

MINUTES

OF THE EXTRAORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday,
20 June 2007

The meeting commenced at 6.08pm.



MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 20 June 2007



CONTENTS

COUNCIL MATTERS	3
CORPORATE SERVICES DIVISION	3
o-CS1 Lease of Council Land –Country Golf Club and Bowral RSL Limited.....	3
o-CS2 Request to Execute Real Property Dealing – Release of Restriction on Use of Land	5
CORPORATE SERVICES DIVISION	6
c-CS1 Closed Council	6
CLOSED COUNCIL	8
GENERAL MANAGER’S REPORT	8
GM-1 Principal Design Consultant for Proposed Leisure Centre	8
GM-2 Assessment of Tenders Received for Purchase of Scrap Metals from the Resource Recovery Centre	9

COMMENCING AT: 6.08PM

PRESENT: Councillor Gordon Lewis (Mayor) in the Chair
Clr NN Campbell-Jones, Clr J R Clark, Clr T D Gair,
Clr P A George, Clr M L King, Clr J E Mauger, Clr M J Murray,
Clr S H Murray, Clr P B Tuddenham, Clr L A C Whipper and
Clr P Yeo

IN ATTENDANCE: General Manager, Director Environment & Planning, Director
Technical Services, Acting Manager Administration Services
(Kathryn Long) and Administration Officer (AOR)

PRAYER

100/1

The meeting was opened with the Civic Prayer read by the Mayor, Clr G Lewis.

DECLARATIONS OF INTEREST

101/3

1. Clr N N Campbell-Jones declared a pecuniary interest in Item o-CS2 (*Request to Execute Real Property Dealing – Release of Restriction on Use of Land*) as his son is the selling agent for the development. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
 2. Clrs M Murray, P George and M King declared a non-pecuniary interest in Item o-CS2 (*Request to Execute Real Property Dealing – Release of Restriction on Use of Land*) as two of the companies involved in the development had made a donation to their team's election campaign in 2004. They stated they would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
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COUNCIL MATTERS

CORPORATE SERVICES DIVISION

o-CS1 Lease of Council Land –Country Golf Club and Bowral RSL Limited

REF: DCS

6612/1.1

Reporting on the future use and lease of Council land on which the Bowral Country Golf Course is situated.

MN 199/07

MOTION moved by Cllr M J Murray and seconded by Cllr P J Yeo:

1. **THAT** Council confirms its support for the continuation of golfing activities on the Bowral Country Golf Course until Council adopts a Plan of Management for that land.
2. **THAT** if an Administrator is appointed to operate the Country Golf Club & Bowral RSL Ltd, Council seeks to maintain the existing lease until a Plan of Management is in place.
3. **THAT** Council waives the ongoing lease fees if the existing lease remains whilst the club is operated by the Administrator.
4. **THAT** Council determines the long term future use of the Bowral Country Golf Course site after assessing the views of the community expressed during the public consultation process required in developing a Plan of Management for the site.
5. **THAT** where the lease with the Country Golf Club & Bowral RSL Limited is not adopted by the Administrator then:
 - (a) Council takes over control and management of the Country Golf Club course.
 - (b) Council not require tenders for the short term contract to provide maintenance and ancillary services required to maintain and operate the Bowral Country Golf Course, due to the:
 - i. Short term nature of the contract
 - ii. Immediacy of the services required
 - iii. High capital costs
 - iv. Short lead time
 - v. Ability to maintain continuity of services

.....Cont'd

Cont'd.....

- (c) ***Council enters into a short term contract until it adopts a Plan of Management with Ground Force Bowral Pty Ltd for the maintenance of the golf course and provision of services ancillary to the game of golf.***
 - (d) ***Council enters into a user agreement with Ground Force Bowral Pty Ltd, for the non-exclusive use of the Bowral Country Golf Course, granting them permission to organise and conduct golf activities on the site until Council adopts a Plan of Management.***
 - (e) ***The net cost of resolutions 5(c) and 5(d) be neutral save that the lease fees be waived until Council adopts a Plan of Management.***
6. ***THAT a sub-committee of Councillors chaired by the General Manager provides a report to Council on the alternative uses of the land AND THAT this report be considered by Council at its Ordinary Meeting scheduled for Wednesday, 25 July 2007.***
7. ***THAT subject to legal advice a sub-committee of Council consisting of the Mayor, Deputy Mayor, Chairman of the Legal Committee and General Manager be delegated authority to permit the draft LEP amendment contained on pages 13, 14 and 15 of the business paper for the Extraordinary Meeting of Council held on Wednesday, 20 June 2007 to be placed on public exhibition.***

PASSED

Dissenting Vote: Clr M L King requested that her dissenting vote be recorded in respect of this motion.

Clr P J Yeo left the meeting at 6.27pm.

o-CS2 Request to Execute Real Property Dealing – Release of Restriction on Use of Land

REF: PO

LUA 04/1127

Reporting on an urgent request by B Bilinsky & Co. to have a Real Property Dealing – Release of Restriction on Use of Land – executed under the Common Seal of the Council.

Interest: Clr N N Campbell-Jones declared a pecuniary interest in this matter as his son is the selling agent for the development. He left the room, took no part in the debate and refrained from voting thereon.

Interest: Clrs M Murray, P George and M King declared a non-pecuniary interest in this matter as two of the companies involved in the development had made a donation to their team's election campaign in 2004. They remained in the chamber, took part in the debate and voted thereon.

MN 200/07

MOTION moved by Clr M J Murray and seconded by Clr P A George:

THAT in relation to lots 12, 13, 14 and 17 in Deposited Plan 1102306 the Real Property dealing known as Release of Restriction on Use of Land be executed by the General Manager and the Mayor under the Common Seal of the Council.

LOST

AMENDMENT moved by Clr S H Murray and seconded by Clr LAC Whipper:

THAT this matter be deferred **AND THAT** a more detailed report including a clearer plan be provided for consideration at the next Ordinary Meeting of Council on Wednesday, 27 June 2007.

PASSED

AMENDMENT BECAME THE MOTION

MOTION PASSED

Clr S H Murray left the meeting at 6.48pm.

CORPORATE SERVICES DIVISION

c-CS1	Closed Council	
REF.	DCS	107/9

To consider moving into Closed Council.

At this juncture, the time being 6.50pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

This information would, if disclosed, prejudice the maintenance of the law, AND THAT the press and public be excluded from Closed Council as it is the opinion of the General Manager that publication of the proceedings would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

MN 201/07

MOTION moved by Clr T D Gair and seconded by Clr LAC Whipper:

1. **THAT** Council move into Closed Council in accordance with the requirements of Section 10 of the Local Government Act 1993 as addressed below to consider the following reports:

GM-1 PRINCIPAL DESIGN CONSULTANT FOR PROPOSED LEISURE CENTRE
7181/6.2

Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2) (c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on tenders received for the provision of Architectural Services for Council's proposed Leisure Centre at Eridge Park.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information of a commercial nature.

**GM-2 ASSESSMENT OF TENDERS RECEIVED FOR PURCHASE OF SCRAP METALS
FROM THE RESOURCE RECOVERY CENTRE 7500/4**

Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on the process and outcome of a tender for purchase of scrap metals from the Resource Recovery Centre for a one year period.

Public Interest

It would be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

2. **THAT** the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.

PASSED

CLOSED COUNCIL

GENERAL MANAGER'S REPORT

GM-1 Principal Design Consultant for Proposed Leisure Centre

REF: DTS

7181/6.2

Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2) (c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on tenders received for the provision of Architectural Services for Council's proposed Leisure Centre at Eridge Park.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information of a commercial nature.

MN 202/07

MOTION moved by Cllr M J Murray and seconded by Cllr P A George:

1. **THAT** the Lump Sum Tender from Prior + Cheney Pty Ltd, at a cost of \$356,132 including GST, be accepted for the provision of Architectural Services for Council's proposed Leisure Centre;
2. **THAT** funds to meet the costs of all professional fees associated with the Leisure Centre be borrowed from the Entrepreneurial Reserve, pending income received from land sales **AND THAT** interest be charged at the commercial rate.

PASSED

GM-2	Assessment of Tenders Received for Purchase of Scrap Metals from the Resource Recovery Centre
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REF: MRR	7500/4
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Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on the process and outcome of a tender for purchase of scrap metals from the Resource Recovery Centre for a one year period.

Public Interest

It would be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

MN 203/07

MOTION moved by Clr T D Gair and seconded by Clr J E Mauger:

1. **THAT Council accepts the Schedule of Rates Tender of Sell and Parker Pty Ltd for the purchase of scrap metals from the Resource Recovery Centre for twelve (12) months commencing 1 July 2007.**
2. **THAT the Mayor and General Manager be granted authority to execute the contract under the Common Seal of Council.**

PASSED

ADOPTION OF CLOSED COUNCIL

MN 204/07

107/9

MOTION moved by Clr G Lewis seconded Clr N N Campbell-Jones:

**THAT the recommendations of the Closed Council held on Wednesday, 20 June 2007
GM - 1 to GM - 2 inclusive, be adopted.**

PASSED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.00PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Extraordinary Council Meeting held Wednesday, 20 June 2007 numbered MN 199/07 to MN 204/07, were signed by me hereunder at the Council Meeting held on Wednesday, 27 June 2007.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 27 JUNE 2007

CHAIRMAN

PUBLIC OFFICER



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