



## MINUTES

## ORDINARY MEETING OF COUNCIL

at 6.00 pm

Tuesday 30 January 2018

### Present

Lord Mayor – Councillor Gordon Bradbery AM (in the Chair), Councillors Cameron Walters, Cath Blakey, David Brown, Dom Figliomeni, Jenelle Rimmer, John Dorahy (from 6.05 pm), Leigh Colacino, Mithra Cox, Tania Brown and Vicky King

### In Attendance

General Manager – David Farmer, Director Infrastructure and Works, Connectivity Assets and Liveable City – Greg Doyle, Director Planning and Environment, Future City and Neighbourhoods – Andrew Carfield, Director Corporate Services, Connected and Engaged City (Acting) – Tom Tyrpenou, Director Community Services, Creative and Innovative City – Renae Elrington, Manager Governance and Information (Acting) – Clare Phelan, Manager Finance – Brian Jenkins, Manager Property and Recreation – Peter Coyte, Manager Environmental Strategy and Planning (Acting) – David Green, Manager City Works and Services – Mark Roebuck, Manager Project Delivery – Glenn Whittaker, Manager Infrastructure Strategy and Planning – Mike Dowd, Manager Community Cultural and Economic Development – Kerry Hunt and Manager Library and Community Services – Jenny Thompson

### Apologies

- COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Tania Brown seconded Councillor Vicky King that the apology tendered on behalf of Councillors Janice Kershaw and Chris Connor be accepted.

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## **DISCLOSURE OF INTERESTS**

Councillor Dom Figliomeni declared a pecuniary interest in Item 2 as he holds shares in Wesfarmers.

## **CONGRATULATIONS - LORD MAYOR - MEMBER OF THE ORDER OF AUSTRALIA (AM)**

On behalf of Council, Councillor David Brown extended congratulations to the Lord Mayor following his Australia Day Award as a Member of the Order of Australia (AM).

## **PETITION - REJECTING PROPOSAL FOR ROAD BETWEEN PHILLIP STREET, THIRROUL AND FOOTHILLS ROAD, AUSTINMER**

Councillor Mithra Cox tabled a petition rejecting the proposal for a road between Phillip Street, Thirroul and Foothills Road, Austinmer. Petitioners asked that when Council investigates the matter, the community of the Northern Illawarra be informed and involved.

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 11 DECEMBER 2017**

- 2 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor David Brown seconded Councillor Leigh Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 11 December 2017 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **CONFIRMATION OF MINUTES OF CLOSED COUNCIL SESSION HELD ON MONDAY, 11 DECEMBER 2017**

- 3 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor David Brown seconded Councillor Leigh Colacino that the Minutes of the Closed Council Session held on Monday, 11 December 2017 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **ATTENDANCE OF COUNCILLOR**

During the presentation by Ms S Stevenson, Councillor John Dorahy attended the meeting, the time being 6.05 pm.

The Public Access Forum allows for a five minute address by speakers and following the expiration of the five-minute address by Ms Stevenson, a PROCEDURAL MOTION was MOVED by Councillor Vicky King seconded Councillor Mithra Cox that Ms Stevenson be allowed an additional two minutes to address Council. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

## **PUBLIC ACCESS FORUM - INTRODUCTION TO SERVICES OF THE ILLAWARRA WOMEN'S HEALTH CENTRE**

On behalf of the Illawarra Women's Health Centre, Ms S Stevenson, advised that the Centre had been operating for over 30 years and provides various services to women, including but not limited to medical and mental health services. All services are offered on a one-on-one basis and are free. Space is also provided for women to run community events such as meditation, yoga etc. These groups are important because they provide a space for women

who are usually marginalised and therefore assist with social isolation, making connections and building capacity for individuals and the community as a whole.

Ms Stevenson said that the Centre works closely with Shellharbour City Council and because the Centre is located at Warilla, it has key partners with Myer (at Stocklands), with various Clubs in the area and also with Shellharbour City Council. Services are provided throughout the Illawarra and with that in mind, Ms Stevenson flagged the Centre's intention to work closely with Wollongong City Council to provide services in the Northern Illawarra as a strategic partnership; not just for funding; but for networking and general support to provide services for women in the Northern Illawarra and Wollongong area.

## DEPARTURE OF COUNCILLOR

During the address by Mr Erwin, Councillor John Dorahy departed the meeting, the time being 6.15 pm. Councillor Dorahy returned after the vote to Suspend Standing Orders.

## PUBLIC ACCESS FORUM - NEW YEAR'S EVE AND AUSTRALIA DAY - THANK YOU

Mr W Erwin thanked Council for the great celebration events of New Year's Eve and Australia Day which saw crowds of people celebrating around Wollongong Harbour, Osborne and Lang Parks, with spectacular fireworks to conclude both events. Mr Erwin said that he had the pleasure of facilitating the Accessible Viewing area for Council and said that it was a thrill to see families able to celebrate the evening as a whole family.

Whilst being involved with these events, Mr Erwin said that he had seen the work which went on behind the scene and he particularly thanked Council staff Tracey Needham and Lee Cramer who go beyond to deliver a great experience for the Wollongong community. These ladies are supported by Council staff from various departments, as well as volunteers, and he said that all deserve a big vote of thanks for jobs well done. In conclusion, Mr Erwin said that Australia Day and New Year's Eve celebrations get bigger and better each year and on behalf of all who celebrated at these events he thanked Council, Council staff, volunteers, sponsors, and the Australia Day Committee.

- 4 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor David Brown seconded Councillor Mithra Cox that speakers be thanked for their presentation and invited to table their notes.

## CALL OF THE AGENDA

- 5 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor David Brown seconded Councillor Dom Figliomeni that the staff recommendations for Items 1 to 4, 6, 8, and 10 to 14 inclusive, be adopted as a block.

*Note:* Refer also to Minute 7 which excluded Item 2 from the Call of the Agenda due to the pecuniary disclosure of interest by Councillor Dom Figliomeni.

## SUSPENSION OF STANDING ORDERS

- 6 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor David Brown seconded Councillor Leigh Colacino that Items A and B be considered as the last Items of business, under Suspension of Standing Orders.

**ITEM A - NOTICE OF MOTION - COUNCILLOR COLACINO - CONSTRUCTION OF NEW INTERSECTION - TOP OF BALD HILL WHERE LAWRENCE HARGRAVE DRIVE AND LADY WAKEHURST DRIVE MEET**

Item A was considered under Suspension of Standing Orders, refer to Minute Numbers 6 and 13.

**ITEM B - NOTICE OF MOTION - COUNCILLOR RIMMER - DEDICATED SENIORS EXERCISE PARK**

Item B was considered under Suspension of Standing Orders, refer to Minute Numbers 6 and 14.

**CALL OF THE AGENDA**

- 7 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor David Brown seconded Councillor Jenelle Rimmer that Item 2 be excluded from the Call of the Agenda.

**ITEM 1 - DRAFT PLANNING PROPOSAL LOT 100 DP 1207784 CORDEAUX ROAD MOUNT KEMBLA PP-2017/2**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

**COUNCIL'S RESOLUTION** –

- 1 A draft Planning Proposal be prepared and submitted to the NSW Department of Planning and Environment for Lot 100 DP 1207784 Cordeaux Road Mount Kembla seeking a Gateway determination to -
  - a Rezone 2.36ha of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of 5,000m<sup>2</sup> and Floor Space Ratio of 0.3:1;
  - b Rezone 5.14ha of the site from E3 Environmental Management to E2 Environmental Conservation; and
  - c Retain 1.47ha of the site as E3 Environmental Management zoning.
- 2 The draft Planning Proposal be exhibited for a minimum period of 28 days.
- 3 The Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegation in accordance with Council's resolution of 26 November 2012.

**DEPARTURE AND ATTENDANCE OF COUNCILLORS**

Due to a prior disclosure of interest, Councillor Dom Figliomeni departed the meeting and was not present during debate and voting on Item 2.

Councillor John Dorahey returned to the meeting at 6.23 pm, prior to consideration of Item 2.

**ITEM 2 - DRAFT PLANNING AGREEMENT: BUNNINGS PROPERTIES PTY LTD - NORTHCLIFFE DRIVE, KEMBLA GRANGE (DA-2016/358)**

**8 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor David Brown seconded Councillor John Dorahy that -

- 1 The draft Planning Agreement between Bunnings Properties Pty Ltd and Council (Attachment 2 of the report) be exhibited for a minimum period of 28 days.
- 2 The Southern Joint Regional Planning Panel be advised that Bunnings Properties Pty Ltd and Council are proposing to enter into a Planning Agreement for the design and construction of a roundabout on Northcliffe Drive, Kemplara Grange, and should it determine that DA-2016/358 be approved, appropriate conditions of consent be included requiring the Planning Agreement to be entered into and the terms of the Agreement to be satisfied.
- 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 3 - ILLAWARRA SHOALHAVEN JOINT ORGANISATION**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

**COUNCIL'S RESOLUTION** – In accordance with Part 7 of Chapter 12 of the *Local Government Act 1993 (Act)* Wollongong City Council (Council) resolves -

- 1 That Council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (Joint Organisation) in accordance with this resolution.
- 2 To approve the inclusion of Council's area in the Joint Organisation's area.
- 3 That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas: Shellharbour City Council, Kiama Municipal Council and Shoalhaven City Council.
- 4 That, on the expiry of 28 days from the making of this resolution, the General Manager -
  - a Provide the Minister with a copy of this resolution, including the date on which Council made this resolution; and
  - b Inform the Minister that this resolution has not been rescinded for the purpose of the Minister issuing a certificate under section 400P of the Act.

**ITEM 4 - CITY OF WOLLONGONG TRAFFIC COMMITTEE STRUCTURE REVIEW**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

**COUNCIL'S RESOLUTION** – Council adopt the City of Wollongong Traffic Committee structure and meeting Charter Option 2, whereby Council staff Chair the meetings and have voting rights on behalf of Council, and there are no Councillor members.

## ITEM 5 - FLOODPLAIN RISK MANAGEMENT COMMITTEES STRUCTURE

9 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor David Brown seconded Councillor Tania Brown that -

- 1 Council adopt a structure of three Floodplain Risk Management Committees broken up into three areas, North, Central and South:
  - a The Northern area to cover the Hewitts Creek (Ward 1), Collins Creek (Ward 1) and Towradgi Creek (Ward 1) catchments;
  - b The Central area to cover Fairy and Cabbage Tree Creeks (both Ward 1 and 2), Wollongong City (Ward 2) and Allans Creek (Ward 2 and 3) catchments;
  - c The Southern area to cover the Minnegang Creek (Ward 3), Kully Bay (Ward 3), Mullet Creek (Ward 3), Brooks Creek (Ward 3), Lake Illawarra (Ward 3) and Duck Creek (Ward 3) catchments.
- 2 The revised Charter for Floodplain Risk Management Committees be adopted.
- 3 Three Councillors be elected to each of the above Floodplain Risk Management Committees.
- 4 A Chairperson be elected to each Floodplain Risk Management Committee from the Councillor representatives.
- 5 The election be undertaken by open means, on a show of hands.

In relation to Parts 3 to 5 above, elections were undertaken to fill the vacancies on the three Floodplain Risk Management Committees.

Northern Area Floodplain Risk Management Committee (three Councillors, one to be Chair) –

- Nominations were received for Councillors Janice Kershaw, Mithra Cox and Jenelle Rimmer and there being no further nominations, Councillors Kershaw, Cox and Rimmer were elected. Councillor Cox was nominated for the position of Chair and there being no further nominations, Councillor Mithra Cox was duly elected.

Central Area Floodplain Risk Management Committee (three Councillors, one to be Chair) –

- Nominations were received for Councillors David Brown, Cath Blakey, Tania Brown and John Dorahy. Councillor David Brown subsequently withdrew his nomination and Councillors Dorahy, Tania Brown and Blakey were subsequently elected. Councillor Dorahy was nominated for the position of Chair and there being no further nominations, Councillor John Dorahy was duly elected.

Southern Area Floodplain Risk Management Committee (three Councillors, one to be Chair) –

- Nominations were received for Councillors Vicky King, Cameron Walters and Dom Figliomeni and there being no further nominations, Councillors King, Walters and Figliomeni were subsequently elected. Councillor Figliomeni was nominated for the position of Chair and there being no further nominations, Councillor Dom Figliomeni was duly elected.

10 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor David Brown seconded Councillor John Dorahy that Councillors Janice Kershaw, Mithra Cox and Jenelle Rimmer (as Chair) be elected to the Northern Area Floodplain Risk Management Committee; Councillors Cath Blakey, Tania Brown and John Dorahy (as Chair) be elected to the Central Area Floodplain Risk Management Committee; and Councillors Vicky King, Cameron Walters and Dom Figliomeni (as Chair) be elected to the Southern Area Floodplain Risk Management Committee.



## ITEM 6 - UNANDERRA SKATE PARK SAFETY REPORT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

**COUNCIL'S RESOLUTION** – Council receive the report and note the following recommendations -

- 1 Prioritise the removal of graffiti and keep monitoring for regular removal.
- 2 Encourage the community to report graffiti and any acts of vandalism.
- 3 Encourage the community to report incidents of abuse or violence to police.

## ITEM 7 - HELENSBURGH POOL - INVESTIGATION AND FEASIBILITY ASSESSMENT FOR HEATING AND POTENTIAL EXPANSION

**11 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Leigh Colacino seconded Councillor Cameron Walters that -

- 1 The Helensburgh War Memorial Pool Investigation and Feasibility Assessment Final Report and Attachments are noted by Council and the findings considered in future delivery programs.
- 2 Council prioritise further investigative studies to inform future delivery program expenditure on maintaining and enhancing existing water treatment, plant and filtration systems to ensure the Helensburgh facility continues to operate in accordance with NSW Public Health guidelines.
- 3 A review be delivered to Council, in the form of a Briefing no later than March 2020, detailing the various options available which will determine how Helensburgh Pool and its amenities can continue to best serve the community.

## ITEM 8 - POLICY REVIEW: PAVED FOOTPATH CONSTRUCTION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

**COUNCIL'S RESOLUTION** – The revised draft Paved Footpath Construction Policy be adopted.

## ITEM 9 - POLICY REVIEW: SCHOOL USE OF COUNCIL SWIMMING POOLS

MOVED by Councillor Mithra Cox seconded Councillor John Dorahy that the revised School Use of Council Swimming Pools Policy be adopted, subject to the following amendments to Page 2 of the Policy – School Carnivals –

- 1 The removal of Point 1; and,
- 2 Change to Point 7 to read 'No unstructured aquatic free play'.

At this stage, Councillor David Brown FORESHADOWED a MOTION should Councillor Cox's Motion be defeated.

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

In favour Councillors Mithra Cox and Cath Blakey

Against Councillors Jenelle Rimmer, David Brown, Tania Brown, Vicky King, Leigh Colacino, Cameron Walters, John Dorahy, Dom Figliomeni and Gordon Bradbery

Following the defeat of Councillor Cox's Motion, Councillor David Brown's FORESHADOWED MOTION became the MOTION.

- 12 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor David Brown seconded Councillor Vicky King that the revised School Use of Council Swimming Pools Policy be deferred pending a Councillor Briefing to consider the matters raised in relation to School Carnivals and the matter return to a future Council meeting.

### **ITEM 10 - TENDER T17/34 - AIR CONDITIONING DESIGNS IPAC AND ADMINISTRATION BUILDINGS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

#### **COUNCIL'S RESOLUTION** –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of ARUP for the HVAC Designs IPAC and Administration Buildings, in the sum of \$33,000.00, 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 11 - PROPOSED GRANT OF EASEMENT TO DRAIN WATER OVER LOT 23 DP 217420 GERARD AVENUE, FARMBOROUGH HEIGHTS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

#### **COUNCIL'S RESOLUTION** –

- 1 Council approve the grant of an Easement to Drain Water 1m wide over Lot 23 DP 217420 Gerard Avenue, Farmborough Heights, in favour of Lot 22 DP 217420 No 1 Gerard Avenue, Farmborough Heights - Gerard Park, as shown shaded dark grey on the attachment to the report.
- 2 Council accept payment in the amount of \$4,500 (GST free) from the owner of Lot 22 DP 217420 No 1 Gerard Avenue, Farmborough Heights as compensation for the grant of the easement.
- 3 The applicant will be responsible for all costs associated with this matter.
- 4 Approval be granted to affix the Common Seal of Council to the survey plan, administration sheet, Section 88B Instrument and any other documentation required to give effect to this resolution.

## ITEM 12 - DECEMBER 2017 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

### COUNCIL'S RESOLUTION –

- 1 The financials be received and noted.
- 2 Proposed changes in the Capital Works Program be approved.

## ITEM 13 - STATEMENTS OF INVESTMENTS - NOVEMBER AND DECEMBER 2017

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

**COUNCIL'S RESOLUTION** – Council receive the Statements of Investments for November and December 2017.

## ITEM 14 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF ELECTRONIC MEETING HELD ON FRIDAY 5 JANUARY 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

**COUNCIL'S RESOLUTION** – In accordance with the powers delegated to Council the Minutes and recommendations of the City of Wollongong Traffic Committee Electronic Meeting held on Friday 5 January 2018 in relation to the Regulation of Traffic be adopted.

## ITEM A - NOTICE OF MOTION - COUNCILLOR LEIGH COLACINO - CONSTRUCTION OF NEW INTERSECTION - TOP OF BALD HILL WHERE LAWRENCE HARGRAVE DRIVE AND LADY WAKEHURST DRIVE MEET

**13 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Leigh Colacino seconded Councillor Cameron Walters that -

- 1 Council investigate options that will allow it to work collaboratively with Roads and Maritime Services (RMS) on ways to construct a new intersection at the top of Bald Hill, where Lawrence Hargrave Drive and Lady Wakehurst Drive meet.
- 2 After the correct option has been decided, Council then enter into discussions with the RMS with the intent of finding a solution that will reduce the confusion which currently exists at that intersection.
- 3 The layout of the new intersection must clearly define who has the right of way at any one time and the current ambiguity of "right of way" be resolved.
- 4 An intermediate report come back to Council in the form of a Briefing, no later than 26 March 2018, detailing if the RMS is or is not willing to consider in the near future any new works at the intersection mentioned in point 1.
- 5 The near future be defined by a clear and precise timeline which includes the design and then the construction of the appropriate intersection solution agreed upon within the discussions between Council and the RMS, mentioned in point 2.
- 6 The clear and precise timeline mentioned in point 5, be reported to Council in the form of a Briefing, no later than 17 September 2018.

In favour Councillors Jenelle Rimmer, David Brown, Tania Brown, Vicky King, Mithra Cox, Cath Blakey, Leigh Colacino, Cameron Walters, John Dorahy and Dom Figliomeni  
Against Councillor Gordon Bradbery

**ITEM B - NOTICE OF MOTION - COUNCILLOR JENELLE RIMMER - DEDICATED SENIORS EXERCISE PARK**

- 14 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Jenelle Rimmer seconded Councillor David Brown that Council begins investigation for a, or a number of, dedicated seniors exercise park(s) and a Briefing be provided to Councillors including estimated cost and possible locations.

*Variation* The variation moved by Councillor Leigh Colacino to add the words 'or a number of' and 'park(s)' was accepted by the mover and seconder.

**THE MEETING CONCLUDED AT 7.32 PM**

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 19 February 2018.

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Chairperson