



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 24 September 2018

Present

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

In Attendance

General Manager – D Farmer, Director Infrastructure and Works, Connectivity Assets and Liveable City – G Doyle, Director Planning and Environment, Future City and Neighbourhoods – A Carfield, Director Corporate Services, Connected and Engaged City – R Campbell, Director Community Services, Manager Community Cultural Economic Development – K Hunt, Manager Governance and Information (Acting) – C Phelan, Chief Financial Officer – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning (Acting) – D Green, Manager City Works and Services – M Roebuck, Manager Project Delivery – G Whittaker and Manager - Development Assessment and Certification – M Riordan

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PRESENTATION – AWARD -- NSW LOCAL GOVERNMENT ABORIGINAL NETWORK CONFERENCE 2018 – COUNCIL OF THE YEAR (RECONCILIATION) - WALKING TOGETHER: WOLLONGONG CITY COUNCIL RECONCILIATION CONFERENCE

The Lord Mayor advised of an award granted by the NSW Local Government Aboriginal Network for Council of Year (Reconciliation) 2018 to Wollongong City Council in recognition of facilitating a two day *Walking Together: Reconciliation* Conference held in June 2018. The Reconciliation Conference was well attended with 130 delegates present with a focus on the Children and Family Services Sector from our City. Presenters at the Conference included 24 Elders sharing their stories of being Aboriginal and growing up in the Illawarra and Shoalhaven regions. It was noted that it is important to continue to take pride in strengthening and understanding the stories and experiences of Aboriginal and Torres Strait Islanders and their culture. The Lord Mayor acknowledged the work accomplished by staff members involved in coordinating this successful Conference which has been recognised by the presentation of this award.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 3 SEPTEMBER 2018

- 127 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 3 September 2018 (a copy having been circulated to Councillors) be taken as read and confirmed.

CALL OF THE AGENDA

- 128 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that the staff recommendations for Items 1, 6, 7, 9, 10, 12 and 14 to 17 be adopted as a block.

SUSPENSION OF STANDING ORDERS

- 129 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor Cox that Standing Orders be suspended to allow the presentation of the Annual Financial Statements by the Audit Office of NSW.

PRESENTATION BY THE AUDIT OFFICE OF NSW - ITEM 1 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018

Dominika Ryan, Director, Financial Audit Services from the Audit Office of NSW addressed Council.

- 130 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that the speaker from the Audit Office of NSW be thanked.

ITEM 1 - ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018

The following recommendation was adopted as part of the Block Adoption of Items (refer to Minute Number 128).

COUNCIL'S RESOLUTION -

- 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 Statement and the Special Purpose Financial Statement.
- 2 The audited Financial Statements, together with the Auditor's report, Executive Summary (Attachment 4 to the report) and Financial Commentary (Attachment 5 of the report) be presented to the public at the next Council meeting.

RESUMPTION OF STANDING ORDERS

- 131 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Connor that Standing Orders be resumed.

ITEM 2 - ELECTION OF DEPUTY LORD MAYOR

- 132 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that -

- 1 Council elect a Deputy Lord Mayor for a term of one year.
- 2 Council determine the method of election for the Deputy Lord Mayor by open voting.
- 3 Council proceed to conduct the election of Deputy Lord Mayor in accordance with the determined method and the requirements of the Local Government (General) Regulation 2005.

The General Manager, as the Returning Officer, advised that in the order of receipt, three nominations had been received for the position of Deputy Lord Mayor, being Councillors D Brown, Councillor Walters and Councillor Cox.

On a show of hands, the following votes were recorded:

- Councillor D Brown: Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor
- Councillor Walters: Councillors Colacino, Walters, Dorahy and Figliomeni
- Councillor Cox: Councillors Cox, Blakey and Councillor Bradbery

As the candidate with the lowest number of votes, the General Manager advised that Councillor Cox was now excluded. The General Manager asked for a show of hands for the remaining two candidates.

- Councillor D Brown: Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Cox and Blakey
- Councillor Walters: Councillors Colacino, Walters, Dorahy, Figliomeni and Bradbery

The General Manager declared Councillor D Brown elected as Deputy Lord Mayor.

DEPARTURE OF COUNCILLOR

Prior to debate and voting on Item 3, Councillor Dorahy departed the meeting, the time being 6.15 pm and did not return to the Chamber.

When confirming these minutes on 29 October 2018, Council noted a correction to the following item regarding Council's alternate delegate to South East Australian Transport Strategy as Councillor T Brown.

ITEM 3 - APPOINTMENT OF COUNCILLOR DELEGATES TO COMMITTEES AND REFERENCE GROUPS

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

- 1 Elections be undertaken to appoint Councillor Representatives to committees, reference groups and external organisations as listed in the attachment of the report.
- 2 Existing Councillor appointments to the Heritage Reference Group and Walking, Cycling, and Mobility Reference Group be extended to September 2019.
- 3 The elections are conducted by open means on a show of hands.
- 4 That the General Manager be delegated authority to appoint staff members to any remaining vacancies able to be filled by non-Councillors.

In accordance with Part 1 of the resolution, the following Councillors were elected/appointed -

Performance Review Committee:

Moved by Councillor D Brown seconded Councillor Colacino that Councillors D Brown and Cox be nominated as Council's representative and there being no further nominations, Councillors Brown and Cox were duly elected, noting that the Lord Mayor is an automatic appointment to the Committee.

Aboriginal Reference Group:

Moved by Councillor D Brown seconded Councillor Colacino that Councillor King be nominated as Council's representative and there being no further nominations, Councillor King was duly elected noting that the Lord Mayor is an automatic appointment to the Group.

Community Safety Reference Group:

The Lord Mayor is an automatic appointment to the Group and there being no further nominations received, a vacancy remains.

Sports and Facilities Reference Group:

It was noted that Councillor Kershaw indicated her wish to withdraw as a standing delegate (and Chair) and there being two vacancies, it was moved by Councillor D Brown seconded Councillor Colacino that Councillor Rimmer be elected as the Delegate and Chair. There being no further nominations two vacancies remain.

Australia Day Committee:

Moved by Councillor Rimmer seconded Councillor Kershaw that Councillor Rimmer be nominated as Council's representative and there being no further nominations, Councillor Rimmer was duly elected, noting that the Lord Mayor is an automatic appointment to the Committee and is also the Chair.

Association of Mining Related Councils:

Moved by Councillor Blakey seconded Councillor Cox that Councillors Figliomeni and Blakey be nominated as Council's representatives on the Association of Mining Related Councils. There being no further nominations, Councillors Figliomeni and Blakey were duly elected.

CivicRisk Mutual and CivicRisk West Boards:

Moved by Councillor D Brown seconded Councillor Colacino that Councillor King be nominated as the Alternate Delegate and there being no further nominations, Councillor King was duly elected, noting that the Lord Mayor is Council's Delegate.

Destination Wollongong:

Moved by Councillor D Brown seconded Councillor Colacino that Councillor Colacino be nominated as Council's representative and there being no further nominations, Councillor Colacino was duly elected.

Healthy Cities Illawarra Board:

Moved by Councillor D Brown seconded Councillor Colacino that Councillor Blakey be nominated as Council's representative and there being no further nominations, Councillor Blakey was duly elected.

Illawarra Bushfire Management Committee:

Moved by Councillor Connor seconded Councillor Rimmer that Councillor King be nominated as Council's representative and there being no further nominations, Councillor King was duly elected.

Illawarra District Noxious Weeds Authority:

Moved by Councillor D Brown seconded Councillor Colacino that Councillor Blakey be nominated as Council's representative and there being no further nominations, Councillor Blakey was duly elected.

Illawarra ITEC Limited Board:

Moved by Councillor D Brown seconded Councillor Colacino that Councillor Walters be nominated as Council's representative and there being no further nominations, Councillor Walters was duly elected.

Illawarra Performing Arts Centre Board:

Moved by Councillor D Brown seconded Councillor Colacino that Councillors T Brown and Colacino be nominated as Council's two representatives. There being no further nominations, Councillors T Brown and Colacino were duly elected.

Illawarra Regional Airport Management Advisory Committee:

Moved by Councillor D Brown seconded Councillor Colacino that Councillor Walters be nominated as the Delegate and that Councillor T Brown be nominated as the Alternate Delegate, there being no further nominations, Councillors Walters and T Brown were duly elected.

Illawarra Regional Information Service:

It was noted that Councillor King indicated her wish to withdraw as a standing delegate and there being a vacancy, it was moved by Councillor Figliomeni seconded Councillor Walters that Councillors Rimmer, Figliomeni and D Brown be appointed. There being no further nominations, Councillors Rimmer, Figliomeni and D Brown were duly elected.

Illawarra Sports Stadium Limited:

Moved by Councillor D Brown seconded Councillor Colacino that Councillor King be nominated as Council's representative and there being no further nominations, Councillor King was duly elected.

Illawarra Zone Liaison Committee – Rural Fire Service:

Moved by Councillor Bradbery seconded Councillor Rimmer that Councillor King be nominated as the Delegate and that Councillor Blakey be nominated as the Alternate Delegate and there being no further nominations, Councillors King and Blakey were duly elected.

Lachlan Regional Transport Committee:

Moved by Councillor D Brown seconded Councillor Colacino that Councillor Figliomeni be nominated as Council's Alternate Delegate and there being no nominations, Councillor Figliomeni was duly elected noting that the Lord Mayor is automatically appointed as Council's Delegate.

Lake Illawarra Estuary Management Committee:

Moved by Councillor King seconded Councillor Rimmer that Councillors Figliomeni, Walters and Blakey be nominated as Council's representatives.

**** Noting that the Chair will be a Shellharbour Council representative for this term.***

Landcare Illawarra:

No nominations were received.

Public Libraries NSW SE Zone:

Moved by Councillor D Brown seconded Councillor Colacino that Councillor Rimmer be nominated as Council's representative and there being no further nominations, Councillor Rimmer was duly elected.

South East Australian Transport Strategy:

It was noted that Councillor Cox indicated her wish to withdraw as a standing Alternative Delegate and there being a vacancy it was moved by Councillor D Brown seconded Councillor Walters that Councillors Figliomeni and T Brown be nominated as Council's Delegates. There being no further nominations, Councillors Figliomeni and T Brown – (Alternate Delegate) were elected.

Floodplain Management Australia:

Moved by Councillor D Brown seconded Councillor Colacino that Councillors Dorahy and Kershaw be nominated as Council's representatives and there being no further nominations, Councillors Dorahy and Kershaw were duly elected.

Southern Joint Regional Planning Panel (Formerly Joint Regional Planning Panel):

Moved by Councillor D Brown seconded Councillor Colacino that Councillors D Brown and Cox be nominated as Council's representatives and there being no further nominations, Councillors D Brown and Cox were duly elected.

In accordance with Part 2 of the resolution, existing Councillor appointments to the Wollongong Heritage Reference Group and Walking, Cycling, and Mobility Reference Group were extended to September 2019 as follows:

Wollongong Heritage Reference Group:

Moved by Councillor D Brown seconded Councillor Colacino that Councillor Cox be extended as Council's representative and Chair until September 2019; and there being no further nominations a vacancy remains on this group.

Walking, Cycling and Mobility Reference Group:

Moved by Councillor D Brown seconded Councillor Colacino that Councillors D Brown and Cox be extended as Council's two representatives until September 2019, noting that Councillor D Brown is also the Chair.

ITEM 4 - BEATON PARK REGIONAL PRECINCT MASTER PLAN 2018 - 2038 - POST EXHIBITION

- 134 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor D Brown seconded Councillor Cox that Council endorses the Beaton Park Regional Precinct Master Plan 2018-2038.

In favour Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Cox, Colacino, Walters, Figliomeni and Bradbery

Against Councillor Blakey

ITEM 5 - ALBION PARK RAIL BYPASS PROJECT

- 135 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor King that as per staff recommendation -

- 1 Council approves the Property Divestment Strategy (Attachment 1 of the report) for the proposed divestment of the Properties.
- 2 Council enters into a Deed of Agreement with RMS to set out the following:
 - a the compensation framework (being the delivery of the Yallah Road deviation in lieu of monetary compensation).
 - b the scope and timeframe for delivery of the Yallah Road deviation.
- 3 No objection be made by Council to RMS's compulsorily acquiring the Properties on the basis that RMS commits to deliver the Yallah Road deviation at no cost to Council.
- 4 Authority be granted to affix the Common Seal of Council to the transfer documents, compulsory acquisition documents and any other documentation required to give effect Council resolution.
- 5 The General Manager be delegated the authority to negotiate terms necessary to complete the proposed divestment of the Properties.
- 6 That Council write to Roads and Maritime Services to encourage consideration of an additional north bound and south bound on-ramp options.

Variations The following variations were accepted by the mover –

- *Councillor Figliomeni (the addition of Point 6); and*
- *Councillor King (the addition of the words "north bound and" and "options") were added to Point 6.*

ITEM 6 - EASY TO DO BUSINESS

The following recommendation was adopted as part of the Block Adoption of Items (refer to Minute Number 128).

COUNCIL'S RESOLUTION –

- 1 Wollongong City Council joins the Easy to do Business Program.
- 2 Council delegates authority to the General Manager to enter into an agreement with Service NSW for Easy to do Business and any necessary documents be authorised for execution.

ITEM 7 - WOLLONGONG LOCAL PLANNING PANEL DRAFT SUBMISSIONS POLICY - POST EXHIBITION

The following recommendation was adopted as part of the Block Adoption of Items (refer to Minute Number 128).

COUNCIL'S RESOLUTION -

- 1 The draft Submissions Policy as amended be endorsed by Council and forwarded to the Department of Planning & Environment for adoption.
- 2 The draft Submissions Policy as amended be applied as referral criteria for 'advice' to Local Planning Panel while awaiting Department of Planning & Environment adoption.

ITEM 8 - 2019 COUNCIL MEETING CYCLE

- 136 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor D Brown that Council adopt the meeting cycle for 2019 as detailed in Option 1 of the report.

ITEM 9 - POLICY REVIEW: PUBLIC PRIVATE PARTNERSHIPS COUNCIL POLICY

The following recommendation was adopted as part of the Block Adoption of Items (refer to Minute Number 128).

COUNCIL'S RESOLUTION -

- 1 The Public Private Partnerships Council Policy be adopted.
- 2 The policy review date be updated to 31 August 2020.

ITEM 10 - POLICY REVIEW: BANK GUARANTEES FOR SUBDIVISION AND DEVELOPMENT POLICY

The following recommendation was adopted as part of the Block Adoption of Items (refer to Minute Number 128).

COUNCIL'S RESOLUTION -

- 1 The Bank Guarantees for Subdivision and Development Policy be adopted.
- 2 The adopted Policy be advertised in the local newspaper.

ITEM 11 - PROPOSED ROAD CLOSURE AND SALE, PART OF PIONEER DRIVE, WOONONA

137 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor D Brown seconded Councillor T Brown that -

- 1 Council close and sell part of Pioneer Drive, Woonona, as shown on Attachment 1 of the report, due to the encroachment of a boundary fence, owned by the owner of 5 Pioneer Drive, Woonona. The area to be closed and sold measures approximately 106 square metres.
- 2 The owner of 5 Pioneer Drive, Woonona pay Council a rate of \$350 per square metre for the road which amounts to \$37,000 plus GST ie \$350 x 106 square metre. The final purchase price is dependent upon the area in the registered road closure plan.
- 3 The applicant be responsible for all costs associated with the road closure and sale.
- 4 The General Manager and Lord Mayor be authorised to affix the common seal of Council where required to documentation necessary to finalise the closure and sale.
- 5 The General Manager be authorised to sign any documentation necessary to close the road and finalise the sale.

In favour Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Colacino, Walters, Figliomeni and Bradbery

Against Councillors Cox and Blakey

ITEM 12 - PROPOSED ACQUISITION OF PROPOSED LOT 69 IN DEPOSITED PLAN 241188, BEING PART LOT 2 IN DEPOSITED PLAN 36010 PRINCES HIGHWAY, DAPTO

The following recommendation was adopted as part of the Block Adoption of Items (refer to Minute Number 128).

COUNCIL'S RESOLUTION -

- 1 Council acquires proposed Lot 69 in Deposited Plan 241188, being part Lot 2 in Deposited Plan 36010 Princes Highway, Dapto for the purpose of road widening, under the following conditions -
 - a Compensation be paid in the amount of \$92,000 (excluding GST).
 - b Council paying for the cost of road frontage window replacement to increase the acoustic absorption in the amount of \$7,560, as quoted by the owners builder.
 - c Council assumes responsibility for all costs including valuation, transfer, legal, replacement or relocation of fencing, letterbox, signage and water meter, if required.
- 2 Council be responsible for the replacement or relocation of the boundary fencing, landscaping, letterbox, signage and water meter on a like for like basis.
- 3 Upon acquisition being finalised, the land be dedicated as public road pursuant to Section 10 of the Roads Act 1993.
- 4 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

ITEM 13 - CORPORATE APPLICATIONS - ENTERPRISE RESOURCE PLATFORM

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

- 1 Council receive the report on Corporate Applications – Enterprise Resource Platform.
- 2 In accordance with Section 55(3)(i) of the Local Government Act 1993, Council delegate to the General Manager the authority to negotiate directly with TechnologyOne and enter into a contract with TechnologyOne (subject to appropriate terms and conditions) for the provision of an Enterprise Resource Planning Platform for Wollongong City Council, for the following extenuating circumstances:
 - a lack of other preconfigured local government integrated enterprise resource software-as-a-service solutions;
 - b the benefit of a strategic partnering with TechnologyOne;
 - c leveraging existing system capabilities in the TechnologyOne solution;
 - d the cost and time burden of proceeding to tender to make a similar assessment for an inferior financial outcome.
- 3 Funding for the first three years as outlined in the report be allocated from the Strategic Projects Reserve.

ITEM 14 - TENDER T18/16 BAIRD PARK TOILET REPLACEMENT AT STANWELL PARK

The following recommendation was adopted as part of the Block Adoption of Items (refer to Minute Number 128).

COUNCIL'S RESOLUTION -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Davone Constructions Pty Ltd for the Baird Park Toilet Replacement, in the sum of \$172,570.00, 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 15 - TENDER T18/24 LICENCE TO OPERATE RUSSELL VALE GOLF COURSE PRO-SHOP AND ACT AS THE GOLF PROFESSIONAL AS PER THE PROFESSIONAL SERVICES CONTRACT

The following recommendation was adopted as part of the Block Adoption of Items (refer to Minute Number 128).

COUNCIL'S RESOLUTION -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Beswick Golf Pty Ltd for the licence to operate the Russell Vale Golf Course Pro-shop and act as the golf professional, in the sum of \$18,000 (excluding GST) rental for the Pro-Shop.
- 2 Council delegates 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 grants 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 16 - TENDER T18/27 RETAINING WALL RECONSTRUCTION - PRINCES HIGHWAY, RUSSELL VALE

The following recommendation was adopted as part of the Block Adoption of Items (refer to Minute Number 128).

COUNCIL'S RESOLUTION -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Brefni Pty Ltd for the reconstruction of a retaining wall on the Princes Highway at Russell Vale, in the sum of \$1,509,078.48, 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 17 - TENDER T18/33 DARKES ROAD CULVERT REPAIR WORKS

The following recommendation was adopted as part of the Block Adoption of Items (refer to Minute Number 128).

COUNCIL'S RESOLUTION -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of SRG Services (Australia) Pty Ltd for concrete repair and strengthening works, in the sum of \$314,844.00, 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.

VOTE OF THANKS – RESIGNATION OF COUNCILLOR CHRIS CONNOR

On behalf of the Lord Mayor, Councillors and General Manager, a vote of thanks and acknowledgement of Councillor Connor's service to the community as an Elected representative of Ward 3 was noted.

- 139 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery seconded Councillor D Brown that on behalf of the Lord Mayor, Councillors and General Manager a Vote of Thanks be given for Councillor Chris Connor.

THE MEETING CONCLUDED AT 7.05 pm

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 29 October 2018.

Chairperson