



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 1 February 2016

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, Colacino, Crasnich and Curran

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 – K Cowgill, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Infrastructure Strategy and Planning – M Dowd, Manager Community Cultural and Economic Development – K Hunt and Manager City Works and Services - M Roebuck

Apology

The apology tendered on behalf of Councillor Petty was accepted.

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DISCLOSURES OF INTERESTS

Councillor Colacino declared a non-significant, non-pecuniary interest in Item 11 as this Item affects the suburb of Stanwell Park and he has been a resident of the suburb for nearly 40 years.

Councillor Curran advised of the possibility of an actual or perceived pecuniary conflict of interest in Item 15. However, as the matter involved the whole Wollongong local government area, she proposed to remain in the Chamber during deliberation on the matter.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 14 DECEMBER 2015

- 2 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the Minutes of the Ordinary Meeting of Council held on Monday, 14 December 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

CONFIRMATION OF MINUTES OF CLOSED COUNCIL SESSION HELD ON MONDAY, 14 DECEMBER 2015

- 3 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the Minutes of the Closed Council Session held on Monday, 14 December 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

CONFIRMATION OF MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD ON MONDAY, 18 JANUARY 2016

- 4 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Colacino that the Minutes of the Extraordinary Meeting of Council held on Monday, 18 January 2016 (a copy having been circulated to Councillors) be taken as read and confirmed.

CALL OF THE AGENDA

- 5 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that the staff recommendations for Items 2 to 4, 6 to 10, and 12 to 14 inclusive, be adopted as a block.

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A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Crasnich that Item 15 be considered before Item 1, under Suspension of Standing Orders. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

ITEM A – LORD MAYORAL MINUTE - ROADSIDE MAINTENANCE - STATE-CONTROLLED ROADS AND MOTORWAYS

6 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council -

- 1 Write to the Director General of Roads and Maritime Services seeking urgent action on roadside maintenance and vegetation management of State-controlled roads and motorways across the Wollongong City Council Local Government Area and the Illawarra Region. The letter -
 - a Highlight the infrequency of vegetation maintenance, mowing and litter reduction activities, especially in the summer months;
 - b Request greater monitoring and consistent effort to keep the visual amenity of State-controlled roads and motorways in a higher order than it is at present; and,
 - c Request a greater effort from Roads and Maritime Services for the implementation of a campaign of surveillance to reduce litter and illegal dumping on State-controlled roads and motorways in the Illawarra.
- 2 Write to all Members of State Parliament within the Illawarra Region, asking they make representations to the Minister for Roads, Maritime and Freight, The Hon. Duncan Gay MP, and Minister for Transport and Infrastructure, The Hon. Andrew Constance, MP, reinforcing the need for urgent action on roadside maintenance and vegetation management of State-controlled roads and motorways and rail corridors across the Wollongong City Council Local Government Area and the Illawarra Region.

Variation *The variation moved by Councillor Takacs to add the words 'and Minister for Transport and Infrastructure, The Hon. Andrew Constance, MP' and the words 'and rail corridors' to Part 2, was accepted by the mover and seconder.*

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item B, Councillor Crasnich departed and returned to the meeting, the times being from 6.22 pm to 6.24 pm.

Councillor Kershaw departed the meeting at 6.23 pm and was not present for the vote taken for Item B.

ITEM B – NOTICE OF MOTION - COUNCILLOR MERRIN - CONTAINER DEPOSIT SCHEME

- 7** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Connor that Council provide a submission to the NSW Government on its proposed Container Deposit Scheme by 26 February 2016.

ATTENDANCE OF COUNCILLOR

At the start of debate and prior to voting on Item C, Councillor Kershaw returned to the meeting, the time being 6.28 pm.

ITEM C – LORD MAYORAL MINUTE - REAFFIRMATION OF 'FREEDOM OF ENTRY TO THE CITY' TO HMAS WOLLONGONG

- 8** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council bestow the “Freedom of Entry to the City” on HMAS Wollongong, observing military protocols prescribed for the occasion.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 15, the following Councillors departed and returned to the meeting -

- Councillor Kershaw from 7.02 pm to 7.06 pm;
- Councillor Colacino from 7.28 pm to 7.31 pm;
- Councillor Dorahy from 7.37 pm to 7.43 pm;
- Councillor Connor from 7.47 pm to 7.49 pm; and
- Councillor Blicavs from 7.59 pm to 8.00 pm.

SUSPENSION OF STANDING ORDERS

ITEM 15 - PROPOSED COUNCIL MERGER - WOLLONGONG AND SHELLHARBOUR

PROCEDURAL MOTIONS were MOVED and CARRIED to allow additional time for the following Councillors to address the meeting in relation to Item 15 –

- Moved Councillor Martin seconded Councillor Crasnich – an additional five minutes for Councillor Brown;
- Moved Councillor Crasnich seconded Councillor Martin – an additional five minutes for Councillor Colacino;
- Moved Councillor Crasnich seconded Councillor Merrin – an additional five minutes for Councillor Curran;
- Moved Councillor Crasnich seconded Councillor Dorahy – an additional five minutes for Councillor Martin;
- Moved Councillor Crasnich seconded Councillor Martin – an additional five minutes for Councillor Dorahy;
- Moved Councillor Colacino seconded Councillor Martin – an additional five minutes for Councillor Crasnich;
- Moved Councillor Crasnich seconded Councillor Martin – an additional five minutes for Councillor Takacs;
- Moved Councillor Crasnich seconded Councillor Martin – an additional five minutes for Councillor Blicavs; and,
- Moved Councillor Takacs seconded Councillor Martin – an additional five minutes for Councillor Merrin.

9 COUNCIL'S RESOLUTION – MOVED by Councillor Brown seconded Councillor Dorahy that -

- 1 Council receive the report on the proposed merger of Wollongong City Council and Shellharbour City Council.
- 2 The Lord Mayor be authorised to present the views of Council to the Delegate of the Chief Executive of the Office of Local Government at Public Inquiry meetings on 2 February 2016, based on the report and the following.
- 3 Council prepare a comprehensive written submission to the Delegate to be approved at a future meeting of Council.
- 4 Council welcomes the opportunity to further work with the State Government, our local community and other local government areas to continue to improve the strength, capacity and reputation of local government.

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- 5 Council recognises that a renewed and reformed local government sector has the potential to better deliver services to residents and ratepayers while strengthening the economy and protecting our area's natural and cultural assets.
- 6 Council urges the State Government to continue to explore a significant review of the roles and responsibilities of state and local government to avoid duplication or conflict of roles and to assign functions to the level best able to deliver outcomes for our communities.
- 7 Council believes the major issue of alternatives for council financing should be reconsidered and options be further explored by all stakeholders.
- 8 Council has supported the proposed Joint Organisation (JO) model for local government and invested significant effort into building the pilot Illawarra JO. Council believes that many of the efficiencies suggested for the proposed amalgamation could be realised by co-operation within a JO structure.
- 9 Council is concerned that the proposed merger between Wollongong and Shellharbour was a late inclusion in the four year process of local government reform and believes the local communities have had insufficient time to fully assess its implications.
- 10 Council is proud of being declared 'Fit for the Future' as this has followed several years of rigorous examination of our finances and significant engagement with our community to strengthen the City's capacity.
- 11 Council is unable to confirm the quantum of the purported financial benefits of the proposed merger, which is advanced as the prime reason to merge councils. In any case, Wollongong Council has found similar efficiencies by internal processes.
- 12 Council recognises that the factors for merger consideration, under S263(3) of the Act, can lead to either a supportive or oppositional case for the merger, however, in totality they do not show a major benefit to the residents of Wollongong.
- 13 Council notes the IRIS community survey that shows no overwhelming trend in support or opposition to the amalgamation proposal or the importance or perceived impact of it.
- 14 Council affirms that regardless of the outcomes of the merger proposal, it is committed to being supportive of making the existing or any new Council a success, and looks forward to help shaping its future.

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- 15 A meeting be requested between Shellharbour City Council staff and Wollongong City Council staff to share information required for comparative cost analysis which will enable both Councils to remove the restrictions embedded in the current report.

Variation *The variation moved by Councillor Curran (the addition of Part 15) was accepted by the mover and seconder.*

An AMENDMENT was MOVED by Councillor Curran seconded Councillor Merrin that -

- 1 Council receive the report on the proposed merger of Wollongong City Council and Shellharbour City Council.
- 2 The Lord Mayor be authorised to present the views of Council to the Delegate of the Chief Executive of the Office of Local Government at Public Inquiry meetings on 2 February 2016, based on the report and the following.
- 3 Council prepare a comprehensive written submission to the Delegate to be approved at a future meeting of Council.
- 4 The report outlined in Point 3 (above) include an analysis of the Joint Organisation (JO).
- 5 A meeting be held with Shellharbour City Council staff to share information required for comparative cost analysis which will enable both Councils to remove the restrictions embedded in the current report.
- 6 Council welcomes the opportunity to further work with the State Government, our local community and other local government areas to continue to improve the strength, capacity and reputation of local government.
- 7 Council recognises that a renewed and reformed local government sector has the potential to better deliver services to residents and ratepayers while strengthening the economy and protecting our area's natural and cultural assets.
- 8 Council urges the State Government to continue to explore a significant review of the roles and responsibilities of state and local government to avoid duplication or conflict of roles and to assign functions to the level best able to deliver outcomes for our communities.
- 9 Council believes the major issue of alternatives for council financing should be reconsidered and options be further explored by all stakeholders.

Minute No.

- 10 Council has supported the proposed JO model for local government and invested significant effort into building the pilot Illawarra JO. Council believes that many of the efficiencies suggested for the proposed amalgamation could be realised by co-operation within a JO structure.
- 11 Council is concerned that the proposed merger between Wollongong and Shellharbour was a late inclusion in the four year process of local government reform and believes the local communities have had insufficient time to fully assess its implications.
- 12 Council is proud of being declared 'Fit for the Future' as this has followed several years of rigorous examination of our finances and significant engagement with our community to strengthen the City's capacity.
- 13 Council is unable to confirm the quantum of the purported financial benefits of the proposed merger, which is advanced as the prime reason to merge councils. In any case, Wollongong Council has found similar efficiencies by internal processes.
- 14 Council recognises that the factors for merger consideration, under S263(3) of the Act, can lead to either a supportive or oppositional case for the merger, however, in totality they do not show a major benefit to the residents of Wollongong.
- 15 Council notes the IRIS community survey that shows no overwhelming trend in support or opposition to the amalgamation proposal or the importance or perceived impact of it.
- 16 Council affirms that regardless of the outcomes of the merger proposal, it is committed to being supportive of making the existing or any new Council a success, and looks forward to help shaping its future.

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

In favour
Against

Councillors Merrin and Curran

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

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

Standing Orders were resumed.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 1, the following Councillors departed and returned to the meeting –

- Councillor Curran from 8.15 pm to 8.17 pm;
- Councillor Brown from 8.17 pm to 8.18 pm; and,
- Councillor Crasnich from 8.18 pm to 8.20 pm.

ITEM 1 - DRAFT SANDON POINT ABORIGINAL PLACE JOINT MANAGEMENT AGREEMENT

10 COUNCIL'S RESOLUTION – MOVED by Councillor Kershaw seconded Councillor Colacino that –

- 1 The Sandon Point Aboriginal Place Joint Management Agreement be endorsed.
- 2 a Ongoing consultation take place with the five Aboriginal community organisations to seek their views on the possibilities and the way forward to achieve a purpose built facility to be erected north of the carpark at the end of Point Street, Bulli.
b This facility –
 - i could have an educational role and oversight role to ensure that the Sandon Point Aboriginal Place is protected, and to also manage and maintain the Aboriginal culture and heritage values within the Sandon Point and McCauley's Beach Plan of Management; and,
 - ii will eventually enable the Embassy to move into this purpose built facility to continue its highly respected role, honouring the custodians of the site and to protect this highly significant Aboriginal place for future generations.

Variation *The variation moved by Councillor Connor to replace the words 'to look at' with 'to seek their views on' in Part 2a, and replace the word 'should' with 'could' in Part 2b(i) was accepted by the mover and seconder.*

An AMENDMENT was MOVED by Councillor Takacs seconded Councillor Merrin that the Sandon Point Aboriginal Place Joint Management Agreement be endorsed.

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

In favour
Against

Councillors Brown, Martin, Takacs and Merrin

Councillors Kershaw, Connor, Blicavs, Dorahy, Colacino, Crasnich, Curran and Bradbery

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

ITEM 2 - PROPOSED NEW LEASE TO ILLAWARRA SHOALHAVEN LOCAL HEALTH DISTRICT FOR 9 PRINCES HIGHWAY, FIGTREE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

COUNCIL'S RESOLUTION – Council enter into a lease for a three year term with a further two year option with Illawarra Shoalhaven Local Health District for the premises located at Lot 5 DP1136414, 9 Princes Highway, Figtree.

ITEM 3 - PROPOSED ACQUISITION OF EASEMENT FOR DRAINAGE OVER LOT 2 DP 747729 WONGAWILLI ROAD, WONGAWILLI

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

COUNCIL'S RESOLUTION –

- 1 Council authorise the acquisition of an Easement for Drainage variable width over that portion of Lot 2 DP 747729 "White Abbey" Wongawilli Road, Wongawilli, shown shaded yellow on the attachment to the report.
- 2 Council authorise the payment of \$49,000 (GST exc) in compensation for the acquisition of the Easement for Drainage to the landowners of Lot 2 DP 747729 "White Abbey" Wongawilli Road, Wongawilli, with Council to be responsible for all costs associated with the acquisition including valuation, survey and plan lodgement and legal costs.

ITEM 4 - TENDER T15/33 - TOWRADGI TIDAL POOL CONCOURSE (PARTIAL) REPLACEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Land and Marine Ocean Engineering Pty Ltd for Towradgi Tidal Pool Concourse (Partial) replacement, in the sum of \$234,935, 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.

DEPARTURE OF COUNCILLOR

During debate on Item 5, Councillor Merrin departed the meeting, the time being from 8.50 pm. Councillor Merrin was not present for the vote on Item 5.

ITEM 5 - TENDER T15/34 - BALD HILL RESERVE UPGRADE STAGE 3 - PUBLIC AMENITIES, COFFEE SPOT AND ASSOCIATED WORKS

11 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Takacs that -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Zauner Construction Pty Ltd for Bald Hill Reserve Upgrade Stage 3 – Public Amenities, Coffee Spot and Associated Works, in the sum of \$1,749,200 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 6 - TENDER T15/36 – PROVISION OF PROPOSED SKATE PARK REVITALISATION FOR GUEST PARK, FAIRY MEADOW AND UNANDERRA PARK, UNANDERRA

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of VFG Skateparks for proposed skate park revitalisation for Guest Park, Fairy Meadow and Unanderra Park, Unanderra, in the sum of \$399,809, 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 7 - TENDER T15/37 - SLADE PARK, AUSTINMER RETAINING WALL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Cadifern Pty Ltd for the construction of a retaining wall at Slade Park, Austinmer, in the sum of \$276,700, 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 8 - TENDER T15/39 – PROVISION OF DESIGN AND

CONSTRUCTION SERVICES FOR WATER QUALITY DEVICE AND MAINTENANCE FACILITIES AT ELLIOTTS ROAD, FAIRY MEADOW

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Optimal Stormwater Pty Ltd for the design and construction of water quality device and maintenance facilities at Elliotts Road, Fairy Meadow (Option 3), in the sum of \$170,000 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 - VOLUNTEERING ILLAWARRA - PROPOSED FEES AND CHARGES - POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

COUNCIL'S RESOLUTION – The proposed schedule of Volunteering Illawarra membership fees for the 2015/2016 Financial Year, be adopted.

ITEM 10 - POLICY REVIEW: PROPERTY ADDRESSING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

COUNCIL'S RESOLUTION – The revised Property Addressing Policy be adopted.

ATTENDANCE AND DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 11 –

- Councillor Merrin returned to the meeting, the time being 8.54 pm; and,
- Councillors Dorahy and Blicavs departed and returned to the meeting, the times being from 9.02 pm to 9.10 pm, and from 9.08 pm to 9.10 pm, respectively.

ITEM 11 - STANWELL PARK ROCK POOL RESERVE

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Martin that Councillor Colacino be granted an additional five minutes to address the meeting in relation to Item 11.

12 COUNCIL'S RESOLUTION - MOVED by Councillor Colacino seconded Councillor Kershaw that -

- 1 The report and its findings be noted.
- 2 Council retain the Stanwell Park Rock Pool Reserve for application to future recreation assets in Stanwell Park, including exploring additional works on the existing Coalcliff Pool and surrounds, in consultation with the Stanwell Park and Coalcliff residents.

An AMENDMENT was MOVED by Councillor Curran seconded Councillor Merrin that -

- 1 The report and its findings be noted.
- 2 Council retain the Stanwell Park Rock Pool Reserve for application to future recreation assets in Stanwell Park, including exploring additional works on the existing Coalcliff Pool and surrounds, in consultation with residents of Stanwell Park and Coalcliff, and the Stanwell Park Rock Pool Committee.

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

In favour
Against

Councillors Takacs, Merrin and Curran

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

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

ITEM 12 - AUDIT COMMITTEE MEMBERSHIP - RECOMMENDATION FOR APPOINTMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

COUNCIL'S RESOLUTION –

- 1 Council endorse the appointment of Mr Stephen Horne as an Independent Member of the Audit Committee.
- 2 Council formally thank Ms Kylie McRae and acknowledge her contribution and commitment to the Audit Committee and Council through her role as Independent Member and (former) Chairperson of the Committee.

ITEM 13 - DECEMBER 2015 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

COUNCIL'S RESOLUTION –

- 1 The report be received and noted.
- 2 Proposed changes in the Capital Works Program be approved.

ITEM 14 - STATEMENT OF INVESTMENTS - NOVEMBER AND DECEMBER 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

COUNCIL'S RESOLUTION – Council receive the Statements of Investments for November and December 2015.

ITEM 15 - PROPOSED COUNCIL MERGER - WOLLONGONG AND SHELLHARBOUR

Item 15 was considered under Suspension of Standing Orders (refer Minute Number 9).

THE MEETING CONCLUDED AT 9.14 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 22 February 2016.

Chairperson