

Closed Meeting Of Council



Closed Minutes 18 July 2016

The meeting commenced at 8.33pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

WOLLONDILLY SHIRE COUNCIL

Minutes of the Closed Meeting of Wollondilly Shire Council held in the Council Chamber,
62-64 Menangle Street, Picton, on Monday 18 July 2016 commencing at 8.33pm

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WOLLONDILLY SHIRE COUNCIL

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PRESENT

Councillors: Landow (Mayor), Hannan, B Banasik, Law, Terry, M Banasik, Gibbs, Amato and Mitchell.

ALSO PRESENT WERE

General Manager, Executive Director Community Services and Corporate Support, Director Planning, Director Infrastructure and Environment, Manager Executive Services, Manager Governance, Manager Financial Services and two Administration Officers.

APOLOGIES

TRIM 88-11

No apologies were noted for this meeting.

DECLARATION OF INTEREST

Cr Mitchell declared a Non-Pecuniary (Significant) Conflict of Interest in Item PE9 – Confidential Report – NSW Land & Environment Court Proceedings – Commercial Development at 55-57 Menangle Street, Picton. The reason being was because a family member owns a business in Picton Village Square. Cr Mitchell advised that he would leave the meeting and not vote on the matter.

Cr M Banasik declared a Pecuniary Conflict of Interest in Item PE9 – Confidential Report – NSW Land & Environment Court Proceedings – Commercial Development at 55-57 Menangle Street, Picton. The reason being was that he has a business in close proximity to the commercial development at 55-57 Menangle Street, Picton and the outcome of the courts consideration may have an impact upon his business. Cr M Banasik advised that he would leave the meeting and not take part in the discussions or voting on the matter.

PLANNING & ECONOMY

PE9

NSW Land & Environment Court Proceedings – Commercial
Development at 55-57 Menangle Street, Picton
265155 TRIM 8999

TRIM 8999

Resolved on the Motion of Crs B Banasik and Hannan:

1. That Council agree in principle to the Concept Plan enclosed in Attachment 2 of this Report for consideration by the Commissioner at the Section 34 Conference on 21 July 2016.
2. That any negotiations with the Applicant regarding a revised Voluntary Planning Agreement be based upon the principles outlined in this report.
3. That any Letter of Offer relating to a revised Voluntary Planning Agreement be exhibited and further reported to Council.

On being put to the meeting the motion was declared CARRIED.

Vote For: Crs Law, Landow, Gibbs, B Banasik, Amato and Hannan

Vote Against: Cr Terry

Cr M Banasik and Cr Mitchell returned to the meeting at 8.49pm.

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Planning and Economy

PE12 **NSW Land and Environment Court Proceedings – Bingara Gorge Appeal**
266876 TRIM 8642-2

Planning and
Economy

Moved on the motion of Crs B Banasik and Terry:

That in relation to the NSW Land & Environment Court Proceedings No 2016/158921, Council instruct its Solicitors to *continue with the proceedings*.

Cr Hannan foreshadowed the motion:

In relation to the NSW Land & Environment Court Proceedings No 2016/158921, Council instruct its Solicitors to inform the Court that:

1. The information provided by the Proponent in relation to the merits is accepted and no longer contested.
2. Council maintains that the Appeal should be dismissed on the basis of the legal issues raised in the Statement of Facts and Contentions.

157/2016 Resolved on the Motion of Crs B Banasik and Terry:

That in relation to the NSW Land & Environment Court Proceedings No 2016/158921, Council instruct its Solicitors to *continue with the proceedings*.

On being put to the meeting the motion was declared CARRIED.

Vote For: Crs B Banasik, M Banasik, Gibbs, Mitchell, Law, and Terry

Vote Against: Crs Landow, Hannan and Amato

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Infrastructure

INFRASTRUCTURE

IN1 Panel Contracts Tenders – Tenders 2016/11, 2016/12, 2016/14, 2016/15
198 TRIM 8394

158/2016 Resolved on the Motion of Crs Landow and Mitchell:

1. That Council accept the following tenders:

Tender 2016/11 – Plant & Equipment Hire

Tenderers Name	ABN
1. Wollondilly Excavations	54 324 492 083
2. Total Drain Cleaning Services Pty Ltd	17 130 467 346
3. TG Hire Pty Ltd	31 122 027 132
4. Rollers Australia	50 087 309 091
5. Stefanutti Constructions Pty Ltd	37 080 041 621
6. Supreme Earthmoving Pty Ltd	99 125 261 887
7. Specialised Pavement Services Pty Ltd	46 076 353 887
8. Sherrin Rentals	52 074 173 756
9. N & M Bray Excavations	91 509 501 671
10. Premiair Services Pty Ltd	19 745 930 428
11. Picton Hire	85 292 725 081
12. Kennards Hire	69 001 740 727
13. Kiama Municipal Council	22 379 679 108
14. Max Hire Pty Ltd	40 123 987 093
15. Ledacon Pty Ltd	81 071 918 468
16. JR Richards & Sons	34 000 526 385
17. Leroy Excavations	77 080 532 725
18. RSEA Pty Ltd	91 094 385 430
19. Subgrade Civil Pty Ltd	80 947 660 759
20. Acclaimed Excavations Pty Ltd	83 123 434 391
21. Brefni Pty Ltd	73 082 718 983
22. Edscog Pty Ltd	97 002 572 787
23. Graham Hall Excavations	28 070 821 868
24. Action Hire	95 091 411 031
25. Turp's Tippers Pty Ltd	13 111 322 519
26. Earth Plant Hire Pty Ltd	36 124 187 944
27. Stabilcorp Pty Ltd	25 162 342 001
28. Earth Civil Pty Ltd	63 164 366 282
29. E&B Tipper Hire Pty Ltd	61 118 228 881
30. Downer EDI Pty Ltd	66 008 709 608
31. Conplant Hire Pty Ltd	15 000 373 151
32. Aqua Assets Pty Ltd	32 075 144 419
33. Allcott Hire Pty Ltd	38 003 418 988

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Infrastructure

34.	Camden Hire Pty Ltd	61 351 659 098
35.	Allard's Plant Hire Pty Ltd	37 003 717 815
36.	BPB Construction Group Pty Ltd	99 163 736 472

Tender 2016/12 – Trade Services

Tenderers Name	ABN
1. Wollondilly Electrical Contacting & Sales Pty Ltd	20 110 116 455
2. Ultimate 1 Air Conditioning	53 601 856 366
3. Stone Electric	25 144 693 498
4. Ray Lawson Plumbing	14 772 064 532
5. Pro Asset Painting Maintenance Pty Ltd	46 122 934 034
6. JWG Build & Fix	85 638 257 629
7. CRG Plumbing	31 167 176 258
8. Always Welding	60 140 611 963
9. All Aspects of Plumbing	64 095 607 668
10. 100% Electrical	12 932 533 461
11. Country Colours	94 801 850 891
12. GWP Constructions Pty Ltd	79 166 521 599
13. Funnell's Electrical Pty Ltd	76 169 676 126
14. Allfitz Constructions	83 260 787 727

Infrastructure

Tender 2016/14 – Minor Works & Services

Tenderers Name	ABN
1. Euro Civil Pty Ltd	85 057 330 748
2. Ledacon Pty Ltd	81 071 918 468
3. Combined Concrete Constructions Pty Ltd	68 125 082 242
4. Workforce Road Services Pty Ltd	36 136 999 374
5. Downer EDI Works Pty Ltd	66 008 709 608
6. RBK Pty Ltd	73 105 017 301
7. Complete Linemarking Solutions Pty Ltd	14 154 443 786
8. Irwin Fencing Pty Ltd	83 338 059 800
9. South West Kerbing	81 103 316 725

Tender 2016/15 – Road Making Products

Tenderers Name	ABN
1. Boral Resources (NSW) Pty Ltd	51 000 756 507
2. MKD Machinery (Mick's Mini Mix)	11 091 313 987
3. Concrete	86 000 795 166
4. Picton Sand & Soil Pty Ltd (Earth Civil Pty Ltd)	77 159 282 130

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2. That Council reject the following tenders:

Tender 2016/11 – Plant & Equipment Hire

Tenderers Name	ABN
1. DJK Excavation Pty Ltd	Not provided
2. Sharpe Bros (Aust) Pty Ltd (Hunternet)	59 108 348 929

Tender 2016/12 – Trade Services

Tenderers Name	ABN
1. Michael Duffy Building Services	76 379 688 250

Tender 2016/15 – Road Making Products

Tenderers Name	ABN
1. Turp's Tippers Pty Ltd	13 111 322 519

3. That Council authorise the General Manager (or his delegate) to execute the Formal Instrument of Agreements for these tenders to create contracts with Council, including the use of the Common Seal of Council.
4. That no contract exist between Council and a tenderer until the Formal Instrument of Agreement is Executed by both parties.
5. *That a report be submitted to Council after six months evaluating the cost of the external provision of these services, plant and equipment.*

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Landow, Terry, M Banasik, Mitchell, Gibbs, B Banasik, Amato and Hannan

Vote Against: Cr Law

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Infrastructure

IN2 **Tender 2016/07 & 08 Management and Operation of Wollondilly Community Leisure Centre & Warragamba Pool**
203 TRIM 8772

159/2016 **Resolved** on the Motion of Crs Gibbs and Mitchell:

1. That in accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender submission of the recommended Tender for the Management and Operation of the Wollondilly Leisure Centre for a period of three and three-quarter (3.75) years from 1 October 2016 to 30 June 2020.
2. That in accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender submission of the recommended Tender for the Management and Operation of the Warragamba Pool for a period of three and three-quarter (3.75) years from 1 October 2016 to 30 June 2020.
3. That Council authorise the General Manager (or delegate) the authority to finalise and execute the Contract and any other documentation required to give effect to the resolution.
4. That no contract be formed between the parties, until the Execution of the Formal Instrument of Agreement by both parties.
5. That all respondents be notified of Council's decision.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik, Amato and Hannan

Infrastructure

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Closing

CLOSING

There being no further business, the Mayor resumed the Ordinary Council Meeting at 9.24pm.

This and the preceding 9 pages are the Minutes of the Closed Meeting of Council held on Monday 18 July 2016 and were confirmed at the subsequent meeting held on Monday 15 August 2016.

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Mayor