transport. Placed on public exhibition, the Plan can incorporate valuable feedback and, once endorsed and actioned, will make the Wollongong local government area a better place to live and comparable to other modern, innovative cities around the world.

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

CALL OF THE AGENDA

- 53** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the staff recommendations for Items 3, and 6 to 13 inclusive, be adopted as a block.

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ITEM A - NOTICE OF MOTION - COUNCILLOR CRASNICH - INVESTIGATION INTO POTENTIAL SALE OF PUBLIC LAND

MOVED Councillor Crasnich seconded Councillor Colacino that Wollongong City Council write to The Hon. Pru Goward MP, Minister for Family and Community Services, requesting that –

- 1 Investigations take place into options available for the sale of public land located at Cliff Road, Wollongong, Bellambi Point, Bellambi and Hill 60, Port Kembla, as the waterfront locations of the land provides great potential for private investment which could generate employment and assist in tourism throughout the region.
- 2 Investigations into any potential sale be conditional upon -
 - a Housing NSW undertaking consultation with all residents currently residing at these locations; and,
 - b Finance raised from any sale being invested in new and more suitable housing for affected residents.
- 3 The Minister outline any benefits the rationalisation of any of these lands could give to further public housing opportunities in the Wollongong area.

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

At this point, Councillor Brown FORESHADOWED a MOTION should Councillor Crasnich's motion be defeated.

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Blicavs that Councillor Colacino be granted an additional five minutes to address the meeting. MOTION CARRIED.

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

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

Following the defeat of Councillor Crasnich's motion, Councillor Brown's FORESHADOWED MOTION became the MOTION and on being PUT to the VOTE was CARRIED UNANIMOUSLY.

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

- 1 Council supports in principle –
 - a that public housing be provided in locations with access to transport and services;
 - b that people in public housing should not be moved to accommodation with less access to transport and services; and,
 - c that people (of good standing) in public housing should be moved to new accommodation only with their agreement.
- 2 Council consider a definitive position on these matters following the publication of recommendations from the Parliamentary Inquiry into Social, Public and Affordable Housing (due September 2014).
- 3 A briefing for Councillors be provided, addressing the implications of the Inquiry's recommendations on Council's policies including, but not limited to, planning and social policy.
- 4 The briefing investigate the possible development of a draft Local Government Housing Strategy for Wollongong to reflect the recommendations from the Inquiry and to address the opportunities and challenges for social, public and affordable housing in Wollongong.

DEPARTURE OF COUNCILLORS

During the debate and prior to voting on Item 1, the following Councillors departed and returned to the meeting, the times being -

- Councillor Colacino from 7.41 pm to 7.43 pm
- Councillor Crasnich from 7.43 pm to 7.44 pm and from 8.11 pm to 8.14 pm
- Councillor Dorahy from 8.32 pm to 8.34 pm

DISCLOSURE OF INTEREST

Councillor Petty advised that due to the direction of the debate (namely, the address by Councillor Dorahy where he made mention of self-storage facilities) he would declare a significant pecuniary interest as he is the owner of a self-storage facility. Councillor Petty departed the Council Chambers following his disclosure, the time being 8.29 pm, and was not present during further debate and voting on Item 1.

ITEM 1 - POSSIBLE ZONING AND DEVELOPMENT OPTIONS FOR LOT 2 DP 792692 WYLLIE ROAD, KEMBLA GRANGE

The following PROCEDURAL MOTIONS to grant extensions of time to address the meeting were CARRIED -

MOVED by Councillor Merrin seconded Councillor Petty – a five-minute extension for Councillor Martin.

MOVED by Councillor Brown seconded Councillor Martin – a five-minute extension for Councillor Crasnich.

MOVED by Councillor Petty seconded Councillor Dorahy – a four-minute extension for Councillor Curran.

MOVED by Councillor Crasnich seconded Councillor Blicavs – a one-minute extension for Councillor Dorahy.

55 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Martin seconded Councillor Takacs that the report be noted.

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

Due to the votes being tied, the Lord Mayor used his Casting Vote in support of Councillor Martin's motion.

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DEPARTURE OF COUNCILLORS

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

- Councillor Blicavs from 8.43 pm to 8.44 pm
- Councillor Crasnich from 8.44 pm to 8.46 pm
- Councillor Takacs from 8.55 pm to 8.58 pm
- Councillor Curran from 8.58 pm to 9.00 pm
- Councillor Merrin from 9.01 pm to 9.03 pm
- Councillor Martin from 9.13 pm to 9.15 pm

ITEM 2 - NSW ASSOCIATION OF MINING RELATED COUNCILS DRAFT POLICY ON COAL SEAM GAS

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

- 1 Council commends the Association of Mining Related Councils (AMRC) for developing a policy position in relation to Coal Seam Gas.
- 2 Council support the AMRC's draft policy on coal seam gas and requests the AMRC consider the following -
 - a The inclusion of an additional point within the policy which states "That the AMRC does not support coal seam gas exploration and/or production within drinking water catchments"; and,
 - b The inclusion of the words 'Sydney Catchment Authority and Environmental and Hydro-Geological Scientists' to Point 3 of the draft policy, as follows -

"The AMRC calls upon the state government to release as soon as possible the findings of the Chief Scientist and to commission with the key industry groups, *Sydney Catchment Authority and Environmental and Hydro-Geological Scientists* peer reviewed research demonstrating the possible impacts and effects of CSG mining on ground water and surface water systems, effects related to the use of chemicals, effects related to hydraulic fracturing, effects on greenhouse gas and other emissions and the nature and effect of remediation under the Petroleum (Onshore) Act 1991 and under clause 14 of SEPP (Mining, Petroleum Production and Extractive Industries) 2007."

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- 3 The General Manager be granted delegation to finalise the correspondence to the AMRC in line with Council's resolution in point 2.

Variation The variation moved by Councillor Merrin (the addition of Point 2 b) was accepted by the mover.

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Crasnich that a five minute extension be granted to Councillor Connor to address the meeting. MOTION CARRIED.

ITEM 3 - POLICY REVIEW - ACCESS TO COUNCIL INFORMATION AND STAFF BY COUNCILLORS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 53).

COUNCIL'S RESOLUTION – The Access to Information and Staff by Councillors Policy be adopted.

DEPARTURE OF COUNCILLORS

Due to a prior disclosure of interest, Councillor Petty departed the Council Chambers prior to debate on Item 4. Councillor Petty was not present when the vote was taken.

During debate and prior to the voting on Item 4, the following Councillors departed and returned to the meeting –

- Councillor Merrin from 9.25 pm to 9.31 pm
- Councillor Takacs from 9.25 pm to 9.34 pm
- Councillor Connor from 9.27 pm to 9.29 pm

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ITEM 4 - SALE OF UNDERWOOD STREET CAR PARK, CORRIMAL

57 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Brown seconded Councillor Merrin that -

- 1 Council authorise the sale of Lots 3 and 4 DP 230192, Lot 3 DP 513895, Lots 13 and 14 DP 4286, Lots 1- 6 DP 230081 and Lot 100 DP1000705 located at Underwood Street, Corrimal.
- 2 Council delegate to the General Manager the authority to finalise the sale price subject to the price being not less than 90% of either the assessed market value or the reserve price set for public auction.
- 3 Authority be granted to affix the Common Seal of Council to the transfer documents related to this sale.

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

Against Councillors Kershaw, Martin, Dorahy and Curran

DEPARTURE OF COUNCILLORS

During the debate and prior to voting on Item 5, the following Councillors departed and returned to the meeting -

- Councillor Colacino from 9.37 pm to 9.40 pm
- Councillor Crasnich from 9.39 pm to 9.40 pm

EXTENSION OF MEETING TIME

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Kershaw that the meeting time be extended to 10.15 pm. MOTION CARRIED.

ITEM 5 - EXHIBITION OF DRAFT CITY OF WOLLONGONG BIKE PLAN 2014-2018

58 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor Merrin that -

- 1 The draft City of Wollongong Bike Plan 2014-2018 be placed on public exhibition for a period of six weeks commencing 8 April 2014.
- 2 Following the public exhibition period, a final draft of the City of Wollongong Bike Plan 2014-2018 be presented to Council for adoption at its meeting of 23 June 2014.

A PROCEDURAL MOTION was MOVED by Councillor Martin seconded Councillor Dorahy that a five-minute extension be granted to Councillor Takacs to address the meeting.

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

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

ITEM 6 - POLICY REVIEW - ASSET MANAGEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 53).

COUNCIL'S RESOLUTION – The revised Asset Management Policy be adopted.

ITEM 7 - TENDER T13/27 PROVISION OF CONSTRUCTION SERVICES TO CONSTRUCT THE UPGRADE TO SHONE AVENUE AT HORSLEY, INCLUDING A 4-SPAN BRIDGE AND CHANNEL WORKS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 53).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Abergeldie Contractors Pty Ltd for the construction of the upgrade to Shone Avenue at Horsley including a 4-span bridge and channel works, in the sum of \$5,290,371 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 COMPULSORY ACQUISITION OF PORTION OF LOT 1 DP 600073 PRINCES HIGHWAY, KEMBLA GRANGE BEING PORTION OF KEMBLA GRANGE RACECOURSE FOR SHARED PATH

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 53).

COUNCIL'S RESOLUTION –

- 1 Pursuant to Section 177 of the Roads Act 1993, Council make application to the Minister for Local Government and the Governor for the compulsory acquisition of that portion of Lot 1 DP 600073 Princes Highway, Kemplra Grange, as shown on Attachment 2 of the report.
- 2 Upon the acquisition being finalised, the land be dedicated as public road in accordance with Section 10 of the Roads Act 1993.
- 3 Authority be delegated to the General Manager to approve the amount of compensation to be assessed by the Valuer General which will be payable to the Crown for the acquisition of the land.

ITEM 9 - PROPOSED ACQUISITION OF PORTION OF LOT 10 DP 229044 NO 29 DARKES ROAD, DAPTO FOR ROAD WORKS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 53).

COUNCIL'S RESOLUTION –

- 1 Council authorise the acquisition of the portion of Lot 10 DP 229044 No 29 Darkes Road, Dapto, shown hatched on the attachment to the report, subject to the following conditions:
 - a Purchase price of \$2,000 (GST exc); and,
 - b Council be responsible for all costs including valuation, survey and legal costs and the cost of reinstatement of fencing to the new boundary, if required.
- 2 Upon the acquisition being finalised, the subject portion of Lot 10 DP 229044 be dedicated as public road in accordance with 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 - APPROVAL FOR ATTENDANCE AND ACCOMMODATION - NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 53).

COUNCIL'S RESOLUTION – Council -

- 1 Endorse the nominations of the Lord Mayor and Councillors Kershaw and Blicavs to attend the National General Assembly of Local Government.
- 2 Delegate voting rights to the Lord Mayor.

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ITEM 11 - FEBRUARY 2014 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 53).

COUNCIL'S RESOLUTION –

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

ITEM 12 - STATEMENT OF INVESTMENTS - FEBRUARY 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 53).

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

ITEM 13 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 19 MARCH 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 53).

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 19 March 2014 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 10.06 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 28 April 2014.

Chairperson