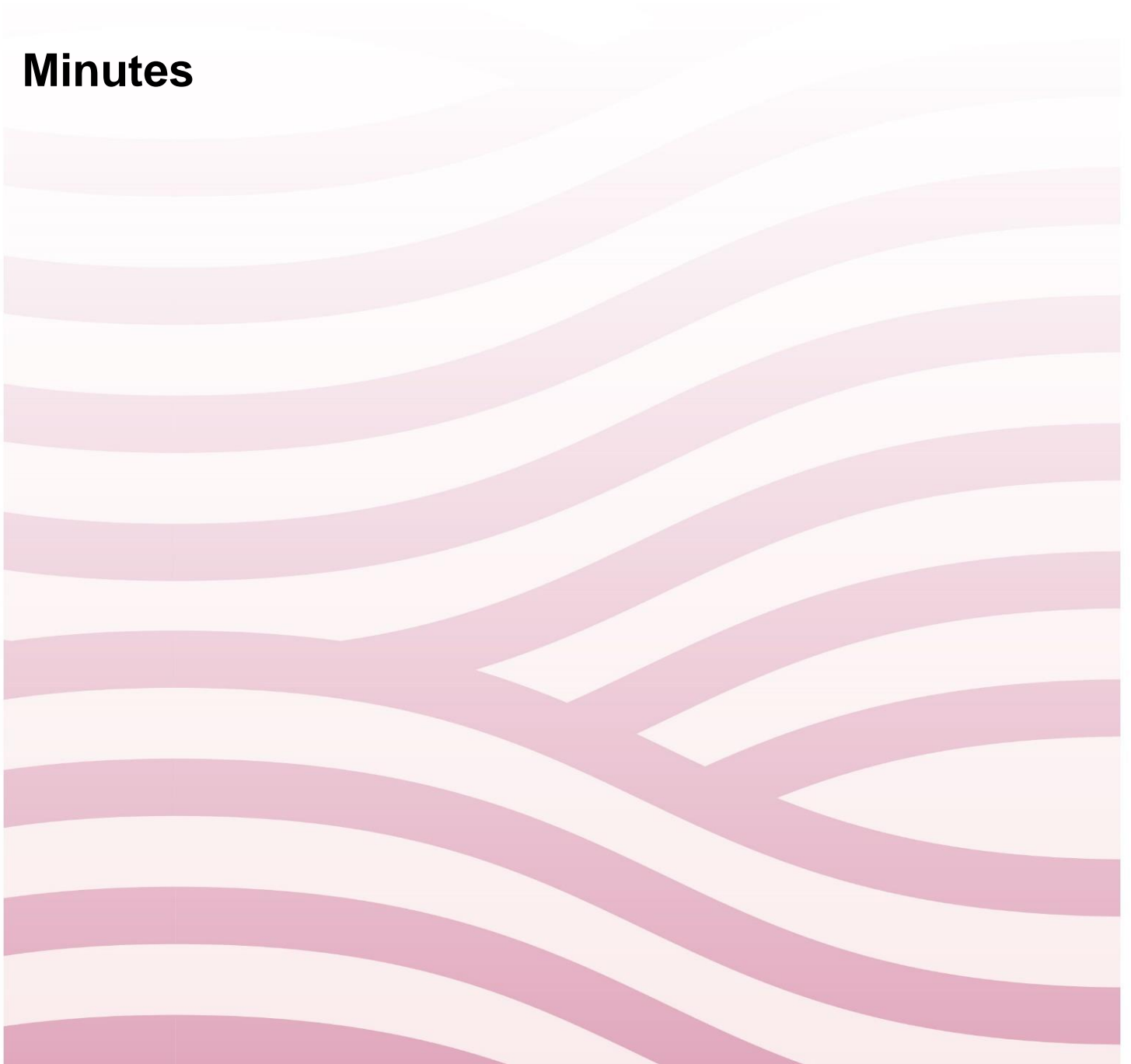




Finance, Community & Services Committee

Monday 4 March 2024
6.30pm

Minutes



Finance, Community & Services Committee Minutes

Monday 4 March 2024

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Finance, Community & Services Committee

Minutes of the Meeting held on 4 March 2024 at 6.30pm.

Present: Councillors: Toni Zeltzer (Chair)
Mary-Lou Jarvis (Joined meeting at 8.10pm during Item R5)
Luise Elsing
Nicola Grieve
Harriet Price
Mark Silcocks

Staff Jim Allison (Senior Property Officer)
Emilio Andari (Manager – Engineering Services)
Roger Faulkner (Team Leader – Open Space & Rec Planning) via Zoom
Paul Fraser (Manager - Open Space & Trees) via Zoom
Zubin Marolia (Manager – Property & Projects)
Alison McNamee (Meetings Support Officer)
Carolyn Nurmi (Governance Officer)
Patricia Occelli (Director–Community & Customer Experience) via Zoom
Tom O’Hanlon (Director – Infrastructure & Sustainability)
Michelle Rose (Environmental Education Officer) via Zoom
Paul Ryan (Chief Financial Officer)
Craig Swift-McNair (General Manager)
Helen Tola (Manager – Governance & Risk)

Also in Attendance: Nil

1. Opening

The Chair declared the Finance, Community & Services Committee of 4 March 2024 open and welcomed Councillors, staff and members of the public who are watching and listening to this evening's meeting.

2. Acknowledgement of Country (Gadigal People and Birrabirragal People)

The Chair read the following Acknowledgement of Country:

I would like to acknowledge that we are here today on the land of the Gadigal and Birrabirragal people, the traditional custodians of the land. On behalf of Woollahra Council, I acknowledge Aboriginal or Torres Strait Islander people attending today and I pay my respects to Elders past, present and emerging.

3. Acknowledgement of the Sovereign of the Day (King Charles III)

The Chair read the following Acknowledgement of the Sovereign of the Day, (King Charles III):

I also acknowledge King of Australia King Charles III.

4. Apologies and Applications for a Leave of Absence or Attendance by Audio-Visual Link by Councillors

Apologies were received and accepted from Councillor Cavanagh and The Mayor, Councillor Shields and leave of absence granted.

5. Late Correspondence

Late correspondence was submitted to the Committee in relation to Items D2 (Y4) and R3.

6. Disclosures of Interest

Councillor Grieve declared a Non-Significant, Non-Pecuniary Interest in Item R1 (Rose Bay Community Garden Licence Renewal) as Councillor Grieve has membership of the Rose Bay Community Garden. Councillor Grieve remained in the meeting, participated in debate and voted on the matter.

Councillor Price declared a Non-Significant, Non-Pecuniary Interest in Item R6 (Woollahra Oval 2 & 3 Usage Agreement with Cranbrook School) as Councillor Price's son currently attends Cranbrook School. Councillor Price remained in the meeting, participated in debate and voted on the matter.

Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in Item R6 (Woollahra Oval 2 & 3 Usage Agreement with Cranbrook School) as Councillor Zeltzer was formerly the Vice President of the Parents' Association at Cranbrook School and both her children attended the school in the past. Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

Items to be Decided by this Committee using its Delegated Authority

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 5 FEBRUARY 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/24939
Purpose of the Report: The Minutes of the Finance, Community & Services Committee of 5 February 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

(Silcocks/Grieve)

Resolved:

THAT the Minutes of the Finance, Community & Services Committee Meeting of 5 February 2024 be taken as read and confirmed.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Silcocks
Councillor Zeltzer

Against the Motion

Nil

5/0

Item No: D2 Delegated to Committee
Subject: **WOOLLAHRA LOCAL TRAFFIC COMMITTEE MINUTES - 6 FEBRUARY 2024**
Author: Emilio Andari, Manager Engineering Services
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/33952
Purpose of the Report: For the Committee to consider the recommendations of the Woollahra Local Traffic Committee.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

(Grieve/Elsing)

Resolved:

THAT the Recommendations Y1-Y4 contained in the minutes of the Woollahra Local Traffic Committee held on Tuesday 6 February 2024 be adopted.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Silcocks
Councillor Zeltzer

Against the Motion

Nil

5/0

Item No: Y1
Subject: **10 MILITARY ROAD, WATSONS BAY - PARKLET INSTALLATION**
Authors: Ever Fang, Traffic & Transport Engineer
Jim Allison, Senior Property Officer
Approver: Emilio Andari, Manager Engineering Services
File No: 24/11389
Purpose of the Report: To seek approval for the installation of a parklet.
Alignment to Delivery Program: Strategy 6.2: Management of public parking on-street and off-street.

(Grieve/Elsing)

Resolved:

THAT approval be granted to replace one (1) unlimited parking space, six (6) metres in length, located in front of property No.10 Military Road, Watsons Bay, as shown in Attachment 1, with 'No Stopping' restrictions for the installation of a parklet to support and encourage community connection by introducing additional outdoor seating and planting, subject to the following conditions:

- A. Any directive provided by the NSW Police Force is to be complied with.
- B. All conditions contained within the Parklet Approval issued by Woollahra Council (Attachment 2).
- C. The parklet is to operate in conjunction to the approved footway dining permit and operate for a period of up to 7 years commencing from the date in which the applicant is notified of the determination of their application.
- D. The applicant must supply and erect protection barriers for the parklet to ensure public safety. The applicant must remove any implemented barriers, at the completion of the period.
- E. The applicant must inform Council officers when the parklet is no longer required and will be removed.
- F. Council shall be indemnified against all claims for damage or injury that may result from either the activities or from the occupation of part of the public road reserve during the activities. A copy of Public Liability Insurance Cover to the value of \$20,000,000 shall be provided to Council prior to the installation of the parklet and Council must be listed as an interested party on the insurance policy.

- G. Council shall be reimbursed for the cost of repair of any damage caused to Council property as a result of the activities.
- H. Noise created by the use of equipment or activity must be controlled as required by the 'Protection of the Environment Operations (Noise Control) Regulation 2000'.
- I. The applicant must make arrangements to remove all waste/rubbish from the parklet on a daily basis.
- J. Failure to comply with any of these conditions may result in the cancellation of the use of a parklet at Council's discretion.
- K. Woollahra Council reserves the right to cancel this approval at any time.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter

For the Motion

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Silcocks
Councillor Zeltzer

Nil

5/0

Item No: Y2
Subject: **DRUMALBYN ROAD, BELLEVUE HILL – TIMED NO PARKING RESTRICTIONS**
Author: Frank Rotta, Traffic & Transport Engineer
Approvers: Ever Fang, Traffic & Transport Engineer
Emilio Andari, Manager Engineering Services
File No: 24/13420
Purpose of the Report: To respond to a request from local residents.
Alignment to Delivery Program: Strategy 6.2: Management of public parking on-street and off-street.

(Elsing/Grieve)

Resolved:

THAT a section of 'No Parking 8am-6pm' restrictions, 26 metres in length (3 car parking spaces), as shown in Attachment 1, along the western side of Drumalbyn Road, Bellevue Hill, and adjacent to property Nos.87 & 89 Drumalbyn Road, be installed in order to improve access and traffic safety by removing the pinch point at this location.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price

Councillor Silcocks
Councillor Zeltzer

3/2

Item No: Y3
Subject: **LITTLE QUEENS LANE, VAUCLUSE – REDUCTION OF NO STOPPING RESTRICTIONS**
Author: Frank Rotta, Traffic & Transport Engineer
Approvers: Ever Fang, Traffic & Transport Engineer
Emilio Andari, Manager Engineering Services
File No: 24/13492
Purpose of the Report: To respond to a request from a local resident.
Alignment to Delivery Program: Strategy 6.2: Management of public parking on-street and off-street.

(Elsing/Price)

Resolved:

THAT the existing 'No Stopping' restrictions on the south-western side of Little Queens Lane, Vauclose, immediately north-west of Queens Avenue, be reduced by eleven (11) metres to increase parking opportunities at this location, as shown in Attachment 1.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Silcocks
Councillor Zeltzer

Nil

5/0

Item No: Y4
Subject: **23 ELIZABETH STREET, PADDINGTON - CONSTRUCTION TRAFFIC MANAGEMENT PLAN**
Author: Ever Fang, Traffic & Transport Engineer
Approver: Emilio Andari, Manager Engineering Services
File No: 24/16916
Purpose of the Report: To seek approval for a Construction Traffic Management Plan.
Alignment to Delivery Program: Strategy 6.3: Ongoing responsiveness to traffic congestion, noise and speeding.

Note: Late correspondence was tabled by John Durack.

Note: John Durack, objector and Arturo Camacho and Peter Moore, addressed the Committee on behalf of the applicant via Zoom addressed the Committee.

Note: The Committee amended Part A of the Resolution.

(Price/Elsing)

Resolved:

THAT:

- A. The Construction Management Plan (CMP) for the redevelopment of property No.23 Elizabeth Street, Paddington, prepared by *Varga Traffic Planning Ref 23164 (Rev 3)*, as shown in Attachment 1, be approved, noting in particular that all vehicle movements associated with the work only be undertaken on weekdays.
- B. The applicant be advised that this approval relates only to the condition of consent – D.11 for DA2022/350/1 and does not constitute an approval for any Stand Plant, Works Zone or any other Permits which require separate applications and subsequent approvals, at the appropriate stages (if required) of this construction project.
- C. The applicant must comply with any directive provided by the NSW Police Force.
- D. The applicant must minimise the size of construction vehicles and must not use vehicles larger than B99 vehicles accessing the site via Elizabeth Place and Elizabeth Street. Construction vehicles must access and exit the site in a forward direction, where possible, and minimise disruption to vehicular and pedestrian traffic along the route. Any reversing movements must be restricted to shortest distance and under full traffic control supervision.
- E. The applicant must liaise fortnightly with the developers/builders undertaking works for other developments occurring in close proximity (500m or in the same street) to the subject site, in order to minimise the cumulative traffic and parking impacts in the area (e.g. major concrete pours should not occur on more than 1 site on any particular day).
- F. Construction traffic associated with the development must minimise the use of public roads and public parking facilities (e.g. on-street parking) where feasible.
- G. When demolition, excavation and construction works are to be undertaken on school days, all vehicular movements associated with this work only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times.
- H. Construction works or construction related traffic must not impede access of Council's waste operation.
- I. Construction works are to be only undertaken within hours of work stipulated in E.5 of Consent Conditions to mitigate impact of the work upon amenity of the neighbourhood.
- J. The applicant must ensure that access for residents, businesses and emergency vehicles are maintained at all times.
- K. The applicant must ensure that no marshalling or queuing of construction vehicles occur on public roads. Arriving vehicles that are not able to enter the site must not use any local road, including Oxford Street, as a holding point until access becomes available.
- L. All works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.
- M. The applicant must liaise with all affected neighbours in Elizabeth Place, Elizabeth Street, Oxford Street and Underwood Street, Paddington that require access via Elizabeth Place, prior to the commencement of construction works. Notification must be sent to these affected properties at least seven (7) days prior to each stage of earth works and commencement for each of the following construction activities:
 - i. Partial Demolition & Site Establishment;
 - ii. Excavation of Basement & Piling;
 - iii. Erection of Basement Structure; and
 - iv. Concrete Pours.

- N. A community Liaison Officer and/or Site Manager must include their contact details (email and a mobile phone number) in clear and concise signage on-site, with this signage to be visible to the public at all times, in order to enable members of the community to contact an appropriate person, as required. The Community Liaison Officer and/or Site Manager must liaise with Council's Traffic and Transport Engineers on a recurring basis to ensure all construction traffic associated with the development site are undertaken in an appropriate manner. These matters should be addressed by the Community Liaison Officer and/or Site Manager in the following format:
- i. Maintain and keep on-site a register of complaints received from the local community;
 - ii. Fully investigate all complaints received;
 - iii. Notify the complainant of the results and actions arising from the investigation; and
 - iv. Ensure that the complaints register is available on request to Council Staff.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Silcocks
Councillor Zeltzer

Nil

5/0

Item No: D3 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF THE WOOLLAHRA SMALL SCULPTURE PRIZE COMMITTEE MEETING HELD ON 13 FEBRUARY 2024**
Author: Pippa Mott, Director Woollahra Gallery at Redleaf
File No: 24/31812
Purpose of the Report: The Minutes of the Woollahra Small Sculpture Prize Committee of 13 February 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 3.1: Promote opportunities for innovative, creative and cultural initiatives that support the community.

(Grieve/Silcocks)

Resolved:

THAT the Minutes of the Woollahra Small Sculpture Prize Committee Meeting of 13 February 2024 be taken as read and confirmed.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Silcocks
Councillor Zeltzer

Nil

5/0

**Items to be Submitted to the Council for Decision with
Recommendations from this Committee**

Item No: R1 Recommendation to Council
Subject: **ROSE BAY COMMUNITY GARDEN LICENCE RENEWAL**
Authors: Michelle Rose, Environmental Education Officer
Micaela Hopkins, Team Leader Environment & Sustainability
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/26804
Purpose of the Report: To support the continuation of the Rose Bay Community Garden and propose an additional Deed of Licence (User Agreement) for three years with an option for Council to extend for two years.
Alignment to Delivery Program: Strategy 5.1: Enhance council provided community facilities to foster connections between people and place and enhance quality of life.

Note: Councillor Silcocks left the meeting, the time being 7.24pm.

Note: Councillor Silcocks returned to the meeting, the time being 7.26pm.

Note: Councillor Grieve declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Grieve has membership of the Rose Bay Community Garden. Councillor Grieve remained in the meeting, participated in debate and voted on the matter.

Note: The Committee amended Part A of the Recommendation.

(Silcocks/Elsing)

Recommendation:

THAT Council:

- A. Enter into a Deed of Licence (User Agreement) between Woollahra Municipal Council and the Rose Bay Community Garden Inc. to be prepared for three years with an option for Council to extend the agreement for a further two year period, subject to the public liability insurance being increased to \$20,000,000 as part of the new agreement.
- B. Congratulate and thank the Rose Bay Community Garden Inc. volunteers for creating, maintaining and enhancing a valuable and vibrant space for the Woollahra community.
- C. Authorise the General Manager to execute a new Deed of Licence in similar terms to the existing Deed of Licence.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

Against the Motion

Councillor Elsing	Nil
Councillor Grieve	
Councillor Price	
Councillor Silcocks	
Councillor Zeltzer	

5/0

Item No: R2 Recommendation to Council
Subject: **DRAFT RESTRICTED FUNDS POLICY**
Authors: Henrietta McGilvray, Senior Corporate Accountant
Paul Ryan, Chief Financial Officer
Approver: Sue Meekin, Director Corporate Performance
File No: 24/33416
Purpose of the Report: To provide the Finance, Community & Services Committee with an opportunity to review Council's Draft Restricted Funds Policy.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

(Elsing/Silcocks)

Recommendation:

THAT Council endorse the draft Restricted Funds Policy for the purpose of placing the Policy on public exhibition for a period of 28 days.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Silcocks
Councillor Zeltzer

Against the Motion

Nil

5/0

Item No: R3 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - 31 JANUARY 2024
INVESTMENT HELD AS AT 29 FEBRUARY 2024**
Author: Abdullah Rayhan, Team Leader Financial Services
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 24/29883
Purpose of the Report: To present the monthly financial report for January 2024 and to present a list of investments held as of 29 February 2024.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Note: Late correspondence was tabled by Paul Ryan, Council's Chief Financial Officer.

(Elsing/Grieve)

Recommendation:

THAT Council:

- A. Receive and note the Monthly Financial Report – January 2024.
- B. Note that the Council's 12-month weighted average return for January 2024 on its direct investment portfolio of 5.12% (LM: 4.98%, LY: 3.52%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.41%.

- C. Note that the interest revenue for the year to date January 2024 is \$3.02M, exceeding our revised year to date budget of \$1.67M for the same period.
- D. Receive and note the list of Council's investments held as of 29 February 2024 (provided as late correspondence).

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Silcocks
Councillor Zeltzer

Against the Motion

Nil

5/0

Item No: R4 Recommendation to Council
Subject: **REQUEST FOR FEE WAIVER FOR THE PADDINGTON SOCIETY TO HOLD MONTHLY MEETINGS AT EJ WARD PADDINGTON COMMUNITY CENTRE**
Author: Susan Murray, Venue Coordinator
Approvers: Vicki Munro, Manager Community & Culture
Patricia Occelli, Director Community & Customer Experience
File No: 24/28032
Purpose of the Report: To request Council to waive the venue hire fees for the hire of EJ Ward Paddington Community Centre for The Paddington Society for monthly meetings during the period March to November 2024.
Alignment to Delivery Program: Strategy 1.1: Provide, promote and facilitate a range of community projects, programs and events that support an inclusive, thriving and sustainable community.

(Price/Grieve)

Recommendation:

THAT Council approve the waiver of venue hire fees at EJ Ward Paddington Community Centre for The Paddington Society from March to November 2024 at a value of \$732.00.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Silcocks
Councillor Zeltzer

Against the Motion

Nil

5/0

Item No: R5 Recommendation to Council
Subject: **REVIEW OF COUNCIL POLICY FOR MANAGING LEASING & LICENSING OF COUNCIL CONTROLLED LAND**
Authors: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/30490
Purpose of the Report: To seek Council endorsement to publicly exhibit a revised policy
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: Councillor Jarvis joined the meeting, the time being 8.10pm.

Note: The Committee amended Part A of the Recommendation by adding new Parts i. ii. and iii.

(Price/Elsing)

Recommendation:

THAT Council:

- A. Approve the exhibition of the revised *Leasing and Licensing of Council Controlled Land Policy* for a period of 28 days, subject to the policy being revised to include a mechanism for Council to:
- i. Review and define the use under a Lease or License over Community and Crown Land, as per 5.i of the draft revised Policy, prior to tenders being called;
 - ii. Review and define the use under a Lease or License over Community, Crown or Operational Land, as per 5.iii of the draft revised Policy, prior to Expressions of Interest being called; and
 - iii. Review any proposal to enter into a new Lease or License with an incumbent without reference to an Expression of Interest process, as per 5.iii of the draft revised Policy, prior to negotiations with the incumbent commencing.
- B. Note that a further report will be tabled following the conclusion of the exhibition period.

Note: *In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.*

For the Motion

Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Silcocks
Councillor Zeltzer

Against the Motion

Nil

6/0

Item No: R6 Recommendation to Council
Subject: **WOOLLAHRA OVAL 2 & 3 USAGE AGREEMENT WITH CRANBROOK SCHOOL**
Authors: Roger Faulkner, Team Leader - Open Space & Recreation Planning
Paul Fraser, Manager Open Space & Trees
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/32680
Purpose of the Report: To address Part B of the Council Resolution dated 8 May 2023, which addresses the future maintenance of Woollahra Oval 2 & 3 following the expiry of the Cranbrook Agreement.
Alignment to Delivery Program: Strategy 1.1: Provide, promote and facilitate a range of community projects, programs and events that support an inclusive, thriving and sustainable community.

Note: Councillor Price declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Price's son currently attends Cranbrook School. Councillor Price remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Zeltzer was formerly the Vice President of the Parents' Association at Cranbrook School and both her children attended the school in the past. Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Elsing left the meeting, the time being 8.24pm.

Note: Councillor Elsing returned to the meeting, the time being 8.26pm.

Note: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to voting on the Motion was 3 votes for the Motion and 3 votes against the Motion and is referred to Council for consideration on 11 March 2024.

**Motion moved by Councillor Jarvis
Seconded by Councillor Silcocks**

THAT Council:

- A. Notes the formal agreement between Council and Cranbrook School for the use and maintenance of Woollahra Ovals 2 & 3 expires on Sunday 31 March 2024.
- B. Advises Cranbrook School of the requirement to remove the turf cricket wicket and replace it with a new synthetic turf cricket wicket, as required under Clause 7 of the Project Agreement at least eight weeks before the commencement of the 2024/25 summer cricket season.

The Motion was put and voting on the Motion was 3 votes for the Motion and 3 votes against the Motion and is referred to Council for consideration on 11 March 2024.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Jarvis
Councillor Silcocks
Councillor Zeltzer

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price

3/3

Motion to Council:

THAT Council:

- A. Notes the formal agreement between Council and Cranbrook School for the use and maintenance of Woollahra Ovals 2 & 3 expires on Sunday 31 March 2024.
- B. Advises Cranbrook School of the requirement to remove the turf cricket wicket and replace it with a new synthetic turf cricket wicket, as required under Clause 7 of the Project Agreement at least eight weeks before the commencement of the 2024/25 summer cricket season.

Item No: R7 Recommendation to Council
Subject: **CONSIDERATION OF TENDER RESPONSES FOR THE LEASE & OPERATION OF DUNBAR HOUSE - TENDER NO. SC7377**
Author: Jim Allison, Senior Property Officer
Approvers: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/19475
Purpose of the Report: To consider the tender for the lease and operation of Dunbar House
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Note: Councillor Grieve left the meeting, the time being 8.41pm.

Note: Councillor Grieve returned to the meeting, the time being 8.41pm.

Note: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to voting on the Motion was 3 votes for the Amendment and 3 votes against the Amendment and are referred to Council for consideration on 11 March 2024.

**Motion moved by Councillor Silcocks
Seconded by Councillor Zeltzer**

THAT Council:

- A. Pursuant to section 178(1)(b) of the Local Government Regulations 2005, declines the tender submitted by Athol Hall Pty Ltd on the basis that Athol Hall proposes that the lease be entered into by a different entity rather than by Athol Hall itself;
- B. Enters into negotiations with the three equal shareholders in Athol Hall Pty Ltd, namely Christopher Drivas, Jacqueline Worrall and Philip Beauchamp with a view to agreeing lease terms with a newly formed entity in the form envisaged by the Request for Tenders;
- C. To satisfy section 178(4) of the Local Government Regulation 2021, declares that its reason for declining to invite fresh tenders and to negotiate with the persons identified at recommendation (B) is that, while no tender was received that was both capable of acceptance without negotiation and provided best commercial return for the Council, a submission was received that with negotiation is likely to be an offer capable of acceptance by Council;

- D. Provided that negotiations with the persons identified at recommendation (B) produce an agreement that is the equal of, or better than the lease offer contained in Athol Hall Pty Ltd's tender, authorises the General Manager to execute all legal documents required to enter into the lease.

**Amendment moved by Councillor Price
Seconded by Councillor Grieve**

THAT Council defer the decision on this tender until such time that more information is provided to Councillors on the requirements for a change of use at this site.

The Amendment was put.

The vote was 3 votes for the Amendment and 3 votes against the Amendment.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Amendment

Councillor Grieve
Councillor Jarvis
Councillor Price

Against the Amendment

Councillor Elsing
Councillor Silcocks
Councillor Zeltzer

3/3

As the voting on the Amendment was 3 votes for the Amendment and 3 votes against the Amendment, both the Motion and Amendment are referred to Council for consideration.

Motion to Council

THAT Council:

- A. Pursuant to section 178(1)(b) of the Local Government Regulations 2005, declines the tender submitted by Athol Hall Pty Ltd on the basis that Athol Hall proposes that the lease be entered into by a different entity rather than by Athol Hall itself;
- B. Enters into negotiations with the three equal shareholders in Athol Hall Pty Ltd, namely Christopher Drivas, Jacqueline Worrall and Philip Beauchamp with a view to agreeing lease terms with a newly formed entity in the form envisaged by the Request for Tenders;
- C. To satisfy section 178(4) of the Local Government Regulation 2021, declares that its reason for declining to invite fresh tenders and to negotiate with the persons identified at recommendation (B) is that, while no tender was received that was both capable of acceptance without negotiation and provided best commercial return for the Council, a submission was received that with negotiation is likely to be an offer capable of acceptance by Council;
- D. Provided that negotiations with the persons identified at recommendation (B) produce an agreement that is the equal of, or better than the lease offer contained in Athol Hall Pty Ltd's tender, authorises the General Manager to execute all legal documents required to enter into the lease.

Amendment to Council

THAT Council defer the decision on this tender until such time that more information is provided to Councillors on the requirements for a change of use at this site.

There being no further business the meeting concluded at 9.08pm.

We certify that the pages numbered 94 to 110 inclusive are the Minutes of the Finance, Community & Services Committee Meeting held on 4 March 2024 and confirmed by the Finance, Community & Services Committee on 2 April 2024 as correct.

Chairperson

Secretary of Committee