



ORDINARY MEETING OF COUNCIL

HELD ON

TUESDAY 27 OCTOBER 2009

AT 5:00 PM

PRESENT

Administrators Dr C Gellatly AO (in the Chair), G Kibble AO and R McGregor AM

IN ATTENDANCE

General Manager - D Farmer, Director Corporate and Community Services – I Halliday, Director Environment and Planning – A Carfield and Director Infrastructure and Works - P Kofod

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Minute No.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 22 SEPTEMBER 2009

- 156 **RESOLVED UNANIMOUSLY** that the Minutes of the Ordinary Meeting of Council held on Tuesday, 22 September 2009 (a copy having been circulated to Administrators) be taken as read and confirmed.

PUBLIC ACCESS FORUM

DR P LAIRD – PORT KEMBLA HARBOUR EXPANSION – TRAFFIC IMPLICATIONS

Dr Laird outlined shortcomings with respect to the road and rail links between Wollongong and Sydney. He advised that a State Parliamentary Committee recommended that the NSW Government ensure that the anticipated increase in freight traffic from Port Kembla's expansion was supported by the necessary improvements in road and rail infrastructure and that consideration be given to the completion of the Maldon to Dombarton rail line, in conjunction with the AusLink Program.

Dr Laird said that any further expansion of Port Kembla needs to be conditional on the completion of the Maldon-Dombarton rail link and the extent of any expansion (Stage 1, 2 or 3 of the Outer Harbour) be contingent on funding to complete the link. He requested that Council address all relevant issues in its submission to the Department of Planning.

Note: Administrator Gellatly advised that Dr Laird's comments would be taken into consideration in any future Council submission.

MR G COOKE – ITEM 2 – WEST DAPTO INITIAL ACCESS STRATEGY SUPPORTING STAGES 1 AND 2

Mr Cooke stated that the 'new strategy' document states that upfront infrastructure to ensure adequate road access is essential to the successful development of West Dapto and yet, development applications are expected to be lodged early in 2010 and there is no such infrastructure or adequate road access in place. If the proposed changes go ahead, Bong Bong Road will remain the only access to the CBD and it will be required to handle increased traffic volumes for at least eight years before a second access becomes available via Cleveland Road.

Although noting that the Fowlers Road Bridge is a better option, Mr Cooke recognised that it was beyond Council's resources to build. However, it was felt that connecting Fairwater Drive and Fowlers Road was still the best alternative and could be achieved within a timetable acceptable to West Dapto and Horsley residents.

Minute No.

MR T WETHERALL AND MR W COOPER – ITEM 4 – CREATION OF RIGHT-OF-WAY OVER COUNCIL LAND AT UNDERWOOD STREET, CORRIMAL

On behalf of the developer, Mr Wetherall advised that a development proposal was being considered by the Independent Hearing and Assessment Panel on 28 October 2009 and that the matter of access to various properties is subject to the creation of the easement. It was the developer's understanding that satisfactory arrangements had been agreed to.

Mr Cooper stated that the Corrimal Town Centre Revitalisation Strategy was exhibited and feedback provided to Council highlighting issues and concerns of local residents and business people. He felt that such feedback and submissions must be considered and integrated as part of the process of any future development.

Mr Cooper asked that Council activity relating to the development of the Corrimal Town Centre be withheld until such time as the public interest is acknowledged and integrated into the revitalisation strategy, along with flood studies and the completion of a master plan for traffic management.

PLANNING AND ENVIRONMENT DEPARTMENT

ITEM 1 - WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2009) (SU24065) - REPORT OF MANAGER ENVIRONMENTAL STRATEGY AND PLANNING (DG) 28/09/09

157 **RESOLVED UNANIMOUSLY that -**

- 1 **The Wollongong Section 94A Contributions Plan (2009) be adopted with the following minor amendments:**
 - a **Clause 9 Exemptions be amended to include -**
 - i **The Section 94E exemption for SEPP Seniors Housing development provided by Social Housing Providers.**
 - ii **The Section 94E exemption for "Building the Education Revolution" projects.**
 - iii **Universities, private schools, private hospitals.**
 - b **Clause 17 be amended to enable cross borrowing to be permitted between schedules 3 and 4.**
- 2 **The adoption of the Plan be notified in the local newspapers in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.**
- 3 **Persons who made submissions be advised of Council's determination and be thanked for their input.**
- 4 **A report be submitted to Council following a complete review of the operation of Section 94 and Section 94A developer contributions within the Wollongong Local Government Area.**

Note: The Council added Part 4 to the Officer's recommendation.

Minute No.

INFRASTRUCTURE AND WORKS DEPARTMENT

ITEM 2 - WEST DAPTO INITIAL ACCESS STRATEGY SUPPORTING STAGES 1 AND 2 (SU22399) - REPORT OF MANAGER INFRASTRUCTURE (MM) 20/10/09

158 RESOLVED UNANIMOUSLY that Council -

- 1 Endorse the initial access strategy and include the strategy in the Capital Works Planning Process and the West Dapto Section 94 Development Contributions Plan.**
- 2 Undertake a community engagement process to inform the community and the development industry about the strategy.**

ITEM 3 - COMMERCIAL FITNESS TRAINING ACTIVITIES ON PUBLIC OPEN SPACE - REPORT FOLLOWING CONSULTATION ON SUNDAY OPERATIONS (SU26963) - REPORT OF MANAGER PROPERTY AND RECREATION (MB) 14/10/09

159 RESOLVED UNANIMOUSLY that -

- 1 Council note the comments received through the community consultation that was undertaken in relation to commercial fitness training activities on public open space on Sundays.**
- 2 The Council policy for Commercial Fitness Training Activities for Public Open Space be amended in Section 2.3 to also permit activities on Sundays between 7 am and 10 am.**

ITEM 4 - CREATION OF RIGHT OF WAY OVER COUNCIL LAND AT UNDERWOOD STREET, CORRIMAL (05.02.09.006) - REPORT OF MANAGER PROPERTY AND RECREATION (WAD) 7/10/09

160 RESOLVED UNANIMOUSLY that -

- 1 Council authorise the creation of a stratum right of way burdening Lots 3 and 4 DP230192 and Lot 3 DP 513895 (as shown on Attachment 1 of the report) and benefiting Lot 2 DP 230192 and Lot 1 DP 513895. The right of way shall be limited in height to 4.8 metres above the existing surface level of the Council land.**
- 2 Approval be granted to affix the Common Seal of Council to the Section 88B instrument and survey plan.**

Minute No.

ITEM 5 - TENDER NO. T09/22 INNER CITY PARKING METERS (04.17.02.381) - REPORT OF MANAGER INFRASTRUCTURE (LH) 14/10/09

161 RESOLVED UNANIMOUSLY that -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Reino International Pty Ltd for the supply, installation and commissioning of 141 pay and display parking ticket machines and the operation and maintenance of the machines for a two (2) year period after date of commissioning and including an option for Council (only) to exercise to extend the operation and maintenance term of the contract for an additional 3 year period commencing upon expiration of the initial two year period.
- 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 NO. T09/23 FOR DESIGN, CONSTRUCTION, SUPPLY, DELIVERY AND INSTALLATION OF ONE FOUR (4) BEDROOM DEMOUNTABLE MANUFACTURED STRUCTURE FOR USE AS A MANAGER'S RESIDENCE AT CORRIMAL BEACH TOURIST PARK (04.17.02.380) - REPORT OF MANAGER INFRASTRUCTURE (KA) 13/10/09

162 RESOLVED UNANIMOUSLY that -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Timberline Cabins Pty Ltd - Option 2 for Design, Construction, Supply, Delivery and Installation of one four-bedroom demountable manufactured structure for use as a Manager's residence at Corrimal Beach Tourist Park for the tendered sum of \$205,400.
- 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 7 - TENDER T09/25 - PROVISION OF SHREDDING OF GREEN WASTE AT HELENSBURGH LANDFILL FACILITY (04.17.02.388) - REPORT OF MANAGER CITY WORKS (CH) 29/09/09

163 RESOLVED UNANIMOUSLY that -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Davis Earth Moving and Quarrying Pty Ltd for the Provision of Shredding of Green Waste at Helensburgh Landfill Facility.**
- 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 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 30 SEPTEMBER 2009 (SU25591) - REPORT OF MANAGER INFRASTRUCTURE (MW) 14/10/09

164 RESOLVED UNANIMOUSLY that -

- 1 In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee (Item 22 and Items 1-2) in relation to Road Closures, be adopted.**
- 2 Appropriate persons and Departments be advised of Council's decisions.**

Note: Administrator Kibble requested confirmation that temporary road closures, as assessed by the Traffic Committee, need to be confirmed by a decision of Council.

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

ITEM 9 - PROPOSED AMENDMENTS TO PUBLIC ACCESS FORUM POLICY (GI-80.06.03.004) - REPORT OF MANAGER GOVERNANCE AND INFORMATION (BC) 15/10/09

165 RESOLVED UNANIMOUSLY that the amended Public Access Forum Policy, as attached to the report, be adopted.

ITEM 10 - MINUTES OF AUDIT COMMITTEE MEETING HELD ON 30 JUNE 2009 (GI-70.01.001) - REPORT OF MANAGER GOVERNANCE AND INFORMATION (LW) 30/09/09

166 RESOLVED UNANIMOUSLY that the minutes of the Audit Committee meeting held on 30 June 2009 be noted.

Minute No.

ITEM 11 - TABLING OF ANNUAL RETURNS OF DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS (GI-80.01.001) - REPORT OF MANAGER GOVERNANCE AND INFORMATION (TW) 12/10/09

- 167 **RESOLVED UNANIMOUSLY** that Council note the tabling of the Returns of Disclosures of Pecuniary Interests and Other Matters as required by Section 450A of the Local Government Act 1993.

ITEM 12 - ANNUAL FINANCIAL REPORTS FOR YEAR ENDING 30 JUNE 2009 (SU20986) - REPORT OF MANAGER FINANCE (KG) 6/10/09

- 168 **RESOLVED UNANIMOUSLY** that the audited Financial Reports for the year ending 30 June 2009, together with the Auditor's Reports, be presented to the public.

ITEM 13 - SEPTEMBER 2009 FINANCIALS (12.01.01.001) - REPORT OF MANAGER FINANCE (TR) 8/10/09

- 169 **RESOLVED UNANIMOUSLY** that the report be received and noted.

ITEM 14 - STATEMENT OF INVESTMENTS - SEPTEMBER 2009 (SU23508) - REPORT OF MANAGER FINANCE (EC) 12/10/09

- 170 **RESOLVED UNANIMOUSLY** that -
- 1 Council receive the Statement of Investments for September 2009.
 - 2 Council update its Investment Policy to exclude "at call" funds with Council's banker from the 25% limit with any institution.

IHAP MATTER**ITEM 15 - CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL, 264-270 LAWRENCE HARGRAVE DRIVE, THIRROUL - IHAP REPORT (DA-2008/314) - REPORT OF MANAGER CITY PLANNING (DW) 29/09/09**

- 171 **RESOLVED UNANIMOUSLY** that Council grant development consent to DA-2008/314, subject to the conditions contained in Attachment 3 of the report.

THE MEETING CONCLUDED AT 5.30 PM

Confirmed as a correct record of proceedings at the Ordinary meeting of the Council of the City of Wollongong held on 24 November 2009.

Chairperson