

Hurstville City Council - <<Mtg.ComName>> Wednesday, 25th July 2012

Confidential
COMMITTEE OF THE WHOLE
Wednesday, 25th July 2012

COW052-12	RESCISSION MOTION - TENDER - SALE & DEVELOPMENT OF GLOUCESTER ROAD CAR PARK		
Report Author(s)	Councillor P Sansom, Deputy Mayor Councillor C Hindi & Councillor C Wong		
File	C11/1-2		
Reason for Report	For approval		
Existing Policy?	No	New Policy Required?	No
Financial Implications	Yes, outside of existing budget		
Previous Reports Referenced	Yes		

EXECUTIVE SUMMARY

A Rescission Motion has been received from Councillor P Sansom, Deputy Mayor Councillor C Hindi and Councillor C Wong, seeking to rescind the motion for COW048-12 TENDER - SALE & DEVELOPMENT OF GLOUCESTER ROAD CAR PARK.

AUTHOR RECOMMENDATION

THAT the following resolution of the Council Meeting of the 4 July 2012 in relation to: COW048-12 TENDER - SALE & DEVELOPMENT OF GLOUCESTER ROAD CAR PARK be rescinded:

THAT pursuant to clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accepts the tender of Deicorp Pty Limited ('Deicorp').

THAT pursuant to clause 24 of the Conditions of Tender, Council negotiates with Deicorp for a period of 60 days with a view to entering into the Sale Contract and the Development Agreement referred to in the Conditions of Tender within that period.

THAT pursuant to clause 178(1)(a) of the Local Government (General) Regulation 2005 and clause 24 of the Conditions of Tender, in the event that Council and Deicorp do not enter into the Sale Contract and the Development Agreement within the 60 day period, Council accepts the Tender of East Quarter Hurstville Pty Limited ('East Quarter').

THAT in that event and pursuant to clause 24 of the Conditions of Tender, Council negotiates with East Quarter for a period of 60 days with a view to entering into the Sale Contract and the Development Agreement within that period.

THAT all tenderers be advised of Council's decision.

THAT a report on the outcome of negotiations between Council and Deicorp be presented to the Council at the appropriate time.

FURTHER THAT if those negotiations are unsuccessful, a report on the outcome of negotiations between Council and East Quarter be presented to the Council at the appropriate time.

FURTHER THAT if the rescission motion is successful that it be superseded by the following:

THAT this matter be referred to a Councillor Workshop for further briefing and discussion before coming back to a full Council meeting for decision.

REPORT DETAILS

A rescission motion was received, supported by Councillors P Sansom, Deputy Mayor C Hindi and Councillor C Wong relating to COW048-12 TENDER - SALE & DEVELOPMENT OF GLOUCESTER ROAD CAR PARK which was considered at the Council Meeting of Wednesday 4 July 2012.

The motion, as submitted, states:

THAT the following resolution of the Council Meeting of the 4 July 2012 in relation to: COW048-12 TENDER - SALE & DEVELOPMENT OF GLOUCESTER ROAD CAR PARK be rescinded:

THAT pursuant to clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accepts the tender of Deicorp Pty Limited ('Deicorp').

THAT pursuant to clause 24 of the Conditions of Tender, Council negotiates with Deicorp for a period of 60 days with a view to entering into the Sale Contract and the Development Agreement referred to in the Conditions of Tender within that period.

THAT pursuant to clause 178(1)(a) of the Local Government (General) Regulation 2005 and clause 24 of the Conditions of Tender, in the event that Council and Deicorp do not enter into the Sale Contract and the Development Agreement within the 60 day period, Council accepts the Tender of East Quarter Hurstville Pty Limited ('East Quarter').

THAT in that event and pursuant to clause 24 of the Conditions of Tender, Council negotiates with East Quarter for a period of 60 days with a view to entering into the Sale Contract and the Development Agreement within that period.

THAT all tenderers be advised of Council's decision.

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THAT a report on the outcome of negotiations between Council and Deicorp be presented to the Council at the appropriate time.

FURTHER THAT if those negotiations are unsuccessful, a report on the outcome of negotiations between Council and East Quarter be presented to the Council at the appropriate time.

FURTHER THAT if the rescission motion is successful that it be superseded by the following:

THAT this matter be referred to a Councillor Workshop for further briefing and discussion before coming back to a full Council meeting for decision.

RESOLUTION - COW

THAT the following resolution of the Council Meeting of the 4 July 2012 in relation to: COW048-12 TENDER - SALE & DEVELOPMENT OF GLOUCESTER ROAD CAR PARK be rescinded:

THAT pursuant to clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accepts the tender of Deicorp Pty Limited ('Deicorp').

THAT pursuant to clause 24 of the Conditions of Tender, Council negotiates with Deicorp for a period of 60 days with a view to entering into the Sale Contract and the Development Agreement referred to in the Conditions of Tender within that period.

THAT pursuant to clause 178(1)(a) of the Local Government (General) Regulation 2005 and clause 24 of the Conditions of Tender, in the event that Council and Deicorp do not enter into the Sale Contract and the Development Agreement within the 60 day period, Council accepts the Tender of East Quarter Hurstville Pty Limited ('East Quarter').

THAT in that event and pursuant to clause 24 of the Conditions of Tender, Council negotiates with East Quarter for a period of 60 days with a view to entering into the Sale Contract and the Development Agreement within that period.

THAT all tenderers be advised of Council's decision.

THAT a report on the outcome of negotiations between Council and Deicorp be presented to the Council at the appropriate time.

FURTHER THAT if those negotiations are unsuccessful, a report on the outcome of negotiations between Council and East Quarter be presented to the Council at the appropriate time.

FURTHER THAT if the rescission motion is successful that it be superseded by the following:

THAT pursuant to clause 178(1)(b) of the Local Government (General) Regulation 2005, Council declines to accept any tender.

THAT all tenderers be advised of Council's decision and Council cancels the proposal for the contract and directs that deposits received be returned.

FURTHER THAT no further action be taken on the proposed sale and development of the Gloucester Road car park site.

(Moved Councillor C Wong / Seconded Councillor P Sansom)

APPENDIX

Councillor Attachment(s)