

at 6.00 pm

Monday 3 August 2015

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Blicavs, Dorahy, 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, Public Officer – J Reilly, Manager Governance and Information – K Cowgill, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning (Acting) – D Green, Manager Community Cultural and Economic Development – K Hunt and Manager Infrastructure Strategy and Planning - M Dowd

Apology and Leave of Absence

Min No.

98 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Crasnich seconded Councillor Blicavs that the apology tendered on behalf of Councillor Colacino be accepted.

99 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Takacs seconded Councillor Crasnich that Councillor Merrin be granted leave of absence for this Council meeting.

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DISCLOSURES OF INTERESTS

Councillor Martin advised that with respect to Item A, she was a Port Kembla resident and she also had a long-standing working relationship with Port Kembla Copper, which may come into the debate on this Item. Councillor Martin also declared a non-significant, non-pecuniary interest in Items 1 and 2, due to her employment at the Department of Planning and Environment, insofar as these matters relate to planning issues which will be referred to that Department.

Councillor Bradbery did not consider he had a conflict of interest in Item A, however, he advised that he did live within 5 kms of the area outlined in the report.

Councillor Petty declared a non-significant, non-pecuniary conflict of interest in Item 11.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 13 JULY 2015

100 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the Minutes of the Ordinary Meeting of Council held on Monday, 13 July 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM – CRINGILA COMMUNITY

On behalf of the Cringila Community Action Group, Ms P Loustos requested that Cringila be included within the area mentioned in Item A which relates to lead and heavy metal contamination. In terms of other issues facing the Cringila community, Ms Loustos advised that the Cringila Public School did not have the services of a 'lolly-pop' person and after discussions with residents and the School, it was considered that the installation of speed humps, together with CCTV cameras in the vicinity of the crossing, would slow down the speed of traffic and curb vandalism in the area. Ms Loustos also stated that the vacant overgrown land near the school continued to attract vermin and again needs clearing. There are also households which have been affected by the installation of No Standing signs and she felt that each affected household should be issued with one parking sticker.

In conclusion, Ms Loustos said that heavy industry had left its mark on Cringila and whilst this cannot be changed, the School and community can work together to beautify what they have. She requested that Council give consideration to the issues outlined above.

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- 101** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Curran seconded Councillor Takacs that Ms Loustos be thanked for her presentation.

CALL OF THE AGENDA

- 102** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the staff recommendations for Items 1, 6, and 8 to 10 inclusive, be adopted as a block.

DEPARTURE OF COUNCILLORS

During the debate and prior to voting on Item A (Foreshadowed Motion), Councillors Blicavs and Kershaw departed and returned to the meeting, the times being 7.01 pm to 7.03 pm, and 7.01 pm to 7.04 pm, respectively.

During debate and prior to voting on the Amendment, Councillor Crasnich** departed and returned to the meeting, the time being 7.13 pm to 7.14 pm.

*Note: When confirming these minutes on 24 August 2015, the name in the above ** (Departure of Councillors) was changed from Councillor Dorahy to Councillor Crasnich.*

ITEM A – NOTICE OF MOTION _ COUNCILLOR CURRAN - LEAD AND HEAVY METAL CONTAMINATION FROM INDUSTRY AND ITS IMPACT ON PUBLIC AND ENVIRONMENTAL HEALTH

The following PROCEDURAL MOTIONS were CARRIED to allow additional time for Councillors to address the meeting in relation to Item A –

Moved by Councillor Petty seconded by Councillor Takacs – an additional five minutes for Councillor Curran; and,

Moved by Councillor Crasnich seconded Councillor Connor – an additional three minutes for Councillor Martin.

MOVED Councillor Curran seconded Councillor Dorahy that Council –

- 1 Write to Federal and NSW Ministers responsible for Industry, Environment and Public Health, calling on them to provide urgent substantial financial and scientific assistance to address the lead and heavy metal contamination legacy from industry at Port Kembla impacting on homes, soil and the environment in the Wollongong local government area.

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- 2 Organise the establishment of the Illawarra Lead and Industrial Contamination Taskforce which will include representation from relevant State and Federal agencies, scientific experts, the Port Kembla Pollution Committee, community representatives, Council's most senior and expert officers in industrial pollution, as well as Ward 3 Councillors. It is noted that this community Taskforce would be eligible to apply for Government Funding from the Lead Environmental Community Groups Grants Program.
- 3 Issue stickers and factsheets to all landowners within a 5 km radius of Port Kembla industrial lands, warning of the possible lead and heavy metal health hazard and measures that must be taken to avoid risk to health of occupants and those who may perform works, or grow produce on the land.
- 4 Urgently develop Policy and Procedures that ensure that no disturbance or distribution of lead and other known heavy metals and hazardous materials from industrial sources at Port Kembla occurs during renovation or demolition of homes/yards in areas known to have such contaminants in their ceilings and soil.

At this stage, Councillor Bradbery FORESHADOWED a MOTION should Councillor Curran's Motion be defeated.

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

In favour Councillors Curran and Petty

Against Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Dorahy, Crasnich and Bradbery

Following the defeat of Councillor Curran's Motion, Councillor Bradbery's FORESHADOWED MOTION became the MOTION.

103 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Bradbery seconded Councillor Martin that -

- 1 a Wollongong City Council include on its website and in quarterly newsletters references for the need to exercise caution when renovating or the demolition of any property in the local government area.
- b Council develop health tips and advice on possible legacy issues for property owners when they renovate or demolish buildings as the City moves forward in dealing with its industrial past into a cleaner safer future.
- c This information be prepared in consultation with the Department of Health and the Environment Protection Authority.

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- 2 Property owners be alerted to -
 - a Question and check that their building waste is being handled by an appropriate licensed waste contractor for correct handling and disposal.
 - b Exercise diligence on the matters in Point 1 (above) and, if they are concerned, to seek an assessment from a qualified environmental expert.
- 3 Points 1-2 above be considered in the context of Council's review of contaminated lands and the requirements of SEPP 55 Contaminated Lands State Environmental Policy for consistency.
- 4 A report on the cost and scope of a Council-led Taskforce, which would review and propose actions in relation to the Contaminated Lands Study be submitted to a future Council meeting once the Study is complete.
- 5 A Councillor Briefing be held prior to the Contaminated Lands Study being reported to Council.

An AMENDMENT was MOVED by Councillor Martin seconded Councillor Curran that –

- 1 a Wollongong City Council include on its website and in quarterly newsletters references for the need to exercise caution when renovating or the demolition of any property in the local government area.
 - b Council develop health tips and advice on possible legacy issues for property owners when they renovate or demolish buildings as the City moves forward in dealing with its industrial past into a cleaner safer future.
 - c This information be prepared in consultation with the Department of Health and the Environment Protection Authority.
- 2 Property owners be alerted to -
 - a Question and check that their building waste is being handled by an appropriate licensed waste contractor for correct handling and disposal.
 - b Exercise diligence on the matters in Point 1 (above) and, if they are concerned, to seek an assessment from a qualified environmental expert.
- 3 Points 1-2 above be considered in the context of Council's review of contaminated lands and the requirements of SEPP 55 Contaminated Lands State Environmental Policy for consistency.

Minute No.

- 4 Council organise the establishment of the Illawarra Lead and Industrial Contamination Taskforce which will include representation from relevant State and Federal agencies, scientific experts, the Port Kembla Pollution Committee, community representatives, Council's most senior and expert officers in industrial pollution, as well as Ward 3 Councillors. *It is noted that this community Taskforce would be eligible to apply for Government Funding from the Lead Environmental Community Groups Grants Program.*
- 5 A report on the cost and scope of a Council-led Taskforce, which would review and propose actions in relation to the Contaminated Lands Study be submitted to a future Council meeting once the Study is complete.
- 6 A Councillor Briefing be held prior to the Contaminated Lands Study being reported to Council.

Variations The Variations moved by –

- *Councillor Crasnich (the addition of Part 4 to the Motion and Part 5 to the Amendment); and,*
- *Councillor Takacs (the addition of Part 5 to the Motion and Part 6 to the Amendment),*

were accepted by the Movers and Seconders of both the Motion and the Amendment.

A PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Curran that the matter lay on the table. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

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

Against Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Dorahy, Crasnich, Curran, Petty and Bradbery

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

ITEM 1 - WEST DAPTO URBAN RELEASE AREA - DARKES ROAD SOUTH WEST PRECINCT PLANNING PROPOSAL - POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 102).

COUNCIL'S RESOLUTION –

- 1 The amended draft Planning Proposal for the Darkes Road South West precinct be forwarded to NSW Planning and Environment for a revised “Gateway” determination.
- 2 Following the revised “Gateway” determination, Council refer the amended draft Planning Proposal to Government agencies and re-exhibit the proposal.

DEPARTURE OF COUNCILLOR

During the debate and prior to voting on Item 2, Councillor Curran departed and returned to the meeting, the time being from 7.28 pm to 7.29 pm.

ITEM 2 - NORTH HUNTLEY DRAFT NEIGHBOURHOOD PLAN AND DRAFT PLANNING PROPOSAL - POST EXHIBITION

104 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Connor that -

- 1 The draft Huntley Avondale Road North Neighbourhood Plan be adopted as an amendment to the Wollongong Development Control Plan Chapter D16 West Dapto Release Area.
- 2 The draft Planning Proposal to amend the boundary between the E4 Environmental Living and R2 Low Density Residential zone on Lot 2 DP 549152 (as indicated in Attachment 2 of the report) and consequential amendments to the Minimum Lot Size and Floor Space Ratio Maps be endorsed.
- 3 The draft Planning Proposal be adjusted to include correction of a minor mapping anomaly between E2 Environmental Conservation and E4 Environmental Living zones and associated amendments to Minimum Lot Size, Floor Space Ratio and Illawarra Escarpment Maps.
- 4 The draft Planning Proposal be finalised under delegation issued to the General Manager.
- 5 Council support, in principle, the Biocertification process for the Huntley precinct and this be subject to a further report to Council.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 3, Councillor Curran departed and returned to the meeting, the time being from 7.33 pm to 7.36 pm.

ITEM 3 - DETERMINATION OF NUMBER OF COUNCILLORS FOR 2016-2020 TERM OF OFFICE

105 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that -

- 1 In accordance with section 224(2) of the Local Government Act 1993, Council determine the number of Councillors for the 2016-2020 term of office to be 13 (one of whom is the Lord Mayor).
- 2 Council note that Ward elector numbers will be kept under review until September 2017 and in the event that the discrepancy between the number of electors in each Ward exceeds the 10% tolerance at that time a Ward boundary adjustment will be undertaken for the 2020 election in accordance with the Local Government Act 1993.

During debate, a PROCEDURAL MOTION was MOVED by Councillor Petty seconded Councillor Crasnich that the MOTION be PUT. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

DEPARTURE OF COUNCILLOR

During the debate and prior to voting on Item 4, Councillor Petty departed and returned to the meeting, the time being from 7.46 pm to 7.49 pm.

ITEM 4 - ATTENDANCE AT LOCAL GOVERNMENT NSW 2015 ANNUAL CONFERENCE – SYDNEY

106 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Brown seconded Councillor Blicavs that -

- 1 The Lord Mayor and Councillors Kershaw, Brown, Connor, Crasnich, Curran, Blicavs and Martin be authorised to attend the 2015 Local Government NSW Annual Conference and associated functions, staying two nights on business.
- 2 A further report be presented to the 14 September 2015 Council Meeting to delegate voting rights for this conference (following the election of the Deputy Lord Mayor).
- 3 The Lord Mayor be authorised to submit to the Local Government NSW Conference agenda items, based on resolutions carried by Council since the last Conference.

Variation The variation moved by Councillor Blicavs (to add her name to Part 1) was accepted by the Mover and Seconder.

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

Against Councillor Petty

ITEM 5 - POLICY REVIEW - VERTEBRATE PEST ANIMAL MANAGEMENT

107 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Dorahy that the revised Vertebrate Pest Animal Management Policy be endorsed.

ITEM 6 - PROPOSED ACQUISITION OF EASEMENT FOR ACCESS OVER LOT 1 DP 588060 POINT STREET, BULLI

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 102).

COUNCIL'S RESOLUTION –

- 1 Council authorise the acquisition of an Easement for Access Purposes 4 Wide over Lot 1 DP 588060 Point Street, Bulli, as shown on the attachment to the report. Stockland to be responsible for all costs in the matter.
- 2 Authority be granted to affix the Common Seal of Council to the easement creation documents and any other documents required to give effect to this resolution.

ITEM 7 - TENDER T14/12 - MANAGEMENT AND OPERATION OF REVOLVE AND COMMUNITY RECYCLING CENTRES AT WOLLONGONG WASTE AND RESOURCE RECOVERY PARK (WWARRP) AND NOMINATED COUNCIL SITES

108 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of 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 the Management and Operation of the Revolve and Community Recycling Centres at the Wollongong Waste and Resource Recovery Park (WWARRP) and Nominated Council Sites and resolve to enter into negotiations with one or all of the tenderers or any other party 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 demonstrate a capacity and ability to undertake the works.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations with one or all of the tenderers or any other party with a view to entering into a contract in relation to the subject matter of the tender.

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- 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 T15/13 THIRROUL BEACH KIOSK REFURBISHMENT THIRROUL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 102).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Momentum Built Pty Ltd for the Thirroul Beach Kiosk Refurbishment, in the sum of \$1,544,587.18, 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 9 - STATEMENT OF INVESTMENTS - JUNE 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 102).

COUNCIL'S RESOLUTION – Council receive the Statement of Investments for June 2015.

ITEM 10 - SOURCES AND HISTORICAL USE OF BONDED ASBESTOS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 102).

COUNCIL'S RESOLUTION – The information be noted.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 11, the following Councillors departed and returned to the meeting –

- Councillor Curran from 8.49 pm to 8.51 pm; and,
- Councillor Dorahy from 9.04 pm to 9.06 pm.

ITEM 11 - REVIEW OF ILLEGAL WASTE DUMPING PREVENTION MOUNDS

A PROCEDURAL MOTIONS were MOVED and CARRIED to allow additional time for the following Councillors to address the meeting –

- Moved by Councillor Crasnich seconded Councillor Martin - an additional five minutes for Councillor Blicavs; and,
- Moved by Councillor Curran seconded Councillor Brown – an additional one minute for Councillor Petty to address the meeting in relation to his proposed Foreshadowed Motion.

109 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Brown seconded Councillor Curran that -

- 1 The report be noted.
- 2 The rectifications identified be endorsed.
- 3 Ongoing reporting be undertaken to the Corporate Governance Committee on the progress of rectifications including the implementation of the 'IAB Review Rectification Plan', and a report which includes timelines be submitted to the Council meeting on 19 October 2015.
- 4 The Audit Committee be requested to commission a post implementation Audit of the 'IAB Review Rectification Plan' to be reported to Council.
- 5 The General Manager be directed to produce a report that explains how the findings of the IAB have been used to review practices in Council across all Divisions, with particular reference to recommendation 11.1 where the commentary (IAB report, pages 21-22) states that "... a focus on outcomes not processes, has resulted in Council procedures not being followed, increasing risk of regulatory non-compliances and work health and safety hazards to Council and community".

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- 6 The Performance Review Committee incorporate Point 5 (above) into the Key Performance Indicators the General Manager is assessed against.

Variation *The variation moved by Councillor Dorahy to add the words 'and a report which includes timelines, be submitted to the Council meeting on 19 October 2015' to Part 3, was accepted by the Mover and Seconder.*

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

Against Councillor Petty

THE MEETING CONCLUDED AT 9.13 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 24 August 2015.

Chairperson