



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00pm

**Monday 14 October 2013**

### Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Merrin (until 9.23 pm), 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 Regulation and Enforcement – J Nicol, Manager Project Delivery – G Whittaker and Manager Community Cultural and Economic Development – T Buchanan

### Apology

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**208 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Connor seconded Councillor Dorahy that the apology tendered on behalf of Councillor Martin be accepted.

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## **PRESENTATION OF PLAQUE FROM THE RETURNED SERVICES LEAGUE**

Councillor Colacino noted that a plaque had been presented to Council from the Returned Services League in appreciation of the efforts following the recent vandalism/theft incident at the Wollongong Crematorium. The League was pleased to see that Council had realised its responsibilities and acted promptly in the situation. Councillor Colacino advised that the League had also acknowledged the NSW Police Service with a similar presentation.

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 9 SEPTEMBER 2013**

- 209** **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, 9 September 2013 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **CONFIRMATION OF MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD ON TUESDAY 8 OCTOBER 2013**

- 210** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the Minutes of the Extraordinary Meeting of Council held on Tuesday, 8 October 2013 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **PUBLIC ACCESS FORUM – ILLAWARRA ESCARPMENT WALKING TRACK**

Mr G Burgess, Illawarra Branch President of the National Parks Association (NPA) stated that the idea for the "The Grand Escarpment Walk" had been talked about for far too long and the NPA felt it was time for some action in order to make it a reality. Since 2010 his Branch had been active in trying to raise awareness of the benefits to the region if this walk was completed. The walk would give people a better understanding of the natural and cultural values of the escarpment and it would also help put the region "on the map" by having a world class, long distance walk. He advised that the NPA was enthusiastically talking to those that have a role to play in getting the walking track project to completion.

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In conclusion, Mr Burgess advised that other States were far ahead of New South Wales on this and there is a great opportunity for Wollongong to put itself on the map, whilst combining environmental and tourism outcomes. The likely funding stream for this work would be NSW Office of Environment and Heritage (OEH) or National Parks and Wildlife Service (NPWS).

### **PUBLIC ACCESS FORUM – SUPPORT FOR ALCOHOL FREE ZONES IN NORTHERN ILLAWARRA**

Ms H Smith, on behalf of a Residents Action Group which supports the proposal for Alcohol Free Zones in the northern Illawarra, advised Councillors of the damage caused to tourist draw-cards such as the lookouts at Bald Hill, Bulgo and Otford. She advised that the National Park was also being destroyed by thoughtless individuals who leave behind junk food wrappers and broken bottles. She said that advice received from NSW Police was that Alcohol Free Zones would assist them in controlling the various types of anti-social behaviour caused by inappropriate use of alcohol.

In concluding, Ms Smith felt that declaring sites such as the above 'Alcohol Free' would be a small piece of the puzzle in curbing anti-social behaviour, noise, dangerous driving and pollution. The problem was becoming increasingly worse and was detracting from the tourism value of the Grand Pacific Drive. She urged Councillors to support the motion so that visitors and residents who wish to enjoy the area's natural beauty and breathtaking scenery can have the space and freedom to 'drink it all in'.

### **SUSPENSION OF STANDING ORDERS**

**211** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor Petty that Item 1 be considered as the next item of business, under Suspension of Standing Orders.

## **ITEM 1 - ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013**

**212 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that –

- 1 The Annual Financial Statements be endorsed and an opinion be formed in the prescribed format (as per Attachments 2 and 3 of the report) on the General Purpose Financial Statements and the Special Purpose Financial Statements.
- 2 The audited Financial Statements, together with the Auditor's Report and Financial Commentary (Attachment 5 of the report) be presented to the public at the 11 November 2013 Council meeting.
- 3 Mr Hangar be thanked for his presentation.

## **RESUMPTION OF STANDING ORDERS**

**213 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor Dorahy that Standing Orders be resumed.

A PROCEDURAL MOTION was MOVED by Councillor Dorahy that an extension of time be granted to Councillor Takacs to address the meeting in relation to Item A.

## **ITEM A – NOTICE OF MOTION COUNCILLOR TAKACS - ILLAWARRA ESCARPMENT WALKING TRACK**

**214 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Blicavs that a report come to Council on –

- 1 The history of plans for an Illawarra Escarpment Walking Track, linking the Royal National Park to Morton National Park; and,
- 2 Possible models for a multi-agency working party to produce a detailed plan for an Illawarra Escarpment Walking Track linking the Royal National Park to Morton National Park, which could then be used as the basis for funding applications to State and Federal Governments.

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**ITEM B - NOTICE OF MOTION COUNCILLOR PETTY - CREATION OF ALCOHOL FREE ZONES IN NORTHERN ILLAWARRA**

**215 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Petty seconded Councillor Kershaw that a report be prepared for the Council meeting on 11 November 2013 that –

- 1 Investigates creating Alcohol Free Zones in the Northern Illawarra (from the Royal National Park to the Seacliff Bridge) in response to community concerns with regard to street drinking, with the object of the Alcohol Free Zones being an early intervention measure in order to prevent the escalation of street drinking to incidences involving serious crime.
- 2 The report investigate the possibility of creating Alcohol Free Zones, with time constraints and limits, across the whole local government area

Variations *The following variations moved by –*

- *Councillor Bradbery (the addition of Part 2), and,*
  - *Councillor Colacino (the addition of the words 'with time constraints and limits' to Part 2),*
- were accepted by the mover and seconder.*

A PROCEDURAL MOTION was MOVED by Councillor Dorahy that an extension of time be granted to Councillor Curran to address the meeting in relation to Item C.

**ITEM C - NOTICE OF MOTION COUNCILLOR CRASNICH - PLANNING PROPOSAL FOR LOT 2 DP792692 WYLLIE ROAD, KEMBLA GRANGE**

**216 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Crasnich seconded Councillor Colacino that following strong community feedback, recent reports regarding the manufacturing industry, high unemployment in the southern suburbs of Wollongong and the rapid development and growth of West Dapto, that -

- 1 A report be submitted on the possible zoning and development options available for Lot 2 DP 792692 Wyllie Road, Kemplla Grange, and the report give consideration to relevant issues.
- 2 The land owners/proponent be informed of their rights in respect of lodging a fresh Planning Proposal.

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Variations *The following variations moved by –*

- *Councillor Kershaw (to add the site details to Part 1 and the removal of the original Part 2 ie “The land owners/proponent be encouraged to lodge a fresh Planning Proposal”), and,*
  - *Councillor Brown (the addition of a new Part 2 “The land owners/proponent be informed of their rights in respect of lodging a fresh Planning Proposal”),*
- were accepted by the mover and seconder.*

**In favour** Councillors Kershaw, Connor, Blicavs, Dorahy, Colacino, Crasnich and Curran

**Against** Councillors Brown, Takacs, Merrin, Petty and Bradbery

## DEPARTURE OF COUNCILLORS

During discussion and prior to voting on Item D, the following Councillors departed and returned to the meeting –

Blicavs (from 8.05 pm to 8.07 pm), Merrin (from 8.05 pm to 8.12 pm), Crasnich (from 8.12 pm to 8.15 pm), Connor (from 8.29 pm to 8.32 pm) and Dorahy (from 8.57 pm to 8.59 pm).

## ITEM D - NOTICE OF MOTION COUNCILLOR COLACINO - INSPECTION OF OFF LEASH AREAS

**217** **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Colacino seconded Councillor Kershaw that -

- 1 Council immediately begin a program of surprise/unscheduled inspections of off leash dog areas throughout the Wollongong Local Government Area.
- 2 The inspections –
  - a be carried out not only through the Monday to Friday working week, but also on weekends and long weekends;
  - b not be limited to the hours between 9 am to 5 pm; and,
  - c begin within four weeks of this motion being carried.
- 3 Council establish a roll-out of ‘pop up’ information booths at off leash



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areas to inform dog owners of their obligations whilst using the off leash areas. The information booths not be limited to week days.

4 The Dogs on Beaches policy be reviewed as soon as possible.

Variation *The variation moved by Councillor Dorahy (the addition of Part 4) was accepted by the mover and seconder.*

In favour Councillors Kershaw, Connor, Brown, Takacs, Dorahy, Colacino, Crasnich and Bradbery

Against Councillors Merrin, Blicavs, Curran and Petty

## **ITEM E - MATTER LAID ON THE TABLE 9 SEPTEMBER 2013 - REVISED GRAFFITI MANAGEMENT POLICY**

This Item remains on the table.

### **CALL OF THE AGENDA**

**218 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the staff recommendations for Items 3 to 11 and 13 to 16 inclusive, be adopted as a block, noting the late change made to Item 6, page 28 of the Business Paper, Financial Sustainability – line 3 – amount to read '\$1,040,000'.

## **ITEM 1 - ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013**

This Item was considered under Suspension of Standing Orders (refer Minute Nos. 211, 212 and 213).

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## DEPARTURE OF COUNCILLORS

During discussion and prior to voting on Item 2 Councillor Curran departed and returned to the meeting, the time being from 9.05 pm to 9.08 pm.

At this stage, the time being 9.23 pm, Councillor Merrin departed the meeting.

## ITEM 2 - REVIEW OF OUTDOOR RESTAURANT POLICY

**219 COUNCIL'S RESOLUTION** – MOVED Councillor Brown seconded Councillor Connor that the draft Outdoor Restaurant Policy be adopted, subject to the last paragraph in the Statement of Procedures being amended so that the Council approval documentation is displayed in a public area of the restaurant (as opposed to the front of the premises), if there is no legislative impediment to such a change.

An AMENDMENT was MOVED by Councillor Petty seconded Councillor Curran that Council adopt the draft outdoor Restaurant Policy.

The AMENDMENT on being PUT to the VOTE was LOST.

In favour  
Against

Councillors Curran and Petty

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

The MOTION was PUT and CARRIED UNANIMOUSLY.

## ITEM 3 - DRAFT CODE OF BUSINESS ETHICS POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

**COUNCIL'S RESOLUTION** –The draft policy 'Code of Business Ethics' be adopted.

#### **ITEM 4 - REVIEW OF MANAGEMENT OF COMMUNITY HALLS, COMMUNITY CENTRES, SENIOR CITIZEN CENTRES AND NEIGHBOURHOOD CENTRES POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

**COUNCIL'S RESOLUTION** – Council adopt the Management of Community Halls, Community Centres, Senior Citizen Centres and Neighbourhood Centres Policy.

#### **ITEM 5 - PROPOSED COMPULSORY ACQUISITION OF PORTION OF LOT 1 DP 1167701 CLEVELAND ROAD, DAPTO FOR ROAD AND BRIDGE WORKS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

**COUNCIL'S RESOLUTION** –

- 1 Pursuant to Section 177 of the Roads Act 1993, Council make application to the Minister for Local Government and the Governor for the compulsory acquisition of the portion of Lot 1 DP 1167701 Cleveland Road, Dapto, as shown on the attachment to the report.
- 2 Council authorise payment to the Department of Education and Communities of the amount of \$95,000 (GST exc) in compensation, as agreed between the parties, for the acquisition of the subject portion of land, plus the payment of the Department's reasonable valuation, survey, legal and fencing and driveway costs, as outlined in the report.
- 3 Upon acquisition, the land be dedicated as public road in accordance with Section 10 of the Roads Act 1993.
- 4 Authority be granted to affix the Common Seal of Council to the compulsory acquisition documents and any other documentation required to give effect to this resolution.

## **ITEM 6 - PROPOSED LEASE OF STRATUM BELOW RICHARDSON LANE, WOLLONGONG BY GPT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

### **COUNCIL'S RESOLUTION -**

- 1 Council enter into an Agreement for Lease and Lease with GPT Funds Management Pty Ltd, or its nominee, for the stratum under that portion of Richardson Lane, Wollongong, as shown on the attachment to the report, for a period of 50 years and subject to terms and conditions outlined in this report.
- 2 Council vary the Agreement for Lease with GPT Funds Management Pty Ltd dated 14 November 2008 for the lease of the stratum above Keira Street as follows:
  - a) Lump sum payment for lease of airspace above Keira Street of \$240,000 + GST.
- 3 Authority be granted to affix the Common Seal of Council to the plans and lease documents related to this matter.

## **ITEM 7 - PROPOSED ACQUISITION OF LAND AND EASEMENT - SHONE AVENUE, WONGAWILLI**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

### **COUNCIL'S RESOLUTION -**

- 1 Council authorise the acquisition of those portions of Lot 14 DP 255284 and Lot 2 DP 658275 Shone Avenue, Wongawilli being approximately 633m2 in area, shown shaded black on the attachment to the report, on the following conditions:
  - a Purchase price of \$31,650 (GST exc).
  - b Council be responsible for all costs including valuation, survey, legal costs and the cost of reinstatement of the fencing to the new boundary, if required.
- 2 Council authorise the acquisition of an Easement to Drain Water Variable Width over Lot 2 DP 658275 Shone Avenue, Wongawilli,

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shown vertically hatched on the attachment to the report, on the following conditions:

- a Purchase price of \$9,200 (GST exc).
  - b Council be responsible for all costs including valuation, survey and legal costs.
- 3 Upon acquisition, the land that is the subject of this report and also the subject of the Council report of 26 November 2012, be dedicated as public road under Section 10 of the Roads Act 1993.
  - 4 Authority be granted to affix the Common Seal of Council to the transfer documents, easement creation documents and any other documents required to give effect to this resolution.

**ITEM 8 - PROPOSED ACQUISITION OF PORTION OF LOT 12 SEC 2 DP 192837 NO 2 POULTER STREET, WEST WOLLONGONG**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

**COUNCIL'S RESOLUTION -**

- 1 Council authorise the acquisition of the portion of Lot 12 Sec 2 DP 192837 No 2 Poulter Street, West Wollongong, shown hatched on the attachment to the report, subject to the following conditions:
  - a Purchase price of \$22,000 (GST exc).
  - b Council be responsible for all costs including valuation, survey and legal costs.
- 2 Upon the acquisition being finalised, the subject portion of Lot 12 Sec 2 DP 192837 be classified as Community land in accordance with the Local Government Act 1993.
- 3 Authority be granted to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

## **ITEM 9 - PROPOSED ACQUISITION OF PORTION OF LOT 1 DP 601896 PRINCES HIGHWAY, KEMBLA GRANGE FOR SHARED PATH PURPOSES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

### **COUNCIL'S RESOLUTION -**

- 1 Council authorise the acquisition of the portion of Lot 1 DP 601896 Princes Highway, KemplA Grange shown shaded black on the attachment to the report, subject to the following conditions:
  - a Purchase price of \$1,700 (GST exc).
  - b Council be responsible for all costs including valuation, survey, legal costs and the cost of reinstatement of the fencing to the new boundary, if required.
- 2 Authority be granted to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

## **ITEM 10 - PROPOSED GRANT OF EASEMENT TO DRAIN WATER OVER LOT 1 DP 126996 AND LOT 23 SEC K DP 2697 CHENHALLS STREET, WOONONA**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

### **COUNCIL'S RESOLUTION -**

- 1 Council approve the grant of an Easement to Drain Water 1m wide over Lot 1 DP 126996 and Lot 23 Sec K DP 2697 Chenhalls Street, Woonona, as shown hatched on the attachment to the report.
- 2 Council accept payment of the amount of \$2,500 (GST inc) from the owner of Lot 11 Sec K DP 2697 No 1 Alfred Street, Woonona as compensation for the grant of the easement.
- 3 Approval be granted to affix the Common Seal of Council to the Transfer Granting Easement documents and any other documentation required to give effect to this resolution.

## **ITEM 11 - TENDER T13/03 CCTV AND/OR PIPE RELINING SERVICES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

### **COUNCIL'S RESOLUTION -**

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council appoints each of the recommended contractors (as listed below) to the panel for the provision of CCTV and/or pipe relining services for a period of up to 5 years with an estimated value of \$2M in total:
  - Insituform Pacific;
  - Interflow;
  - Kembla Watertech;
  - Ken Barnes;
  - Water Infrastructure Group.
- 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 discussion and prior to voting on Item 12 Councillor Colacino departed and returned to the meeting, the time being from 9.26 pm to 9.29 pm.

## **ITEM 12 - TENDER T13/08 BEATON PARK TENNIS CLUB ROOF REPLACEMENT PROJECT**

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

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Malsave Pty Ltd for replacement of the Beaton Park Tennis Club roof, in the sum of \$149,970.00, 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 13 - TENDER T13/15 NORTH DALTON PARK GRANDSTAND ROOF REPLACEMENT PROJECT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

**COUNCIL'S RESOLUTION** -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Camarda and Cantrill Pty Ltd for the partial roof replacement of the North Dalton Park Grandstand, in the sum of \$106,145.00, 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 14 - TENDER T13/19 PROVISION OF MATTRESS RECYCLING**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

### **COUNCIL'S RESOLUTION -**

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Mission Australia for Mattress Recycling, at the rate of \$22.00 (excluding GST) per mattress (estimated sum of \$237,248 pa).
- 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 15 - AUGUST 2013 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

### **COUNCIL'S RESOLUTION -**

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

## **ITEM 16 - STATEMENT OF INVESTMENTS - AUGUST 2013**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 218).

**COUNCIL'S RESOLUTION** – Council receive the Statement of Investments for August 2013.

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**ITEM 17 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 24 SEPTEMBER 2013**

**221** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Brown that in accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee meeting held on 24 September 2013 in relation to Regulation of Traffic be adopted.

**THE MEETING CONCLUDED AT 9.34 PM**

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Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 28 October 2013.

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Chairperson