

ITEM B

NOTICE OF MOTION - COUNCILLORS PETTY AND CURRAN - CONTAMINATED LANDS REGISTER

Councillors Petty and Curran have submitted the following Notice of Motion –

“We formally move that –

- 1 Council –
  - a update its website to include a Contaminated Lands Register of all properties identified within the Wollongong Local Government Area;
  - b include all information published on the Environment Protection Authority website of such properties within the Wollongong Local Government Area;
  - c conduct a search of the Property Register to identify all properties noted on the Section 149 Certificate as Contaminated Lands; and,
  - d keep the Register up-to-date in a timely and professional manner.
- 2 The Register be published by 31 July 2017.”

**Background provided by Councillors Petty and Curran:**

The public interest is significant. Contaminated land and groundwater can impact via migration off site eg leaching and vapour, and therefore residents neighbouring contaminated land or thinking of purchasing a property on or near such contaminated land need to have easy and free access to this information.

The past few years at Council has seen instances where migration of harmful contaminants from known contaminated land has occurred in residential areas not known by residents to be impacted by contamination, and has put their health and land/properties at risk. Such instances dictate that Council ensure it provides open accessible information about all contaminated land via a Public Register.

**Council Processing Councillor Requests for Information**

In an ongoing effort to achieve greater transparency of this topic, the following response was received from staff in respect of a GIPA application about land contamination in the 2508 postcode.

*I refer to your email of 1 June 2017 where you advised you were "interested in the additions, if any, to Councils Contaminated Land Register for properties in 2508 since 2000".*

*A report has been compiled taking information from Council's Land Information System which indicates that as at 9 June 2017 there are 47 properties which had contamination or potentially contaminated notations added within the 2508 region for the time period requested. It should be noted that Council continues to update the Land Information System as relevant information becomes available and is assessed.*

*In accordance with the Government Information (Public Access) Act 2009 provisions stated in my original Decision of 30 May 2017 the property details will not be disclosed. However, as previously advised if you are interested in specific properties you or your constituents can apply and pay for a Section 149 Certificate which will provide them with the necessary contamination information.*

*With respect to your comments surrounding the policy and procedures that informs and directs the Decision made under the Government Information (Public Access) Act 2009 I refer you to the "Access to Council Information and Staff by Councillors Policy".*

*The issue centres around the phrase "exercise of a Councillor's functions of civic office", and whether access to the documents fits those terms.*

*Traditionally, Councillors have been denied direct access to information where it isn't a matter currently before Council. Obviously, exercising a civic function is a wider concept than simply matters "currently before Council".*

*Whilst it can be understood that a matter can be characterised as exercising a function of civic office, that cannot simply mean that third parties' rights are simply overruled.*

### **Conclusion**

In our term on Council there have been significant contamination matters impacting on environment and health of residents in suburbs across our LGA including Helensburgh, Kanahooka, Koonawarra, West Dapto, Unanderra and around Cobblers Hill.

These matters involved land that Council as an organisation was aware or should have been aware was or could be impacted by contamination.

Currently Councillors, residents and prospective buyers have no ready access to information regarding actual, possible or likely contamination of land/homes or that of land surrounding them that may migrate from a contaminated neighbouring property and impact their land, home and health.

It is essential that Council maintains an up-to-date contaminated land register and makes it readily available to ensure there is no loss or misplacement of historical corporate knowledge, and so community is adequately informed to prevent the opposite from occurring as we have witnessed in our term on Council.