



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 14 December 2015

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, 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 – K Cowgill, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell, Manager Human Resources – T Tyrpenou, Manager Community Cultural and Economic Development – K Hunt and Manager City Works and Services – M Roebuck

Leave of Absence

Councillor Colacino's leave of absence, previously granted by Council, was noted.

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DISCLOSURES OF INTERESTS

Councillor Martin declared a non-significant, non-pecuniary interest in Item 3 insofar as the Item involves a Planning Proposal which, if approved, will make its way to the Department of Planning and Environment. Councillor Martin is employed by that Department, however, she advised that she does not work on any matters which involve Wollongong City Council.

Councillor Brown declared a significant pecuniary interest in Item 3 as a close family member lives adjacent to this parcel of land. Councillor Brown advised that he would depart the meeting during debate and voting on Item 3.

Councillor Petty declared a significant pecuniary interest in Item 8 and he would depart the Chamber during the debate and voting on this matter. He stated that he is employed by a company that has an ongoing business relationship with a tenderer.

Councillor Dorahy declared a non-significant interest in Item 3 as he lives in the Figtree area.

Councillor Dorahy declared a non-pecuniary, non-significant conflict of interest in Item 5 as he is the Chair of the Major Events Committee.

PETITION – DANGEROUS TREES – BALFOUR ROAD, AUSTINMER

The Lord Mayor tabled a petition signed by residents of Balfour Road, Austinmer seeking the removal of huge trees on the nature strips. Residents feel that the trees pose a very real risk to life and property because they have branches which overhang powerlines and some tower over houses. Falling branches have narrowly missed numerous residents, smashed car windscreens and panels and damaged homes. The trees also drop enormous amounts of leaf litter which blocks the drains, poses a fire risk and is also way beyond the limit of the green waste bins. Residents are willing to nurture new trees, if Council replaces the current trees with appropriate plantings.

PROVISION OF FREE OUTDOOR GYM FACILITIES IN PARKS IN THE NORTHERN ILLAWARRA (HELENSBURGH / OTFORD / STANWELL PARK)

Councillor Petty tabled 30 signed form letters which request Council to include in its 2016/2017 budget considerations and/or lodge an application on behalf of residents for external funding through the NSW Government's Community Building Partnership funding program for the provision of free outdoor gym facilities in public parks in the northern Illawarra suburbs of Helensburgh, Otford and Stanwell Park. The equipment would benefit the community and particularly improve the health of the senior population. Councillor Petty further advised that he had been told that another 20-30 of these form letters had been lodged in his letterbox today.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 30 NOVEMBER 2015

- 178** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Kershaw that the Minutes of the Ordinary Meeting of Council held on Monday, 30 November 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

VOTE OF THANKS – GWYNNEVILLE PUBLIC SCHOOL

- 179** **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Brown seconded Councillor Crasnich that students and teachers from Gwynneville Public School be thanked for their presentation and rendition of the National Anthem.

CALL OF THE AGENDA

- 180** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that the staff recommendations for Items 4, and 9 to 16 inclusive, be adopted as a block.

ITEM A – NOTICE OF MOTION - COUNCILLOR CONNOR - SHARED VALUES SHARED FUTURE - ILLAWARRA 200

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

181 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Connor seconded Councillor Blicavs that Council acknowledges –

- 1 Aboriginal people as the Indigenous people of this land and the traditional custodians for generations to come.
- 2 European settlement in the Illawarra 200 years ago with the first five land grants issued in December 1816.
- 3 The ideologies of Illawarra 200 as symbolic of Shared Values and a Shared Future. We are a community where working together is promoted and sharing of cultures, ideology and experiences is encouraged.

Variation *The variation moved by Councillor Bradbery to change the word 'acknowledge' to 'acknowledges' and the words 'a symbol' to 'symbolic' in Part 3, was accepted by the mover and seconder.*

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Blicavs, Dorahy, Crasnich, Petty and Bradbery

Against Councillor Curran

DISCLOSURE OF INTERESTS

During the debate on Item B, Councillor Brown declared a potential significant conflict of interest as his brother works at BlueScope.

During the debate on Item B, Councillor Kershaw declared a significant conflict of interest as her brother works at BlueScope.

Immediately following their disclosures, both Councillors Brown and Kershaw departed the meeting and were not present for the vote/s taken for Item B.

ITEM B – NOTICE OF MOTION - COUNCILLOR CONNOR - RATES ASSISTANCE FOR BLUESCOPE STEEL WORKERS AND ASSOCIATED INDUSTRIES

MOVED by Councillor Connor seconded Councillor Martin that -

- 1 Council provide, upon application, a rates moratorium for 90 days for any BlueScope employees who will be subject to loss of employment due to the recent decision by local unions to accept significant job losses to secure the operational viability of BlueScope Steel Port Kembla.
- 2 Employees of local businesses directly associated with BlueScope operations and have lost their employment as a direct result of the adjustment to BlueScope operations may also apply for the rates moratorium.

At this stage, Councillor Petty FORESHADOWED a MOTION should Councillor Connor's Motion be defeated.

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Dorahy that a two minute extension be granted to Councillor Petty to address the meeting on his proposed Foreshadowed Motion.

Councillor Connor's MOTION on being PUT to the VOTE was LOST.

In favour Councillors Connor, Martin, Takacs and Bradbery

Against Councillors Merrin, Blicavs, Dorahy, Crasnich, Curran and Petty

Following the defeat of Councillor Connor's Motion, Councillor Petty's FORESHADOWED MOTION became the MOTION.

MOVED by Councillor Petty seconded Councillor Crasnich that Council –

- 1 Advertise on rate notices and social media, Council's Hardship Policy.
- 2 Write to BlueScope Steel, the South Coast Labour Council, and every other business or organisation that requests, and provide a copy of our Hardship Policy.

Councillor Petty's MOTION on being PUT to the VOTE was LOST.

In favour Councillors Crasnich, Curran and Petty

Against Councillors Connor, Martin, Takacs, Merrin, Blicavs, Dorahy and Bradbery

DEPARTURE OF COUNCILLOR

During the debate and prior to voting on Item 1, Councillor Curran departed and returned to the meeting, the time being from 7.24 pm to 7.26 pm.

ITEM 1 - HILL 60 RESERVE LANDSCAPE MASTER PLAN

182 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor Crasnich that -

- 1 The Niche Hill 60 Reserve Conservation Management Plan – Supplementary Report, Council's Community Engagement Report on Hill 60 and the Hill 60 Landscape Master Plan Implementation Plan be noted.
- 2 The draft Concept Landscape Master Plan for Hill 60, as exhibited and attached to the report (Attachment 4), be adopted by Council as the starting point for the future renewal and development of the Hill 60 precinct.
- 3 The Implementation Plan be included in budget considerations for the 2016/2017 financial year for an accessible viewing platform at Hill 60, close to Site 18 on the draft Landscape Master Plan Map.

ITEM 2 - BULLI MINER'S COTTAGE AND DENMARK HOTEL, 200 AND 202 PRINCES HIGHWAY, BULLI

183 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Kershaw that -

- 1 The current staged approach to addressing the future reuse of the Bulli Miner's Cottage (200 Princes Highway, Bulli) be supported, including:
 - a Completion of urgent works approved through Development Application DA-2015/1086;
 - b Progression of a 'Call for Proposals' process for the lease of the Bulli Miner's Cottage; and
 - c Determining what additional works are required to support the endorsed proposal and who pays.
- 2 In principle support be offered for the establishment of a 'Right of Carriageway' over the Bulli Miner's Cottage site (200 Princes Highway, Bulli) to the Denmark Hotel site (202 Princes Highway, Bulli), subject

to the following terms/conditions:

- a The owner of the former Denmark Hotel building must obtain Development Consent;
 - b The development consent must provide for the adaptive reuse and long term conservation of the Denmark Hotel building;
 - c The 'Right of Carriageway' must ensure the ongoing viability of the Bulli Miner's Cottage, for suitable adaptive reuse options (as may be identified through the 'Call for Proposals');
 - d Any and all costs associated with the establishment of a right of way, or easement, are to be borne by the owner/developer of the Denmark Hotel; and
 - e The final agreement should provide for a financial return, and/or works in kind, that will have benefit to the ongoing conservation of the Bulli Miner's Cottage.
- 3 A report be provided to Council prior to formalisation of an agreement to establish a 'Right of Carriageway'.
 - 4 A report be provided to Council on the outcome of the 'Call for Proposals' process.
 - 5 A progress report be provided by July 2016 through a Councillor Briefing.

Variation *After moving the Motion, Councillor Merrin varied her Motion with the addition of Part 5. This variation was acceptable to the seconder.*

DEPARTURE OF COUNCILLORS

Due to a prior disclosure of interest, Councillor Brown departed the meeting and was not present for the debate and voting on Item 3.

During the debate and prior to voting on Item 3, Councillors Petty and Dorahy departed and returned to the meeting, the times being from 7.46 pm to 7.47 pm, and 7.48 pm to 7.50 pm, respectively.

ITEM 3 - DRAFT PLANNING PROPOSAL: WESTERN PRECINCT REDGUM RIDGE ESTATE, REDGUM FOREST WAY, FIGTREE

184 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Blicavs seconded Councillor Dorahy that -

- 1 The draft Planning Proposal to correct minor anomalies around the existing approved eastern precinct of Redgum Ridge Estate, Figtree be progressed by:
 - a Finalising the Planning Proposal that seeks to amend the Land Zoning Map from E3 Environmental Management to R2 Low Density Residential zone, and make corresponding amendment to the Floor Space Ratio, Minimum Lot Size and Natural Resource Sensitivity Maps;
 - b Referral of the final Planning Proposal to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal; and
 - c Noting that the General Manager will thereafter proceed to exercise his delegation issued by the NSW Department of Planning and Environment under Section 69 in relation to the final proposal.
- 2 The establishment of a BioBanking Agreement for Redgum Ridge Estate be supported, covering both the lands zoned E2 Environmental Conservation (Lot 814 DP 1193843 Redgum Forest Way, Figtree – eastern precinct) and proposed to be zoned E2 Environmental Conservation (Lot 815 DP 1193843 Redgum Forest Way, Figtree – western precinct) in accordance with the conditions set in a BioBanking statement issued by the Office of Environment and Heritage.
- 3 In principle support be given for the establishment a Biodiversity Certification Agreement for Redgum Ridge Estate in accordance with Section 126H of the *Threatened Species Conservation Act 1995*, with Council as the planning authority lodging the Biodiversity Certification application to the Office of Environment and Heritage, subject to the Biodiversity Certification application being reported to Council prior to exhibition.
- 4 Council support the transfer of the land proposed to be zoned E2 Environmental Conservation (Lot 815 DP 1193843 Redgum Forest Way, Figtree – western precinct) to Council, with funding, following the approval of the Biodiversity Certification application - noting that the transfer of the eastern portion of the forest to Council has previously been supported.

- 5 Following the endorsement of the Biodiversity Certification application by the Minister for the Environment, the draft Planning Proposal for the western precinct of Redgum Ridge Estate, Figtree (Lot 815 DP 1193843 Redgum Forest Way, Figtree) be progressed by:
- a Finalising the Planning Proposal that seeks to amend the Land Zoning Map from RU2 Rural Landscape to E4 Environmental Living with a Minimum Lot Size of 1,000m² and Floor Space Ratio of 0.3:1, and rezone the remainder of the site to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha;
 - b Referring the final Planning Proposal to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal; and
 - c Noting that the General Manager will thereafter proceed to exercise his delegation issued by the NSW Department of Planning and Environment under Section 69 in relation to the final proposal.

In favour Councillors Kershaw, Martin, Blicavs, Dorahy, Crasnich and Bradbery
Against Councillors Connor, Takacs, Merrin, Curran and Petty

ITEM 4 - SECOND DEED OF VARIATION TO PLANNING AGREEMENT - STOCKLAND DEVELOPMENT - BONG BONG ROAD, HORSLEY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 180).

COUNCIL'S RESOLUTION –

- 1 The Draft Second Deed of Variation to the Planning Agreement between Stockland Development Pty Ltd and Council be publicly exhibited for a minimum period of 28 days (excluding the Christmas and New Year period).
- 2 The General Manager be delegated authority to determine, finalise and execute the draft Second Deed of Variation after consideration of any issues raised in the public exhibition.

DEPARTURE OF COUNCILLORS

During the debate and prior to voting on Item 5, Councillors Blicavs and Connor departed and returned to the meeting, the times being from 8.01 pm to 8.02 pm, and 8.13 pm to 8.16 pm, respectively.

ITEM 5 - WOLLONGONG MAJOR EVENTS STRATEGY 2016-2020

A PROCEDURAL MOTION was MOVED by Councillor Martin seconded Councillor Crasnich that Councillor Brown be granted an additional two minutes to address the meeting in relation to Item 5.

185 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor Blicavs that Council endorse the Wollongong Major Events Strategy 2016–2020.

ITEM 6 - POLICY REVIEW: WORKFORCE DIVERSITY

186 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Blicavs that -

- 1 The Employment Equity and Diversity Policy be renamed Workforce Diversity Policy and Plan.
- 2 Council adopt the Workforce Diversity Policy and Plan.

ITEM 7 - PROPOSED ACQUISITION OF LOTS 100 AND 101 DP 1116914 MARSHALL STREET, DAPTO

187 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor Crasnich that -

- 1 Council authorise the acquisition of Lots 100 and 101 DP 1116914 Marshall Street, Dapto, shown hatched on the attachment to the report, subject to the following conditions:
 - a Purchase price of \$3,000,000 (GST exc).
 - b Council be responsible for all costs including valuation, survey, plan lodgement, transfer and legal costs.
- 2 Upon acquisition, Lots 100 and 101 DP 1116914 Marshall Street, Dapto be classified as Operational land in accordance with the Local Government Act 1993.

DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest, Councillor Petty departed the Chamber and was not present during the debate and voting for Item 8.

ITEM 8 - TENDER T15/23 - CLEANING OF CITY MALL AND KEIRA STREET PAVERS

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

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Roadworx Surfacing Pty Ltd (trading as Roadworx) for Cleaning of City Mall and Keira Street Pavers, in the sum of \$366,808, excluding GST, being for a period of two years (plus three options to extend for a further duration of one year each).
- 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 - TENDER T15/32 - KEMBLA HEIGHTS COMMUNITY HALL AMENITIES REFURBISHMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 180).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Malsave Pty Ltd for the refurbishment of the amenities at Kempl Heights Community Hall, in the sum of \$135,241.58 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 10 - TENDER 15/19 - GENERATOR SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 180).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Star Electrical for Generator Services, in the sum of \$49,154, excluding GST, for the initial term of (3) years with the option to extend for a further one (1) year, plus one (1) year.
- 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 11 - TENDER T15/35 - CENTRAL RD AND BLACKMAN PARADE TRAFFIC SIGNALS UNANDERRA

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 180).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Traffic Signals NSW Pty Ltd for the installation and commissioning of traffic signals at the intersection of Central Road and Blackman Parade, Unanderra, in the sum of \$147,200, 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 12 - BERKELEY SAFER SPACES PROJECT - PERMISSION TO WORK ON PRIVATE PROPERTY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 180).

COUNCIL'S RESOLUTION – Council endorse –

- 1 The removal of a broken and unmaintained light and pole which is impacting negatively on the amenity of Winnima Way Walkway.
- 2 A graffiti prevention mural project to replace an ageing graffiti prevention mural on the post office shopfront window (which is boarded up) facing Winnima Way Walkway.
- 3 A project to develop and create a series of new graffiti prevention murals and an engagement chalkboard on the boards of the southern end of the Berkeley shopfronts facing Winnima Way.

ITEM 13 - UPDATE ON GLENIFFER BRAE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 180).

COUNCIL'S RESOLUTION – The information be noted.

ITEM 14 - MODEL CODE OF CONDUCT COMPLAINTS STATISTICS REPORT 2014-2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 180).

COUNCIL'S RESOLUTION – The report be received and noted.

ITEM 15 - QUARTERLY REPORT ON DEVELOPMENT APPLICATIONS INVOLVING VARIATIONS TO DEVELOPMENT STANDARDS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 180).

COUNCIL'S RESOLUTION – Council note the report.

ITEM 16 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 18 NOVEMBER 2015 AND ELECTRONIC MEETING HELD ON 3 DECEMBER 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 180).

COUNCIL'S RESOLUTION – In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meeting held on 18 November 2015 and the electronic meeting held on 3 December 2015, in relation to Regulation of Traffic be adopted.

CLOSED COUNCIL SESSION

The Lord Mayor called for a motion to close the meeting for consideration of a report which deals with the acquisition of land.

189 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Merrin seconded Councillor Dorahy that the meeting move into Closed Session to consider Confidential Council business which deals with a proposed land acquisition, in accordance with Section 10A 2(c) of the Local Government Act 1993 on the basis that -

- a The report contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
- b On balance, the public interest in preserving the confidentiality of commercial information supplied outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting.

Prior to putting the above Motion to the vote, the Lord Mayor advised members of the gallery that this matter relates to the acquisition of land and is classified as Confidential under Section 10A 2(c) of the Local Government Act 1993, which permits the meeting to be closed to the public, as the report contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

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.

At this stage, the time being 8.30 pm, members of the press and gallery departed the Council Chambers.

The meeting moved into Closed Session, the time being 8.31 pm.

Council resumed into Open Session at 8.32 pm and members of the gallery were invited back into the Council Chambers.

RESOLUTION FROM THE CLOSED SESSION OF COUNCIL

ITEM 1 – ACQUISITION OF LAND

- 190** The Lord Mayor advised that whilst in Closed Session Council resolved to acquire a parcel of land which will be classified as Operational, once the acquisition has been finalised.

THE MEETING CONCLUDED AT 8.33 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 1 February 2016.

Chairperson