



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 7 May 2018

Present

Lord Mayor – Councillor Bradbery AM (in the Chair), Councillors Blakey, D Brown, T Brown, Colacino, Connor, Cox, Figliomeni, Kershaw, King, Rimmer and Walters

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, Creative and Innovative City – R Elrington, Manager Governance and Information (Acting) – C Phelan, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning (Acting) – W Peterson, Manager City Works and Services – M Roebuck, Manager Project Delivery (Acting) – R Ryan, Manager Infrastructure Strategy and Planning – M Dowd and Manager Community, Cultural and Economic Development - K Hunt

Apologies

Min No.

45 **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Colacino seconded Councillor Connor that the apology tendered on behalf of Councillor Dorahy be accepted.

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DISCLOSURE OF INTERESTS

Councillor Figliomeni declared a non-pecuniary conflict of interest in Item 8 as he is President of the South Coast and Tablelands Scouts. Councillor Figliomeni advised he would remain in the Council Chamber during debate and voting on the matter.

Councillor Colacino declared a non-pecuniary, non-significant conflict of interest in Item 1 as he socially interacts with the proponent. Councillor Colacino advised he would exclude himself from the meeting during debate and voting on the matter.

Councillor D Brown declared a perceived conflict of interest that may be both pecuniary and non-pecuniary. Councillor Brown advised that he serves on the Charitable Gifts Committee for VOXFM which administers donations and he would depart the Chamber during debate and voting on the matter.

PRESENTATION – PLAQUE FROM EXPLORER OF THE SEAS

On 18 March 2018 the Explorer of the Seas made its inaugural call to the Port of Port Kembla which resulted in 3,500 people visiting the City. Destination Wollongong presented to the Captain a commemorative plaque and in return the Captain presented a plaque to the City of Wollongong.

Councillor Colacino tabled the plaque from the Explorer of the Seas.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 3 APRIL 2018

- 46 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the Minutes of the Ordinary Meeting of Council held on Tuesday, 3 April 2018 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM - NOTICE OF MOTION - COUNCILLOR DAVID BROWN - INVITATION FOR REPRESENTATIVE FROM CORRECTIVE SERVICES NSW TO ADDRESS COUNCIL REGARDING PROPOSED PRISON AT WEST DAPTO

Ms A Beck on behalf of Residents Against Dapto Jail advised that the NSW Government and Council have stated West Dapto is best utilised by industries able to tap into the area with its proximity to the Port, to the greater Sydney metropolitan area and to the second fastest growing residential area in the State. Ms Beck gave the example of PrixCar which sustainably employs a thousand people.

She advised that to date, the Residents Against Dapto Jail have support of almost 3,000 members, and are still rapidly growing that support. The Group has started a petition, with assistance from Anna Watson MP, and is on track to gather 10,000 signatures which will be tabled at State Parliament for discussion. In conclusion Ms Beck feels the people of the Illawarra, and not only Dapto, are already speaking and are telling those in power, 'We take no prisoners!'

PUBLIC ACCESS FORUM - DRAFT PLANNING PROPOSAL - LOT 1 DP 335557 AND LOT 1 DP 652380 LADY WAKEHURST DRIVE LILYVALE - POST EXHIBITION

Mr T Wetherall advised that the Council report provides three options for consideration with the first being not to support the application. He requested that Council adopt the third option which is to forward the draft planning proposal to the Department of Planning of Environment for determination on whether it should proceed, noting the Rural Fire Service objection.

Adopting the above option would allow the suggestion made by the Chief of Staff for the Minister for Planning at the meeting in January 2018 for the proposal to run its course without adversely prejudicing the interests of the proponent. In conclusion Mr Wetherall said that this process would be transparent, not compromise Council and would allow the necessary time to consider the submissions made.

- 47 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that all speakers be thanked for their presentation and invited to table their notes.

CALL OF THE AGENDA

- 48 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the staff recommendations for Items 2, 4, 5, 7, 9, 10, 13 to 17 inclusive, be adopted as a block.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item B, Councillor Colacino departed and returned to the meeting, the time being from 6.22 pm to 6.24 pm.

ITEM B - LORD MAYORAL MINUTE - POPULATION INCREASE AND THE IMPACTS ON WOLLONGONG AND THE REGION

- 49 **COUNCIL'S RESOLUTION** – MOVED by Councillor Bradbery that Wollongong City Council -
- 1 Write to the Prime Minister, Leader of the Federal Opposition, State Premier and State Opposition Leader to express our concerns regarding the impact of rapid population increase in Australia and the challenges this has created for the Wollongong Local Government Area and the Region, especially in regard to affordable housing supply and transport infrastructure.
 - 2 Express its concern at the failure of successive Federal and State Governments to match infrastructure requirements with population pressures and a clear population policy and appropriate strategies.
 - 3 Puts on public record its concerns about the environmental impact of rapid population increases and -
 - a expresses concerns shared with neighbouring local government areas at the loss of productive rural land;
 - b acknowledges the impact on water and other resources from population pressures in the context of the fragile Australian environment and ecology; and
 - c recognises the potential for future loss of habitat for our unique flora and fauna and the loss of species diversity created by poor planning, population pressures and environmental degradation.
 - 4 Express concerns that reliance on immigration via 457 visa holders to work in specific industries acts against providing long-term training opportunities for local citizens and residents to fill such gaps in the labour market.

- 5 Request the resourcing and prioritisation of infrastructure in accordance with the Illawarra Shoalhaven Regional Plan.

Variations The following variations were accepted by the mover –

- Councillor D Brown (the addition of Point 4); and,
- Councillor Figliomeni (the addition of Point 5).

An AMENDMENT was MOVED by Councillor Cox seconded Councillor Blakey that Wollongong City Council -

- 1 Write to the Prime Minister, Leader of the Federal Opposition, State Premier and State Opposition Leader to express our concerns regarding the impact of rapid population increase in Australia and the challenges this has created for the Wollongong Local Government Area and the Region, especially in regard to affordable housing supply and transport infrastructure.
- 2 Express its concern at the failure of successive Federal and State Governments to match infrastructure requirements with population pressures and a clear population policy and appropriate strategies.
- 3 Puts on public record its concerns about the environmental impact of rapid population increases and -
 - a expresses concerns shared with neighbouring local government areas at the loss of productive rural land;
 - b acknowledges the impact on water and other resources from population pressures in the context of the fragile Australian environment and ecology; and
 - c recognises the potential for future loss of habitat for our unique flora and fauna and the loss of species diversity created by poor planning, population pressures and environmental degradation.
- 4 Express concerns that reliance on immigration via 457 visa holders to work in specific industries acts against providing long-term training opportunities for local citizens and residents to fill such gaps in the labour market.
- 5 Request the resourcing and prioritisation of infrastructure in accordance with the Illawarra Shoalhaven Regional Plan.
- 6 The letter referenced in Point 1 request as an urgent priority mass transport infrastructure including light rail for Wollongong, a 15 minute local rail service and completion of the Maldon-Dombarton railway line.

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

In favour Councillors Cox and Blakey

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

Councillor Bradbery's MOTION was then PUT to the VOTE and was CARRIED.

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

Against Councillor Blakey

ITEM A - NOTICE OF MOTION - COUNCILLOR DAVID BROWN - INVITATION FOR A REPRESENTATIVE FROM CORRECTIVE SERVICES NSW TO ADDRESS COUNCIL AT A PUBLIC ACCESS FORUM REGARDING THE PROPOSED PRISON AT WEST DAPTO

During debate on Item A, a PROCEDURAL MOTION was MOVED by Councillor King seconded Councillor Connor that Councillor D Brown be granted an additional five minutes to address the meeting.

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

- 1 A representative from Corrective Services NSW be invited to make a presentation at the Public Access Forum section of a future Council meeting.
- 2 The representative be asked to explain how the proposed prison relates to Council's plans for the broader West Dapto area and what implications any such prison will have on infrastructure needs in the immediate area and any other impacts it will have on the City.
- 3 The residents against the Dapto prison also be invited to address the meeting at the time of the presentation by Corrective Services.

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

DEPARTURE OF COUNCILLORS

Due to a prior disclosure of interest Councillor Colacino departed the Chamber and was not present during debate and voting on Item 1.

During debate and prior to voting on Item 1, Councillor King departed and returned to the meeting, the time being from 7.22 pm to 7.23 pm.

ITEM 1 - DRAFT PLANNING PROPOSAL LOT 1 DP 335557 AND LOT 1 DP 652380 LADY WAKEHURST DRIVE LILYVALE - POST EXHIBITION

51 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor Cox that the Planning Proposal for Lot 1 DP 335557 and Lot 1 DP 652830 Lady Wakehurst Drive, Lilyvale not proceed to finalisation due to the high bushfire risk and ecological constraints.

ITEM 2 - NEW POLICY: DRAFT UNSOLICITED PROPOSAL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 48).

COUNCIL'S RESOLUTION – The draft Unsolicited Proposals Policy be exhibited for a minimum period of 28 days for public comment.

ITEM 3 - REVIEW OF REFERENCE GROUPS AND ADVISORY COMMITTEES

52 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that –

- 1 The Active Transport Committee be reformed as the Walking, Cycling and Mobility Reference Group.
- 2 The Wollongong Heritage Advisory Committee be reformed as the Heritage Reference Group.
- 3 A 'Register of Interest' be established as one of the mechanisms to engage around topic areas.
- 4 Councillors be elected to the Walking, Cycling and Mobility Reference Group and Heritage Reference Group.
- 5
 - a The Charters of the two bodies be altered such that clause 6, 'Term of appointment' in the Heritage Reference Group, and clause 4 in the Walking, Cycling and Mobility Reference Group both read: 'As determined by Council';
 - b The term of appointment be for the term of this Council 2017-20 for non-Councillor members and appointed annually for Councillors.
- 6 Elections for reference groups and committees be conducted by open means on a show of hands.

In relation to Point 6 of Council's resolution the Lord Mayor conducted the election for the following Reference Groups –

Walking, Cycling and Mobility Reference Group (two Councillors to be elected, one to be elected Chair)

- Nominations were received for Councillors D Brown and Cox, and there being no further nominations Councillors D Brown and Cox were duly elected.
- A nomination was received for Councillor D Brown to be elected Chair, and there being no further nominations he was duly elected.

Heritage Reference Group (two Councillors to be elected, one to be elected Chair)

- One nomination was received for Councillor Cox and there being no further nominations Councillor Cox was duly elected as a member as well as Chair of the Reference Group.

ITEM 4 - COMMUNITY ENGAGEMENT POLICY REVIEW 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 48).

COUNCIL'S RESOLUTION –

- 1 The draft Community Engagement Policy 2018 be placed on public exhibition from 8 May to 4 June 2018.
- 2 Following the public exhibition period, a revised Community Engagement Policy 2018 be presented to Council for adoption.

ITEM 5 - DRAFT PLANNING PROPOSAL POLICY: POST EXHIBITION REPORT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 48).

COUNCIL'S RESOLUTION – The Planning Proposal Policy and accompanying Application Form and Checklist be adopted, noting that the Independent Hearing and Assessment Panel (IHAP) is now referred to as the Local Planning Panel.

DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest Councillor D Brown departed the Chamber and was not present during debate and voting on Item 6.

ITEM 6 - PROPOSED LEASE OF PART LOT 1 DP860110 TALLEGALLA STREET, UNANDERRA TO VOX FM

53 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor King seconded Councillor Walters that -

- 1 Council authorise the lease of the vacant premises at Part Lot 1 DP860110 (former Girl Guides Hall) to Illawarra Community FM Broadcasters Ltd (Vox FM) for a period of 10 years, subject to the terms and conditions outlined in this report.
- 2 Authority is granted to affix the Common Seal of Council to the lease documents and any other documents required to give effect to this resolution.

ITEM 7 - PROPOSED LICENCE TO BELLAMBI SOCCER CLUB OF PART ELIZABETH PARK BELLAMBI

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 48).

COUNCIL'S RESOLUTION –

- 1 Council authorise the licence to Bellambi Soccer Club of Part Lot 1 DP657190 being Elizabeth Park, Cawley Street, Bellambi for a period of 10 years, subject to the terms and conditions outlined in the report.
- 2 Authority is granted to affix the Common Seal of Council to the licence documents and any other documents required to give effect to this resolution.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 8, Councillor Cox departed and returned to the meeting, the time being from 7.39 pm to 7.40 pm.

ITEM 8 - GENERIC PLAN OF MANAGEMENT - REPORT ON SUBMISSIONS

54 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor Connor that the Generic Plan of Management for Community Land Categorized as Park, Sportsground, General Community Use and Natural Areas (2018) (Attachment 4 to the report) be adopted with minor amendments in accordance with section 40 of the Local Government Act 1993.

ITEM 9 - DRAFT WOLLONGONG CITY-WIDE (PREVIOUSLY SECTION 94A) DEVELOPMENT CONTRIBUTIONS PLAN (2018) FOR PUBLIC EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 48).

COUNCIL'S RESOLUTION – The annual update of the Wollongong Section 94A Development Contributions Plan, being the draft Wollongong City-Wide Development Contributions Plan (2018) (Attachment 1 to the report), be endorsed for exhibition for a minimum period of 28 days.

ITEM 10 - CLIFFHANGER CAFE - BULLI TOPS, LEASE PROPOSAL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 48).

COUNCIL'S RESOLUTION –

- 1 Council authorise the lease of the vacant premises known as Cliffhanger Café at Bulli Tops to RDS Investments (NSW) Pty Ltd for a period five years with an option to renew for a further three x five years, subject to the terms and conditions outlined in the report.
- 2 Authority is granted to affix the Common Seal of Council to the licence documents and any other documents required to give effect to this resolution.

ITEM 11 - PROPOSED ROAD CLOSURE AND SALE OF PORTION OF THALASSA AVENUE, EAST CORRIMAL ADJOINING LOT 185 DP 10422 NO 29 BIRCH CRESCENT

55 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Kershaw seconded Councillor Colacino that -

- 1 Council consent to the closure of the portion of Thalassa Avenue, East Corrimal, as shown hatched on the plan attached to the report, and upon closure, the land be classified Operational Land under the Local Government Act 1993.
- 2 Subject to formal closure, Council authorise the sale of the subject portion of Thalassa Avenue, East Corrimal, as shown hatched on the plan attached to the report, to the adjoining landowner or their nominee, on the following conditions:
 - a Purchase price of \$302,500 (GST inc).
 - b The purchaser be responsible for all costs associated with the road closure and sale including valuation, survey, plan lodgement, legal and transfer costs, including Council's reasonable legal fees.
 - c A caveat be established over the land in favour of Council in regard to the stormwater infrastructure.
- 3 Authority be granted to the General Manager and Lord Mayor to affix the Common Seal of Council to the plan of survey and transfer documents and any other documentation required to give effect to this resolution.

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 NO 4 ARROW AVENUE, FIGTREE AND NO 3 WILLOW GROVE, CORRIMAL, UNDER THE VOLUNTARY PURCHASE SCHEME FOR FLOOD AFFECTED PROPERTIES

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

- 1 Council authorise the acquisition of No 4 Arrow Avenue, Figtree and No 3 Willow Grove, Corrimal subject to the owners' consent, as shown by hatching on the attachments to the report subject to the following conditions:
 - a Purchase price of \$820,000 (GST free) for No 4 Arrow Avenue, Figtree;
 - b Purchase price of \$875,000 (GST free) for No 3 Willow Grove, Corrimal;
 - c Each party be responsible for their own legal costs; and,
 - d Funding being provided from the Office of Environment and Heritage for two-thirds of the purchase price and demolition costs.
- 2 Upon the acquisition being finalised, No 4 Arrow Avenue, Figtree and No 3 Willow Grove, Corrimal, be classified as Community land in accordance with the Local Government Act 1993.
- 3 Authority be granted to the Lord Mayor and the General Manager to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to the resolution.

ITEM 13 - TENDER T17/60 - WHS BEHAVIOUR PROGRAM

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 48).

COUNCIL'S RESOLUTION –

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for the WHS Behaviour Program and resolve to enter into negotiations with one or all of the tenderers or any other party with a view to entering into a contract in relation to the subject matter of the tender.
 - b In accordance with clause 178(4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to enter into negotiations with one or all of the tenderers or any other party and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with one of those parties who demonstrate a capacity and ability to undertake the works.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with one or all of the tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 14 - TENDER T18/01 - KING GEORGE V OVAL SPORTS FIELD LIGHTING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 48).

COUNCIL'S RESOLUTION –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of JRW Trading Pty Ltd for the design and installation of King George V Oval sports field lighting, in the sum of \$273,024.20, 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 T18/10 - KANAHOOKA ROAD AND BROWNSVILLE AVENUE, BROWNSVILLE - TRAFFIC SIGNAL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 48).

COUNCIL'S RESOLUTION –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Twin Connect Pty Ltd for the installation of Traffic Signals and related Civil works, in the sum of \$235,010.00, 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 16 - MARCH 2018 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 48).

COUNCIL'S RESOLUTION –

- 1 The financials be received and noted.
- 2 Council approves the proposed changes to the Capital budget including an overall decrease of \$0.3M in the Capital Works Program.

ITEM 17 - STATEMENT OF INVESTMENT - MARCH 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 48).

COUNCIL'S RESOLUTION – Council receive the Statement of Investment for March 2018.

THE MEETING CONCLUDED AT 7.55 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 28 May 2018.

Chairperson