



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 24 June 2019

### Present

Lord Mayor (Acting) – Councillor D Brown (in the Chair), Councillors A Martin, C Walters, C Blakey, D Figliomeni, J Kershaw, J Rimmer, J Dorahy, L Colacino and T Brown.

### In Attendance

General Manager – G Doyle, Director Infrastructure and Works, Connectivity Assets and Liveable City – A Carfield, Director Planning and Environment (Acting), Future City and Neighbourhoods – M Riordan, Director Corporate Services, Connected and Engaged City – R Campbell, Director Community Services, Creative and Innovative City – K Hunt, Manager Information and Improvement (Acting) – Paul Marskell, Manager Governance and Customer Service – T Hopwood, Chief Financial Officer – B Jenkins, Manager Property and Recreation (Acting) – J Towers, Manager City Strategy – C Stewart, Manager City Works – M Roebuck, Manager Project Delivery (Acting) – R Ryan, Manager Infrastructure Strategy and Planning – M Dowd, Manager Open Space and Environmental Services – J Page, Manager Community Cultural and Economic Development – S Savage and Manager Strategic Projects - Peter Coyte.

### Apologies

Min No.

**244** **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Dorahy seconded Councillor T Brown that the apologies tendered on behalf of the Lord Mayor, Councillor G Bradbery (AM), Councillors Cox and King be accepted.

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## CLOSED SESSION

ITEM C1 CONFIDENTIAL: Partial Road Closure - Part of Buttenshaw Drive Road Reserve, Austinmer

### Reason for Confidentiality

*This report recommends that this item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

## DISCLOSURE OF INTERESTS

**Councillor Martin** tabled a copy of a general notice made to the General Manager in accordance with the Code of Conduct in relation to their employment with the NSW Department of Planning in the Southern Region Office, located in Wollongong.

**Councillor T Brown** tabled a copy of a General Notice made to the General Manager in relation to their employment with the University of Wollongong, SMART Infrastructure Facility.

**Councillor Dorahy** tabled a copy of a General Notice made to the General Manager in relation to their membership as Director of the Aster Group comprising Wests Illawarra and Port Kembla Golf Club and as Chairperson and Director of CareSouth. Councillor Dorahy added that has not in the past and will not in the future be present in the Chamber during matters concerning the Aster Group.

**Councillor Rimmer** tabled a copy of a General Notice made to the General Manager in relation to their employment with the Legislative Assembly in the Office of Ryan Park MP, State Member for Keira as a Senior Electorate Officer.

**RESOLVED** on the MOTION of Councillor T Brown seconded Councillor Colacino that the tabling of the General Notices be noted.

## PETITION – PROPOSED TIMED LOADING ZONE IN CUL-DE-SAC - FIRST STREET, WOLLONGONG

Councillor D Brown tabled a petition containing 51 signatures from residents in First Street, Wollongong requesting changes to a proposed time and day limited loading zone in order to allow trucks to collect waste bins on Tuesdays from 7:00 am to 10:00 am.

## AWARDS

The Lord Mayor (Acting) advised of two awards won by Wollongong City Council in two of a possible ten categories at this year's National Awards for Local Government in Canberra.

**Prevention and Community Safety Award** for its community safety project 'I Belong in the Gong'. This Program is a community development project created to reduce harassment and threatening behaviour at night in Wollongong's CBD and is funded by the New South Wales Department of Justice.

**Workforce Planning and Development** – Attracting and Retaining Tomorrow's Workforce Award for its 'Eyes on the Future School Based Traineeship Program'. This Program involves students undertaking a school-based traineeship while completing their Higher School Certificate, working in Wollongong City Libraries and undertaking a Certificate II or Certificate III qualification.

## CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 27 MAY 2019

**245 COUNCIL'S RESOLUTION** – **RESOLVED** on the motion of Councillor Kershaw seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 27 May 2019 (a copy having been circulated to Councillors) be taken as read and confirmed.

<b>PUBLIC ACCESS FORUM</b>		
<b>ITEM</b>	<b>TITLE</b>	<b>NAME OF SPEAKER</b>
Not an Agenda Item	Address the demands of the Youth Environmental Alliance in regards to Council's Divestment from fossil fuels and action on climate change.	Darcy Turner on behalf of Youth Environmental Alliance (YEA)
Not an Agenda Item	Address the demands of the Youth Environmental Alliance in regards to Council's Divestment from fossil fuels and action on climate change.	Nicholas Ritchie (Environmental Representative) on behalf of Youth Environmental Alliance (YEA)

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

#### **CALL OF THE AGENDA**

**247 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that the staff recommendations for Items 2 to 5, 8 to 9, and 11 to 15 be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor Colacino seconded Councillor D Brown that an Urgency Item in relation to the NSW Health's intention to demolish a range of buildings within the Garrawarra Hospital Centre be considered prior to the Closed Session.

#### **ITEM 1 - DRAFT DELIVERY PROGRAM 2018-2021 AND OPERATIONAL PLAN 2019-2020 - OUR WOLLONGONG 2028 - FEEDBACK FOLLOWING SUBMISSIONS**

**248 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Kershaw that -

- 1 Council incorporate the changes recommended in this report for the following documents, and these documents be adopted -
  - a Delivery Program 2018-2021 and Operational Plan 2019-2020.
  - b Operational and Capital Budget 2019-2022.
  - c Revenue Policy, Fees and Charges 2019-2020.
- 1.1 That \$250,000 be transferred from Strategic Projects (Unallocated) [p66 of this business paper] to projects as determined through the Wollongong City Council Sports Infrastructure Grants for 2019/20 Sports Reference Group's process for 2019-20.
- 1.2 That the sum of \$300,000 in 2019/20, \$500,000 in 2020/21 and \$300,000 in 2021/22 be transferred from Strategic Projects (Unallocated) [p66 of this business paper] to projects in the Infrastructure Delivery Program 2019-2023, Parks and Sportsfields section, 'Sportsfields Projects' [page 70, 71 of that document] to expedite delivery of lighting projects to be endorsed by Council.

- 1.3 That the Draft 2019/20 Operational and Capital Budget (Attachment 1 to the report ) Supporting Documents - Planning Studies and Investigations – Parks and Sportsfields section [page 37 of that document, page 22 of the business paper] the 'Cringila Hills Site Assessment' line item be redesigned as 'Cringila Park playground equipment project' to include consultation and design of playground equipment near the baseball field.  
  
That any residual funds from the project be reserved for construction of the equipment. That any additional funds needed, or surplus, be incorporated in a quarterly review along with any rephrasing of the Cringila Hills Site Assessment project.
- 2 Council makes the rates and charges for the period 1 July 2019 to 30 June 2020, outlined in the draft Revenue Policy 2019-2020 as amended in this report, including the general rate increase of 2.7% as determined by the Independent Pricing and Regulatory Tribunal [IPART].
- 3 The General Manager be authorised to make the changes to the endorsed draft Delivery Program 2018-2021 and Operational Plan 2019-2020, including attachments.

*Variation* The variations moved by –

- Councillor Rimmer (the addition of Point 1.1)
- Councillor D Brown (the addition of Point 1.2)
- Councillor Martin (the addition of Point 1.3)
- Councillor Kershaw (the addition of the words 'to be endorsed by Council' to Point 1.2)

were accepted by the mover and seconder.

## **ITEM 2 - BEACH AND FORESHORE ACCESS STRATEGY 2019-2028**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 247).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that -

- 1 The Beach and Foreshore Access Strategy 2019-2028 be adopted.
- 2 Council note the Engagement Report, summary of submissions and the Beach and Foreshore Access Strategy 2019-2028 Implementation Plan.

## **ITEM 3 - DRAFT WEST DAPTO DEVELOPMENT CONTRIBUTIONS PLAN 2020 FOR EXHIBITION**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 247).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that -

- 1 The advice from the NSW Department of Planning and Environment dated 17 January 2019 (Attachment 3) of the report be noted.
- 2 The Draft West Dapto Development Contributions Plan 2020 (Attachment 1) of the report be endorsed for exhibition for a minimum period of 28 days.

- 3 Following exhibition and consideration of any submissions, the Draft 2020 Plan be updated to incorporate any relevant post exhibition amendments and submitted to the Independent Pricing and Regulatory Tribunal (IPART) for review, noting that the outcome of this review will be in the form of recommendations to the NSW Minister for Planning.
- 4 That a report be presented back to Council with the IPART recommendations and NSW Minister for Planning's advice in relation to the adoption of the 2020 Plan.

#### **ITEM 4 - DUCK CREEK FLOOD STUDY (2019)**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 247).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that the Duck Creek Flood Study (2019) be adopted.

#### **ITEM 5 - DRAFT NEIGHBOURHOOD PLAN FOR PART OF 464 BONG BONG ROAD HUNTLEY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 247).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that -

- 1 A draft Neighbourhood Plan for Lot 1 DP 1228329, (No. 464) Bong Bong Road, Huntley be progressed to public exhibition for a minimum period of 28 days (Attachment 2) of the report.
- 2 Consultation with relevant State Government agencies and other stakeholders occur as part of the exhibition period.

#### **DEPARTURE OF COUNCILLORS**

During debate and prior to voting on Item 6 –

- Councillor Colacino departed and returned to the meeting, the time being from 7:14 pm to 7:15 pm.
- Councillor Blakey departed and returned to the meeting, the time being from 7:18 pm to 7:19 pm.

#### **ITEM 6 - DRAFT WOLLONGONG HARBOUR MASTER PLAN**

**249 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that -

- 1 Council note and thank the NSW Department of Industry for the development of the Draft Wollongong Harbour Master Plan – May 2019 and supporting documents, in consultation with Council, Roads & Maritime Services and the Wollongong community.
- 2 Council endorse the Draft Wollongong Harbour Master Plan – May 2019 and write to the NSW Department of Industry to this effect, thus enabling them to seek its final adoption by The Hon. Melinda Pavey MP - Minister for Water, Property and Housing.

- 3 Council write to The Hon. Melinda Pavey MP - Minister for Water, Property and Housing seeking advice on the proposed funding model for implementation of the Draft Master Plan noting that Council would welcome the opportunity to have a delegation meet with the relevant Ministers to further discuss and identify potential funding sources for implementation of the Master Plan.

#### **ITEM 7 - DRAFT WOLLONGONG HERITAGE STRATEGY 2019-2022**

**250 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor T Brown that the draft Wollongong Heritage Strategy and Implementation Plan 2019-2022 (Attachment 2) of the report be endorsed as a draft Council Policy and placed on public exhibition for a minimum period of 28 days.

#### **ITEM 8 - LEAVE OF ABSENCE - COUNCILLORS BRADBERRY AND COX - JUNE 2019**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 247).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that Leave of Absence be granted to –

- 1 The Lord Mayor, Councillor Bradbery due to his attendance at the ALARM Risk Management and Insurance Conference in Manchester and post-conference meetings in England from 21 June to 5 July 2019.
- 2 Councillor Cox for the period of 1 June to mid July 2019 which includes a Council Meeting on 24 June 2019 and a Councillor Briefing on 11 June 2019.

#### **ITEM 9 - FINANCIAL ASSISTANCE POLICY - 2019/2020 RECIPIENTS REPORT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 247).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that Council note this report.

#### **ITEM 10 - TENDER T18/38 SPORTSFIELD LIGHTS AND SUPPLY POLE AUDIT**

A MOTION was MOVED by Councillor Figliomeni seconded Councillor Dorahy that the report be deferred to a future meeting to allow Councillors to be briefed on the tender assessment process.

A PROCEDURAL MOTION was MOVED by Councillor Kershaw seconded Councillor Dorahy that Item 10 be deferred and considered in Closed Session prior to Item C1.



### **ITEM 11 - TENDER T19/11 BLACKMAN PARADE, UNANDERRA CULVERT REFURBISHMENT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 247).

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Donnelley Civil Pty Ltd for the Blackman Parade, Unanderra Culvert Refurbishment, in the sum of \$289,272.75, 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 12 - MAY 2019 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 247).

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

- 1 The financials be received and noted.
- 2 Council approve an increase in the capital budget of \$0.1M that is fully offset by a corresponding level of funding from restricted assets.

### **ITEM 13 - STATEMENT OF INVESTMENT - APRIL AND MAY 2019**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 247).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that Council receive the Statement of Investment for April and May 2019.

### **ITEM 14 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 22 MAY 2019**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 247).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that in accordance with the powers delegated to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee held on 22 May 2019 in relation to Regulation of Traffic be adopted.



## ITEM 15 - BI-MONTHLY RETURNS OF DISCLOSURES OF INTERESTS AND OTHER MATTERS - JUNE 2019

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 247).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that Council note the tabling of the Returns of Disclosures of Interest as required by Part 4 of the Model Code of Conduct.

### DEPARTURE OF COUNCILLOR

During debate and prior to voting on the Urgency Item, Councillor Walters departed and returned to the meeting, the time being from 7:45 pm to 7:46 pm.

### URGENCY ITEM – INTENTION OF NSW HEALTH TO DEMOLISH BUILDINGS AT GARRAWARRA HOSPITAL CENTRE

**251** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Kershaw that Council notes -

- 1 The heritage assessment reports prepared on behalf of NSW Health relating to buildings and landscape features within the Garrawarra Hospital Centre.
- 2 With extreme concern, NSW Health's stated intention to demolish a range of buildings and features within the centre that have been variously assessed as enjoying moderate, high and indeed even exceptional heritage significance.
- 3 NSW Health's most recent representation to Council that there will be no demolition of buildings at the centre without an appropriate approval in place, and directs the General Manager to monitor compliance with that representation, with a view to ensuring that all steps are taken to prevent any actual or apprehended breach of planning law.
- 4 Urgent representations be made to the State Members for Heathcote, Keira and Wollongong to lobby the Minister for Health and that the Minister be advised of the potential demolition and Council's opposition to any proposed demolitions within the significant heritage precinct.

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

### CLOSED COUNCIL SESSION

The Lord Mayor (Acting) called for a motion to close the meeting for consideration of -

- Item 10 Tender T18/38 Sportsfield Lights and Supply Pole Audit in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.
- Item C1 Partial Road Closure – Part of Buttenshaw Drive Road Reserve, Austinmer in accordance with Section 10A(2)(c) of the Local Government Act 1993.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Colacino that Item 10 be laid on the Table.

**252 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor T Brown that -

- 1 Item 10 be considered in Closed Session under Section 10A 2(d)(i) of the Local Government Act 1993 as the report contains information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 2 Item C1 be considered in Closed Session under Section 10A 2(c) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3 On balance, the public interest in preserving the confidentiality of the information supplied outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting.

Prior to moving into Closed Session, the Lord Mayor advised members of the gallery that -

- 1 The report relating to Tender T18/38 Sportsfield Lights and Supply Pole Audit is classified as Confidential in accordance with Section 10A2(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public, as the reports relate to information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 2 The report relating to the Partial Road Closure – Part of Buttenshaw Drive Road Reserve, Austinmer is classified as Confidential in accordance with Section 10A 2(a) of the Local Government Act 1993, which permits the meeting to be closed to the public, as the reports relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting proposes to conduct business.
- 3 In accordance with Section 10A (4) of the Local Government Act, the Lord Mayor invited members of the gallery to make representations to the Council meeting as to whether this part of the meeting should be closed.

No submissions were received from the press or members of the gallery.

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

At this stage, the time being 8:00 pm, members of the press and gallery departed the Council Chambers.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Colacino that Item 10 be laid on the Table.

**ITEM C1 - CONFIDENTIAL: PARTIAL ROAD CLOSURE - PART OF BUTTENSHAW DRIVE ROAD RESERVE, AUSTINMER**

**253 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded T Brown that –

- 1 Council close part of Buttenshaw Drive road reserve and sell the closed portion, as divided up, to the adjoining owners, being the owners of 14, 16, 18 and 20 Asquith Street, Austinmer, and 1 Foothills Road, Austinmer (see Attachments 1 and 2 of the report) .

- 2 The amount of compensation to be paid to Council for the purchase of the closed portion of road reserve, must be within 20% of the market valuation for the closed portion, as apportioned to each owner based on the size of the portion of land they are purchasing.
- 3 The owners of 14, 16, 18 and 20 Asquith Street and 1 Foothills Road, Austinmer, are responsible for all costs in association with the road closure and sale.
- 4 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.
- 5 The General Manager be authorised to finalise the negotiations with the four land owners with whom agreement has not yet been reached.

**254 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 8:28 pm and members of the gallery were invited back into the Council Chambers.

#### **RESOLUTIONS FROM THE CLOSED SESSION OF COUNCIL**

The Lord Mayor advised the meeting of Council's resolution whilst in Closed Session (refer to Minute Number 253).

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Dorahy that Item 10 be taken off the table.

#### **ITEM 10 - TENDER T18/38 SPORTSFIELD LIGHTS AND SUPPLY POLE AUDIT**

The MOTION moved by Councillor Figliomeni seconded Councillor Dorahy to defer the matter was withdrawn with the consent of the Meeting.

**255 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor T Brown seconded Councillor Figliomeni that -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Stowe Pty Ltd for Pole Inspection Services, in the sum of \$203,037.50 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.

*In favour* Councillors D Brown, Kershaw, Rimmer, T Brown, Martin, Blakey, Colacino, Walters

*Against* Councillors Dorahy and Figliomeni

#### **THE MEETING CONCLUDED AT 8:31 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 Monday 22 July 2019.

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Chairperson