

# SUPPLEMENTARY AGENDA

of the  
**Ordinary Meeting of Council**  
held in  
**Council Chambers,**  
**Wingecarribee Shire Council Civic Centre,**  
**68 Elizabeth Street, Moss Vale**  
on

**Wednesday 20 July 2022**

The meeting will commence at **3:30 pm**

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## 1 REPORTS

### 1.1 Lease to Southern Highlands Bridge Club of land forming part David Woods Playing Fields at Boardman Road, Bowral

**Report Author:** Coordinator Property Services

**Authoriser:** Director Corporate Strategy and Resourcing

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#### PURPOSE

To provide an update on the Lease to the Southern Highlands Bridge Club ("the Bridge Club") and the request received from the Bridge Club for a one off payment in return for Surrender of the Lease for land forming part of David Woods Playing Fields, Boardman Road, Bowral following resolution of Council on 8 December 2021.

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#### OFFICER'S RECOMMENDATION

**THAT** Council agree to the request to provide a one off payment of \$150,000 to the Southern Highlands Bridge Club in full satisfaction of resolution of Council *MN 342/21* of 8 December 2022 conditional upon:

1. The Southern Highlands Bridge Club executing a Surrender of Lease and Surrender of Agreement for Lease and any other documentation required to bring to an end the Agreement to Lease and Lease entered into with Council for the area of land at David Woods Playing Fields, Boardman Road, Bowral.
2. The Southern Highlands Bridge Club withdrawing DA 21/1527 for construction of a Recreation Facility (Indoor) at David Woods Playing Fields, Boardman Road, Bowral.

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#### REPORT

##### **BACKGROUND**

On 8 December 2022 Council resolved *MN 342/21*:

##### **THAT**

1. *Council decline the request from Southern Highlands Bridge Club for a loan of \$470,000.*
2. *Council assist the Southern Highlands Bridge Club to identify existing facilities with capacity for shared use.*
3. *On the basis of Council negotiating the termination of the lease with the club of public land at the David Woods playing fields, the General Manager be delegated authority to reimburse to the club, agreed costs associated with the proposal including development costs and associated fees.*

##### **REPORT**

Following the resolution of Council on 8 December 2021, Council contacted the Bridge Club advising the Club of the resolution of Council and requesting confirmation that the Club would like to terminate the lease of land at David Woods Playing Fields, Boardman Road, Bowral.

In the subsequent months Council staff and the Bridge Club have been in communication on the matter.

A meeting was held with representatives of the Bridge Club and the General Manager and Administrator at the Civic Centre on 16 June 2022. Following that meeting the attached correspondence was received from the Bridge Club.

The Bridge Club have advised that they have been able to find alternate accommodation at the Moss Vale Golf Club however structural works need to be undertaken to the space before a lease can commence.

The Bridge Club have requested that *“As a gesture of goodwill, Wingecarribee Shire Council make a ‘one off’ allocation of around \$150,000 to Southern Highlands Bridge Club to:*

- *Provide some recompense for: the forfeiture of the SHBC project at an advanced stage of development; the emotional injury caused; the direct expenses incurred by the club; and the income lost by generous, committed professionals and club members who gave their time and expertise; and*
- *Support SHBC to relocate to the alternate setting at MVGC and establish a suitable community bridge hub in the Highlands.*

*In return, SHBC will agree to terminate the lease of the land at David Woods Playing Fields.”*

A review of the lease and agreement for lease has been undertaken. Pursuant to the agreement, the Bridge Club must at their sole cost procure their development consent in connection with the proposed works.

Under the terms of the agreement for lease, in the event that the application for development consent is refused, or the Bridge Club fails to obtain development consent by the sunset date, then either party has the right to rescind the agreement.

Once development consent is obtained, the Bridge Club must use its best endeavours to commence works within six (6) months of issue of the consent and complete the works within two (2) years.

Council’s ability to terminate the agreement is limited on the basis that the Club have received deferred development consent in connection with the proposed works.

Under the terms of the agreement, the Club is required to commence building works within six (6) months of receiving development approval and completion of the building works must take place within two (2) years of the date of issue of development consent. If this does not occur, breach of agreement will result. The final sunset date under the terms of the agreement to lease is 24 April 2024.

The Bridge Club have advised they have approximately \$200,000 available to invest in the new facility. Costs of construction of the club house are estimated at \$650,000 (DA 21/1527). As funding of construction of the club house is the responsibility of the Bridge Club, the Club need to secure alternate funds for the balance of construction costs given the resolution of Council to decline the request from Southern Highlands Bridge Club for a loan of \$470,000.

If the Club are unable to procure funding and undertake construction in accordance with the timeframes set by the agreement for lease, Council is able to take steps to remedy any breach of agreement.

This report recommends that Council accede to the request of the Bridge Club to provide a one off payment to the Bridge Club in return for Surrender of the Lease and development application.

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

This is an administrative matter and no consultation has been undertaken.

### **Internal Communication and Consultation**

Development

Executive

### **External Communication and Consultation**

Council's legal panel solicitor

Southern Highlands Bridge Club

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## **SUSTAINABILITY ASSESSMENT**

### **Environment**

There are no environmental issues in relation to this report.

### **Social**

There are no social issues in relation to this report.

### **Broader Economic Implications**

There are no broader economic implications in relation to this report.

### **Culture**

There are no cultural issues in relation to this report.

### **Governance**

There are no governance issues in relation to this report.

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## **COUNCIL BUDGET IMPLICATIONS**

In accordance with the resolution of Council on 8 December 2022 (*MN 342/21*) the General Manager is delegated authority to reimburse to the Club, agreed costs associated with the proposal including development costs and associated fees. Finance have advised that funding for any payment to the Bridge Club be sourced from the Property Development Reserve.

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## **RELATED COUNCIL POLICY**

Lease and Licence of Council property.

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## **CONCLUSION**

This report is submitted to provide an update in relation to the lease to Southern Highlands Bridge Club following the resolution of Council from 8 December 2021 and to advise Council of the request

received from the Bridge Club for a one-off allocation of \$150,000 to the Bridge Club in return for the Surrender of the Lease by the Bridge Club.

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**ATTACHMENTS**

1. SHBC Letter to Ms Lisa Miscamble [**1.1.1** - 8 pages]

***Southern Highlands Bridge Club Inc***

Ms Lisa Miscamble  
General Manager  
Wingecarribee Shire Council (WSC)

Dear Ms Miscamble

**We write on behalf of Southern Highlands Bridge Club (SHBC) to respectfully ask you to consider our request for compensation for costs associated with our disrupted clubhouse project. The adverse impact on our clubhouse project following the decisions made by Council on 8 December 2021 were pivotal to the demise of the project. We believe reimbursement of around \$150,000 would go some way in covering our project expenses, acknowledge the significant amount of unpaid time and commitment given by committee members and other professionals, and support our club to move on.**

**Background:**

You will recall that at the December 2021 meeting, Council reconsidered the request by SHBC for a loan of \$470,000 to build its clubhouse at East Bowral - a loan that had previously been approved by the former Council in April 2021. Council determined to decline the request, which effectively took away our capacity to build. Additionally, WSC and SHBC had signed a lease permitting the club to build a community facility on public land at David Woods Playing Field.

At the same December meeting, Council determined that if the club were to terminate the lease with WSC, as General Manager, you *'would be delegated authority to reimburse to the club, agreed costs associated with the (clubhouse) proposal, including development costs and associated fees'*.

The devastating impact of the decision to cancel the loan, meant without funding, in a rising building costs/interest rates environment, termination of the lease, as proposed by Council, may ultimately have been the next step, in effect destroying the possibility of our club ever achieving our long-term goal to build a much-needed stand-alone bridge hub for the Highlands community.

During the four years leading up to December 2021, we worked collaboratively and in good faith with WSC officers, complying with all requests. We employed an architect, a surveyor, a traffic engineer, consultants and other professionals, attended countless meetings, wrote submissions and reports, and gave presentations and briefings, not to mention the amount of email correspondence, the 'man-hours' or the financial outlay. A number of these people gave their services freely in order to contribute to our community facility project, and are now aggrieved by the outcome. They gave their time, but their time costs money!

During the period March to November 2021, in the knowledge that our funding and lease had been secured, we greatly intensified our efforts - our development application (DA) was prepared and submitted, we communicated and consulted regularly with our members, our

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architect and builder, and we modified our landscape and site plans to satisfy the determinations of the Local Planning Panel (WLPP)

The December decisions not only negatively impacted the club's financial position, but the disappointment felt by the club members and those who contributed many hours during the development stages, has been immeasurable. Yet there has been no wrongdoing on our part.

**Moving Forward:**

On a more positive note, approximately six weeks ago the club was invited by leaders of the Moss Vale Golf Club (MVGC) to consider relocating our club into a portion of the currently unused MVGC building. We have recently visited the facility and have met with members of the MVGC leadership team to discuss leasing options and what the respective financial contributions of the two parties would be. In addition to the equipment required to relocate and set up in a new space, the room requires some substantial refurbishing, which includes replacing the roof, repairing the air conditioning, installing a new kitchen and some partitioning for the room to become a suitable bridge club space. Negotiations have been progressing well and while wider consultation needs to occur, we are very confident that SHBC will take up this option and subsequently work with WSC to terminate the lease of the parcel of land at East Bowral.

At this stage SHBC has committed to contribute \$150,000 towards the cost of a new roof, and an estimated \$18,000 to install a new kitchen at MVGC. The club will also need to commit approximately \$23,000 to buy furniture, make secure a room to store our technology and construct an area to use the technology to deal cards and score bridge sessions. MVGC will cover all other expenses. The rental terms are yet to be finalised. MVGC is confident they can commit to making the new arrangements work and have provided a letter of intent.

**Our request:**

**As a gesture of goodwill, for WSC to make a one-off allocation of around \$150,000 to SHBC to:**

- **provide some recompense for: the forfeiture of the SHBC clubhouse project at an advanced stage of development; the emotional injury caused; the direct expenses incurred by the club; and the income lost by generous, committed professionals and club members who gave their time and expertise; and**
- **support SHBC to relocate to the alternate setting at MVGC and establish a suitable community bridge hub in the Highlands.**

**In return, SHBC will agree to terminate the lease of the land at David Woods Playing Fields.**

Yours sincerely

Stephen Brabyn  
SHBC President  
6 July 2022

Pat Fulton  
SHBC Hon Treasurer



**Attachments:**

**Attachments A1–A5 provide a summary of costs associated with the proposal, including the value of development costs, pro bono services and associated fees.**

**Attachments B1-B2 relate to the proposed SHBC move into premises at Moss Vale Golf Club.**

**A1: SHBC financial record of project-specific expenditure:** to WSC for fees and charges ie. payments to our first architect (Gary Campbell), fees paid to professionals for essential reports, printing of plans, and other essential stationery costs to meet planning requirements.

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**A1 SHBC CLUBHOUSE PROJECT EXPENSES 2018 - 2021**

<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>	<b>Balance</b>
2018	Clubhouse preliminary costs		2,840.00	2,840.00
10/05/2019	Architect	Architect	3,450.00	6,290.00
06/08/2019	Architect	Architect	5,560.00	11,850.00
20/9/2019	Architect	Architect	2,200.00	14,050.00
11/10/2019	Architect	Stage II Council documentation	2,900.00	16,950.00
17/06/2020	Positive Traffic Pty Ltd	Impact Assessment Report	3,036.00	19,986.00
26/06/2020	Architect	Stage II Council documentation	1,490.00	21,476.00
26/06/2020	Positive Traffic Pty Ltd	Impact Assessment Report	759.00	22,235.00
10/07/2020	Architect	Stage II Council documentation	3,450.00	25,685.00
24/7/2020	Architect	Stage II Council documentation	2,500.00	28,185.00
29/07/2020	Efficiency Assessments Pty Ltd	Section J assessment	1,463.00	29,648.00
07/09/2020	Architect	Stage II Council documentation	2,150.00	31,798.00
14/9/2020	Architect	Stage II Council documentation	3,300.00	35,098.00
21/09/2020	Richard Cox Pty Ltd	Land survey	495.00	35,593.00
23/10/2020	Architect	Stage II Council documentation	2,950.00	38,543.00
08/02/2021	A&R Engineering Design Pty Ltd	Payment of invoice	7,425.00	45,968.00
19/02/2021	Architect	Stage II Council documentation	3,950.00	49,918.00
21/02/2021	Architect	Stage II Council documentation	950.00	50,868.00
30/03/2021	Curry, Craig	Reimburse for Lodgement of DA	2,494.00	53,362.00
20/04/2021	Curry, Craig	Reimburse payment on the NSW Planning Portal	320.00	53,682.00
26/05/2021	SEEC	Payment as per Architect	3,850.00	57,532.00
<b>TOTAL</b>			<b>57,532.00</b>	
Photocopying/printing/stationery/toner costs over 4 years (2019-2022)			850.00	
Gifts/vouchers to RS (Architectural & landscape design) 2019, 2020 & 2021			1,500.00	
			<b>59,882.00</b>	
<b>Value of lease over 21 years =</b>				
<b>Rent per year over 21 years allowing 1.5% pa inflation</b>				<b>246,440.00</b>

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**A2: Architect Costs:** Record of hours and standard costs of pro bono work undertaken by *MPS Project Design International*, our second architect (Ragnar Svensson) – to develop plans to meet Council, DA and WLPP requirements.

**MPS Project Design International  
Ragnar Svensson ABN 60747377088**

Architectural and Landscaping consultation, design and documentation performed for Southern Highlands Bridge Club during the period 20/11/2019 to 21/10/2021. **Charge \$280/hr. 187 hrs**

**Value of pro bono work: \$52,360**

20/11/2019-23/01/2020: Concept Floor plan, Elevations and Site plan for a 24 table Club House, including documentation required by WSC Planning Committee. Documentation of Site Plan for SHBC Lease application. Revise documentation after consultation with WSC and feedback from planning committee. 85 hrs

01/05/2020-30/09/2020: To satisfy request from WSC Planning Committee of major reduction of Lease area and change of Carpark location and layout, and part of club house. All of the site plan access and carpark was redesigned and documented. Preliminary Landscaping design. 48 hrs

01/01/2021-31/03/2021: DA documentation in accordance with WSC requirement, including Water NSW request for Bioretention Basin and set back from Boardman Road. 36 hrs

01/09/2021-30/10/2021: Amended DA documentation to meet the Local Planning Committee requirements with relocation of the Bioretention Basin and change of street trees and landscaping in carpark area following input from WSC Heritage Adviser. 18hrs

**A3: SHBC Business Case and Income/Expenditure Projections:** Record of hours and costs of financial and investment consultant and SHBC member Rob Ward to develop the SHBC Business Case and a series of detailed financial plans for the club required for the submission to WSC and Councillors to apply for the loan.

*Rob Ward – Finance and Investment Consultant*

Development of proposed loan repayment schedule, business and income/expenditure projections for ten years. Attendance at SHBC Finance Subcommittee meetings and consultation with Clubhouse project leader.

(Value of pro bono work): 40 hours @ \$400/hr = **\$16,000**

**A4 Estimated value of pro bono clubhouse project work and associated travel costs:**

Record of travel to source building quotations and meet consultants, and estimated hours to attend meetings with planning and finance personnel, undertaken by former consultant and SHBC Vice-President

*SHBC Vice president and part-time consultant finance/insurance, Tony Lye*

Hours given pro bono to meet engineering consultant, attend construction and finance subcommittee meetings, prepare and run the tender process with eight local and Wollongong builders, attend meetings at WSC with Project Leader and chosen builder.

45+ hours @\$125 per hour = \$5,625

Travel costs:

3 trips to Wollongong 456 kl  
2 trips to Sydney 476 kl  
1 trip to Goulburn 162 kl  
1 trip to Rouse Hill 236 kl  
6 trips to Bundanoon 408 kl

Total kilometres: 1740 @ .90c = \$1566

**Total: \$7,191**

**A5: A4 Estimated value of pro bono clubhouse project work:** Record of estimated hours committed to the project by former senior public servant, consultant to *Australian and ACT Governments* and SHBC project leader, to write submissions, briefings, make presentations to WSC Councilors, attend planning and finance meetings with WSC officers, prepare and lodge the DA, consult with architect and builder, etc.

*Craig Curry, SHBC Clubhouse Project leader and immediate past president SHBC*

Submission writing, briefings, consultation with WSC Properties officers and Finance officers, presentations to Councillors, preparation of written responses, attendance at planning and finance meetings with WSC officers, preparation and lodgment online of the DA, consultation with architect and builder, writing correspondence, preparing agendas and convening project sub-committee meetings, consulting regularly and meeting with the architects and builder, etc.

150+ hours @ \$125 per hour = **\$18,750**

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**B1 SHBC estimated financial impost to relocate to new premises at MVGC**

Contribution for the roof replacement at MVGC	\$150,000
Purchase 100 chairs and 24 tables from MVGC	\$6,250
Purchase and install new kitchen	\$18,000
Building work to secure storeroom, touch up paint, and create a partitioned off area for dealers and scorers to operate technology	\$3,500
Purchase coffee machine and microwave	\$2,500
Purchase other kitchen essentials, eg cutlery	\$3,000
Purchase large screen and install essential internet, technology	\$2,750
Unanticipated costs to refurbish and equip the room to a comfortable standard	\$5,000
Total	<b>\$ 191,000</b>

**B2 Letter of Intent from Moss Vale Golf Club (MVGC)**