
**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN
HELD IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD,
NOWRA ON TUESDAY 26 JULY 2016 COMMENCING AT 4.01PM**

The following members were present;

Clr Gash – Chairperson
Clr Tribe
Clr Kearney
Clr Anstiss
Clr White
Clr Wells
Clr Baptist
Clr Findley
Clr Guile – arrived 4.05pm
Clr Watson
Clr Kitchener

The meeting was opened in Prayer by Clr Wells, followed by the Welcome to Country/Acknowledgement of Traditional Custodians and the playing of the Australian National Anthem.

560. Apologies/ Leave of Absence

Apologies were received from Clr McCrudden and Clr Robertson.

MOTION: Moved: Baptist / Second: White

That the apologies from Clrs McCrudden and Robertson be received and noted.

CARRIED

561. Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 28 June 2016

MOTION: Moved: Wells / Second: Baptist

That the Minutes of the Ordinary Meeting of Council held on 28 June 2016 be confirmed.

CARRIED

562. Declarations of Interest

Conflict of Interest Declaration - Clr Findley - less than significant non pecuniary interest – Item 29, Page 25 - perception that she has something to gain from the installation of EV Charge points that are pay for use - will remain in the room.

PRESENTATION OF PETITION – ORDINARY MEETING – TUESDAY, 26 JULY 2016

563. Petition – Construction and re-establishment of a public Wharf & Jetty in Wilson Corlis Reserve – Sussex Inlet **File 48599E**

Clr White presented a petition containing approximately 315 signatures from residents, expressing concern about The construction and re-establishment of a public Wharf & Jetty in Wilson Corlis Reserve (off Sandpiper Way) Sussex Inlet.

The reason for this petition is Council has recently removed the Jetty from Wilson Corlis Reserve Sussex Inlet that was built for ratepayers and the community. Reasons given for the removal were the Jetty was in a “poor state of repair”. However, Council had failed to provide general maintenance to the Jetty and Reserve area.

MAYORAL MINUTE – TUESDAY 26 JULY 2016

Note: Clr Guile arrived at the meeting.

564. Congratulations on re-election Mrs Ann Sudmalis MP, Member for Gilmore **File 1829E, 50252E**

MOTION: Moved: Gash / Second: Wells

That Council receive this report for information and send the Federal Member a congratulatory letter.

CARRIED

565. Oyster Industry **File 4543E, 50252E**

MOTION: Moved: Gash / Second: Wells

That Council receive the report for information and review for discussion.

CARRIED

566. Congratulations – Unspoilt South Coast Campaign

File 33158E, 50252E

Note: The Mayor congratulated the Shoalhaven Tourism Advisory Group on the tourism visitors reaching 3.1 Million for the year and winning the Asia-Pacific Tourism Award for its 'Unspoilt' Marketing campaign.

MOTION:

Moved: Gash / Second: Kearney

That Council Invite the Chairperson and Deputy Chairperson of the Shoalhaven Tourism Advisory Group and the Tourism Manager to the dinner which is to be held following the August 2016 Council Meeting.

CARRIED

567. Other events attended

File 50252E

MOTION:

Moved: Gash / Second: Wells

That Council:

- a) **Receive the report for information;**
- b) **Acknowledge the work of Margaret Simoes and those from the Aboriginal Advisory Committee for putting together the NAIDOC launch; and**
- c) **A letter of congratulations be sent to the recipients of the NAIDOC Awards.**

CARRIED

568. Thank you

File 50252E

MOTION:

Moved: Gash / Second: Wells

That Council receive the report for information.

CARRIED

569. Deputation

Bob Pullinger addressed the meeting in relation to Addendum Report 1 – Coastal and Estuary Grant Program 2016/17.

570. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION:

Moved: Watson / Second: Guile

That the following matters be introduced as ones of urgency:

- Addendum Report 1 – Planning and Development
- Confidential Addendum Report 1 – Report of the General Manager

CARRIED

The Chairperson ruled the matters as ones of urgency and allowed their introduction.

571. Procedural Motion – Bring forward Item

PROCEDURAL MOTION:

Moved: Guile / Second: Wells

That the Addendum Report 1 – Planning and Development be brought forward for consideration.

PROCEDURAL MOTION CARRIED

ADDENDUM REPORT 1 – PLANNING AND DEVELOPMENT SERVICES

572. Coast and estuary grant program 2016/17 – requirement for a certified CZMP or coastal management program **File 48579E, 30596E**

MOTION:

Moved: Findley

That Council

- a) Seek certification from the Minister for Planning, The Hon Rob Stokes MP of Council's draft Coast Zone Management Plan and adopted estuary management plans, before the grant applications close on 18 August 2016, to ensure Council is eligible to apply for grant funding for works under the NSW Government's 2016/17 Coast and Estuary Program; and
- b) Council apply funding under the NSW Government's 2 016/17 coast and estuary program for the four (4) projects detailed in this report; and
- c) Council also write to the Minister for Planning, The Hon Rob Stokes MP seeking a one year exemption from the requirement of a certified Coastal Zone Management Plan or a Coastal Management Program, as previously resolved by Council.

LAPSED for want of a seconder

FURTHER MOTION:

Moved: Watson / Second: Guile

That Council:

- a) **Advertise the outstanding issues in the plan with the view to reporting back to Council as soon as possible on the potential to adopt the draft plan;**
- b) **Seek urgent representation through Offices of the Parliamentary Secretary of Illawarra and the Hon Shelley Hancock, to the Minister to seek an exemption from the requirement of a certified CZMP to qualify for funding in the first round;**

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- c) **Prepare to seek certification and apply for funding with a further report to the Strategy and Assets Committee in August 2016 on progress of this matter.**

FURTHER MOTION CARRIED

GENERAL MANAGER – COMMITTEES REPORT

DEVELOPMENT COMMITTEE – MONDAY 18 JULY 2016

573. SLEP Amendment – Landscaping Material Supplies – IN1 & IN2 General Industrial Zones **File 33363E (PDR)**

MOTION: Moved: Baptist / Second: White

That:

- 1. The Shoalhaven Local Environmental Plan 2014 be amended to include the use “Landscaping Material Supplies” as a permissible land use within the IN1 & IN2 General Industrial zones; and**
- 2. Such amendment be included as part of the next Housekeeping Amendment to the LEP that Council undertakes.**

CARRIED

FOR: Tribe, Kearney, Anstiss, White, Wells, Baptist, Findley, Guile, Watson, Kitchener, Gash

AGAINST: Nil

STRATEGY AND ASSETS COMMITTEE – TUESDAY 19 JULY 2016

574. Adoption of Report

MOTION: Moved: White / Second: Baptist

That the following items of the Strategy and Assets Committee be adopted.

CARRIED

575. Lady Denman Draft Strategic Business and Master Plan**File 52288e****That Council:**

- a) **Adopt the Lady Denman Draft Strategic Business and Master Plan (LDDSBMP) with the amendments as attached in the report. (See # Attachment A & A1).**
- b) **Consider allocating \$50,000 in the 2017/2018 budget to commence costing of detail design and development/implementation of the LDDSBMP.**
- c) **Advise those who made a submission on the LDDSBMP of the above resolution.**

576. Amendment to Section 88B Instrument - Drainage Easement over Lot 12 DP1022813**File SF7858****That Council:**

- a) **Amend the S. 88B Instrument relating to the easement to drain water over Lot 12 DP1022813 to note Lot 11 DP1022813 as a benefitted Lot, with all costs associated with amendment, including legal fees and LPI registration costs to be paid by the owner of Lot 11 DP1022813; and**
- b) **Authorise the General Manager to affix the Seal of Council to the LPI Request form and any other documentation associated with the matter to enable this resolution to be enacted.**

577. Reclassification of Land**File 50767E****That Council resolve to reclassify the land described in Schedule A as Community land:****Schedule A**

Legal Description	Street	Locality	Reference
Lot 21 DP252581	50 Shoalhaven Heads Road	Shoalhaven Heads	50767E
Lot 12 DP617101	Bolong Road	Coolangatta	50767E
Lot 3 DP597223	Bolong Road	Coolangatta	50767E
Lot 4 DP550354	Island Point Road	St Georges Basin	50767E
Lot 2081 DP216860	Lively Street	Vincentia	50767E

578. Creation of Easement over Council Land Lot 12 DP1022913

File DA03/1477

That Council:

- a) **Approve the creation of the easement to drain water within Council's land known as Lot 12 DP1022913 to benefit Lot X DP164823 and Lot 1 DP514622, with all costs associated with the easement creation, including compensation for market value of the easement, legal fees and LPI registration costs to be paid by the registered proprietor of Lot X DP164823;**
- b) **Authorise the General Manager to affix the Seal of Council to all relevant documentation associated with the matter to enable this resolution to be enacted; and**
- c) **Authorise the General Manager to finalise any negotiations as required to enable this resolution to be effected.**

579. Additional Grant Funding Variations – 2015/16 Black Spot Program

File No 28099E, 5279E

That Council accepts the approved variations under the Federal Nation Building Black Spot Program as follows:

- a) **Springs Road project, increase the budget from \$220,000 to \$275,000 and revise the funding provision as \$30,000 in 2014/15; \$80,000 in 2015/16; and \$165,000 in 2016/17.**
- b) **for the Sussex Inlet Road project, increasing the budget from \$650,000 to \$1,055,000 and revising the funding provision as \$30,000 in 2014/15; \$170,000 in 2015/16; and \$855,000 in 2016/17.**
- c) **for the Lake Conjola Entrance Road project, increasing the budget from \$450,000 to \$675,000 and revising the funding provision as \$30,000 in 2014/15; \$40,000 in 2015/16; and \$605,000 in 2016/17.**
- d) **for the Illaroo Road project, increasing the budget from \$280,000 to \$380,000 and revising the funding provision as \$30,000 in 2014/15; and \$350,000 in 2015/16.**

580. 2016/17 Federal Nation Building Black Spot Program

File No 28099E, 5279E

That Council

- a) **Accepts the grant funding offers under the Federal Nation Building Black Spot Program as follows:**
 - i) **\$660,000 for the safety improvements along Bendalong Road, Conjola.**
 - ii) **\$285,000 for the roundabout at the Paradise Beach Road and Kerry Street intersection (Sanctuary Point).**

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- iii) \$210,000 for the roundabout at the St Vincent Street and Church Street intersection (Ulladulla).
 - iv) \$140,000 for the roundabout at the Deering Street and Jubilee Street intersection (Ulladulla).
 - v) \$420,000 for the safety improvements along Bolong Road, Bolong.
 - vi) \$510,000 for the safety improvements along Woodburn Road, Morton.
 - vii) \$240,000 for the safety improvements at the Forest Road and Callala Beach Road intersection (Wollumboola).
- b) Council writes to the Local Members of Federal Parliament and the Federal Government thanking it for its funding assistance as part of the 2016/17 Black Spot program.

581. 2016/17 NSW Active Transport Program

File No 5279E

That Council:

- a) accepts the grant funding offers under the NSW Active Transport Program as follows:
- i) \$10,500 for the installation of new bike racks
 - ii) \$65,000 for the extension of the shared path network along Mitchell Parade, Mollymook
 - iii) \$160,000 for the extension of the shared path network along Matron Porter Drive (Milton/Mollymook)
 - iv) \$70,000 for the construction of a pedestrian refuge at the West Birriley Street / North Tarawal Street intersection (Bomaderry)
 - v) \$30,000 for the construction of a pedestrian crossing treatment on Tallwood Avenue, Mollymook Beach
- b) Council writes to the Local Members of New South Wales Parliament and the State Government thanking it for its funding assistance as part of the 2016/17 NSW Active Transport program.

582. Tender – Supply of Construction Materials - Concrete Supply Tender File 53054E

That in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, consider a separate confidential report on this matter.

583. Tender Process - REMS 1B Works

File 52079E

That Council; in accordance with Section 10A(2)(d)(i) of the Local Government Act (1993), consider a separate confidential report on this matter.

584. Extinguishment of Easements - 31 Vidler Road Falls Creek

File 52908E

That:

- a) **Council resolve to extinguish the Easements for Water Supply 3.05 wide over Lot 421 DP789734 at Falls Creek, as shown by hatching on copy of that deposited plan marked 'Attachment A'.**
- b) **Costs to extinguish the easements are to be met from Council's Water Fund.**
- c) **The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.**

585. Expressions of Interest Process - Minor Projects Survey and Design File 52348E

That the Committee consider the separate confidential report.

586. June 2016 East Coast Low Impacts

File 30596e & 53449e

That as an interim measure, the Council

- a) **Re-allocate \$500,000 in the 2016/17 budget as follows:**
 - **\$100,000 from Parks & Reserves Operating Budget – Mollymook Beach Accessible Playgrounds;**
 - **\$150,000 from Capital Expenditure - Tourist Parks Development; and**
 - **\$250,000 from Capital Expenditure – Yarramunmun Creek Bridge Renewal (Noting that bridge funds are available in 2017/18 to be allocated to this project.)**
- b) **Of the above \$500,000, \$350,000 be allocated for coastal management priority works that match the objectives & priorities of the NSW Coastal & Estuaries grants program and \$150,000 be allocated for restoration works in the immediate vicinity of adjoining Holiday Haven Tourist Parks.**

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 12 JULY 2016

587. Adoption of Report

MOTION:

Moved: White / Second: Kearney

That the following items of the Shoalhaven Traffic Committee be adopted.

CARRIED

588. Existing Bus Bay Linemarking – Meroo Road, Bomaderry (PN 1211) File 3995E

That the General Manager (Director Assets and Works) be requested to install edge (E1) line marking and continuity (C1) line marking at the bus bay opposite the Emerald Drive and Meroo Road intersection, Bomaderry as detailed in TRAF 2016/48

589. No Parking Zone - HMAS Albatross, Braidwood Road, Nowra Hill (PN 3309) File 2641E

That the General Manager (Director Assets and Works) be requested to install No Parking restrictions along the fence line of HMAS Albatross on Braidwood Road (From Albatross Road Ch. 0 – 2.5 km), Albatross Road (From Braidwood Road Ch. 0 – 0.1 km), BTU Road (From Albatross Road Ch. 0.1 – 0.24 km) as detailed in TRAF 2016/49.

590. Regulatory Signage - Kerry Street Carpark, Sanctuary Point (PN 3310) File 3238E

That the General Manager (Director Assets and Works) be requested to arrange for the installation of the following regulatory signage and associated line marking at the exit to the carpark located in Kerry Street, Sanctuary Point as detailed in TRAF 2016/50:

- a) A Give Way (R1-2A) sign and associated TB hold line marking at the exit from the Kerry Street carpark
- b) A No Entry sign (R2-4A-RTA) on the back of the proposed Give Way sign.

591. No Stopping - Colyer Avenue, Nowra (PN 3313) File 2636E

That the General Manager (Director Assets and Works) be requested to arrange for the installation of a No Stopping zone for a distance of approximately 38m on the western side of Colyer Avenue, north of North Street, Nowra as detailed in TRAF 2016/51.

592. Regulatory Keep Left Signage - Rannoch Drive, West Nowra (PN 3314) File 49729E

That the General Manager (Director Assets and Works) be requested to arrange for the installation of keep left (R2-3AA) signs at both ends of the three existing traffic islands on Rannoch Drive, West Nowra, adjacent to property No's 29, 36, 50, 62 & 68 as detailed in TRAF 2016/52.

CORPORATE AND COMMUNITY SERVICES

593. Appointment - New member to the Shoalhaven Tourism Advisory Group File 1490E

MOTION: Moved: Wells / Second: Baptist

That Council appoint Jo Thomas to the Shoalhaven Tourism Advisory Group.

CARRIED

594. Local Government NSW Annual Conference 2016 File 50114E

MOTION: Moved: Wells / Second: Baptist

That Council:

- a) **Notes the details of the forthcoming Local Government NSW Annual Conference 2016, scheduled for Sunday 16 October 2016 to Tuesday 18 October 2016, at Wollongong.**
- b) **Authorises Councillors to attend the conference within the limits imposed under current policy and such attendance be deemed Council Business.**
- c) **Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.**
- d) **Propose motions to be put forward for consideration at the conference.**
- e) **Receive a further report in after appointment of the new Council in September 2016 to determine the appointment of Delegates to the Conference.**

CARRIED

595. Investment Report – June 2016 File 2126E

MOTION: Moved: Wells / Second: Kearney

That the Report of the General Manager (Corporate Services and Community Services Group) on the Record of Investments for the period to 30th June 2016 be received for information.

CARRIED

ASSETS AND WORKS

596. Tender Update – Lake Conjola Boardwalk Replacement **File 52995E**

MOTION: Moved: Findley / Second: White

That in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter.

CARRIED

597. Tender – Design & Construction of Aquatic Splash Pad at Culburra Beach Holiday Park **File 53385E**

MOTION: Moved: Findley / Second: White

That Council, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, consider a separate confidential report on this matter

CARRIED

598. Holiday Haven Tourist Parks – Management Contract Extension – Ulladulla Headland Holiday Park **File 47789E**

MOTION: Moved: Findley / Second: White

That Council, in accordance with Section 10A(2)(C) of the Local Government Act 1993, consider a separate confidential report on this matter.

CARRIED

599. Road Transport Access Improvement Measures - North Nowra Link Road **File 5253E**

MOTION: Moved: Wells / Second: White

That the report of the General Manager (Director Assets and Works) be received for information.

CARRIED

NOTICES OF MOTION

600. Inquiry into the Regulation of Brothels

File 1379E

MOTION:

Moved: Tribe / Second: Findley

That the General Manager write to the NSW State Government to express disappointment at its recent response to the recommendations in regard to the licensing system and lack of funded exit strategies following the Inquiry into the Regulation of Brothels.

CARRIED

FOR: Tribe, Kearney, Anstiss, White, Wells, Baptist, Findley, Watson, Kitchener, Gash

AGAINST: Guile

601. 2016 Berry Small Farm Field Day

File 4771E

MOTION:

Moved: Wells / Second: Kearney

That Council make a donation of \$2500 from the Unallocated Donations Vote to the Berry Rotary Club to help it fund the staging of the 2016 Berry Small Farm Field Days.

CARRIED

602. Public Wharf/Jetty in Wilson Corlis Reserve

File 48599E

Note: A Petition was submitted in relation to this Item. See MIN16.563

MOTION:

Moved: White / Second: Baptist

That Council:

- a) Accept the petition from residences/community members in respect of the reinstatement of the public wharf/jetty previously located in Wilson Corlis Reserve (off Sandpiper Way) Sussex Inlet.**
- b) Give consideration to investigating the reinstatement of the public wharf/jetty**
- c) If and when this infrastructure is reinstated for replacement apply for funding from the Better Boating grants program for any investigations and future approved reinstatement works.**

CARRIED

603. Electric Vehicle Charging Points

File 1746E

Conflict of Interest Declaration - Cllr Findley – less than significant non pecuniary interest – perception that she has something to gain from the installation of EV Charge points that are pay for use - remained in the room.

MOTION:

Moved: Findley / Second: Wells

The General Manager report back to Council on how Council can promote the installation of electric vehicle charging points throughout the city, particularly in its major carparks in town centres or near visitor centres / libraries. A costing be provided to Council and provision be made to fund the project from this current year's budget or the following year. The report should also seek to have 3rd party providers encouraged to include such infrastructure should they abut public open spaces within our CBD. The charging points should be accompanied by appropriately marked parking spaces that prioritise electric vehicles.

CARRIED

604. South Coast Milk Cooperative

File 4092E

MOTION:

Moved: Findley / Second: Guile

The General Manager instigate a purchasing policy that supports the South Coast Milk Cooperative for Council's dairy needs. The General Manager should also expect this in any contracts that it lets for catering for events.

CARRIED

605. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION:

Moved: Findley / Second: Watson

That the following matters be introduced as ones of urgency:

- Woolworths Restructure Announcement
- South Coast Correctional Centre Management

CARRIED

The Chairperson ruled the matters as ones of urgency and allowed their introduction.

606. Additional Item – Woolworths Restructure Announcement

MOTION:

Moved: Guile / Second: Watson

That the General Manager seek a meeting with Woolworths Executives to gain assurances that jobs will not be lost in the Shoalhaven as a result of yesterday's write off and restructure announcement. Specifically, representations should include the future of current Woolworths stores in the Shoalhaven with particular

reference to leased facilities at Stockland and Egans Lane, as well as their specific intentions with the proposed new development for Bomaderry.

PROCEDURAL MOTION:

Moved: Wells

That the MOTION be PUT.

PROCEDURAL MOTION CARRIED

MOTION CARRIED

607. Additional Item – South Coast Correctional Centre Management

MOTION:

Moved: Watson / Second: Wells

That Council make urgent representations through the Member for South Coast the Hon Shelley Hancock regarding the potential cut back of 15 positions at the South Coast Correctional Centre and requesting Corrective Services to review the situation and maintain existing staffing levels that exist at the moment.

CARRIED

FOR: Wells, Baptist, Findley, Guile, Watson, Kitchener

AGAINST: Tribe, Kearney, Anstiss, White, Gash

CONFIDENTIAL REPORT

STRATEGY AND ASSETS COMMITTEE – TUESDAY 19 JULY 2016

Item	Reason
Tenders – Provisions of Management & Operations of the Ulladulla Civic Centre 2016/19	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i) It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.
Release Agreement Lehman Brothers Special Financing Inc (LBSF) Lehman Brothers Holding Inc (LBHI), Lehman Brothers Australia Limited (LBA), ANZ and Shoalhaven City Council AND Deed of Release with ANZ and Shoalhaven City Council – Signing of Agreements	Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 10A(2)(g) It is not in the public interest to disclose this information as it may impact on the ability of Council to finalise legal proceedings.

Tender - Supply of Construction Materials - Concrete Supply Tender	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i) It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.
Tender Process - REMS 1B Works	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i) It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.
Expressions of Interest Process - Minor Projects Survey and Design	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i) It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

ASSETS AND WORKS

Item	Reason
Tender – Lake Conjola Boardwalk Replacement	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i) It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future
Tender – Design & Construction of Aquatic Splash Pad at Culburra Beach Holiday Park	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i) It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.
Holiday Haven Tourist Parks – Management Contract Extension – Ulladulla Headland Holiday Park	Information that would if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 10(A)(2)(c) It is not in the public interest to disclose this information as it may prejudice the commercial position of the proponent who supplied it.

CONFIDENTIAL ADDENDUM REPORT 1 – GENERAL MANAGER

Item	Reason
Contract Issues	Section 10A(2)(d)(i) - Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

Pursuant to Section 10(A)(4), the public were invited to make representations to the Ordinary Meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed. The Chairperson asked the General Manager if any written representations had been received as to whether that part of the meeting should be closed.

MOTION:

Moved: Wells / Second: White

That the Ordinary Meeting exclude the press and public from the Meeting pursuant to Section 10(A)(1)(a) of the Local Government Act, 1993 as it was to consider items of a confidential nature in relation to matters pursuant to Section 10(A)(2)(c), 10(A)(2)(d)(i), 10(A)(2)(g).

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may impact on the ability of Council to attract competitive tenders in the future:

- Tenders – Provision of Management & Operations of the Ulladulla Civic Centre
- Tender – Supply of Construction Materials – Concrete Supply Tender
- Tender Process – REMS 1B Works
- Expressions of Interest Process – Minor Projects Survey and Design
- Tender – Lake Conjola Boardwalk Replacement
- Tender – Design & Construction of Aquatic Splash Pad at Culburra Beach Holiday Park

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may impact on the ability of Council to finalise legal proceedings.

- Release Agreement Lehman Brothers Special Financing Inc (LBSF) Lehman Brothers Holding Inc (LBHI), Lehman Brothers Australia Limited (LBA), ANZ and Shoalhaven City Council AND Deed of Release with ANZ and Shoalhaven City Council – Signing of Agreements

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may prejudice the commercial position of the proponent who supplied it:

- Holiday Haven Tourist Parks – Management Contract Extension – Ulladulla Headland Holiday Park

CARRIED.

The meeting moved into confidential the time being 5.34pm.

The meeting moved into open session, the time being 5.56pm.

The following resolutions of the Confidential Ordinary Meeting were made public.

608. Tenders – Provision of Management & Operations of the Ulladulla Civic Centre 2016/19 **File 52412e**

That:

- e) The recommendation remain confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act (1993), until negotiations are final.
- f)

609. Release Agreement Lehman Brothers Special Financing Inc (LBSF) Lehman Brothers Holding Inc (LBHI), Lehman Brothers Australia Limited (LBA), ANZ and Shoalhaven City Council AND Deed of Release with ANZ and Shoalhaven City Council – Signing of Agreements **File 35194E**

That Council resolve for the General Manager to sign:

- a) the Release Agreement between LBSF, LBHI, LBA, ANZ in relation to Attachment A; and
- b) the Deed of Release with Australia and New Zealand Banking Group Limited (ANZ) in relation to Attachment B
- c) that matters of funds be restored to the employees retirement fund reserve from which it was obtained.

610. Tender – Supply of Construction Materials - Concrete Supply Tender **File 53054E**

That:

- a) Council accept the tender Schedule of rates from Boral Resources (Country) Pty Ltd, Cleary Bros (Bombo), Eziway Concrete and Hanson Construction Materials and appoint suppliers to Council’s Concrete Supply Panel for a period of 3 years with options to extend up to 5 years, ranked in order of preference for supply as listed in the tables at Table 1b of the report, for the Northern, Central, Basin and Southern Zones. Council accepts rates listed below:

Company	Rates \$1m ³							
	S20 Kerb Machine Mix	N20, 10mm	N20, 20mm	N25, 20mm	N32, 20mm	S40, 20mm	Lean Mix Concrete	Additional Charge
Northern Zone								
Boral	210	209	200	206	214	227	216	75**
CB	190	189	186	189	197	206	178	****

EziWay	220	220	214.55	220	225.45	230.91	214.55	72.73*	
Hanson	215	200	193	198	205	223	196	40***	
Central Zone									
Boral	200	199	190	196	204	217	206	75**	
CB	193	189	186	189	197	206	178	****	
EziWay	206.36	206.36	200.91	206.36	211.82	217.27	200.91	72.73*	
Hanson	202	187	180	185	192	210	183	40***	
Basin Zone									
Boral	200	199	190	196	204	217	206	75**	
CB	209	205	202	205	213	222	194	****	
EziWay	220	220	214.55	220	225.45	230.91	214.55	72.73*	
Hanson	215	200	193	198	205	223	196	40***	
Southern Zone									
Boral	214	213	204	210	218	231	220	75**	
CB	Did not submit								
EziWay	246.37	246.37	240.91	246.37	251.82	257.27	240.91	72.73*	
Hanson	235	220	213	218	225	243	216	40***	

* Load sizes below 2m³

** Load sizes 3m³ or less

*** Load sizes 4m³ or less

******Cartage On Small Loads - Does not include Concrete Price (exclusive of GST)**

10kms – Northern Zone

0.2m ³	0.4 m ³	0.6 m ³	0.8 m ³	1.0 m ³	1.2 m ³	1.4 m ³	1.6 m ³	1.8 m ³	2.0 m ³	2.2 m ³	2.4 m ³	2.6 m ³	2.8 m ³
99.51	92.4	85.3	78.19	71.08	63.97	56.86	49.76	42.65	35.54	28.43	21.32	14.22	7.11

15kms – Central Zone

0.2m ³	0.4 m ³	0.6 m ³	0.8 m ³	1.0 m ³	1.2 m ³	1.4 m ³	1.6 m ³	1.8 m ³	2.0 m ³	2.2 m ³	2.4 m ³	2.6 m ³	2.8 m ³
117.99	109.56	101.14	92.71	84.28	75.85	67.42	59	50.57	42.14	33.71	25.28	16.86	8.43

20kms – Basin Zone

0.2m ³	0.4 m ³	0.6 m ³	0.8 m ³	1.0 m ³	1.2 m ³	1.4 m ³	1.6 m ³	1.8 m ³	2.0 m ³	2.2 m ³	2.4 m ³	2.6 m ³	2.8 m ³
136.47	126.72	116.98	107.23	97.48	87.73	77.98	68.24	58.49	48.74	38.99	29.24	19.5	9.75

- b) Authorise the General Manager (Director, Assets & Works) to finalise and execute the contract with the tenders on behalf of Council; and
- c) Authorise the General Manager, (Director, Assets & Works) to adjust the contract for variations for components under the contact and invite quotes from members of the Concrete Supply Panel where quantities of materials required exceed the maximum quantities stipulated in the tender documents, being 10m³.

That Council:

- a) Accept the Tender from UGL Engineering Pty Ltd as detailed within the report the amount of \$109,591,911 incl. GST**
- b) Authorise the General Manager (Shoalhaven Water) to finalise and execute the contract with UGL Engineering Pty Ltd on behalf of Council**
- c) Authorise the General Manager (Shoalhaven Water) to, once the Contract is executed, administer the Contract including by, where appropriate to do so:**
 - i. Directing or agreeing to Contract variations, as permitted under the Contract;**
 - ii. Directing the contractor under the Contract to proceed with the construction of the WP2.1: Transfer Main from Bomaderry to Nowra in accordance with the Contract up to the GMP specified in this Report; and**
 - iii. Negotiating and agreeing to Innovation items in accordance with the Contract.**

612. Expressions of Interest Process - Minor Projects Survey and Design**File 52348E****That Council:**

- a) Accept the expression of interest evaluation recommendation to appoint the panel for Minor Survey and Design works comprising of:**
 - i) Allen Price & Scarratts**
 - ii) Cardno (NSW/ACT) Pty Ltd**
 - iii) Engineering Survey Group**
 - iv) GHD Pty Ltd (Nowra)**
 - v) H & H Consulting Engineers Pty Ltd**
 - vi) Hunter H2O Holdings Pty Limited**
 - vii) Jacobs Group (Australia) Pty Ltd**
 - viii) Johnson Proctor Surveyors Pty Limited**
 - ix) Jones Nicolson Pty Ltd**
 - x) Leckring Pty Ltd t/a MIEngineers**
 - xi) SET Consultants Pty Ltd**
 - xii) SMEC Australia Pty Limited, and**
 - xiii) Westlake Punnett & Associates Pty Ltd.**

613. Tender – Lake Conjola Boardwalk Replacement

File 52995E

That:

- a) Council accept the tender of Agrtrans Services in the amount of \$586,420.00, excl GST;**
- b) Authorise the General Manager, (Director, Assets & Works) to finalise and execute the contract with Agrtrans Services on behalf of Council.**
- c) Authorise the General Manager, (Director, Assets & Works) to adjust the contract for separable portions and variations for components under the contract.**

614. Tender – Design & Construction of Aquatic Splash Pad at Culburra Beach Holiday Park

File 53385E

That:

- a) Council accept the tender from Parkequip Pty Ltd for the Design & Construction of Aquatic Splash Pad at Culburra Beach Holiday Park for \$303,250 excluding GST;**
- b) Authorise the General Manager, (Director, Assets & Works) to finalise and execute a contract with Parkequip Pty Ltd on behalf of Council.**
- c) Authorise the General Manager (Director, Assets & Works) to adjust the contract for variations for components under the contact.**

615. Holiday Haven Tourist Parks – Management Contract Extension – Ulladulla Headland Holiday Park

File 47789E

That Council grant the extension to C&C Hall & Family Pty Ltd as set out in the report, for the Management & Operation of Ulladulla Headland Holiday Park for a period of two years from 9 August 2016 to 8 August 2018 at the increased contract percentage recommended in the report.

616. Contract Issues

File 44924E/4; LS579; 53800E

That this report be received for information.

There being no further business, the meeting concluded, the time being 5.56pm.

Clr Gash
CHAIRPERSON