



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 17 February 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 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 Community Cultural and Economic Development – T Buchanan

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DISCLOSURES OF INTEREST

Councillor Petty declared a non-pecuniary, non-significant conflict of interest in Item 6 as he is an employee of a company that has business dealings with associates of tenderers and consequently he would leave the Chambers during debate and voting on the matter.

Councillor Colacino declared a non-pecuniary, non-significant conflict of interest in Item 5 as he is a member of the Illawarra Performing Arts Centre Board. Councillor Colacino advised that he would depart the Chambers during debate and voting on the matter.

The Lord Mayor, Councillor Bradbery, declared a non-pecuniary, non-significant conflict of interest in Item 5 as he is a member of the Illawarra Performing Arts Centre Board. The Lord Mayor advised that he would vacate the Chair, and the Chambers, during debate and voting on the matter.

The General Manager advised that he is the Council-nominated Director on the Illawarra Performing Arts Centre Board and any resolution in relation to Item 5 which delegates to him authority to deal with any matters, will be sub-delegated to an appropriate Council Officer.

PETITION – SAVE OUR SERVICES – APPLICATION TO ADDRESS COUNCIL UNDER PUBLIC ACCESS FORUM

Councillor Curran tabled a petition from Save Our Services which represents a large number of residents, which seeks reconsideration of a request by Mr S Spencer to address tonight's Council meeting under the Public Access Forum. Mr Spencer had applied to address the meeting, however, his application was not approved as he had addressed Council previously on a similar matter. An opportunity was provided for Save Our Services to put forward an alternative speaker, however, Councillor Curran advised that the group had reaffirmed Mr Spencer as their representative to address Council.

Councillor Curran asked that Mr Spencer's request be determined by Council.

The Lord Mayor ruled the request to be out-of-order on the basis that the policy cannot be amended on the floor of Council.

The General Manager advised that the report on tonight's agenda is based on the post-exhibition of 'Securing our Future'. Mr Spencer had previously addressed the meeting in relation to the matter, and last Friday an offer was extended for an alternative member of the group to address Council under tonight's Public Access Forum.

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**CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 28 JANUARY 2014**

- 11** **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 Tuesday, 28 January 2014 (a copy having been circulated to Councillors) be taken as read and confirmed.

**PUBLIC ACCESS FORUM - SECURING OUR FUTURE – FINANCIAL
SUSTAINABILITY**

Ms M Phillips asked how Council could cut any services. She said that as far as she was concerned, the only services she used were the garbage collection and Unanderra Library. Ms Phillips also raised strong concerns about the increased parking costs in the City and the proposed increase in rates over the coming three years.

Mr W Erwin said that in the past year there have been increases in electricity, gas, water and insurance, as well as most other costs associated with both running a business and providing for a family. Given that the elected representatives now want to increase rates and increase the costs to businesses and families, Mr Erwin asked how such a proposal was sending a strong message that Wollongong was 'open for business'.

Mr Erwin said that ratepayers had not seen any evidence of the \$20M internal saving. He also felt that Council had no justification for a special rate rise until a full independent review was carried out of Council's finances, operational functionality and services, as well as a review as to whether there are more efficient ways of undertaking all works. In conclusion, Mr Erwin said that Council had to stop living outside its means.

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PUBLIC ACCESS FORUM – WOLLONGONG ECONOMIC DEVELOPMENT STRATEGY AND SECURING OUR FUTURE – FINANCIAL SUSTAINABILITY

On behalf of the Illawarra Business Chamber, Ms D Murphy urged Council to continue to demonstrate that Wollongong was 'open for business'. She advised that the Chamber supported the Economic Development Strategy. Wollongong was clearly the capital of the region and Council formed part of the overall leadership in terms of economic development and growth in employment. Ms Murphy said that Illawarra business confidence was low and that Council must remember that businesses employ people and the costs of doing business are too high.

In terms of the 'Securing our Future' review, Ms Murphy asked that Council exclude businesses from the proposed rate increase. Businesses in this area pay one of the highest business rates across New South Wales, behind Sydney and Parramatta, with the average business rates in Wollongong being \$8,995 per annum. Wollongong business rates were three times higher than neighbouring local government areas. In conclusion, Ms Murphy asked Council to bear in mind the higher business rates already applicable to Wollongong businesses, and reiterated that businesses employ people.

12 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.

PRESENTATION – 2013 CLEAN BEACHES AWARD

The Lord Mayor tabled the following awards received by Council at the 2013 Clean Beaches Award Ceremony –

- Highly Commended: Overall Clean Beaches Award – Stanwell Park to Windang; and
- State Winner: Safety and Services Award.

The Lord Mayor said that the Awards were a recognition of the contributions of staff.

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CALL OF THE AGENDA

- 13 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Merrin that the staff recommendations for Items 2, 3 and 7 to 9 inclusive, be adopted as a block.

ITEM A – LORD MAYORAL MINUTE – MOTION OF CONDOLENCE

- 14 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -

- 1 The Lord Mayor, on behalf of all Councillors and staff, extend the deepest sympathy to Janelle Sutton's family, friends and work colleagues.
- 2 One minute's silence be observed.

One minute's silence was duly observed.

MATTER OF GREAT URGENCY – DEMOLITION OF PORT KEMBLA COPPER STACK

Councillor Curran requested that the Lord Mayor give consideration to a matter of great urgency in relation to the demolition of the Port Kembla Copper Stack on Thursday, 20 February 2014.

The Lord Mayor deemed the matter to be of great urgency.

A PROCEDURAL MOTION was MOVED by Councillor Bradbery that Council consider a matter of great urgency relating to the demolition of the Port Kembla Copper Stack.

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

A PROCEDURAL MOTION was MOVED by Councillor Blicavs seconded Councillor Dorahy that Council consider the Matter of Great Urgency as the last Item of Business.

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

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 1, Councillors Crasnich and Curran departed and returned to the meeting, the times being from 7.14 pm to 7.15 pm, and from 7.30 pm to 7.33 pm, respectively.

ITEM 1 – SECURING OUR FUTURE – FINANCIAL SUSTAINABILITY REVIEW (DRAFT DELIVERY PROGRAM 2012-17 AND DRAFT RESOURCING STRATEGY 2012-22 REVISED 1 DECEMBER 2013)

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

MOVED by Councillor Colacino seconded Councillor Crasnich – an extension for Councillor Blicavs.

MOVED by Councillor Crasnich seconded Councillor Blicavs – an extension for Councillor Colacino.

MOVED by Councillor Crasnich seconded Councillor Colacino – a five minute extension granted for Councillor Dorahy.

MOVED by Councillor Colacino seconded Councillor Brown – an extension for Councillor Crasnich.

MOVED by Councillor Blicavs seconded Councillor Martin – a five minute extension granted for Councillor Merrin.

MOVED by Councillor Martin seconded Councillor Crasnich – a five minute extension granted for Councillor Takacs.

15 COUNCIL'S RESOLUTION - MOVED Councillor Blicavs seconded Councillor Dorahy that Council endorse the following -

- 1 A financial sustainability approach that includes a minimum \$4.5 million target for efficiencies, \$1.5 million in service level adjustments, a minimum \$500,000 in increased fees and charges and a Special Rate Variation for an increase in 'General Revenue' and minimum rate amounts. The increase in 'General Revenue' will provide additional revenue of approximately \$14.5 million.
- 2 The draft Resourcing Strategy 2012-22, draft Delivery Program 2012-17 (revised 1 December 2013) and revised Financial Strategy be adopted with the amendments outlined in the report and in Attachment 1 of the report, and to reflect the approach endorsed in Council's resolution.
- 3 Council lodge a Section 508A Special Rate Variation (SRV) by 24 February 2014 to the Independent Pricing and Regulatory Tribunal (IPART) for a SRV for an increase in 'General Revenue' and minimum rate amounts of 6.13% in 2014-15, 6.23% in 2015-16 and 6.24% in 2016-17.

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- 4 Subject to approval of a Special Rate Variation, Council's Revenue Policy for the next three years include a proposed increase Business Subcategory Rates for '3C Regional' and 'Heavy 1 Activity 1' and all special rates by 2.3%, 3.0% and 3.0% respectively in accordance with the proposed Resourcing Strategy, while other rates categories are to be increased by 6.63% in each of the next three years to achieve the permissible General Revenue.
- 5 As per the Planning and Reporting Guidelines for Local Government in NSW (2010), a copy of the adopted Resourcing Strategy and Delivery Program be provided to the Director General of the NSW Division of Local Government, Department of Premier and Cabinet within 28 days of it being endorsed by the Council.
- 6 The General Manager be authorised to make any minor changes as requested by resolution of the Council or the NSW Division of Local Government.
- 7 Receive and note Attachment 2 of the report – Community Engagement Report February 2014, and acknowledge the extensive contribution of community members to the 'Securing our Future' – Financial Sustainability Review since August 2013.
- 8 Adopt the draft Financial Strategy, as per Attachment 3 of the report, confirming an additional \$21 million per annum will be directed to asset renewal and/or works to extend the life of assets.
- 9 Council investigate ways so a ceiling could be put on the maximum amount payable by residential landowners on land where they have their primary place of residence.
- 10 Council also investigate what would be considered a reasonable maximum that could be levied.

Variation The variation moved by Councillor Colacino (the addition of Points 9 and 10) was accepted by the mover and seconder.

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Blicavs that an extension of time be granted to Councillor Petty to address the meeting in relation to his Foreshadowed Motion.

A PROCEDURAL MOTION was MOVED by Councillor Martin seconded Councillor Dorahy that an extension of time be granted to Councillor Connor to address the meeting in relation to his Amendment. A five minute extension was granted by the Lord Mayor.

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An AMENDMENT was MOVED by Councillor Connor seconded Councillor Martin that Council endorse the following -

- 1 A financial sustainability approach that includes a minimum of \$4 million target for efficiencies, \$1.5 million in service level adjustments, a minimum of \$500,000 in increased fees and charges and a Special Rate Variation for an increase in 'General Revenue' and minimum rate amounts. The increase in 'General Revenue' will provide additional revenue of approximately \$15 million per annum.
- 2 The draft Resourcing Strategy 2012-22, draft Delivery Program 2012-17 (revised 1 December 2013) and revised Financial Strategy be adopted with the amendments outlined in the report and in Attachment 1 to the report to reflect the approach endorsed in Recommendation 1.
- 3 Council lodge a Section 508A Special Rate Variation (SRV) by 24 February 2014 to the Independent Pricing and Regulatory Tribunal (IPART) for a SRV for an increase in 'General Revenue' and minimum rate amounts of 6.23% in 2014-15, 6.33% in 2015-16 and 6.34% in 2016-17.
- 4 Subject to approval of a Special Rate Variation, Council's Revenue Policy for the next three years include a proposed increase Business Subcategory Rates for '3C Regional' and 'Heavy 1 Activity 1' and all special rates by 2.3%, 3.0% and 3.0% respectively in accordance with the proposed Resourcing Strategy, while other rates categories to be increased by 6.76% in each of the next three years to achieve the permissible General Revenue.
- 5 As per the Planning and Reporting Guidelines for Local Government in NSW (2010), a copy of the adopted Resourcing Strategy and Delivery Program be provided to the Director General of the NSW Division of Local Government, Department of Premier and Cabinet within 28 days of it being endorsed by the Council.
- 6 The General Manager be authorised to make any minor changes as requested by resolution of the Council or the NSW Division of Local Government.
- 7 Adopt the draft Financial Strategy as per Attachment 3 to the report confirming an additional \$21 million per annum will be directed to asset renewal and/or works to extend the useful life of assets.
- 8 Receive and note Attachment 2 to the report – Community Engagement Report February 2014 and acknowledge the extensive contribution of community members to the 'Securing our Future' – Financial Sustainability Review since August 2013.

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- 9 Council investigate ways so a ceiling could be put on the maximum amount payable by residential landowners on land where they have their primary place of residence.
- 10 Council also investigate what would be considered a reasonable maximum that could be levied.
- 11 Council receive a report about the impact of changing service adjustments to \$1 million and fees and charges to \$1 million.

Variation The variation moved by Councillor Merrin (the addition of Point 11 to the Amendment) was accepted by the mover and seconder.

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

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

Councillor Blicavs' MOTION on being PUT to the VOTE was CARRIED.

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

ITEM 2 - ENVIRONMENTAL SUSTAINABILITY POLICY AND DRAFT STRATEGY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 13).

COUNCIL'S RESOLUTION – The Environmental Sustainability Policy and draft Environmental Sustainability Strategy be placed on public exhibition for a minimum period of 28 days and reported back to Council.

ITEM 3 - WOLLONGONG ECONOMIC DEVELOPMENT STRATEGY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 13).

COUNCIL'S RESOLUTION – The Wollongong Economic Development Strategy be adopted.

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A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Blicavs that the meeting adjourn for a five minute break. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

DEPARTURE OF COUNCILLOR

During the debate on Item 4, Councillors Merrin and Blicavs departed the meeting, the time being 8.11 pm. Councillors Merrin and Blicavs were not present during the vote taken for Item 4.

ITEM 4 - POLICY REVIEW - COMMUNITY RECOGNITION PROGRAM

- 16** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the matter be deferred pending a Councillor Briefing Session.

DEPARTURE OF CHAIR AND COUNCILLOR

Due to a prior disclosure of interest in Item 5, the Lord Mayor vacated the Chair at 8.12 pm and the Deputy Lord Mayor, Councillor Connor assumed the Chair.

Councillor Colacino also vacated the Chambers during the debate and voting on Item 5, due to a prior disclosure of interest.

DISCLOSURE OF INTEREST BY GENERAL MANAGER

The General Manager reminded Councillors that any resolution in relation to Item 5 which delegates to him authority to deal with any matters, would be sub-delegated to an appropriate Council Officer.

ATTENDANCE OF COUNCILLOR

During debate and prior to voting on Item 5, Councillors Blicavs and Merrin returned to the meeting, the times being 8.13 pm and 8.16 pm, respectively.

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ITEM 5 - FUTURE MANAGEMENT OF WOLLONGONG TOWN HALL

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

- 1 In accordance with Section 55 (3) of the Local Government Act 1993, that due to circumstances as outlined in the report, being:
 - a recent constitutional changes at IPAC which provide Council with a greater oversight and control of governance for this operator;
 - b the offer from IPAC Limited to undertake that management in a cost effective and ultimately cheaper manner than for the IPAC Theatre and Town Hall;
 - c the likely economies of scale achieved in utilising the same operator;
 - d the extent of the IPAC Limited offer, which includes a number of free and/or subsidised events;
 - e recent testing of the market by Council of management and operation services for the Town Hall, a satisfactory result would not be achieved by inviting tenders for the management of the Wollongong Town Hall;

Council enter into a contract with IPAC Limited for the management of the Wollongong Town Hall for the period 1 June 2014 – 31 December 2017.

- 2 Council delegate to the General Manager the finalisation of the contract, and any consequential variation of the existing Funding and Service Level Agreement with IPAC Limited.
- 3 The contract be consistent with the detail of the report.

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

RETURN OF CHAIR AND COUNCILLOR

At this stage, the time being 8.28 pm, the Deputy Lord Mayor, Councillor Connor vacated the Chair and the Lord Mayor resumed the Chair.

Councillor Colacino also returned to the Chambers following consideration of Item 5, the time being 8.28 pm.

Minute No.

DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest, Councillor Petty departed the Chambers, the time being 8.27 pm. Councillor Petty was not present during debate and voting on Item 6.

ITEM 6 - TENDER T12/35 - PLANT HIRE SERVICES

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

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tenders of listed tables provided for Plant Hire Services Panel, in the sum of an accumulative amount of services of \$4,900,000, excluding GST over the term of the tender contract of three years, plus two options to extend for a further duration of one year.
- 2 Council delegate to the General Manager the authority to finalise and execute the contracts 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 contracts and any other documentation, should it be required to give effect to this resolution.
- 4 Council delegate to the General Manager the authority to approve any adjustments to the ranking of all services when a plant hire services provider amends rates in accordance with the specifications of this tender.

ITEM 7 - QUARTERLY REPORT ON DEVELOPMENT APPLICATIONS INVOLVING VARIATIONS TO DEVELOPMENT STANDARDS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 13).

COUNCIL'S RESOLUTION – Council note the report.

ITEM 8 - 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 13).

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.

ITEM 9 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 15 JANUARY 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 13).

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 January 2014 in relation to Regulation of Traffic be adopted.

DEPARTURE AND RETURN OF COUNCILLORS

Following determination of Item 6, Councillor Petty returned to the meeting, the time being 8.29 pm.

During the debate and prior to voting on the Matter of Great Urgency, the following Councillors departed and returned to the meeting –

Councillor Martin from 8.27 pm to 8.28 pm; Councillor Connor from 8.28 pm to 8.30 pm; Councillor Colacino from 8.30 pm to 8.33 pm; Councillor Crasnich from 8.55 pm to 8.56 pm; Councillor Martin from 8.57 pm to 8.58 pm.

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MATTER OF GREAT URGENCY – DEMOLITION OF PORT KEMBLA COPPER STACK

A PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Merrin that an extension of time be granted to Councillor Curran to address the meeting. The Lord Mayor granted a five minute extension.

MOVED Councillor Curran seconded Councillor Petty that Council immediately issue an Order under Section 124 Item 15 to Port Kembla Copper Pty Ltd and Wakatinya trading as Precision Demolition to cease all demolition works that began in January 2011 and scheduled demolition works including the demolition by explosion of the Port Kembla Copper Stack on 20 February 2014 and covered under the Major Project Approval until –

- 1 Comprehensive and thorough Independent Hygienist Asbestos Clearance Certificates have been issued and copy received by Council for all structures previously identified as containing asbestos in the Port Kembla Copper Environmental Assessment dated 8 April 2009 and all layers and levels of the Stack and surrounding ground onsite that is likely to be disturbed during explosion and demolition of the Stack and structures identified in the Major Project Assessment and approval.
- 2 Council receive copies of all monthly reports of the Waste Materials Tracking as outlined and templates in the Demolition Management Plan December 2010 prior to works commencing in January 2011.
- 3 Council receive copies of –
 - a The Hazardous Waste Survey;
 - b Asbestos Removal Control Plan; and,
 - c Hazardous Materials Removal Control Plan.
- 4 Council again write to the Minister of Planning, The Hon. Brad Hazzard, alerting him to our concerns regarding compliance to the conditions of approval.

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

A PROCEDURAL MOTION was MOVED by Councillor Kershaw seconded Councillor Blicavs that the motion be put.

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

In favour
Against

Councillors Merrin, Curran and Petty

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

Following the defeat of Councillor Curran's motion, Councillor Brown's FORESHADOWED MOTION below, became the MOTION.

19 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Takacs that -

- 1 Council write to the Minister for Planning and Infrastructure, The Hon. Brad Hazzard MP requesting confirmation by 12 noon on Wednesday, 19 February 2014 that all planning requirements and conditions relating to the demolition of the Port Kembla Copper Stack, including the removal and disposal of any hazardous substances, are being complied with, including:
 - a The Hazardous Waste Survey;
 - b Asbestos Removal Control Plan;
 - c Hazardous Materials Removal Control Plan; and,
 - d Independent Asbestos Clearance Certificate.
- 2 Council seek assurance that in the Minister's opinion, the requirements and conditions of consent are sufficient to ensure that residents are not subjected to asbestos fibres as a result of the demolition.
- 3 If these assurances are not able to be guaranteed, Council asks that the demolition be delayed until such time as they are.

Variation The variation put forward by Councillor Takacs (the addition of Point 2) was accepted by the mover.

The following variations were accepted by the mover and seconder -

Councillor Colacino – the addition of Point 3.

Councillor Merrin – the addition of Parts a to d (Point 1).

Various Councillors – the addition of the words 'by 12 noon on Wednesday, 19 February 2014' to Point 1.

THE MEETING CONCLUDED AT 9.18 PM.

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

Chairperson