



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 10 November 2014

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Blicavs, 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 Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell and Manager Community Cultural and Economic Development – T Buchanan

Apology

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

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ONE MINUTE'S SILENCE – REMEMBRANCE DAY

The Lord Mayor advised that tomorrow, 11 November 2014, being Remembrance Day, is a time to reflect on the centenary of the First World War and its implications for our Country.

As a mark of respect for the sacrifices of so many nearly a century ago, the Lord Mayor asked that Council observe one minute's silence.

One minute's silence was duly observed.

PETITION – DOGS ON BEACHES AND PARKS POLICY

Councillor Brown tabled a petition 'signed by' several hundred dogs in the Illawarra.

201 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Petty seconded Councillor Colacino that the petition be noted.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 27 OCTOBER 2014

202 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Kershaw that the Minutes of the Ordinary Meeting of Council held on Monday, 27 October 2014 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM - BAN ON COAL SEAM GAS EXPLORATION AND MINING - WOLLONGONG LOCAL GOVERNMENT AREA

Mr W Erwin expressed concerns at the recent passing of both houses of the Water NSW Act. He said that our water catchments are our future for the supply of clean fresh drinking water. However, he said it was not only our water supply catchments that are under threat from coal seam gas, but all waterways. Wherever there is a possibility of gas from coal then any waterway in that area is under threat, and this includes waterways which are below ground.

Mr Erwin went on to read one sentence from the Water NSW Act "The Board of Directors of Water NSW is to consist of not fewer than three, and not more than eight, directors appointed by the voting shareholders". He said that the Act merges the Sydney Catchment Authority, a regulatory body, in to a corporation to operate on a commercial basis. This sets it up

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for privatisation; sets it up in a corporation where the main purpose is to make money for its shareholders. Mr Erwin could not find anywhere in the Act that states who the shareholders will be. In conclusion, he said that there are nuclear free Council areas in NSW and he asked why the Wollongong City Council area could not be a Coal Seam Gas Exploration and Mining Free area.

PUBLIC ACCESS FORUM - NSW MARINE PROTECTED AREAS – REMOVAL OF AMNESTY

Mr I Macfadyen, on behalf of the NSW Conservation Council, advised that the NSW Marine Reserve system began protecting marine life in 1991 and since then, five more marine parks had been created after extensive scientific research and community consultation. In March 2013, the NSW State Government temporarily lifted restrictions for recreational fishers, as a trial, while a threat and risk assessment was undertaken. He said that this was of significant concern as the allowance for recreational fishing will further diminish ecosystem quality. Recreational fishing can account for up to 90% of the catch of some species, meaning that sanctuary zones need to be protected from both recreational and commercial fishing. The State Government was ignoring the fact that fishers are still free to fish in the remainder of the Marine Park.

Mr Macfadyen felt that it was vital for the State Government to hear that communities want strong marine environmental protections and that marine parks and designated marine sanctuary zones have significant economic benefits for regional areas dependent on tourism; in particular, marine activities such as diving, snorkelling and other non-destructive water sports. In conclusion, Mr Macfadyen urged Councillors to call upon the State Government to lift the amnesty and once more ban recreational fishing in sanctuary zones.

PUBLIC ACCESS FORUM – REVIEW OF DOGS ON BEACHES AND PARKS POLICY

Ms D Bennett said that the Dogs on Beaches and Parks Policy was not only about dogs, but about people. She said that Wollongong's dog-friendly beaches offer socialisation opportunities for people and this was particularly important for those marginalised in our community. Being responsible for the wellbeing of a dog and getting out each day into the off leash beach areas was vital for these people. Ms Bennett said that as part of the review

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of the policy, the Bellambi Boat Ramp was earmarked for closure to dogs altogether and she believed that this was the only off leash beach area with wheelchair access. If Council makes this area a Red zone and off limit to dogs, she asked what would be the wheelchair-friendly replacement area.

Ms Bennett said that whilst she was strong and healthy enough to walk her dog on leash, people with particular challenges were unable to do this and she said that these were the people that Council should be protecting, not isolating. She felt that changing Green zone beaches to Orange will further restrict the most vulnerable. Even if the restrictive time zones are removed, people with physical and health challenges will find it difficult, if not impossible, to exercise their dogs on leash. In conclusion, she asked Councillors to consider those people whose only source of socialisation is their daily interaction on the off leash dog beaches, when this matter comes to Council on 24 November 2014.

Mr B O'Donnell raised a number of concerns and questions that dog owners in the northern Illawarra have about the Councillors' proposals to radically change the dog zones for beaches in the northern Illawarra. He said that in the days following the Council meeting on 28 July 2014, when Council voted to place the Policy on exhibition, people watched the webcast of the Council meeting and the reaction of dog owners was of anger and total incomprehension. Dog owners were asking questions such as 'on what basis did Councillors reject the recommendation to leave unleashed beaches in the north as is', and 'why was it proposed by a Councillor to remove all Green beaches from Ward 1, north of Bellambi, whilst leaving other Green zones untouched'.

Mr O'Donnell said that the proposal to end off-leash access to McCauleys, Little Austinmer and Sharkey's Beaches was in response to a vocal minority of 15 complainants. Mr O'Donnell felt that the proposals are unreasonable, discriminatory and inconsistent. Advice has been received that the NSW Ombudsman would take up the complaint if it is lodged. In conclusion, he said that this matter had caused stress and disruption to people's lives, as well as a huge amount of time and money committed to fighting the proposals. On 24 November 2014, if Councillors vote to placate a miniscule vocal minority rather than support the interests of the majority, then come the next Council Election, the dog community would stand candidates.

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

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CALL OF THE AGENDA

- 204** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the staff recommendations for Items 1 to 3, and 5 to 8 inclusive, be adopted as a block.

ITEM A – NOTICE OF MOTION - COUNCILLOR DORAHY - PROTECTION AND MAINTENANCE OF NSW WATER CATCHMENT AREAS

- 205** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Crasnich that this matter be deferred to the Council meeting on 24 November 2014.

ITEM B - NOTICE OF MOTION - COUNCILLOR TAKACS - POLICY COHERENCE ON CLIMATE CHANGE

PROCEDURAL MOTIONS were MOVED and extensions granted for the following Councillors to address the meeting in relation to Item B –

Moved by Councillor Merrin seconded Councillor Martin – a two minute extension for Councillor Takacs;

Moved by Councillor Crasnich seconded Councillor Blicavs – a one minute extension for Councillor Colacino;

Moved by Councillor Colacino seconded Councillor Blicavs – a 30 second extension for Councillor Crasnich;

Moved by Councillor Crasnich seconded Councillor Merrin - a two minute extension for Councillor Curran; and

Moved by Councillor Martin seconded Councillor Merrin – a one minute extension of Councillor Takacs.

MOVED by Councillor Takacs seconded Councillor Merrin that -

- 1 Council write to the Premier of NSW, The Hon Mike Baird MP, the Minister for Resources and Energy, The Hon Anthony Roberts MP, the Minister for Primary Industries, The Hon Katrina Hodgkinson MP, and the Minister for the Environment, The Hon Rob Stokes MP, urging them to –
 - a commit the NSW State Government to a strategy of policy coherence in the areas of climate change, emissions reductions, and energy; and,

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- b demonstrate this commitment to the community by ceasing to issue any further petroleum exploration licences, and to restrict coal exploration licences and mine approvals to metallurgical coal only.

- 2 The letter make clear, and explain in detail, the basis for this request.

At this point, Councillor Colacino FORESHADOWED a MOTION should Councillor Takacs' Motion be defeated.

An AMENDMENT was MOVED by Councillor Connor seconded Councillor Martin that -

- 1 Council write to the Premier of NSW, The Hon Mike Baird MP, the Minister for Resources and Energy, The Hon Anthony Roberts MP, the Minister for Primary Industries, The Hon Katrina Hodgkinson MP, and the Minister for the Environment, The Hon Rob Stokes MP, urging them to –
 - a commit the NSW State Government to a strategy of policy coherence in the areas of climate change, emissions reductions, and energy; and,
 - b foster through government incentives the development of renewable energy generation technologies. Addressing the challenges of higher costs of renewable energy, barriers to investment and community concerns.
- 2 The letter seek the expedition of the key recommendations and goals contained in the NSW Government's Renewable Energy Action Plan.

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

In favour
Against

Councillors Connor, Brown, Crasnich and Bradbery
Councillors Kershaw, Martin, Takacs, Merrin, Blicavs, Colacino, Curran and Petty

Councillor Takacs' MOTION was then PUT to the VOTE and was LOST.

In favour
Against

Councillors Takacs, Merrin and Curran
Councillors Kershaw, Connor, Brown, Martin, Blicavs, Colacino, Crasnich, Petty and Bradbery

Following the defeat of Councillor Connor's AMENDMENT and Councillor Takacs' MOTION, Councillor Colacino's FORESHADOWED MOTION then became the MOTION.

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MOVED by Councillor Colacino seconded Councillor Crasnich that Council write to the Premier of NSW, The Hon Mike Baird MP, the Minister for Resources and Energy, The Hon Anthony Roberts MP, the Minister for Primary Industries, The Hon Katrina Hodgkinson MP, and the Minister for the Environment, The Hon Rob Stokes MP, congratulating them for the continued support shown towards understanding the complexities of coal seam gas and coal mining activities within the sensitive areas of Wollongong.

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

In favour
Against

Councillors Colacino and Crasnich

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

DEPARTURE OF COUNCILLORS

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

- Councillor Crasnich from 7.35 pm to 7.37 pm;
- Councillor Blicavs from 7.41 pm to 7.42 pm;
- Councillor Merrin from 7.52 pm to 7.54 pm; and
- Councillor Colacino from 7.57 pm to 7.59 pm.

ITEM C - NOTICE OF MOTION - COUNCILLOR CURRAN - COMPREHENSIVE AIR QUALITY ASSESSMENT AND MONITORING

A PROCEDURAL MOTION was MOVED by Councillor Takacs seconded Councillor Martin that a two minute extension be granted for Councillor Curran to address the meeting in relation to Item C.

MOVED Councillor Curran seconded Councillor Merrin that -

- 1 As a means of ensuring the health and safety of our community, Council urgently write to all relevant Ministers, and Illawarra Members of Federal and State Parliament, requesting urgent implementation of comprehensive ongoing assessment and monitoring of the Air Quality Program in the Wollongong Local Government Area, in locations previously identified to State and Federal Agencies and Wollongong City Council, as being impacted by pollution, emissions and contamination from industrial sites and transport corridors associated with Port Kembla.

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- 2 The letter include -
 - a A copy of Council's resolution of 12 August 2013 regarding Air Quality Monitoring in Port Kembla; and,
 - b Relevant studies, documents, reference material known to Council, or held by Council, to justify the urgency and need for this comprehensive Air Quality Monitoring Program.
- 3 A copy of all material listed in Points 1 and 2 above, be urgently provided to the Sinter Plant Working Party, the Environment Protection Authority, Office of Environment and Heritage and NSW Department of Planning and Environment.

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

A PROCEDURAL MOTION was MOVED by Councillor Kershaw that the MOTION BE PUT.

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

In favour
Against

Councillors Martin, Takacs, Merrin, Curran and Petty
Councillors Kershaw, Connor, Brown, Blicavs, Colacino, Crasnich and Bradbery

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

206 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery seconded Councillor Colacino that Wollongong City Council –

- 1 Reaffirm the following resolution of 12 August 2013 –
 - a *Council seek the support of the NSW Office of Environment and Heritage and the Environmental Protection Authority to establish a permanent air quality monitor in Port Kembla.*
 - b *In response to the increased industrial activity in and around Port Kembla, Council, as a matter of priority, work with the above Government agencies, local industry and the Port Kembla Pollution Committee to establish the best location for the monitor.*
 - c *Council calls on the State Government to formulate an "Illawarra Air Particles Action Plan", similar in style and context to the Upper Hunter Air Particles Action Plan 2013, administered by the NSW Environment Protection Authority.*

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- 2 Request a review of the monitoring and assessment of air quality across the local government area by the Environment Protection Authority addressing adequacy, ie does it meet health and environmental standards.
- 3 Ascertain the level of auditing and evaluation of such monitoring and assessment that is in place, and does it address the concern for independent verification and validation.

Variation *The variation moved by Councillor Martin to add Part 1 was accepted by the mover and seconder.*

ITEM D - NOTICE OF MOTION - COUNCILLOR PETTY - BAN ON COAL SEAM GAS EXPLORATION AND MINING - WOLLONGONG LOCAL GOVERNMENT

The Lord Mayor ruled Councillor Petty's original motion "That coal seam gas exploration and mining be banned in the Wollongong Local Government Area" to be out-of-order.

207 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Petty seconded Councillor Colacino that the Wollongong Local Government Area be declared a coal seam gas exploration and mining free zone.

DEPARTURE OF COUNCILLORS

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

- Councillor Petty from 8.32 pm to 8.35 pm; and,
- Councillor Curran from 8.37 pm to 8.39 pm.

ITEM E - NOTICE OF MOTION - COUNCILLOR MERRIN - NSW MARINE PROTECTED AREAS – REMOVAL OF AMNESTY

MOVED by Councillor Merrin seconded Councillor Takacs that Council -

- 1 Note:
 - a NSW has six Marine Protected Areas (MPAs) which provide vital protection to Australia's fish stocks and sensitive marine environments;

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- b Within these MPAs, no-take sanctuary zones are one of the most critical components providing our precious marine ecosystems with protection from all forms of fishing;
 - c The NSW Government currently has an amnesty in place allowing recreational fishing within no-take sanctuary zones in an overwhelming majority of MPAs, and this amnesty has been in place since March 2013, originally intended as a 12 month trial;
 - d The NSW Government's delay in lifting the amnesty continues to undermine the precious marine ecology of NSW's Marine Parks' system;
 - e A study by the University of Tasmania's Institute for Marine and Antarctic Studies has found that the most effective MPAs are those with well-enforced no-take sanctuary zones with "on average eight times more large fishes, nine times more gropers and 14 times more sharks than fished areas".
 - f Approximately 222 marine scientists from around Australia and the world have written to the NSW State Government to convey the importance of Sanctuary Zones within NSW's Marine Parks' system.
 - g In addition to the broad scientific support for Sanctuary Zones, 93% of the NSW public think marine sanctuaries are a good idea, including 91% support from recreational fishers.
 - h Hundreds of businesses have spoken out in support of marine park sanctuary zones as an integral part of effective marine conservation, including tourism and related businesses, diving associations and local chambers of commerce.
- 2 Requests the Premier, The Hon Mike Baird MP, and Minister for the Environment, The Hon Rob Stokes MP, to:
- a Acknowledge the scientific evidence and listen to the overwhelming public support for an immediate end to the amnesty allowing recreational fishing in no-take sanctuary zones.
 - b Ensure that no-take sanctuary zones are well enforced, allowing for a revitalisation of marine life in those areas.
 - c Ensure that there will be no further risks to the scientific integrity of sanctuary zones and NSW's Marine Parks system.

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At this point, Councillor Brown FORESHADOWED a MOTION should Councillor Merrin's Motion be defeated.

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

In favour Councillors Connor, Takacs, Merrin and Curran

Against Councillors Kershaw, Brown, Martin, Blicavs, Colacino, Crasnich, Petty and Bradbery

Following the defeat of Councillor Merrin's MOTION, Councillor Brown's FORESHADOWED MOTION then became the MOTION.

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

- 1 Council request the State Government produce a timeline for finalising the review of the 'no-take' amnesty in Marine Protection Areas.
- 2 Council request any decision in this area follow a period of comprehensive community consultation that includes publication of the environmental, social and economic data that the Government announced would form the basis of an evidence-based policy.
- 3 Any findings in this policy area made by the Marine Estate Expert Knowledge Panel be made public.

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

Against Councillor Kershaw

ITEM 1 - REVIEW OF 10/50 VEGETATION CLEARING CODE OF PRACTICE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 204).

COUNCIL'S RESOLUTION – The draft submission on the 10/50 Vegetation Clearing Code of Practice be endorsed for finalisation by the General Manager and submission to the NSW Rural Fire Service.

ITEM 2 - PROPOSED CREATION OF COVENANT OVER PUCKEYS ESTATE, FAIRY MEADOW FOR BIOBANKING AGREEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 204).

COUNCIL'S RESOLUTION –

- 1 Council approve the creation of a permanent conservation covenant over the portions of Lot 1 DP 998002, Lot 2 DP 231228, Lot 1 DP 62286, Lots 305 and 306 DP 746634 and Lot 9 DP 116386 shown hatched in orange on the plan attached to the report.
- 2 Authority be granted to affix the Common Seal of Council to the covenant creation documents and any other documentation required to give effect to this resolution.

ITEM 3 - ECONOMIC DEVELOPMENT ADVISORY BOARD - EVALUATION AND ANNUAL UPDATE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 204).

COUNCIL'S RESOLUTION – Council note the Economic Development Advisory Board Annual Report 2014, attached to the report.

DEPARTURE OF COUNCILLOR

During the debate on Item 4, Councillor Curran departed the meeting, the time being 8.53 pm.

Councillor Curran returned to the meeting at 8.54 pm, and she was not present for the vote taken for Item 4. However, Councillor Curran was present during the Election process.

ITEM 4 - ELECTION OF COUNCILLOR DELEGATE TO ILLAWARRA REGIONAL AIRPORT MANAGEMENT ADVISORY COMMITTEE

209 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Blicavs seconded Councillor Kershaw that -

- 1 A Councillor or Council Officer be elected to represent Wollongong City Council on the Illawarra Regional Airport Management Advisory Committee for the term of this Council.
- 2 Council elect an Alternate Delegate to the Illawarra Regional Airport Management Advisory Committee.
- 3 The election be conducted by open means on a show of hands.

Variation The variation moved by Councillor Takacs to add the words 'for the term of this Council' to Part 1 and the variation moved by the Lord Mayor to add Part 2 were accepted by the mover and seconder.

Nominations were received for Councillors Blicavs and Petty and on a show of hands, the following votes were recorded –

Councillor Blicavs: Councillors Martin, Blicavs, Colacino, Crasnich and Bradbery; and

Councillor Petty: Councillors Kershaw, Connor, Brown, Takacs, Merrin, Curran and Petty

Councillor Petty was subsequently declared elected as Council's Delegate to the Illawarra Regional Airport Management Advisory Committee and Councillor Blicavs was declared elected as the Alternate Delegate.

ITEM 5 - TENDER T14/01 - PROVISION FOR CASH IN TRANSIT SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 204).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Knightguard Protections Services Pty Ltd t/as Knightguard Protection Group for the provision of cash-in-transit services, for the approximate sum of \$180,573, excluding GST, in accordance with the priced schedule of collections, for the period of three years.
- 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 - ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014 - POST ADVERTISING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 204).

COUNCIL'S RESOLUTION – The audited Financial Statements for the year ended 30 June 2014, together with the Auditor's Report, be presented to the public.

ITEM 7 - POLICY REVIEW: CONFERENCE ATTENDANCE BY REFERENCE GROUP AND COMMITTEE MEMBERS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 204).

COUNCIL'S RESOLUTION – The Conference Attendance by Reference Group and Committee Members Policy be adopted.

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ITEM 8 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 15 OCTOBER 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 204).

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 October 2014 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 8.59 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 24 November 2014.

Chairperson