



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 24 August 2015

Present

Lord Mayor (Acting) – Councillor Connor (in the Chair), Councillors Kershaw, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, Colacino, Crasnich, Curran (until 6.53 pm) 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, General Counsel – J Reilly, Manager Governance and Information – K Cowgill, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell, Manager Community Cultural and Economic Development – K Hunt, Manager Regulation and Enforcement – J Nicol and Manager Infrastructure Strategy and Planning – M Dowd

Leave of Absence

The Lord Mayor's leave of absence, granted by Council on 3 August 2015, was noted.

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DISCLOSURES OF INTERESTS

Councillor Colacino declared a non-significant, non-pecuniary interest in Item 10 as he is the Council-appointed Board Member on Destination Wollongong. He advised that he receives no personal gain from being on the Board, nor will he receive any personal benefit from any decision on Item 10. His interest does not conflict with his duty in matters involving Destination Wollongong and it also does not prevent him contributing to debate on the matter.

Councillor Martin declared a non-significant, non-pecuniary interest in Item 4, insofar as the draft Shone Avenue and West Dapto Road Horsley Neighbourhood Plan may, or may not, involve her employer, the Department of Planning and Environment.

Councillor Dorahy declared a non-significant, non-pecuniary conflict of interest in Item 5, Licence to WIN Sports and Entertainment Centre of the Stewart Street East Car Park, as he is a Director on Venues New South Wales.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 3 AUGUST 2015

110 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Brown seconded Councillor Dorahy that the Minutes of the Ordinary Meeting of Council held on Monday, 3 August 2015 (a copy having been circulated to Councillors) be taken as read and confirmed, subject to the following amendment –

Departure of Councillors on Page 2 of the Minutes – ‘During debate and prior to voting on the Amendment, Councillor Dorahy departed and returned to the meeting, the time being 7.13 pm to 7.14 pm’ be amended to read ‘During debate and prior to voting on the Amendment, Councillor Crasnich departed and returned to the meeting, the time being 7.13 pm to 7.14 pm’.

PUBLIC ACCESS FORUM – PUBLIC ACCESS FORUM POLICY

Ms S McKay expressed various concerns with the proposed changes to the Public Access Forum policy. Whilst the report stated that there are various opportunities where concerns can be raised, she felt that the Public Access Forum was the most beneficial. Concerns were also expressed in relation to the information in the report about the number and content of submissions.

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Ms McKay felt that the existing Public Access Forum policy was already restrictive and that the proposed changes to the policy should not be endorsed.

111 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that Ms McKay be thanked for her presentation and invited to table her notes.

CALL OF THE AGENDA

112 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Kershaw that the staff recommendations for Items 3, 5, 10, and 12 to 16 inclusive, be adopted as a block.

ITEM A – LORD MAYORAL MINUTE – STRENGTHENING LOCAL ECONOMIC CAPACITY THROUGH STRATEGIC PROCUREMENT

113 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Connor that –

- 1 Council write to relevant Federal and State Ministers, local Members of Parliament and relevant Trade Unions, seeking their support and advocacy to maximise Australian steel content in all State and Federal Government procurement contracts and tenders.
- 2 Council explore options to support the viability of BlueScope Steel Port Kembla, including prioritising the development of a strategic centre-led approach to procurement policies and procedures to further strengthen the local economic capacity. A meeting/briefing be held with Councillors and Senior Managers, within the next six weeks, to consider various options.
- 3 Council seek the support of all stakeholders to commit to working collaboratively to support the steelmaking industry and the steel value chain to achieve a positive outcome for our region.

Variation The variation moved by Councillor Dorahy to add the words to Part 2 'A meeting/briefing be held with Councillors and Senior Managers within the next six weeks, to consider various options' was accepted by Councillor Connor.

MATTER OF GREAT URGENCY – SKI GONG

Councillor Dorahy requested that the Acting Lord Mayor consider a motion, which he considered to be urgent, and related to the proposed recreational facility, Ski Gong.

The Acting Lord Mayor ruled that Councillor Dorahy's motion was not of great urgency.

Councillor Petty MOVED a MOTION OF DISSENT on the Acting Lord Mayor's ruling and on a show of hands, the ruling was upheld.

DEPARTURE OF COUNCILLOR

At this stage, the time being 6.53 pm, Councillor Curran departed the meeting.

ITEM 1 – GLENIFFER BRAE CALL FOR PROPOSALS SUBMISSIONS

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

- 1 The outcomes of the Call for Proposals process be noted.
- 2 A review of the Botanic Garden Plan of Management and Gleniffer Brae Conservation Management Plan commence as a matter of priority.
- 3 Council receive an update report before the end of the 2015 calendar year.
- 4 The draft Plan of Management and Conservation Management Plan be reported to Council for endorsement prior to exhibition.
- 5 A draft Planning Proposal be prepared to add 'Function Centre' as a permissible use in the RE1 Public Recreation zone for the Gleniffer Brae site through a Schedule 1 amendment and referred to the NSW Department of Planning and Environment for Gateway determination prior. The exhibition of the draft Planning Proposal occur concurrently with the draft Botanic Garden Plan of Management.
- 6 Letters be sent to the Call for Proposals submitters advising them that a Tender process will be required and will be undertaken following the review of the Plan of Management and finalisation of the Planning Proposal.
- 7 In the interim period, the part of Gleniffer Brae not under lease by the Conservatorium of Music be authorised to be used for uses consistent with the current Plan of Management and planning controls.

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Variations The following variations were accepted by the mover and seconder -

- *Councillor Kershaw - the addition of the words 'as a matter of priority' to Point 2; and,*
- *Councillor Crasnich - the addition of Point 3.*

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 2, Councillor Colacino departed and returned to the meeting, the time being from 6.57 pm to 7.01 pm.

ITEM 2 – KEIRAVILLE – GWYNNEVILLE IMPLEMENTATION PLAN AND PLANNING PROPOSAL REQUEST

115 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Blicavs seconded Councillor Takacs that –

- 1 The Keiraville – Gwynneville Implementation Plan be endorsed to guide implementation and future capital and operational expenditure (Attachment 1 of the report).
- 2 Neighbourhood Forum 5's withdrawal of the draft Planning Proposal request be noted.
- 3 Neighbourhood Forum 5 be thanked for the preparation of the draft Implementation Plan, draft Planning Proposal and ongoing input into the Keiraville – Gwynneville area.
- 4 The University of Wollongong's support for the preparation of the Access and Movement Study and University Master Plan be noted.
- 5 Council –
 - a Request an urgent meeting with Andrew Constance MP, Minister for Transport, and Duncan Gay MLC, Minister for Roads, Maritime and Freight, to discuss the priorities for Roads and Maritime Services' (RMS) funding in Wollongong, with particular reference to progressing the Access and Movement Study in Keiraville, Gwynneville and Mt Ousley.
 - b Work with the Ministers' office to review and progress RMS priorities for the Wollongong Local Government Area.
- 6 In relation to Point 2.3 of the Implementation Plan, a report (or reports) come to the Information Folder explaining how Councillors and the community can be included in the investigation of planning matters arising from the University Master Planning.

Minute No.

Variation The variation moved by Councillor Brown (the addition of Point 6) was accepted by the mover and seconder.

ITEM 3 – RSPCA DEED OF AGREEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION –

- 1 Council note that the comparative cost offered by the RSPCA Deed of Agreement offers fair value in comparison to building and operating a new Council Animal Impounding Facility;
- 2 Council not invite tenders for the provision of Animal Impounding services within the Wollongong City Council Local Government Area in accordance with Section 55(3) for the reason that there is no competitive tenderer with the capability of providing the service to Council to the required standard, other than the RSPCA. A satisfactory result would not be achieved by inviting tenders;
- 3 The General Manager be granted authority to finalise and execute the Contract (RSPCA Deed of Agreement) and any other documentation required to give effect to this resolution;
- 4 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; and,
- 5 A Contract Management Plan be developed to monitor the RSPCA's performance.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 4, the following Councillors departed and returned to the meeting –

- Councillor Blicavs from 7.16 pm to 7.19 pm;
- Councillor Crasnich from 7.24 pm to 7.28 pm; and,
- Councillor Merrin from 7.33 pm to 7.35 pm.

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ITEM 4 – DRAFT SHONE AVENUE AND WEST DAPTO ROAD, HORSLEY NEIGHBOURHOOD PLAN – POST EXHIBITION

A PROCEDURAL MOTION was MOVED by Councillor Merrin that the matter be laid on the table. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

116 COUNCIL'S RESOLUTION – MOVED by Councillor Brown seconded Councillor Dorahy that the amended Neighbourhood Plan for land fronting Shone Avenue and West Dapto Road, Horsley, be adopted as an amendment to the Wollongong Development Control Plan 2009 Chapter D16 West Dapto Release Area, with consideration being given to providing a pedestrian access from the unnamed streets through to Lots 270 and 285.

Variation The variation moved by Councillor Takacs to add the words 'with consideration being given to providing a pedestrian access from the unnamed streets through to Lots 270 and 285' was accepted by the mover and seconder.

An AMENDMENT was MOVED by Councillor Colacino seconded Councillor Crasnich that the amended Neighbourhood Plan for land fronting Shone Avenue and West Dapto Road, Horsley, be adopted as an amendment to the Wollongong Development Control Plan 2009 Chapter D16 West Dapto Release Area.

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

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

Councillor Brown's MOTION on being PUT to the VOTE was CARRIED.

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

ITEM 5 – STEWART STREET EAST CAR PARK – LICENCE TO WIN SPORTS AND ENTERTAINMENT CENTRE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION – A licence be issued to Illawarra Venues Authority for the WIN Sports and Entertainment Centre on the following basis:

- Term of five years;
- Rental Fee of \$4,500 with an increase by CPI on each anniversary; and,
- General Conditions as outlined under Proposal in the report.

ITEM 6 – POLICY REVIEW: PUBLIC ACCESS FORUM

117 COUNCIL'S RESOLUTION – MOVED by Councillor Brown seconded Councillor Dorahy that –

- 1 Council note and thank residents for their submissions.
- 2 The Public Access Forum policy be adopted, as exhibited, subject to:
 - a The inclusion of a link to Council's Codes of Conduct within the Policy Statement.
 - b The addition of the following dot point before the last dot point on Page 3 – Public Address –
 - If a speaker wilfully ignores the direction from the Chairperson, the speaker shall not be entitled to speak at a Public Access Forum for a period of six months, or a further period as determined by the Chairperson in consultation with the Councillors.
 - c The second last dot point on Page 2 of the draft Policy 'any person or nominee of an organisation invited to speak by resolution of Council or by approval of the Lord Mayor' be amended to read 'any person or nominee of an organisation invited to speak by a Councillor and approved by the General Manager where that person has demonstrated expertise on an issue being considered by Council at that meeting, subject to the 30 minute / six speaker rule'.

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Variations The following variations were accepted by the mover and seconder -

- *Councillor Kershaw - the addition of Point 2 b;*
- *Councillor Takacs - the addition of Point c;*
- *Councillor Petty - the addition of the words to Point c 'subject to the 30 minute / six speaker rule'; and,*
- *Councillor Kershaw - change of wording to Councillor Takacs' Point c from 'or by approval of the General Manager', to 'and approved by the General Manager'.*

An AMENDMENT was MOVED by Councillor Takacs seconded Councillor Merrin that –

- 1 Council note and thank residents for their submissions.
- 2 The Public Access Forum policy be adopted, as exhibited, subject to:
 - a The inclusion of a link to Council's Codes of Conduct within the Policy Statement.
 - b The addition of the following dot point before the last dot point on Page 3 – Public Address –
 - If a speaker wilfully ignores the direction from the Chairperson, the speaker shall not be entitled to speak at a Public Access Forum for a period of six months, or a further period as determined by the Chairperson in consultation with the Councillors.
 - c The second last dot point on Page 2 of the draft Policy 'any person or nominee of an organisation invited to speak by resolution of Council or by approval of the Lord Mayor' be amended to read 'any person or nominee of an organisation invited to speak by a Councillor and approved by the General Manager where that person has demonstrated expertise on an issue being considered by Council at that meeting, subject to the 30 minute / six speaker rule'.
 - d The following new dot point be listed under the third dot point on Page 3 of the draft Policy -

1n the event that an application has been rejected, if four or more Councillors request that the application be approved, then the application be approved.'

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Councillor Takacs' AMENDMENT on being PUT to the VOTE was LOST. This Amendment was not supported by any Councillors.

Councillor Brown's MOTION on being PUT to the VOTE was CARRIED.

- In favour** Councillors Kershaw, Brown, Martin, Takacs, Merrin, Dorahy, Colacino, Crasnich, Petty and Connor
- Against** Councillor Blicavs

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 7, Councillor Colacino departed and returned to the meeting, the time being from 8.31 pm to 8.33 pm.

ITEM 7 – POLICY REVIEW: CODE OF MEETING PRACTICE

MOVED by Councillor Merrin seconded Councillor Takacs that -

- 1 Council adopt the Code of Meeting Practice subject to:
 - a Clause 4.8 being re-ordered to read as follows:
 - 1 *If the Lord Mayor is the Chairperson at a Council meeting, the Chairperson, is by minute signed by the Chairperson, entitled to put to the meeting without notice¹ any matter or topic that is within the jurisdiction of Council or of which the Council has official knowledge. Reg 243*
 - 2 *Lord Mayoral Minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the Councillors before coming to a decision. These types of matters are better placed on the Agenda with the usual period of notice given to the Councillors. OLG Prac Note 16/2009 – Pg 14*
 - 3 *Such a minute, when put to the meeting, takes precedence over all business on the Council agenda/business paper for the meeting. The Chairperson (but only if the Chairperson is the Lord Mayor) may move adoption of the minute without the motion being seconded.*
 - 4 *A recommendation made in a minute of the Chairperson (being the Lord Mayor) or in a report by a Council employee is, so far as adopted by Council, a resolution of Council. Reg 243*

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- 5 *A Late Business Lord Mayoral Minute prepared prior to the Council meeting will be added to the business paper agenda in accordance with the Order of Business as stated in Clause 4.5 of this Code.*
- b The addition of the following explanatory footnote:
“¹without notice” meaning the matter is not included on the Agenda.
- 2 A report come back to Council on the possibility of Questions on Notice being listed on the Order of Business and the report outline how they can be managed.

118 COUNCIL'S RESOLUTION - An AMENDMENT was MOVED by Councillor Brown seconded Councillor Martin that Council adopt the Code of Meeting Practice subject to:

- a Clause 4.8 being re-ordered to read as follows:
 - 1 *If the Lord Mayor is the Chairperson at a Council meeting, the Chairperson, is by minute signed by the Chairperson, entitled to put to the meeting without notice¹ any matter or topic that is within the jurisdiction of Council or of which the Council has official knowledge. Reg 243*
 - 2 *Lord Mayoral Minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the Councillors before coming to a decision. These types of matters are better placed on the Agenda with the usual period of notice given to the Councillors. OLG Prac Note 16/2009 – Pg 14*
 - 3 *Such a minute, when put to the meeting, takes precedence over all business on the Council agenda/business paper for the meeting. The Chairperson (but only if the Chairperson is the Lord Mayor) may move adoption of the minute without the motion being seconded.*
 - 4 *A recommendation made in a minute of the Chairperson (being the Lord Mayor) or in a report by a Council employee is, so far as adopted by Council, a resolution of Council. Reg 243*
 - 5 *A Late Business Lord Mayoral Minute prepared prior to the Council meeting will be added to the business paper agenda in accordance with the Order of Business as stated in Clause 4.5 of this Code.*

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b The addition of the following explanatory footnote:

“¹without notice” meaning the matter is not included on the Agenda.

Councillor Brown’s AMENDMENT on being PUT to the VOTE was CARRIED.

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

Against Councillor Merrin

Councillor Brown’s AMENDMENT then BECAME the MOTION.

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

ITEM 8 – COUNCIL AND COMMUNITY DIALOGUE FORUMS

119 **COUNCIL’S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Blicavs seconded Councillor Dorahy that –

- 1 Council note the report.
- 2 The ‘Council and Community Dialogue Forums’ be reviewed and Councillors be given the opportunity via a Councillor Workshop to provide feedback, and to determine a more effective approach in communicating directly with residents in their Ward.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 9, Councillor Crasnich departed and returned to the meeting, the time being from 9.32 pm to 9.33 pm.

ITEM 9 – ECONOMIC DEVELOPMENT TRADE MISSION

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Colacino that Councillor Dorahy be granted an additional one minute to address the meeting.

MOVED by Councillor Takacs seconded Councillor Crasnich that Council support a trade mission to China in October / November 2015, led by the Lord Mayor and one Council Officer, to promote opportunities for new and existing business investment in Wollongong and to support Wollongong based businesses with investment in China.

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120 COUNCIL'S RESOLUTION - An AMENDMENT was MOVED by Councillor Connor seconded Councillor Blicavs that Council support a trade mission to China in October / November 2015, led by the Lord Mayor, to promote opportunities for new and existing business investment in Wollongong and to support Wollongong based businesses with investment in China.

Councillor Connor's AMENDMENT on being PUT to the VOTE was CARRIED.

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

Councillor Connor's AMENDMENT then BECAME the MOTION.

The MOTION on being PUT to the VOTE was CARRIED.

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

ITEM 10 – DESTINATION WOLLONGONG – APPOINTMENT OF THREE COUNCIL APPOINTED INDEPENDENT DIRECTORS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION –

1 Council endorse the appointment of:

- Mr Wayne Morris
- Ms Anita Mulrooney
- Ms Amy Harper

as the Council Appointed Independent Directors on the Destination Wollongong Board for a period of four years.

2 The three additional candidates who were considered suitable for the position be retained on an eligibility list, should a vacancy become available within the next two years.

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ITEM 11 – DRAFT MEDIA POLICY

A PROCEDURAL MOTION was MOVED by Councillor Petty that the matter lay on the table. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

121 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Brown seconded Councillor Crasnich that the Media Policy be adopted.

In favour Councillors Kershaw, Brown, Martin, Takacs, Merrin, Blicavs, Dorahy, Colacino, Crasnich and Connor
Against Councillor Petty

ITEM 12 – LEASE TO GIRL GUIDES ASSOCIATION OF NSW OF THE GUIDE HALL AT LOT 1 DP860110 TALLEGALLA STREET, UNANDERRA

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION – Council –

- 1 Agree to enter into a new lease over Lot 1 DP860110 Tallegalla Street, Unanderra, with the Girl Guides Association of NSW for a term of 10 years at a commencing rent of \$620.00 per annum, including GST.
- 2 Delegate to the General Manager the authority to finalise and execute the Lease and any other documentation required to give effect to this resolution.
- 3 Grant authority for the use of the Common Seal of Council on the Lease and any other documentation, should it be required to give effect to this resolution.

ITEM 13 – TENDER T15/22 – PROVISION OF THOMAS DALTON PARK SPORTS FIELD LIGHTING TO COUNCIL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Musco Lighting Australia Pty Ltd for provision of Thomas Dalton Park Sports Field Lighting to Council, in the sum of \$307,000.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required to give effect to this resolution.

ITEM 14 – INTEREST PAYABLE – DEFAULT BY LESSEES AND LICENSEES – 2015/16 FEES AND CHARGES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION – Council adopt the Interest Payable – Default by Lessees and Licensees for the 2015/2016 Fees and Charges.

ITEM 15 – DRAFT QUARTERLY REVIEW STATEMENT – JUNE 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION –

- 1 The draft Quarterly Review Statement June 2015 be adopted.
- 2 The Quarterly Review Budget Report and Preliminary End of Year – Report of Manager Finance 2014-15 be adopted.

Minute No.

ITEM 16 – CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES – 22 JULY 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

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 22 July 2015 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 9.50 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 14 September 2015.

Chairperson