



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 6 May 2019

Present

Lord Mayor – Councillor G Bradbery AM (in the Chair), Councillors D Brown, A Martin, C Walters, C Blakey, D Figliomeni, J Kershaw, J Rimmer, J Dorahy, L Colacino, M Cox, T Brown and V King

In Attendance

General Manager (Acting) – G Doyle, Director Infrastructure and Works (Acting), 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, Chief Financial Officer – B Jenkins, Manager Property and Recreation (Acting) – L Power, Manager City Strategy – C Stewart, Manager City Works – M Roebuck, Manager Project Delivery – G Whittaker, Manager Infrastructure Strategy and Planning – M Dowd and Manager Community Cultural and Economic Development – S Savage

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DISCLOSURE OF INTERESTS

Councillor Rimmer declared a Pecuniary Conflict of Interests in Item 3 due to a family member living within 400 metres of the property listed in Point 1d. Councillor Rimmer advised that she would therefore depart the Chamber and not participate in debate and voting in relation to this Item.

Councillor Martin declared non-significant, non-pecuniary conflicts of interests in Items 3, 4, 5 and 6 as she is employed by the NSW Department of Planning and Environment. She further advised that her job involves draft planning agreements however she is not involved in reclassification of any land in the Wollongong Local Government Area, therefore she would remain in the Chamber for debate and voting in relation to these Items.

PETITIONS AND PRESENTATIONS

Councillor King tabled a petition including 88 signatures in relation to Huntley and Avondale Roads, Dapto. The petition requested Council urgently review the abovementioned roads and requested it take a more pro-active role in ensuring the publicly used road is maintained to a suitable standard of safety.

Councillor Martin tabled a petition in relation to the planting of shade trees around the children's park at King George Oval, Port Kembla.

Councillor Martin tabled a petition in relation to increased lighting in Wentworth Street, Port Kembla.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 8 APRIL 2019

223 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the Minutes of the Ordinary Meeting of Council held on Monday, 8 April 2019 (a copy having been circulated to Councillors) be taken as read and confirmed.

CALL OF THE AGENDA

224 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor D Brown seconded Councillor Figliomeni that the staff recommendations for Items 4 to 7 and 9 to 17 inclusive be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Colacino that the numbered Agenda Items be considered prior to the lettered Agenda Items.

ITEM A - LORD MAYORAL MINUTE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - CAMPAIGN FOR FAIRER FUNDING FOR LOCAL GOVERNMENT

This Item was considered after the numbered agenda Items. Refer to Minute number 224.

ITEM B - NOTICE OF MOTION - COUNCILLOR COLACINO - ROAD SURFACING OPTIONS

This Item was considered after the numbered agenda Items. Refer to Minute number 224.

ITEM 1 - PROPOSED CITY WIDE PROGRAM TO CHANGE RESIDENTIAL STREET LIGHTING TO ENERGY EFFICIENT LED LIGHTS

225 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Blakey that -

- 1 Council enter into an agreement with Endeavour Energy to implement the accelerated program to change all available mercury vapour residential class street lights (50 and 80 Watt Mercury Vapour) to energy efficient LED technology, at a cost of \$1,554,836.
- 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 allocate \$1,554,836 from the Strategic Projects Restricted Asset account to fund the implementation of this program with all savings in the street lighting program as a result of this program to be directed back to this account as they are realised.

ITEM 2 - PUBLIC TOILET STRATEGY 2019-2029

226 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor D Brown seconded Councillor King that –

- 1 Council endorses the Public Toilet Strategy 2019-2029.
- 2 Council notes the Engagement Report, Summary of Submissions and the Public Toilet Strategy 2019-2029 Implementation Plan.
- 3 A Councillor Briefing be held on how Council will ensure that toilets that are part of sporting facilities, are to be provided with changing rooms for both males and females.

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

In favour Councillors Kershaw, Rimmer, D Brown, T Brown, Martin, King, Colacino, Walters, Dorahy, Figliomeni

Against Councillors Cox, Blakey and Bradbery

DEPARTURE OF COUNCILLOR

Due to a prior Disclosure of Interest, Councillor Rimmer departed the Chamber and was not present during debate and voting on Item 3, the time being 6.26 pm.

ITEM 3 - DRAFT PLANNING PROPOSAL: PROPOSED RECLASSIFICATION OF SIX COUNCIL PROPERTIES - POST EXHIBITION

227 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor D Brown seconded Councillor Colacino that -

- 1 The Planning Proposal PP-2017/8 for the following sites be progressed:
 - a Lot 1 DP 214743, part of Bloomfield Park, Corrimal – reclassification to Operational Land, and rezone to E3 Environmental Management with a Floor Space Ratio of 0.1:1 and a Minimum Lot Size of 199m².
 - b Lot 87 DP 32081, Baringa Place, Dapto – reclassification to Operational Land.
 - c Lot 16 DP 216777, Range Place, Bulli – reclassification to Operational Land and discharge two covenants.
 - d Lot 5 DP 217372, No 18 Stanbrook Avenue, Mt Ousley – reclassification to Operational Land, and rezone to R2 Low Density Residential with a Floor Space Ratio of 0.5:1 and Minimum Lot Size of 449m².

- e Lot 2 DP 231004, 46 Montague Street, North Wollongong – reclassification to Operational Land.
 - f Lot 6 DP 398037, No. 26 Park Road, Bellambi - be reclassified to Operational Land and rezoned to R2 Low Density Residential with a Floor Space Ratio of 0:5:1 and minimum Lot size of 449m2 and the discharge of one covenant.
- 2 The final Planning Proposal for the reclassification, rezoning and removal of any real or perceived trusts, caveats, or interests be referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the Planning Proposals, noting that Council has not been issued delegation, as the proposals involve Council land and the Governor's approval is required to remove interests.
 - 3 Those persons that made submissions be advised of Council's decision.

Variation Councillor Kershaw's variation was accepted by the mover and seconder

- The addition of Point 1f
- The removal of Point 2 and the renumbering Points 3 to 2 and 4 to 3.

In favour Councillors Kershaw, D Brown, T Brown, Martin, Colacino, Walters, Dorahy, Figliomeni and Bradbery

Against Councillors King, Cox and Blakey

An AMENDMENT was MOVED by Councillor Cox seconded Councillor King that -

- 1 The Planning Proposal PP-2017/8 for the following sites be progressed:
 - a Lot 1 DP 214743, part of Bloomfield Park, Corrimal – reclassification to Operational Land, and rezone to E3 Environmental Management with a Floor Space Ratio of 0.1:1 and a Minimum Lot Size of 199m2.
 - b Lot 2 DP 231004, 46 Montague Street, North Wollongong – reclassification to Operational Land.
 - c Lot 6 DP 398037, No. 26 Park Road, Bellambi - be reclassified to Operational Land and rezoned to R2 Low Density Residential with a Floor Space Ratio of 0:5:1 and minimum Lot size of 449m2 and the discharge of one covenant.
- 2 The final Planning Proposal for the reclassification, rezoning and removal of any real or perceived trusts, caveats, or interests be referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the Planning Proposals, noting that Council has not been issued delegation, as the proposals involve Council land and the Governor's approval is required to remove interests.
- 3 Those persons that made submissions be advised of Council's decision.

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

In favour Councillors King, Cox and Blakey

Against Councillors Kershaw, D Brown, T Brown, Martin, Colacino, Walters, Dorahy, Figliomeni and Bradbery

Following the defeat of Councillor Cox's AMENDMENT, Councillor D Brown's MOTION was PUT to the VOTE and was CARRIED

RETURN OF COUNCILLOR

At the conclusion of debate and voting on Item 3, Councillor Rimmer returned to the meeting, the time being 6.50 pm.

ITEM 4 - PROPOSED CLASSIFICATION OF LOT 500 DP1161858 SANDON DRIVE, BULLI

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 In accordance with Section 31 of the Local Government Act 1993, Lot 500 in DP 1161858 Sandon Drive, Bulli be classified as:
 - a Community Land (3.12 hectares).
 - b Operational Land (1375m²) – a 25m wide strip from the end of Geraghty Street, parallel to the South Coast Rail Line, to the Anglican Community Services site (Lot 2 in DP 1176767).

ITEM 5 - DRAFT PLANNING AGREEMENT: RBWI PTY LTD - 81 ESCARPMENT DRIVE, CALDERWOOD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 The Draft Planning Agreement and Explanatory Note between Wollongong City Council and RBWI Pty Ltd (Attachments 2 and 3 of the report) be exhibited for a minimum period of 28 days.
- 2 Shellharbour City Council be advised that Wollongong City Council and RBWI Pty Ltd are proposing to enter into a Planning Agreement for the provision of monetary contributions towards Wollongong City Council road upgrades as required by the Calderwood Major Project Approval, and should it determine that DA0569/2017 or any other development application for the subject land be approved, appropriate conditions of consent be included.
- 3 The General Manager be delegated authority to determine, finalise and execute the Planning Agreement, including making minor amendments, after consideration of any issues raised in the public exhibition.

ITEM 6 - DRAFT PLANNING AGREEMENT: BENAUGHTON CALDERWOOD PTY LTD – 128 NORTH MACQUARIE ROAD, CALDERWOOD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 The Draft Planning Agreement and Explanatory Note between Wollongong City Council and Benaughton Calderwood Pty Ltd (Attachments 2 and 3 of the report) be exhibited for a minimum period of 28 days.
- 2 Shellharbour City Council be advised that Wollongong City Council and Benaughton Calderwood Pty Ltd are proposing to enter into a Planning Agreement for the provision of monetary contributions towards Wollongong City Council road upgrades as required by the Calderwood Major Project Approval, and should it determine that DA577/2017 or any other development application for the subject land be approved, appropriate conditions of consent be included.

- 3 The General Manager be delegated authority to determine, finalise and execute the Planning Agreement, including making minor amendments, after consideration of any issues raised in the public exhibition.

ITEM 7 - PROPOSED COMPULSORY ACQUISITION OF AIRSPACE ABOVE MULLET CREEK, DAPTO - FOWLERS ROAD TO FAIRWATER DRIVE EXTENSION PROJECT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 Council acquire proposed Lot 13 DP 1242770, being a stratum lot within the airspace above Mullet Creek by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 by authority contained in the Roads Act 1993 for the purpose of a road.
- 2 The minerals are to be excluded from this acquisition.
- 3 This acquisition is not for the purpose of resale.
- 4 The necessary applications be made to the Minister for Local Government and the Governor, for the compulsory acquisition of airspace above Mullet Creek.
- 5 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation and the General Manager and Mayor be delegated to sign any related documents to give effect to this resolution.

ITEM 8 - PROPOSED EASEMENT FOR PIPELINE WITHIN COUNCIL ROAD RESERVE - SPRINGHILL ROAD, PORT KEMBLA

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

- 1 Council approve the grant of a Pipeline Easement three metres wide approximately seven metres under the ground in respect of Council road reserve located at Springhill Road, Port Kembla, as shown on the attachment to the report.
- 2 Council accept payment in the amount of \$6,750 (excluding GST) from the applicant as compensation for the grant of the easement.
- 3 The applicant be responsible for all reasonable costs incurred in respect of the grant of easement.
- 4 The General Manager be authorised to negotiate and execute any documents to give effect to this resolution.
- 5 Approval be granted to affix the Common Seal of Council to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.

In favour Councillors Kershaw, Rimmer, D Brown, T Brown, Martin, King, Colacino, Walters, Dorahy, Figliomeni and Bradbery
Against Councillors Cox and Blakey

ITEM 9 - ACQUISITION OF LOT 18 DP 241582 OTFORD ROAD, OTFORD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 Council acquire Lot 18 DP 241582 Otford Road, Otford, for the agreed purchase price of \$100,000 (plus GST if applicable). The land is required for passive open space land as per the Land Reservation Acquisition Map in the Wollongong Local Environment Plan 2009.
- 2 Council be responsible for the land owner's reasonable costs associated with the sale for eg, legal costs under the terms of the Land Acquisition (Just Terms Compensation) Act 1991.
- 3 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.
- 4 Upon acquisition the land becomes classified as Community Land.

ITEM 10 - ACQUISITION OF LOT 1 MACCABE STREET, DAPTO

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 Council acquire Lot 1 DP 1151645 known as Lot 1 Maccabe Street, Dapto for an agreed amount of \$4,000 (plus GST if applicable).
- 2 The acquisition to be under the terms of the Land Acquisition (Just Terms Compensation Act) 1991 with Council being responsible for the owner's reasonable costs in association with the sale for eg. legal costs under S.55 of the Act.
- 3 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.
- 4 Upon acquisition the land becomes classified as Operational Land.

ITEM 11 - REQUEST FOR DRAINAGE EASEMENT THROUGH COUNCIL COMMUNITY LAND AT ACACIA AVENUE, GWYNNEVILLE, AS PER DA-2017/1682

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 As per the requirement in Deferred Commencement Approval DA-2017/1682, Sec (1)(a), Council grant a drainage easement 1.5 metres wide through its Community Land being Lot 204 DP 816857, known as Lot 204 Acacia Avenue, Gwynneville.
- 2 The drainage easement benefits Lot 203 DP 816857 which is owned by the Illawarra Disability Trust.
- 3 Council accepts compensation in the amount of \$8,500 (excluding GST) for the drainage easement as per the market valuation report obtained by Council.
- 4 The Illawarra Disability Trust be responsible for all costs in association with the matter.
- 5 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.

ITEM 12 - ACQUISITION OF LOT 38 SECTION G DP 2644 - 3 UNDOLA ROAD, HELENSBURGH

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 Council acquire Lot 38 Section G DP 2644 known as 3 Undola Road, Helensburgh for the agreed purchase price of \$70,000 (plus GST if applicable). The land is acquired for passive open space land as per the Land Reservation Acquisition Map in the Wollongong Local Environment Plan, 2009.
- 2 Council be responsible for the land owner's reasonable costs associated with the sale for eg, legal costs under the terms of the Land Acquisition (Just Terms Compensation) Act, 1991.
- 3 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.
- 4 Upon acquisition the land becomes classified as Community Land.

ITEM 13 - TENDER T18/52 PORTER STREET, NORTH WOLLONGONG - SHAREWAY UPGRADE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor D 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 Select Civil Pty Ltd for the Porter Street, North Wollongong Shareway Upgrade, in the sum of \$456,556.22, 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 T19/06 THIRROUL POOL SALTWATER INTAKE PIPES REPLACEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor D 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 Dynamic Civil Pty Ltd for the Thirroul Pool Saltwater Intake Pipes Replacement, in the sum of \$876,559.00, excluding GST, subject to the issue of a NSW Crown Lands licence for the works.
- 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 - MARCH 2019 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 The financials be received and noted.
- 2 Council approve an increase in the capital budget of \$3.5M that is fully offset by a corresponding level of funding from restricted assets.

ITEM 16 - STATEMENT OF INVESTMENT - MARCH 2019

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor D Brown seconded Councillor Figliomeni that Council receive the Statement of Investment for March 2019.

ITEM 17 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 17 APRIL 2019

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor D Brown seconded Councillor Figliomeni that in accordance with the powers delegated to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee held on 17 April 2019 in relation to Regulation of Traffic be adopted.

ITEM A - LORD MAYORAL MINUTE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - CAMPAIGN FOR FAIRER FUNDING FOR LOCAL GOVERNMENT

229 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Council -

- 1 Acknowledge the importance of federal funding through the Financial Assistance Grants program for the continued delivery of council services and infrastructure.
- 2 Express concern at the decline in the value of Financial Assistance Grants funding from an amount equal to around 1% of Commonwealth Taxation Revenue in 1996 to a current figure of around 0.55%.
- 3 Calls on all political parties contesting the 2019 Federal Election and their local candidates to support the Australian Local Government Association's call to restore the national value of Financial Assistance Grants funding to an amount equal to at least 1% of Commonwealth Taxation revenue and therefore to provide a Fairer Share of Federal funding for our local communities.
- 4 Seek the support of the Federal Minister for Local Government (and Shadow Minister) to commit to the minimum of 1% of Commonwealth Taxation revenue to be provided to local government.

Variation The variation by Councillor Martin was accepted by the mover

- *The addition of Point 4.*

ITEM B - NOTICE OF MOTION - COUNCILLOR COLACINO - ROAD SURFACING OPTIONS

230 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Kershaw that staff provide a presentation to Councillors regarding 'Road Surfacing Options' at a briefing to be held on Monday, 1 July 2019, detailing the following information –

- 1 A list of options used when road re-surfacing works are undertaken.
- 2 Details of all of the different re-surfacing options that are currently available including the use of recycled materials.
- 3 A breakdown of costs, per square metre, for each of those re-surfacing options.
- 4 Supply information regarding the expected life span for each re-surfacing option.
- 5 Detail whether the options now used have changed over the past six years and if they have, why.
- 6 How many contractors Council currently uses to undertake these works.
- 7 Examples of the communications issued to the residents when resurfacing is occurring in their street.
- 8 Staff also provide a priority list for construction and resurfacing and how the priority is applied.

Variations The variations were accepted by the mover and seconder –

- *Councillor Kershaw (the addition of Point 7).*
- *Councillor King (the addition of Point 8).*
- *Councillor Blakey (the addition of the words 'including the use of recycled materials' to Point 2).*

THE MEETING CONCLUDED AT 7.49 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 27 May 2019.

Chairperson