



Ordinary Council

Monday 22 July 2024
6.30pm

Agenda



Council Meeting

Council will be holding Council (i.e. Ordinary and Extraordinary) meetings with the Mayor, Councillors and staff participating in person.

Members of the public are invited to attend the Council meeting in person on watch and/or listen live (via Council's website). Public participation online or by phone will be managed in accordance with meeting procedures.

Members of the public may also submit late correspondence. Instructions on how to do this are provided below:

- **To watch and/or listen to the meeting live (from 6.30pm)**
Details on how to watch and listen to the meeting live will be available at Council Agendas, Audio Recordings and Minutes.
<https://www.youtube.com/@woollahracouncil5355/streams>
- **To request to address the Council (pre-register by 10.00am on the day of the meeting)**
Pre-register to address the Committee by 10.00am on the day of the meeting by using the relevant registration form on Council's website - www.woollahra.nsw.gov.au
- **To submit late written correspondence (submit by 10.00am on the day of the meeting)**
Members of the public may submit late written correspondence on an agenda item being considered at the Council meeting. If you wish to make a written submission on an item on the agenda, please email your submission to records@woollahra.nsw.gov.au by 10.00am on the day of the meeting.

The audio recording and late correspondence considered at the meeting will be uploaded to Council's website by 5.00pm on the next business day.

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By using conferencing technology or by teleconference, listening and/or speaking at Council meeting members of the public consent to their voice, image and personal information (including name and address) being recorded and publicly available on Council's website. Councillors, staff and members of the public are advised that meeting are being lived streamed, accessible via a link from Council's website.

By addressing a Council meeting, members of the public consent to their voice and personal information (including name and address) being recorded and publicly available on Council's website.

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The audio recording of each meeting will be retained on Council's website for a minimum period of 6 months. After that period has passed, recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

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Ordinary and Extraordinary Council Meeting Membership: 15 Councillors (including the Mayor)

Quorum: The quorum for Council meeting is 8 Councillors

Woollahra Municipal Council

Notice of Meeting

18 July 2024

To: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sarah Swan (Deputy Mayor)
Sean Carmichael
Peter Cavanagh
Luise Elsing
Nicola Grieve
Mary-Lou Jarvis
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Merrill Witt
Susan Wynne
Toni Zeltzer

Dear Councillors,

Ordinary Council – 22 July 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 22 July 2024 at 6.30pm.**

Members of the Public may:

- Register to address the meeting (via Zoom or in Person) by completing the relevant form available on Council's website: <https://www.woollahra.nsw.gov.au/files/assets/public/v/1/forms/code-of-meeting-practice-comp-public-forum-registration-form-items-not-on-the-agenda-2023-2024.pdf> and email the completed form to records@woollahra.nsw.gov.au **by 10.00am on the day of the meeting.**
- Submit late correspondence for consideration by Councillors by emailing records@woollahra.nsw.gov.au **by 10.00am on the day of the meeting.**

Watch and listen to the meeting live via Council's website:

https://www.woollahra.nsw.gov.au/council/meetings_and_committees/council_meetings/council_agendas_and_minutes.

An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

If you have any difficulties accessing the meeting please contact (02) 9391 7001.

Regards,

Craig Swift-McNair
General Manager

Ordinary Council Meeting

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6. Confirmation of Minutes

Item No:	6.1
Subject:	CONFIRMATION OF COUNCIL MINUTES - 8 JULY 2024
Author:	Sue O'Connor, Governance Officer
File No:	24/123975
Purpose of the Report:	The Minutes of the Council of 8 July 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.

Recommendation:

THAT the Minutes of the Council Meeting of 8 July 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Council Meeting Minutes of 8 July 2024 for confirmation. The Minutes of the meeting are presented as **Attachment 1** for adoption.

Discussion:

The Council Meeting Minutes are presented as a procedural matter. Any matter arising from the Minutes can be discussed. A copy of the Minutes are provided as **Attachment 1**.

Options:

Submission of Minutes to the Council Meeting is a procedural matter for the adoption of the Minutes.

Community Engagement and / or Internal Consultation:

No internal or external consultation has taken place in the preparation of this report.

Policy Implications:

There are no direct policy implications as a result of this report.

Financial Implications:

There are no direct financial implications as a result of this report.

Resourcing Implications:

There are no direct resourcing implications as a result of this report.

Conclusion:

The Minutes are presented for confirmation by the Council Meeting.

Attachments

1. Unconfirmed Council Minutes - 8 July 2024 [↓](#) 



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Monday 8 July 2024
6.30pm

Minutes



Ordinary Council Meeting

Monday 8 July 2024

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Items Determined Under Delegated Authority by Council Committees

**The following items were determined under Delegated Authority.
To see the delegated decisions of Council please refer to the individual
Committee Meeting Minutes.**

Finance, Community & Services Committee held on Monday 01 July 2024

- D1 Confirmation of Minutes of Meeting held on 3 June 2024
- D2 Woollahra Local Traffic Committee Minutes - 4 June 2024

Environmental Planning Committee held on Monday 01 July 2024

- D1 Confirmation of Minutes of Meeting held on 3 June 2024
- D2 Ecological Sustainability Taskforce Meeting Minutes 28 May 2024

Unconfirmed

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Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 8 July 2024 at 6.30pm

Present: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sarah Swan (Deputy Mayor)
Sean Carmichael
Peter Cavanagh (via Zoom) (left the meeting at 7.51pm)
Luise Elsing
Nicola Grieve (via Zoom) (left the meeting at 7.45pm)
Mary-Lou Jarvis
Harriet Price
Lucinda Regan
Isabelle Shapiro
Mark Silcocks
Merrill Witt (via Zoom)
Toni Zeltzer

Staff: Jennifer Chenhall (Manager – Governance & Risk)
Zubin Marolia (Manager – Property & Projects) (via Zoom)
Sue Meekin (Director – Corporate Performance) (via Zoom)
Vicki Munro (Acting Director – Community & Customer Experience) (via Zoom)
Carolyn Nurmi (Governance Officer)
Sue O'Connor (Governance Officer)
Tom O'Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager)
Anne White (Manager Strategic Planning & Place)

Also in Attendance: Nil

1. Opening

The Mayor declared the Ordinary Council Meeting of 8 July 2024 open and welcomed Councillors, staff and members of the public who are watching and listening to this evenings meeting.

2. Prayer

The Mayor read the Prayer:

Almighty God, you have given us a beautiful place to live in. We pray for your gift of wisdom that the decisions of this Council may benefit those we serve.

Be with us in our deliberations that this Municipality may know your blessing. Amen.

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

The Mayor 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.

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

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

I also acknowledge, the King of Australia, King Charles III.

5. Leave of Absence, Apologies and Attendance by Audio-Visual Link by Councillors

An apology was received and accepted from Councillors Matthew Robertson & Susan Wynne and leave of absence granted.

General 5.1 Audio-Visual Attendance
Item No:

(Swan/Carmicheal)

Resolved:

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, Council approves the following Councillor participation in the Council Meeting of 8 July 2024 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Grieve
- Councillor Witt

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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 Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

6. Confirmation of Minutes

Item No: 6.1
Subject: CONFIRMATION OF COUNCIL MINUTES - 24 JUNE 2024
Author: Sue O'Connor, Governance Officer
File No: 24/101114
Purpose of the Report: The Minutes of the Council of 24 June 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 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.
(Elsing/Carmichael)

92/24 Resolved:

THAT the Minutes of the Council Meeting of 24 June 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

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

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7. Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda EP Item R1 & R2, FC&S Item R1, NOM 2 & 4 & QWN 17.1.

8. Disclosures of Interest

Councillor Jarvis declared a Significant, Non-Pecuniary Interest in EP Item R1 (Post Exhibition Report - Draft Development Control Plan (Amendment No. 27) - 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay) as Councillor Jarvis sits on the East Sydney Planning Panel and the matter is coming back before the Panel as an amendment. Councillor Jarvis left the room at this item, did not participate in debate and did not vote on the matter.

Councillor Zeltzer declared a Significant, Non-Pecuniary Interest in EP Item R1 (Post Exhibition Report - Draft Development Control Plan (Amendment No. 27) - 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay) as Councillor Zeltzer sits on the East Sydney Planning Panel and the matter is coming back before the Panel as an amendment. Councillor Zeltzer left the room at this item, did not participate in debate and did not vote on the matter.

Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in EP Item R4 (Housing Delivery Update - July 2024) as Councillor Swan has been informed that she has a connection with a person in this business. Councillor Swan remained in the meeting, participated in the debate and voted on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in FC&S Item R4 (Proposed Double Bay Christmas Fair and Organic Food Markets - Grant Funding) as Councillor Jarvis knows a person who has joined that business, this person having served on a Committee with her for several years. Councillor Jarvis remained in the meeting, participated in the debate and voted on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in Notice of Motion 16.2 (Playing Fields & Netball Courts for Girls Sports), as the Principal of Kincoppal has submitted late correspondence on the item, and Councillor Jarvis was on the board of Kincoppal for 10 years. Councillor Jarvis remained in the meeting, participated in the debate and voted on the matter.

9. Petitions Tabled

Nil

10. Mayoral Minute

Nil

11. Public Forum

The Mayor, Councillor Shields advised that in accordance with Clause 4.1 of Council's Code of Meeting Practice one (1) member of the public, registered to address Council via the Public Forum provisions on other matters not listed on the Agenda.

Note: Mr Jared Kendler from Moore Park Golf Club Limited addressed Council on the impact upon Woollahra Council residents of the NSW government's proposed plan to reduce Moore Park Golf Course by 50%, repurposing 20 hectares of golf course to unspecified park space.

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12. General Manager and Officer's Report

Item No: 12.1
Subject: **UPDATE REGARDS THE LEASE AND OPERATION OF DUNBAR HOUSE IN ROBERTSON PARK AT WATSONS BAY AS A LICENCED RESTAURANT AND FUNCTION CENTRE**
Author: Jim Allison, Senior Property Officer
Approvers: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/109579
Purpose of the Report: To inform Council of progress in the matter of the leasing of Dunbar House
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Note: Council amended Part A and B of the Resolution.

(Jarvis/Swan)

93/24 Resolved:

THAT Council:

- A. Resolves to initiate a call for Expressions of Interest with view to receiving market information and/or a list of short listed service providers for the leasing and operation of Dunbar House as a licenced restaurant, function centre or any use which is consistent with the community land provisions under the Local Government Act.
- B. Resolves to initiate a subsequent Request for Tenders from shortlisted service providers for the leasing and operation of Dunbar House as a licenced restaurant, function centre or any use which is consistent with the community land provisions under the Local Government Act.

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

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

13/0

Against the Motion

Nil

13. Reports of the Committees

13.1 Environmental Planning Committee

**Items with Recommendations from the Committee Meeting of Monday 1 July 2024
Submitted to the Council for Determination**

Item No:	R1 Recommendation to Council
Subject:	POST EXHIBITION REPORT - DRAFT DEVELOPMENT CONTROL PLAN (AMENDMENT NO. 27) - 488-492 OLD SOUTH HEAD ROAD & 30 ALBEMARLE AVENUE, ROSE BAY
Authors:	Charmaine Tai, Strategic Planner Jacquelyne Della Bosca, Executive Planner
Approvers:	Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place
File No:	24/102488
Purpose of the Report:	To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 27) for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay and to seek Council's approval for finalisation.
Alignment to Delivery Program:	Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.
Note:	Late correspondence was tabled by Anne White, Council's Manager Strategic Planning & Place.
Note:	Councillor Jarvis declared a Significant, Non-Pecuniary Interest in this Item, as Councillor Jarvis sits on the East Sydney Planning Panel and the matter is coming back before the Panel as an amendment. Councillor Jarvis left the room at this item, did not participate in debate and did not vote on the matter.
Note:	Councillor Zeltzer declared a Significant, Non-Pecuniary Interest in this Item, as Councillor Zeltzer sits on the East Sydney Planning Panel and the matter is coming back before the Panel as an amendment. Councillor Zeltzer left the room at this item, did not participate in debate and did not vote on the matter.
Note:	Councillor Jarvis left the meeting, the time being 7.07 pm.
Note:	Councillor Zeltzer left the meeting, the time being 7.07 pm.

(Regan/Carmichael)

94/24 Resolved:

THAT Council:

- A. Receives and notes the post exhibition report on amendments to the *Woollahra Development Control Plan 2015* applying to 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.

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- B. Approves *Draft Woollahra Development Control Plan 2015 (Amendment No. 27)*, with amendments set out in late correspondence dated 8 July 2024, at **Attachment 1** of the report to the Environmental Planning Committee meeting of 1 July 2024, with commencement of the DCP being subject to the Department of Planning, Housing and Infrastructure approving the planning proposal for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.
- C. Notes that if the proposed amendment to the *Woollahra Local Environmental Plan 2014* is not approved by the Department of Planning, Housing and Infrastructure, *Draft Woollahra Development Control Plan 2015 (Amendment No. 27)* will also not proceed, and a public notice will be published outlining the reasons for that decision.
- D. Notes the concerns of the community particularly in relation to potential streetscape and amenity impacts on Albemarle Avenue, and potential impacts on traffic and pedestrian safety arising from increased traffic, parking, delivery and servicing vehicles.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt

Nil

11/0

Item No: R2 Recommendation to Council
Subject: **POST EXHIBITION REPORT - DRAFT DEVELOPMENT CONTROL PLAN (AMENDMENT NO. 26) - BASKETBALL & SPORTS COURTS CONTROLS**
Author: Eleanor Smith, Executive Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/89724
Purpose of the Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 26) for planning controls for basketball and sports courts, and to seek Council's approval for finalisation.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: Late correspondence was tabled by Mr Daniel Barber & Ericka van Aalst of (SCPAG) (2 pieces).

(Carmichael/Swan)

95/24 Resolved without debate:

THAT Council:

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- A. Notes the post exhibition report on *Draft Woollahra Development Control Plan 2015 (Amendment No. 26)* on proposed controls for basketball and sports courts.
- B. Approves Draft Woollahra Development Control Plan 2015 (*Amendment No. 26*) at **Attachment 1** of the report to the Environmental Planning Committee of 1 July 2024 as exhibited.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: R3 Recommendation to Council
Subject: **REVIEW OF LOCAL PLANNING CONTROLS TO STRENGTHEN PROVISIONS FOR SENIORS HOUSING DEVELOPMENT**
Author: Jacquelyne Della Bosca, Executive Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/79383
Purpose of the Report: To respond to a Council resolution requesting additional planning provisions to address seniors housing.
To obtain Council's approval to exhibit an amendment to the Woollahra Development Control Plan 2015.
Alignment to Delivery Program: Strategy 4.3: Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.

Note: Councillor Jarvis returned to the meeting, the time being 7.08pm.

Note: Councillor Zeltzer returned to the meeting, the time being 7.08pm.

(Jarvis/Regan)

96/24 Resolved:

THAT Council:

- A. Receives and notes the report on the review of local planning provisions to identify opportunities to strengthen controls for seniors housing development.

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- B. Resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No.32)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 1 July 2024.
- C. Review and report back to Environmental Planning Committee on the application and use of the excavation controls for Seniors Housing Developments within 2 years, or sooner if it is identified that the variation is being misapplied and is inconsistent with the intent.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Witt
Councillor Zeltzer

Against the Motion

Councillor Swan

12/1

Item No: R4 Recommendation to Council
Subject: **HOUSING DELIVERY UPDATE - JULY 2024**
Authors: Fiona Aghili, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/54217
Purpose of the Report: The purpose of this report is to provide an update on housing delivery in the Woollahra Local Government Area.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Swan has been informed that she has a connection with a person in this business. Councillor Swan remained in the meeting, participated in the debate and voted on the matter.

Note: Councillor Swan left the meeting, the time being 7.19pm.

Note: Councillor Swan returned to the meeting, the time being 7.20pm.

Note: Councillor Shapiro left the meeting, the time being 7.20pm.

Note: Councillor Shapiro returned to the meeting, the time being 7.22pm.

Note: The Council amended Part B iv. of the resolution.

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**Motion moved by Councillor Carmichael
Seconded by Councillor Jarvis**

THAT Council:

- A. Receives and notes the annual report on housing delivery provided to the Environmental Planning Committee of 1 July 2024.
- B. Request the Mayor write to the NSW Premier, the Hon. Chris Minns MP, the NSW Minister for Planning and Public Spaces, the Hon. Paul Scully MP, the Member for Vaucluse and Member for Sydney explaining:
 - i. That Woollahra Council exceeded its housing target by 82% for the period 2016 to 2021 but was given no carry-over credit;
 - ii. That Woollahra Council has already delivered 60.8% of its net new dwelling target of 500 for 2021-2026;
 - iii. That Woollahra Council is the 7th densest municipality in NSW (77.8% of its dwellings are medium or high density compared to 46% for Greater Sydney);
 - iv. That the state government has repeatedly advised Woollahra Council that no new significant state infrastructure will be provided to support additional density in the municipality;
 - v. On 29 May 2024, the NSW Government released a new five year completion target of 1,900 new dwellings to be delivered for the period of July 2024 to June 2029 in the Woollahra Local Government Area;
 - vi. The 1,900 new dwelling target does not include our strategy documents, the *Edgecliff Commercial Centre Planning and Urban Design Strategy* and the *Double Bay Centre Planning and Urban Design Strategy* which will produce up to 615 and 300 net additional dwellings respectively; and
 - vii. That due to the high level of development activity over the past decade, Woollahra Council regularly receives complaints from the community regarding traffic congestion, lack of parking, inadequate public transport options, pressure on public parks and community facilities and loss of local character and heritage.
- C. Thanks planning staff for their diligence in collecting and reporting on housing delivery information.
- D. Requests staff to report the next housing delivery update to the Environmental Planning Committee and Council in August 2025.

**Amendment moved by Councillor Grieve
Seconded by Councillor Witt**

THAT Council:

- A. Receives and notes the annual report on housing delivery provided to the Environmental Planning Committee of 1 July 2024.
- B. Request the Mayor write to the NSW Premier, the Hon. Chris Minns MP, the NSW Minister for Planning and Public Spaces, the Hon. Paul Scully MP, the Member for Vaucluse and Member for Sydney explaining:
 - i. That Woollahra Council exceeded its housing target by 82% for the period 2016 to 2021 but was given no carry-over credit;
 - ii. That Woollahra Council has already delivered 60.8% of its net new dwelling target of 500 for 2021-2026;
 - iii. That Woollahra Council is the 7th densest municipality in NSW (77.8% of its dwellings are medium or high density compared to 46% for Greater Sydney);

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- iv. That the previous and current state governments repeatedly advised Woollahra Council that no new significant state infrastructure will be provided to support additional density in the municipality;
 - v. On 29 May 2024, the NSW Government released a new five year completion target of 1,900 new dwellings to be delivered for the period of July 2024 to June 2029 in the Woollahra Local Government Area;
 - vi. The 1,900 new dwelling target does not include our strategy documents, the *Edgecliff Commercial Centre Planning and Urban Design Strategy* and the *Double Bay Centre Planning and Urban Design Strategy* which will produce up to 615 and 300 net additional dwellings respectively; and
 - vii. That due to the high level of development activity over the past decade, Woollahra Council regularly receives complaints from the community regarding traffic congestion, lack of parking, inadequate public transport options, pressure on public parks and community facilities and loss of local character and heritage.
- C. Thanks planning staff for their diligence in collecting and reporting on housing delivery information.
- D. Requests staff to report the next housing delivery update to the Environmental Planning Committee and Council in August 2025.

The Amendment was put and lost

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Witt

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Zeltzer

5/8

The Motion was put and carried

(Carmichael/Jarvis)

97/24 Resolved:

THAT Council:

- A. Receives and notes the annual report on housing delivery provided to the Environmental Planning Committee of 1 July 2024.
- B. Request the Mayor write to the NSW Premier, the Hon. Chris Minns MP, the NSW Minister for Planning and Public Spaces, the Hon. Paul Scully MP, the Member for Vaucluse and Member for Sydney explaining:
 - i. That Woollahra Council exceeded its housing target by 82% for the period 2016 to 2021 but was given no carry-over credit;
 - ii. That Woollahra Council has already delivered 60.8% of its net new dwelling target of 500 for 2021-2026;
 - iii. That Woollahra Council is the 7th densest municipality in NSW (77.8% of its dwellings are medium or high density compared to 46% for Greater Sydney);

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- iv. That the state government has repeatedly advised Woollahra Council that no new significant state infrastructure will be provided to support additional density in the municipality;
 - v. On 29 May 2024, the NSW Government released a new five year completion target of 1,900 new dwellings to be delivered for the period of July 2024 to June 2029 in the Woollahra Local Government Area;
 - vi. The 1,900 new dwelling target does not include our strategy documents, the *Edgecliff Commercial Centre Planning and Urban Design Strategy* and the *Double Bay Centre Planning and Urban Design Strategy* which will produce up to 615 and 300 net additional dwellings respectively; and
 - vii. That due to the high level of development activity over the past decade, Woollahra Council regularly receives complaints from the community regarding traffic congestion, lack of parking, inadequate public transport options, pressure on public parks and community facilities and loss of local character and heritage.
- C. Thanks planning staff for their diligence in collecting and reporting on housing delivery information.
- D. Requests staff to report the next housing delivery update to the Environmental Planning Committee and Council in August 2025.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

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13.2 Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 1 July 2024 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - 31 MAY 2024**
INVESTMENT HELD AS AT 30 JUNE 2024
Author: Abdullah Rayhan, Team Leader Financial Services
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 24/109079
Purpose of the Report: To present the monthly financial report for May 2024 and to present a list of investments held as of 30 June 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.

(Zeltzer/Jarvis)

98/24 Resolved without debate:

THAT Council:

- A. Receive and note the Monthly Financial Report – May 2024.
- B. Note that the Council's 12-month weighted average return for May 2024 on its direct investment portfolio of 5.26% (LM: 5.26%, LY: 4.21%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.43%.
- C. Note that the interest revenue for the year to date May 2024 is \$4.78M, exceeding our revised year to date budget of \$3.89M for the same period.
- D. Receive and note the list of Council's investments held as of 30 June 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

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

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Item No: R2 Recommendation to Council
Subject: **REQUEST FOR FEE WAIVER FOR THE UNIVERSITY OF THE THIRD AGE TO HOLD WEEKLY CLASSES AT EJ WARD PADDINGTON COMMUNITY CENTRE**
Author: Susan Murray, Venue Coordinator
Approver: Vicki Munro, Manager Community & Culture
File No: 24/92485
Purpose of the Report: To request Council to waive the venue hire fees for the hire of EJ Ward Paddington Community Centre for The University of the Third Age (U3A) for ongoing weekly classes during school terms during the 2024/25 financial year.
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.

(Zeltzer/Jarvis)

99/24 Resolved without debate:

THAT Council:

- A. Approve a reduction of the venue hire fees at EJ Ward Paddington Community Centre for the University of the Third Age (U3A), from \$1,537.50 per annum to \$615.00 per annum, being the not-for-profit rate for a small-size venue for the 2024/25 financial year.
- B. Advise the University of the Third Age (U3A) that they must apply under Council's Grants Program for any future waiving of Council's community venue hire fees.

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

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Nil

13/0

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Item No: R3 Recommendation to Council
Subject: **REQUESTS FOR TENDER FOR THE LICENCE AND OPERATION OF THE KAYAK HIRE, STORAGE AND COACHING FACILITY IN ROSE BAY PARK AND FOR THE NON MOTORISED WATERCRAFT HIRE AND STORAGE FACILITY LOCATED AT TINGIRA MEMORIAL PARK, ROSE BAY**
Author: Michelle Perez, Senior Property Officer
Approvers: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/108263
Purpose of the Report: To inform Council of Officers' intention to invite Tenders for the licence and operation of the kayak storage and coaching facility in Rose Bay Park and the for the non motorised watercraft hire and storage facility at Tingira Memorial Park, Rose Bay
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

(Zeltzer/Jarvis)

100/24 Resolved:

THAT Council resolves to initiate Requests for Tender for:

- A. The licence and operation of the kayak hire, storage and coaching facility situated on a 48m² portion of Rose Bay Park.
- B. The licence and operation of the non motorised watercraft hire and storage facility situated on a 114m² portion of Tingira Memorial Park, Rose Bay.

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

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

13/0

Against the Motion

Nil

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Item No: R4 Recommendation to Council
Subject: **PROPOSED DOUBLE BAY CHRISTMAS FAIR AND ORGANIC FOOD MARKETS - GRANT FUNDING**
Author: James Granter, Coordinator Economic Development
Approvers: Anne White, Manager Strategic Planning & Place
Vicki Munro, Manager Community & Culture
Scott Pedder, Director Planning & Place
File No: 24/103983
Purpose of the Report: To respond to a Council resolution requesting a further report on the Double Bay Christmas Fair.
Alignment to Delivery Program: Strategy 2.1: Build strong and respectful connections with partners so that we can enhance and protect our local area and quality of life.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Jarvis as Councillor knows a person who has joined that business, this person having served on a Committee with her for several years. Councillor Jarvis remained in the meeting, participated in the debate and voted on the matter.

(Zeltzer/Jarvis)

101/24 Resolved:

THAT Council:

- A. Approve the staff recommendation to support the Double Bay Christmas Fair 2024 with a grant allocation of \$7,500 from the Placemaking Grant stream.
- B. Approve a grant application to the value of \$4,006.25 to the Organic Food Markets for financial support in the 2024/25 annual grants round, subject to them holding their event in the first half of 2025.

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

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Nil

13/0

14. Rescission Motion

Nil

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15. Councillor Reports/Councillor Updates (Section 8.4)

Note: Councillor Reports/Councillor Updates are to be confined to condolences, congratulations, presentations and matters ruled by the Chair to be of extreme urgency (in accordance with Section 8.4 of Council's Code of Meeting Practice).

Note: Councillor Grieve left the meeting, the time being 7.45pm.

Note: Councillor Cavanagh left the meeting at 7.51pm.

General Item No: 15.1 Condolences Dr Allan Shell
Tabled by Councillor: Swan

Councillor Swan advised:

Dr Allan Shell passed away on Saturday. Dr Shell was previously the Director of Holdsworth and was on the Wolper Hospital Board, and Dr Shell also did a lot of work with the Woollahra Dementia Alliance. By the reaction on the floor of my fellow Councillors to the news of his passing, he was obviously much loved and respected and I wish to pass my condolences onto his family and to all with whom he was close. I understand the funeral will be on Wednesday and I understand that Councillor Shapiro has the details for that and I'm sure she would gladly circulate those.

Councillor Shapiro further advised:

I too, just wanted to express my condolences on the passing of Dr Allan Shaw and I wondered if we could write a letter on behalf of the Council please, he was involved in so many different areas of the community. I worked closely with his wife Roma for many years in the Jewish community and recently when Dr Shell was the Head of the Woollahra Dementia Alliance, we had a number of events in the library where he brought patients with dementia and they had art there for them to enjoy, it was just always a wonderful morning. So I just wanted to express my condolences and as Councillor Swan has said, his funeral is on Wednesday morning at the Chevra Kadisha.

Councillor Regan further advised:

I also want to express my condolences on the passing of Dr Allan Shell, I knew him as a Board Member of Holdsworth and I must say he was a very impressive man, very engaged in the Board and the Woollahra Dementia Alliance. He was very passionate about ageing and I am actually very sad to hear of his loss because it seems like I didn't see him that long ago, but I knew he wasn't well. So I wish to pass on my condolences to his family as well.

General Item No: 15.2 Queen Street West Annual Dinner
Tabled by Councillor: Swan

Councillor Swan advised:

After the last Council Meeting, Councillor Grieve and I attended the Queen Street West Annual Dinner, which was also attended by Councillor Witt. It was an excellent celebration of the group members where they were able to raise funds. Councillor Grieve and I sold raffle tickets, which was a lot of fun for the organisation. I think that was unexpected, but it was a great way for us to speak to all the attendees and get them involved.

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General Item No: 15.3 Bay Street Initiative Launch
Tabled by Councillor: Swan

Councillor Swan advised:

On the 27 June, I represented the Mayor at the Bay Street Initiative launch. Councillors and staff will recall that we have a grant in favour of the Bay Street Initiative and the idea of the group is to continue to activate Double Bay with a whole range of initiatives and events and the focus is on community activation, place activation and business engagement.

General Item No: 15.4 Australian Local Government Association (ALGA)
Tabled by Councillor: Regan

Councillor Regan advised

I attended the Australian Council of Local Government (ALGA) Conference with the General Manager, Councillor Carmichael, Councillor Elsing, Councillor Price and Councillor Jarvis and I know that you were down there on Friday, Mr Mayor, but I didn't see you and we did not cross paths. I must say it was very impressive event and I think that the speeches and the talks that were given were very thought provoking and it certainly gave me cause for thought on a lot of issues that are arising now. It is sort of at a national level and I was actually quite surprised about the commonality that we have with other councils, there being 537 of them nationally.

I found a lot more commonality in the Federal convening than I did actually at the State convening. It was a lot less regional versus city and I think there was a more collegiate atmosphere about the importance of local government and the importance of funding local government. I think that we provide 24% of the services to the community, yet we are 1% of the tax take or 4% of the tax take, which is quite extraordinary and our national body is actually advocating to have at least 1% of the tax take, because we get less than that, we get to 0.5% of it. So I think that certainly is eye opening for our community and the amount of work that we do which is just basically funded by a lot our rates.

I thought that was very, very enlightening and I'm hoping maybe in the next term of Council that some of those initiatives are taken on board that were sort of mooted at that conference. We also had very moving speech by Sam Johnson, which I thought was a really nice way to break up the mood of the meeting and make us all realise how fortunate we are to be going through life with hopefully no major diseases or illnesses and also just recognise and celebrate the power of fundraising.

Councillor Carmichael further advised

Thank you for allowing me to represent you down at the Australian Council of Local Governments in your absence. It was as a federalist, I do find it slightly challenging to be involved in the national sphere with local government being the province of the state and so forth. But I did find it very valuable hearing some of the comments made by Councillor Regan, I would like to echo those. I also note the Governor General, Ms Sam Mostyn AC made her first official presentation to the Australian Council, which was very well put by her I must say, I was very pleasantly surprised. I was sick for part of the conference, unfortunately with a touch of food poisoning. The radio presenter spoke exceptionally well. Annabel Crabb was fantastic as well. The gala ball was very well attended as well, you might be interested that the Prime Minister of Australia and many ministers were sitting up the front. So it is a very clear commitment to local government and so if they are committed, all the better I suppose.

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Councillor Jarvis further advised

I also attended the National Local Government Assembly with my Council colleagues over four days last week. Thank you to Councillor Shapiro who nominated me to go in her place. I also appreciated the accommodation, which may have been better than some and I just want to also say that what was really interesting about this was the information that we got back. For example, Linda Scott the outgoing president of the Local Government Association of NSW and it was thanks to her that Councillor Carmichael and myself found ourselves sharing the table of the Minister for Local Government, Kristy McBain MP. I told her about my motion tonight about netball and she said, I think you need to have the Securing Sporting Legacy Grant for women and girls. So I passed it on to the staff that may in fact help us fund that. But also another grant that I was told about was the Urban Precincts and Partnerships, which I suggested to staff might be suitable for Gap Park and our plans for the sculpture or the community centre in Rose Bay that we're hoping will be done as part of the Wilberforce Car Park development.

There was a book full of Councillor Motion, in fact 161 and I did read every single one of them. Representing the council, I had the voting papers, the voting rights, and I just want to indicate to you that we agreed with most things that were put forward, but there were two I felt the need to speak out on our behalf and based on the Council's record. The first was motion number 80, which was in relation to, banning gas in new homes. I took comfort in the fact that we have had that debate in our Council and we decided that we were for choice, that we were going to allow people to make up their own mind. I was able to say at that particular moment, which was four o'clock on that day, our country was dependent upon 10% gas. Anyway, very pleased that that was voted down. The second one was the attempt by another Council, Newcastle Council from memory, to re-prosecute the voice. I referred to the Council that the Governor General had referred to the fact that there is a need for kindness and care and I suggest that it was neither caring nor kind to re-prosecute this matter which had caused a lot of hurt to the indigenous population.

Similarly, I'm pleased to say that the majority, a clear majority of the conference agreed with that position. Also in the spirit of working together, I'm pleased to say that we seconded, or I seconded on your behalf the motion put forward by Waverley Council in relation to strategic partnerships with Governments to provide infrastructure for our local communities, which perhaps the State Government might take note of and on that note too, I wish that the Premier had been there to hear what the Prime Minister said. The Prime Minister bookended the event, we had the Governor-General giving her first address as Councillor Carmichael indicated, in fact it was her first official function she told us, or her first meeting rather, was with the Mayor of Lismore in relation to their disaster recovery. So I think that highlights the importance that she's going to give to Local Government. The issue is that the Prime Minister said "that Local Government is the best vehicle to deliver local priorities and it's vital, he said to us that you drive the local agenda from your local community". So you can imagine Your Worship, the dismay that we had felt only earlier that week when the Premier of the New South Wales government at least had sought fit to intervene on the eve of our meeting of the Traffic Committee to advise that they had decided that they knew better than us.

General Item No: 15.5 C'Est Si Bon Closing
Tabled by Councillor: Jarvis

Councillor Jarvis advised

On a happy, sad note I wish to advise that we needed to say goodbye to Nadia and Laurent at C'Est Si Bon Rose Bay on Saturday 29 June. We really need to thank them for all that they have done for our community over many years, in fact 24 years. We all got to go to their little café, it was absolutely crowded out with locals on that Saturday. I would like to recognise that they have given us a delicious taste of France over the years with their breads, croissants, brioche, quiche, croquembouche, pies and pastries. Many of us gathered to wish them well and toast them with real French champagne.

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They have contributed so much to the vibrancy of Rose Bay over the past 24 years just to name a few of the things that they've done. Their famous, Bastille Day dinners making us aware of the importance of our French culture, the Street Fair, the 2019 Bastille Day Festival which they organised with a grant from Woollahra Council, which was held in Panterong Reserve and most especially the little things, the creation of the garden on Dover Road at the verge in front of their shop. I am grateful that Mr O'Hanlon met with some local residents, Professor and Mrs Thom last Thursday to talk about how that will be maintained, I was unable to go because I was in Canberra. I think that's testimony to them going forward and I wish them all the best on their long overdue holiday in France.

Councillor Witt further advised:

I would also just like to acknowledge the contribution that Nadia and Laurent have made to Rose Bay through C'Est Si Bon. I couldn't attend Saturday's event because I was travelling, but I did go down and visit them and thank them personally. I'm not sure how I'm going to survive without their tomato and goats cheese quiche and the other delicious items on their menu. I also just want to say it's been a tough few months or probably six months for Rose Bay as a whole. While it's great to see this initiative to revive Double Bay, Rose Bay has been having its own travail, especially from what we have heard, the bookshop is looking for new premises, we have lost charcoal fish. Of course the art shop burnt down, so I do want to congratulate the staff on some of the Placemaking measures down there, especially the colourful arcades. I think that's really, really helping to enliven the spirit. But there's, I think a lot everyone would probably agree, a lot more work to be done to really realise Rose Bay's full potential.

General Item No: 15.6 Charging the East
Tabled by Councillor: Shields

The Mayor Councillor Shields advised:

I attended a promotion opportunity with the Mayors of Randwick and Waverley. So we had the three food groups well represented with a Labor, Green and Liberal Mayors. We were talking and celebrating the Charging the East, which is a three Council programme, which has just received one million dollars in NSW government grant funding, to expand the existing vehicle charging network.

Councillor Price you will be interested to know that the charging station at Goodhope Street has one of the best charge rates out of any charging facilities in Australia. It is one of the most utilised charging stations that is in Paddington.

General Item No: 15.7 Invitations
Tabled by Councillor: Shields

The Mayor Councillor Shields further advised:

I also attended a reception on the USS Emory at the invitation of the US Consulate General.

I also had a meeting with the Japanese Consulate General and I attended the ALGA Conference on Friday 5 July. I saw a number of Councillors there and the part of the conference I attended was excellent.

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16. Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - DOMESTIC & FAMILY VIOLENCE
From: Councillor Sarah Swan
Date: 21 June 2024
File No: 24/108246

(Swan/Carmichael)

102/24 Resolved:

THAT Council:

- A. Note the funding allocation of \$20,000 for education and support purposes around the matter of male violence in the community, approved as part of Council's 2024-2025 budget at the 24 June 2024 Council meeting.
- B. Request the General Manager include on Council's web site, promotion of the:
 - i. NSW Government-endorsed campaign '*It's not love, it's coercive control*' campaign: <https://www.nsw.gov.au/media-releases/its-not-love-its-coercive-control>; and the
 - ii. Australian Government's new consent web site at <https://www.consent.gov.au/>
- C. Request the Mayor write to the relevant Ministers at a State and Federal Government level advocating for:
 - i. More funding for specialist Domestic Family and Sexual Violence (DFSV) services (including legal services and services which address adolescents who use violence in the home);
 - ii. More stringent consequences for perpetrators of DFSV;
 - iii. More funding for affordable housing which meets the needs of adult and child victim-survivors of DFSV; and
 - iv. The reinstatement of Federal funding which was recently removed from a local Eastern Suburbs service, with any reinstated funding to remain in the Eastern Suburbs of Sydney to support DFSV services.

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 Carmichael
Councillor Elsing
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

11/0

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Item No: 16.2
Subject: **NOTICE OF MOTION - PLAYING FIELDS & NETBALL COURTS FOR GIRLS SPORTS**
From: Councillor Mary-Lou Jarvis
Date: 26 June 2024
File No: 24/110846

Note: Late correspondence was tabled by Heidi Jones, Erica Thomas & Daniel Barber.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this matter, as the Principal of Kincoppal has submitted late correspondence, Councillor Jarvis was on the board of Kincoppal for 10 years. Councillor Jarvis remained in the meeting, participated in the debate and voted on the matter.

(Jarvis/Carmichael)

103/24 Resolved:

- A. Request staff report to Council on opportunities to install more netball courts in addition to those currently being considered, to benefit the girls who play netball in our area, in particular at the area near Woollahra Ovals 2 & 3 at Rose Bay.
- B. Request that the report relating to Woollahra Ovals 2 & 3 at Rose Bay, include mitigation measures to reduce any impacts on surrounding neighbours, eg increased tree planting around the perimeters to increase tree canopy.

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

For the Motion

Councillor Carmichael
Councillor Elsing
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Zeltzer

Against the Motion

Councillor Witt

10/1

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Item No: 16.3
Subject: **NOTICE OF MOTION - REPRESENTATION OF WOMEN**
From: Councillors Luise Elsing and Lucinda Regan
Date: 26 June 2024
File No: 24/111579

Note: Council added new Part C to the Resolution.

(Elsing/Regan)

104/24 Resolved:

- A. Request that the Arts and Culture Advisory Committee revise the current Woollahra Council plaque criteria to include words to the effect of *"each year's nominations will be considered in respect to promoting equal representation of women"*.
- B. Request that the Arts and Culture Advisory Committee consider the nominations of *Dame Constance D'Arcy* a pioneer obstetrician, gynaecologist and activist and *Estelle Barnes* a 1906 graduate of Sydney University who became one of Sydney's first female dentists, in the 2023-24 cycle of nominations for installation in the 25-26 financial year allocation of plaques noting that the nomination period has closed.
- C. Give consideration to a plaque being installed in honour of the late Lady Sonia McMahon at an appropriate time in the future.

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

For the Motion

Councillor Carmichael
Councillor Elsing
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Nil

11/0

Woollahra Municipal Council
Ordinary Council Meeting Minutes

8 July 2024

Item No: 16.4
Subject: NOTICE OF MOTION - COUNCIL'S PROCUREMENT POLICY
From: Councillors Richard Shields and Isabelle Shapiro
Date: 03 July 2024
File No: 24/115585

Note: Late correspondence was tabled by Michelle Fox & John & Helene Nemesh.

(Shields/Shapiro)

105/24 Resolved:

THAT Council:

- A. Re-affirms its support for Council's Procurement Policy (as operationally adopted by the General Manager), in particular the following key purpose statements found within the Policy:
 - i. Meet legislative requirements in line with the NSW Local Government Act 1993.
 - ii. Deliver best value for money, including effectively and sustainably procuring items, whilst delivering best value to Council's long term outcomes; generating economic, social and environmental value; and avoiding unnecessary consumption.
- B. Requests the General Manager ensure that no changes are made to Council's Procurement Policy that incorporate principles that are in alignment with the racist Boycott, Divestment and Sanctions campaign; and
- C. Condemns the Boycott, Divestment and Sanctions campaign and recognises its racist origins and intent.

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

For the Motion

Councillor Carmichael
Councillor Elsing
Councillor Jarvis
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

*Councillor Price

10/1

***Note Councillor Price abstained from the vote which is considered a vote against**

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8 July 2024

17. Questions With Notice

(Carmichael/Swan)

106/24 Resolved:

THAT the Questions with Notice be received and noted.

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 Carmichael
Councillor Elsing
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

11/0

QWN: 17.1
From: Councillor Jarvis
Subject: Questions with Notice - Installation of Binoculars in Christison Park, Lighthouse Reserve & Gap Park

Note: Late correspondence was tabled by Ms Ericka van Aalst (SCPAG).

Councillor Jarvis asking:

To Directors of Infrastructure & Sustainability & Community & Customer Experience

1. This year's Council budget 2023/24 made provision for binoculars to be installed along the cliff top at Vaucluse so that locals and visitors to our area can get a better view of whales passing along the coast during their migration season and also watch the sea and the passing of ships throughout the year. While signage has now gone up about their forthcoming installation can we please be advised when they will be installed and any reasons for an ongoing delay?



Manager Open Space & Trees in response:

The binoculars have been received from overseas and will be installed in the next two weeks. The delay has been noted in the previous capital works reporting, due to the binoculars being procured from overseas.

The last comment in the Capital Works report was:

'The procurement of the binoculars are complete for the three locations. Notification on these locations will commence in Q4 (which includes the new location to pick up the seal colony at the base of the cliff). It is hoped that installation will occur in Q4, however this will depend on the arrival of the binoculars which come from overseas. The draft signage has been finalised and is currently in production.'

2. Given the incredible popularity of Council's guided Whale watching walks, one has already been held and sold out within hours of release of tickets and others to be held on 30 June and 14 July were sold out with only wait lists on offer. Is there a possibility of adding more events and/or increasing the number who can attend, either this year or commencing in 2025?



Manager Open Space & Trees in Response:

The first two whale watching walks sold out quickly with the third walk taking a few weeks to sell out. It is our opinion that this indicates that the number of walks are about right. As the presenters are internal staff we will investigate the possibility of offering an additional session in 2025 and if popular it can be resourced into the future.

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The maximum capacity is 30 people which is manageable from a risk point of view and for the participants to be able to hear the presenter. We would not recommend increasing the group size.

One of the main reasons for installing the new binoculars and associated signage is for people to visit the site and whale watch at their leisure. We are currently working on a self-guided whale walk highlighting the 3 locations with signage and binoculars and connecting to the sign content and a couple of key heritage notes for the locations. This should be ready for the 2025 season.

3. Following the entry of a sculpture "Viewfinder" in the annual Sculptures by the Sea, it was offered on loan to the Council and installed in around 2021 along the cliff top walk, offering a spectacular view down the cliff face to the sea crashing on the rocks. According to the artist Joel Adler it was removed in around May after storm damage and had reached the end of its maintainable life but he has shared with the Council details for a permanent version. Can Councillors please be advised of how this offer is being considered and how this sculpture might be returned to the walk on a permanent basis?



Acting Director Community & Customer Experience in response:

The sculpture, Viewfinder by Joel Adler, was loaned to Council from early 2021 and unfortunately needed to be de-installed from Lighthouse Reserve in Vaucluse on 24 May 2024 due to irreversible deterioration of the exterior panels of the artwork, compromising the integrity and safety of the work.

Following its removal, Joel Adler has been in the early stages of discussion with the Council's Public Art staff regarding a more permanent version, Viewfinder II. He proposes to reimagine the sculpture with "an emphasis on longevity and increasing the viewing angle for shorter people and people with disabilities".

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At the Public Art Panel meeting on 20 June 2024, Panel members were informed that the proposal for Viewfinder II will be presented for consideration later in 2024. Council staff are working with the artist on further developing his Viewfinder II proposal. It is proposed to submit a report to the Public Art Panel meeting, scheduled in November/December 2024. The strong positive endorsement of the de-installed sculpture Viewfinder by the members of the community will be included in the report.

Should the proposal be supported by the Public Art Panel and the technical issues of material and maintenance resolved, Viewfinder II could be installed during 2025, pending the artist's availability, fabrication and installation timelines.

QWN: 17.2
From: Councillor Silcocks
Subject: Questions with Notice - Double Bay Commerical Centre

Councillor Silcocks asking:

I've had reports of some of the large developments in the Double Bay Commercial Centre, which had Plant Equipment contained in their basements in accordance with their conditions of consent, applying to reposition that equipment onto their roofs through the submission of Section 4.55s.

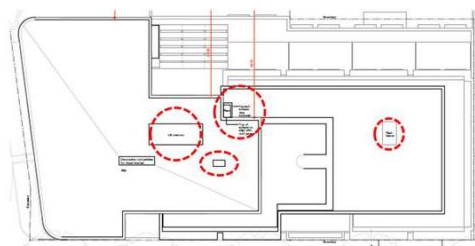
Please could Staff confirm this and, if valid, comment on whether, or why, Council would permit this change, given both view impacts on the DB amphitheater and noise impacts on surrounding residences. I seem to remember we tightened our controls a while back to ensure such equipment was as hidden from view as possible on both private and commercials developments.

Acting Manager Development Assessment in response:

I have carried out a review of the relevant DAs and the subsequent s4.55 applications of these addresses. A summary is set out below for your reference.

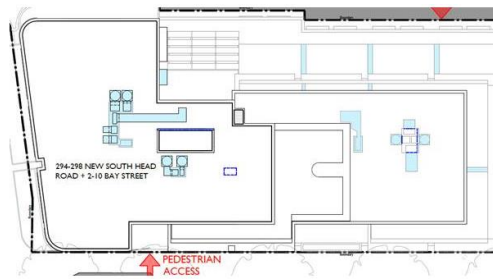
2 Bay Street

- Original Development Application - DA280/2022/1 for Demolition of existing buildings and construction of a new commercial building with basement parking was approved by the Land and Environment Court on 11/5/2023. Plant, exhaust and lift overrun are shown on the approved roof plan (see below extract in red dotted circles).



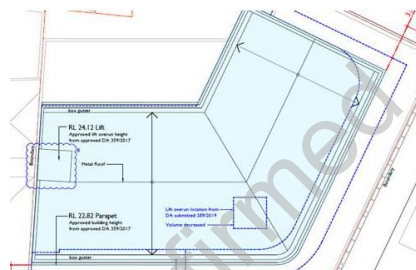
- Mod - DA280/2022/2 for Modification of conditions relating to deferred commencement and staging of construction certificates was approved on 16/8/2023. (No works proposed)
- Mod - DA280/2022/3 for Internal and external modifications to the approved commercial development was lodged on 16/2/2024. External modification works include new plant and relocating plant on the roof (see below extract in blue). This application is currently under assessment.

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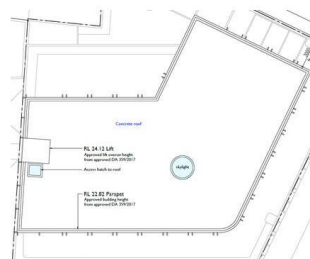


30-36 Bay Street (corner of Bay Street and Guilfoyle Avenue)

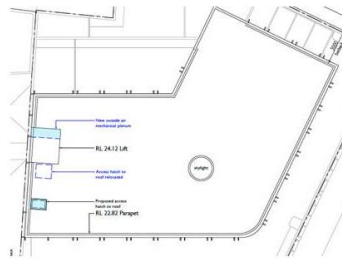
- Original Development Application - DA289/2019/1 for Alterations and additions to the existing commercial building including two additional levels and car parking was approved by the WLPP on 7/5/2020. Lift overrun is shown on the approved roof plan (see below extract in blue cloud).



- Mod - DA289/2019/2 for Modification of condition C.1 was approved on 11/6/2020. (No works proposed)
- Mod - DA289/2019/3 for Internal and external modifications was approved on 7/10/2020. External modification works include new skylight and access hatch on the roof (see below extract in blue).



- Mod- DA289/2019/4 for Internal and external modifications was approved on 23/12/2020. External modification works include new air mechanical plenum and relocation of access hatch on the roof (see below extract in blue).



- Mod- DA289/2019/5 for Internal and external modifications to the approved commercial building including amendments to retail tenancy 1 at the ground floor level; infill of the terrace on the fourth level; a new terrace and minor extension to the approved commercial tenancy at the fifth floor level; and associated façade changes was approved by the WLPP on 18/3/2021. (No new works on roof proposed)
- Mod- DA289/2019/6 for Removal of planter at Level 4 and extension of the approved A/C plant room was approved on 14/2/2022. (No new works on roof proposed)

Based on my above review, I have the following observation:

- For 2 Bay Street, there is a current s4.56 application which involves works on the roof to accommodate new plant equipment and relocating some plant equipment which was originally approved on the roof. This application is currently under assessment, which will take into account of the relevant objectives and controls prescribed in the DCP. This s4.56 will need to be determined by the WLPP.
- For 30-36 Bay Street, other than a small portion 'air mechanical plenum' being added to the side of the approved lift overrun on the roof (approved under DA289/2019/4), there is no significant plant equipment added to the roof in the subsequent s4.55 applications.

18. Supplementary Responses to Previous Questions with Notice

Nil

19. Confidential Matters

Nil

20. Conclusion of the Meeting

There being no further business the meeting concluded at 8.39pm.

We certify that the pages numbered 388 to 420 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 8 July 2024 and confirmed by the Ordinary Meeting of Council on 22 July 2024 as correct.

General Manager

Mayor

Item No: 6.2
Subject: **CONFIRMATION OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MINUTES - 18 JUNE 2024**
Author: Rhys Johnson, Coordinator Governance
File No: 24/118018
Purpose of the Report: The Minutes of the Audit, Risk and Improvement Committee of 18 June 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.

Recommendation:

THAT the Minutes of the Audit, Risk and Improvement Committee Meeting of 18 June 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Audit, Risk & Improvement Committee (ARIC) Meeting Minutes of 18 June 2024 for confirmation.

Discussion:

The Audit, Risk & Improvement Committee Meeting Minutes are presented to the Council as a procedural matter. Any matter arising from the Minutes can be discussed.

Options:

Submission of Minutes to the Council Meeting is a procedural matter for the adoption of the Minutes.

Community Engagement and / or Internal Consultation:

No internal or external consultation has taken place in the preparation of this report.

Policy Implications:

There are no direct policy implications as a result of this report.

Financial Implications:

There are no direct financial implications as a result of this report.



Resourcing Implications:

There are no direct resourcing implications as a result of this report.

Conclusion:

The Minutes are presented for confirmation by the Council Meeting.

Attachments

1. Unconfirmed Minutes - Audit, Risk & Improvement Committee Meeting - 18 June 2024
 



Audit, Risk and Improvement Committee

Tuesday 18 June 2024
12.00pm

Minutes

Unconfirmed

Unconfirmed

Audit, Risk and Improvement Committee Meeting

**Held on
Thursday 18 June 2024 at 12.05pm**

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Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

18 June 2024

Audit, Risk and Improvement Committee Meeting

Minutes of the Meeting held on 18 June 2024 at 12.05pm.

Present: Jason Masters (Chair)
Carl Millington (Independent Member)
Councillor Harriet Price (via Zoom)

Staff: Cathryn Bush (Coordinator - Risk Management)
Jennifer Chenhall (Manager – Governance & Risk)
Rhys Johnson (Coordinator – Governance)
Sue Meekin (Director – Corporate Performance)
Paul Ryan (Chief Financial Officer)
Craig Swift-McNair (General Manager)

Also in Attendance: Alex Hardy (Director - Corporate Assurance – Prosperity) (via Zoom)

Note: Scott Pedder, Director of Planning & Place attended the meeting to present on Divisional risks during Item 8.1

Note: Item 7.1 (Progress Status Report for ARIC Action Plan) was considered after Item 8.1 (General Manager's Update).

1. Opening

The Chair, Mr Jason Masters opened the meeting and welcomed Committee members.

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. Apologies

Apologies were received from Councillor Carmichael, Councillor Grieve and Deborah Goodyer (Independent Member).

4. Disclosures of Interest

Note: Carl Millington (Independent Member) proposed that the Committee develop a standard report for members to utilise in completing their disclosures before each meeting of the ARIC.

5. Confirmation of Minutes

Item No: 5.1
Subject: **CONFIRMATION OF AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC) MINUTES - 14 MARCH 2024**
Author: Rhys Johnson, Coordinator Governance
File No: 24/100073
Purpose of the Report: The Minutes of the Audit, Risk and Improvement Committee of 14 March 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.

Discussion:

The Minutes of the Audit, Risk and Improvement Committee (ARIC) meeting of 14 March 2024 were taken as read and confirmed.

Resolved Unanimously:

THAT the Minutes of the Audit, Risk and Improvement Committee Meeting of 14 March 2024 be taken as read and confirmed.

6. Late Correspondence

Late correspondence was tabled in relation to Item 12.1

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

18 June 2024

7. Committee Action Items

Item No: 7.1
Subject: **PROGRESS STATUS REPORT FOR ARIC ACTION PLAN**
Author: Cathryn Bush, Coordinator Risk Management
Approvers: Jennifer Chenhall, Manager Governance & Risk
Sue Meekin, Director Corporate Performance
File No: 24/98457
Purpose of the Report: To table the ARIC Action Plan Progress Report.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: Jennifer Chenhall, Council's Manager of Governance & Risk introduced Cathryn Bush to the Committee as Council's recently-appointed Risk Management Coordinator.

Note: The report was taken as read and noted by the Committee.

Discussion:

Jennifer Chenhall, Manager Governance and Risk and Cathryn Bush Coordinator Risk Management provided an update on the progress of the Action Plan. The Committee discussed the Progress Status Report with regard to particular items:

- Item 9: The ARIC Charter Fraud & Corruption Plan is currently being re-drafted and will be reviewed by the Executive Leadership Team (ELT) and later adopted by Council after the Council Elections in September 2024.
- Item 18: The Committee discussed how the Council is ensuring compliance with relevant laws, regulations, and Local Government policies. Sue Meekin, Director of Corporate Performance, informed the Committee that investigations into acquiring a centralised system to monitor compliance will begin in the new financial year.
- Item 28: Sue Meekin, Director of Corporate Performance informed the Committee that steps are presently being taken to invite external firms to develop a 4 Year Internal Audit Plan.
The Chair, Jason Masters advised that the Institute of Internal Auditors may have capacity to assist in this space and requested that Council additionally develop an Internal Audit Report template.
- Item 33: The General Manager, Craig Swift-McNair advised the Committee that on the 11 June 2024 Council resolved to nominate Councillor Sean Carmichael as the one (1) non-voting Councillor on the ARIC, noting that there will be only one (1) further meeting of the ARIC prior to the September Councillor Elections, after which a new candidate will be appointed.
- The Committee discussed the revised due dates in the work plan and for future ARIC Agendas.

Resolved Unanimously:

THAT the Audit, Risk & Improvement Committee reviewed and noted the current status for the items in the Progress Report included as **Attachment 1**.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

18 June 2024

8. General Manager's Update

Item No: 8.1
Subject: GENERAL MANAGER'S UPDATE
Author: Craig Swift-McNair, General Manager
Approver: Craig Swift-McNair, General Manager
File No: 24/93998
Purpose of the Report: For the General Manager to provide an update on a range of matters to the Committee
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: Scott Pedder, Council's Director of Planning & Place attended the meeting to provide a presentation on his division.

Note: The report was taken as read and noted by the Committee.

Discussion:

The Chair, Jason Masters acknowledged Council on being recognised as finalists in four (4) categories at the Local Government Professionals NSW 2024 Local Government Excellence Awards held on Thursday 6 June 2024. The Chair congratulated staff on winning two awards with Council's **Boosting Employee Wellbeing through an Early Intervention Program**, and **Charging the East (The Eastern Suburbs Electric Vehicle Charging Project)**.

The Committee discussed the NSW Government Low & Mid-Rise Housing Planning Reforms (the reforms) and the impacts it will have on local Councils. Particular discussions were had with regard to how the reforms will impact Council on achieving already established goals in the Community Strategic Plan, Delivery Program and Operational Plans, as well as how Council will continue to deliver services to the Community whilst factoring the impact of the reforms into Council's future budgets.

Councillor Price requested that Councillors be included in future discussions around the reforms and their impact on Council's budget moving forward.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee (ARIC) receive and note the General Manager's Update report as tabled at this 18 June 2024 ARIC meeting.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

18 June 2024

9. Compliance

Item No: 9.1
Subject: **WORKPLACE HEALTH & SAFETY UPDATE REPORT**
Authors: Eva Leszczynska, Manager People, Safety & Performance
Stephen Moxham, Coordinator Health, Safety & Injury Management
Approver: Sue Meekin, Director Corporate Performance
File No: 24/98294
Purpose of the Report: To provide the Committee with an overview of Council's Workplace Health & Safety and Workers Compensation.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: The report was taken as read and noted by the Committee.

Discussion:

The Chair, Jason Masters once again congratulated staff on Council's recent award at the Local Government Professionals NSW 2024 Local Government Excellence Awards *for our Boosting Employee Wellbeing through an Early Intervention Program*.

Eva Leszczynska, Council's Manager of People, Safety & Performance and Stephen Moxham, Council's Health, Safety & Injury Management Coordinator provided an update on Workplace, Health & Safety, highlighting that:

- Psychosocial injury claims are increasing across many different industries, noting that Council has strong measures in place to identify risks of psychosocial claims through early intervention, training and support for staff.
- Under the Work Health and Safety (WHS) Regulation 2017, mandated audiometric testing of staff who frequently use hearing protection as a control measure for noise may result in an increase in Whole Person Impairment (WPI) claims against Council.

The Committee noted that Workplace, Health & Safety KPI data is progressing well and further discussed how the status and progress of matters are determined.

Resolved Unanimously:

THAT the Audit, Risk & Improvement Committee receive and note the Workplace, Health & Safety report.

12. Financial Management

Item No: 12.1
Subject: **FINANCE UPDATE REPORT**
Author: Paul Ryan, Chief Financial Officer
Approver: Sue Meekin, Director Corporate Performance
File No: 24/94342
Purpose of the Report: To provide the Committee with an update on Council's current financial position
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.

Note: The report was taken as read and noted by the Committee.

Discussion:

Alex Hardy, Director of Corporate Assurance at Prosperity addressed the Committee and provided comments on the Interim Audit Management Letter, noting that the document is still in draft form and additionally, provided positive feedback on the progress of matters identified in previous Audits.

The Committee discussed the current infrastructure assets revaluation process and acknowledged the delays in completing, noting the volume of valuations extends to stormwater, open space, roads and footpaths.

Sue Meekin, Director of Corporate Performance advised that reports on valuations is estimated to be completed by the first week of July 2024.

Paul Ryan, Council's Chief Financial Officer provided an update on Council's current financial position, highlighting that:

- Council has observed a decrease in the value of fair value of investment properties contributed by the decrease in the value of Kiaora Place, as a result of an annual independent valuation.
- Years 2 & 3 of Council's Long Term Financial Plan are tight with very small surpluses and staff are looking at measures to improve this.

Resolved Unanimously:

THAT the Committee receive and note the Finance Update Report.

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Audit, Risk and Improvement Committee Meeting Minutes

18 June 2024

13. Governance

Item No: 13.1
Subject: **GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 (GIPA) QUARTERLY REPORT (STATISTICS) 1 JANUARY 2024 TO 31 MARCH 2024**
Author: Rhys Johnson, Coordinator Governance
Approvers: Jennifer Chenhall, Manager Governance & Risk
Sue Meekin, Director Corporate Performance
File No: 24/92424
Purpose of the Report: To table GIPA statistics for noting by the ARIC Committee.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: The report was taken as read and noted by the Committee.

Discussion:

The Committee discussed the quarterly Government Information (Public Access) Act 2009 (GIPA) statistics, noting that the number of applications remains consistent with previous reporting periods.

The Committee noted that while certain Government Information remains publicly accessible, staff are to investigate the search-ability function of Council's website in order to improve the customer experience, which may, in turn, reduce the number of informal GIPA applications received by Council.

Resolved Unanimously:

THAT the Government Information (Public Access) Act 2009 applications, quarterly statistics for the period 1 January 2024 to 31 March 2024, be received and noted.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

18 June 2024

15. Implementation of Strategic Plan, Delivery Program & Strategies

Item No: 15.1
Subject: **INFORMATION & DIGITAL TRANSFORMATION UPDATE**
Author: Ben Horn, Manager Information & Digital Transformation
Approver: Sue Meekin, Director Corporate Performance
File No: 24/101992
Purpose of the Report: To provide the Committee with an update on Council's Information & Digital Transformation Initiatives
Alignment to Delivery Program: Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

Note: The report and Confidential attachments were taken as read and noted by the Committee.

Note: The Committee discussed the Confidential attachments.

Resolved Unanimously:

THAT the Audit, Risk & Improvement Committee:

- A. Receive and note the Information & Digital Transformation Update.
- B. Note that the attachments are to remain confidential.

18. Internal Audit

Item No: 18.1
Subject: **STATUS REPORT ON INTERNAL AUDIT**
Author: Cathryn Bush, Coordinator Risk Management
Approvers: Jennifer Chenhall, Manager Governance & Risk
Sue Meekin, Director Corporate Performance
File No: 24/98374
Purpose of the Report: To provide the Committee a status report on outstanding internal audit items as at 28 February 2024.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: The attachment to the report was handed to the Members at the meeting at the conclusion of the item, as the document attached to the Agenda was erroneously attached.

Recommendation:

THAT the Audit, Risk and Improvement Committee (ARIC) receives and notes the status of the Follow-up Internal Audit Recommendations as at 31 May 2024.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

18 June 2024

19. General Business

The Committee, led by Council's General Manager Craig Swift-McNair, thanked the Chair, Mr. Jason Masters, for his commitment and long-standing service to ARIC. They also congratulated Mr. Carl Millington on his appointment as the new ARIC Chair, effective from 1 July 2024.

The Chair, Mr Jason Masters acknowledged the Committee for their work during his tenure as ARIC Chair and congratulated Mr Carl Millington on his selection as the incoming ARIC Chair.

There being no further business the meeting concluded at 3.04pm.

We certify that the pages numbered 1 to 10 inclusive are the Minutes of the Audit, Risk & Improvement Committee Meeting held on 18 June 2024 and confirmed by the Ordinary Meeting of Council on 8 July 2024 as correct.

General Manager

Mayor

Unconfirmed

12. General Manager and Officer's Report

Item No:	12.1
Subject:	LEASE FOR COOPER PARK TENNIS CENTRE - MINISTERIAL APPROVAL
Author:	Jim Allison, Senior Property Officer
Approvers:	Zubin Marolia, Manager Property & Projects Tom O'Hanlon, Director Infrastructure & Sustainability
File No:	24/124958
Purpose of the Report:	To seek a Council resolution to apply to the Minister for Local Government for granting of a lease of the Tennis Centre in Cooper Park.
Alignment to Delivery Program:	Strategy 11.2: Secure Council's financial position.

Recommendation:

THAT Council make an application to the Minister for Local Government under section 377(1)(s) of the Local Government Act 1993, for consent to grant the proposed lease over the community land described as part Lot 8 in DP215076 and located at 1 Bunna Place, Bellevue Hill to Young Aces Cooper Park Pty Ltd ABN 32 218 483 245 for a term of 7 years with an option to renew for a further period of 7 years for the purpose of operating a Tennis Court Centre under section 46(1)(b)(i) and in accordance with the procedure set under section 47 of the Local Government Act 1993.

Executive Summary:

Council previously resolved to grant a lease to Young Aces Cooper Park Pty Ltd CAN 677 560 128 for the lease and operation of the Tennis Centre in Cooper Park. Following statutory notification of the lease, objections have been received. Council is therefore required to seek Ministerial consent to grant a lease. It is a statutory requirement for Council to resolve to seek Ministerial consent.

Discussion:

On 8 April 2024, Council resolved as follows:

THAT Council:

- In accordance of s178 1 (b) of the NSW Local Government (General) Regulation 2021, declines to accept any of the tender submissions for the lease of the Cooper Park Tennis Courts and Café, known as Tender SC7818.*
- Resolves in accordance with section 178 (3) (e) of the NSW Local Government (General Regulation) 2021 to enter into negotiations with Young Aces Tennis with a view to entering into a contract in relation to the lease and operation of the Cooper Park Tennis Centre on similar specifications as Tender SC7818 for reasons including the following:*
 - Young Aces was ranked second in tender SC7818, which respects the tender process and responds to community sentiment; and*
 - It is a small-medium local business rather than a large organisation.*
- In accordance with section 178 (4) of the NSW Local Government (General) Regulation 2021, declines to invite fresh tender submissions as two tender processes have failed to determine an acceptable tenderer for Council.*
- Affirms its resolution of 15 November 2023 there be no multi-use sports use of the Centre and that this be specified in the draft lease.*

5. *Places great consideration on the successful tenderer engendering a sense of community i.e. for our local community, and for future as well as current users, no matter what their proficiency or age.*

In furtherance of this resolution, Officers commenced negotiations with the representatives of Young Aces Cooper Park.

Terms were agreed which Officers consider reflect the resolution of 8 April 2024 and the community sentiment behind it. In particular, within the Definitions, the permitted use of the Tennis Centre is stated as follows:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

Permitted Use:

means Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with the use of the Courts. No multi-use sports use of the premises is permitted.

Elsewhere in the lease terms the following clauses further reinforce the above permitted use, clearly stating that the courts are to be used for tennis only:

5.3 The Lessee must:

- (a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;*
- (b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;*
- (c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;*
- (g)(viii) (not at any time during the term) use or permit the Premises to be used for the playing of any sport other than tennis;*

In relation to the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. It is proposed that in the new lease, the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

Accordingly, the lease requires Young Aces to comply with the following;

- Clause 6.5 (f) *“The Lessee must at all times during the Term ensure....co-operation with the Lessor, its employees and agents to provide and promote the Centre and encourage and assist the local community in their use and enjoyment of the Centre”.*
- Clause 6.11 to *“initiate a Tennis Centre User Consultation Plan..and...maintain the Plan throughout the Term with a view to engendering a sense of community in the Centre operations for the local community, and for future and current users of the Centre, no matter what their proficiency or age”.*
- Clause 6.12 further requires Young Aces to *“initiate and maintain...programmes of social and community tennis and non-profit community activities to the reasonable satisfaction of*

(Council). The programmes and activities must provide reasonable participation opportunities for all members of the community, regardless of their tennis proficiency or age".

Following completion of the negotiation process with Young Aces, on 11 June 2024 Council resolved as follows:

THAT Council:

- A. Enters into a lease agreement with Young Aces Cooper Park Pty Ltd ACN 677 560 128 for a seven (7) year initial term plus a seven (7) year option term, at a commencement rent of \$295,000 per annum excl. GST, with CPI annual increases and a review to market upon exercise of the option.*
- B. Ensures the lease agreement includes a capital refurbishment commitment of \$913,641.86 including ancillary costs excl. GST, subject to any necessary development approval.*
- C. Authorises the General Manager to execute all legal agreements required to enter into a lease agreement with Young Aces Cooper Park Pty Ltd.*
- D. Requests the Mayor writes to the current operators of the Cooper Park Tennis Centre thanking them for their commitment to the community.*

On 13 June 2024 and as per statutory process, Officers posted a notice at the Tennis Centre of Council's intent to grant the lease and invited submissions until 12 July 2024 - see Attachment 1.

Numerous submissions were received, the majority of these submissions were objecting to the grant of the lease. The submissions are provided as Attachment 2 and a brief summary of the submissions containing objections is provided below. It will be seen that the general theme of the submissions was that the lease would allow the courts to be used for multi-sports or community activities. Concern was also expressed that the new lessee would not provide similar tennis offerings to the incumbent lessee. In summary though, some submissions relate to multiple issues, the breakdown of their main concerns is as follows:

No. of submissions	Commentary
17	Do not believe that the lease will not permit multi-sport and community activities on the actual tennis courts
6	Expressed concerns re. community activities generally at the centre
4	Consider that Council approach was profit lead and provided favour to Young Aces Cooper Park Pty Ltd
4	Do not want new lessee/operator

Officers sought to allay the concerns expressed by those who made submissions objecting to the granting of the lease. Direct responses were provided and a clarification notice was posted at the centre - see Attachment 3. Unfortunately, the majority of the submissions that raised objections have not been withdrawn. As a result, Council is required to seek the consent of the Minister for Local Government to grant the lease and it is a statutory requirement that it resolves to do so.

The recommendation of this report is in a form dictated by the statutory requirement.

Young Aces are aware of the community objections and have acknowledged the lease restrictions and requirements in their submitted letter, as shown in Attachment 4.

Options:

Council may resolve in line with the recommendation/s as included in this report or Council may choose to resolve in some other manner. It should be noted however, that if the recommendation is not accepted, the proposed grant of a lease to Young Aces Cooper Park cannot be progressed.

Community Engagement and / or Internal Consultation:

This report concerns the further community engagement that Council is statutorily required to undertake in order to progress the grant of a lease to Young Aces Cooper Park.

Policy Implications:

There are no policy implications as a result of this report.

Financial Implications:

The grant of a lease to Young Aces Cooper Park will increase the income that Council receives for the Tennis Centre by some 20% to \$285,000 ex. GST.





Resourcing Implications:

Property & Projects staff will prepare and manage the necessary application to the Minister with the assistance of the external lawyers who have provided assistance with this matter to date.

Conclusion:

Council has resolved its intention to grant a lease of the Tennis Centre in Cooper Park to Young Aces Cooper Park. Terms have been agreed but subsequent submissions containing objections have been received from members of the community. As such, Council is required to make the application to the Minister for Local Government in the form recommended in order to progress the granting of the lease.

Attachments

1. Public notice informing the community of the proposed lease to Young Aces [↓](#) 
2. Submissions Received by Council [↓](#) 
3. Clarification Notice [↓](#) 
4. Young Aces letter to Council [↓](#) 

Annexure 1



Tender SC7818

Notice of proposed lease of community land - Cooper Park, Woollahra

Pursuant to section 47 of the *Local Government Act 1993*, it is notified that Woollahra Municipal Council hereby gives notice that it intends, at the expiration of 28 days after the date of publication of this notice, to grant a lease to the lessee specified in Schedule 1 hereunder, in respect of the land specified in Schedule 2, for the term and purpose specified in Schedule 3.

Any submissions concerning the proposal should be made in writing and addressed to the General Manager, Woollahra Municipal Council, PO Box 61, Double Bay NSW 1360, or forwarded by email to records@woollahra.nsw.gov.au

Submissions close 12 July 2024.

General Manager

Woollahra Municipal Council

Telephone: (02) 9391 7000

SCHEDULE 1

Woollahra Municipal Council (Lessor)

Young Aces Cooper Park Pty Ltd ACN 677 560 128 (Lessee)

SCHEDULE 2

Part Cooper Park at Woollahra comprising the Cooper Park Tennis Centre at 1 Bunna Place, Woollahra off Suttie Road, Double Bay (excluding the upstairs caretaker's residence and the public toilets).

SCHEDULE 3

For a term of seven years commencing August / September 2024 with an option to renew for further term of seven years.

For the purpose of a tennis court centre to be used for playing tennis including the operation of a kiosk/café and tennis pro-shop and the undertaking of community related activities in connection with the use of the tennis courts.

Breda Cosgrove

From: [REDACTED]
Sent: Sunday, 14 July 2024 9:27
To: Friends Of Cooper Park; Records
Cc: Zubin Marolia; Gary Johnston; Jenny Ball; Nicola Grieve; Luise Elsing; Paul Fraser; Tom O'Hanlon; Merrill Witt
Subject: RE: Tennis court lease

Dear Council

I would like to support Kate McLaren regarding this issue.
At peak periods the deck is completely full with patrons, both tennis and park walker communities.
In fact the deck area should be enlarged to allow the Young Aces to provide a promised improved café and food experience.
Council planners need to find a better solution if the assumed issue is access to the amenities.
Reducing the deck area for any reason would be a retrograde move.
As Kate points out there is no problem in accessing the amenities from the deck now.
We have new operators now, lets allow them to provide a greater service to more patrons, not less !

Regards

Mark Sheldon

Clan Sheldon Pty Ltd
Director | Architect

-----Original Message-----

From: Friends Of Cooper Park <friendsofcooperpark2020@gmail.com>
Sent: Saturday, July 13, 2024 2:35 PM
To: records@woollahra.nsw.gov.au
Cc: Woollahra Zubin Marolia <zubin.marolia@woollahra.nsw.gov.au>; [REDACTED]
[REDACTED] Nicola Grieve <nicola@woollahra.nsw.greens.org.au>; Woollahra Council Luise Elsing <luise.elsing@woollahra.nsw.gov.au>; Woollahra Council Paul Fraser <paul.fraser@woollahra.nsw.gov.au>; woollahra council Tom O'Hanlon <tom.ohanlon@woollahra.nsw.gov.au>; Merrill Witt <merrill.witt@woollahra.nsw.gov.au>
Subject: Tennis court lease

Dear Woollahra Council,

While the Friends of Cooper Park is not objecting to the terms of the new lease in general, there is one proviso which is patently ridiculous. This pertains to the halving of the terrace space available to the operators of the cafe. The reasons given for this are apparently something to do with access to the toilets. Since at present there is absolutely no problem – repeat NO problem - with access to the toilets we are at a loss to understand what on earth benefit this would bring. It most certainly would restrict the scope of community activities which you have specified in the lease.

We strongly urge you to remove this limitation from the lease granted to Young Aces and revert to the present situation which works absolutely fine.

Yours sincerely
Kate Maclaren
Friends of Cooper Park

Breda Cosgrove

From: Friends Of Cooper Park <friendsofcooperpark2020@gmail.com>
Sent: Saturday, 13 July 2024 19:50
To: [REDACTED]
Subject: Re: New developments with objections to the lease in Cooper Park

Dear Doron,

I read your last email carefully, and I confess I am at a loss as to exactly what you are objecting to. I completely understand the lease restrictions re the objections to the limits on the use of the Veranda of the kiosk but as far as the other causes go, I am not certain that this justifies the ongoing distraction from the immediate goal of getting poor old hi Dieter out of his dilemma and Young Aces started on their journey. We all had the opportunity to engage with the consultation process but your continuous objections have made an already protracted and tortured process worse. I can't quite understand where you sit with Young Aces – you seem to be on their side one minute and agin them the next. Council is quite capable of making this process as difficult as possible without this kind of intervention. We would really love to see the situation resolved as soon as possible, and Young Aces moved in to begin the resurrection of what has become a very sad and neglected facility. They won the tender - not my preference but they did win it - please let's move on. It would be great to have a whole new beginning by spring. I do appreciate your meticulous attention to the details, but it's a rearguard action. Let's all move on together and make it work. I hope you will take this in the spirit I offer it - for the love of the park.

Kate.

Friends of Cooper Park.



On 11 Jul 2024, at 1:24 PM, [REDACTED] a:

Dear Tennis Community,

Please take note of the crucial information below, which concerns all tennis players utilising the facilities at Cooper Park Tennis Centre.

Recent discussions between executive members and councillors of the Woollahra Council have brought to light numerous objections received following the posting of two 28-day notices on Court No 1 of Cooper Park Tennis Courts (see attached), as per Section 47(1)(d) of the NSW Local Government Act 1993 (the "Act"). The deadline for objections is tomorrow, 12 July, 2024.

Under Section 47(5)(a) of the Act, objections regarding any aspects of the lease with Young Aces Cooper Park will escalate the decision-making process to the NSW Minister for Local Government, Ron Hoenig, bypassing the Woollahra Municipal Council. The council has thus far downplayed the impact of this section of the Act to minimise community backlash over its poor handling of two recent tenders, which has not been well-received by the community.

Now is not the time for the tennis community to remain silent, allowing the Woollahra Council another opportunity to mislead and deceive us.

The contentious aspects of the lease include:

1. In response to tender SC7818 (including the proposed lease), objections were raised regarding amendments made by the Council to Item 7 of the Reference Schedule on Page 44 of 53 of the lease. Initially, Item 7 specified the "Permitted Use of Premises" as "Tennis Court Centre

including operation of a kiosk/shop in connection with use of the Courts," which tenderers based their bids on.

2. Following negotiations with Young Aces Cooper Park, the council amended Item 7 to specify that the "Tennis Court Centre is to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted". Despite objections, the council has retained the additional wording "...and the undertaking of community related activities..." in Item 7, granting Young Aces Cooper Park additional privileges over other tenderers. This insistence suggests plans for additional community activities at the tennis courts, a strategy aimed at maintaining the council's support for Young Aces Cooper Park amidst community opposition.
3. In response to objections, the council defined "community activities" to include social evenings, trivia nights, ladies' lunches, Christmas gatherings, BBQs, and men's shed activities. However, the lease reveals that Young Aces Cooper Park will have less than half the veranda space currently allocated to the incumbent, yet more activities are encouraged within this reduced space. The rationale behind hosting these activities "in connection with use of the Courts" rather than the Kiosk remains suspicious.
4. Community feedback suggests that Young Aces Cooper Park has informed Sydney Football Stadium that they will not receive all current booking slots, potentially impacting longstanding social tennis groups. There are concerns over prime coaching times being reallocated to coaching and after-school activities, potentially prohibiting regular social tennis sessions.

What comes next?

Cooper Park Tennis Centre has thrived for over a century. It is imperative that we safeguard the club's tranquillity and culture against attempts by the council to alter Cooper Park for future generations.

If you have not yet submitted your objection to the lease to the council (to the General manager, email address records@woollahra.nsw.gov.au) or if your correspondence did not explicitly stated "object" or "objecting," please do so by July 12, 2024.

Since the matter will be decided by the Minister, I urge you to also submit an official objection via the form at the following link: <https://www.nsw.gov.au/ministers/minister-for-local-government>.

Please ensure you provide your contact details, use "objection to the lease with Young Aces Cooper Park - Woollahra Municipal Council, Tender SC7818" as the subject line, select "Meeting request" under Type of enquiry, and describe your objection in detail within 10,000 characters. You may also attach up to 3 documents and request a response to track progress. You may choose to type a cover letter as an attachment.

Thank you for taking the time to read this email. Your awareness and active participation in this matter are greatly appreciated.

Best regards,

Doron Argaman



Breda Cosgrove

From: Friends Of Cooper Park <friendsofcooperpark2020@gmail.com>
Sent: Saturday, 13 July 2024 14:35
To: Records
Cc: Zubin Marolia; Mark Sheldon; Gary Johnston; Jenny Ball; Nicola Grieve; Luise Elsing; Paul Fraser; Tom O'Hanlon; Merrill Witt
Subject: Tennis court lease

Dear Woollahra Council,

While the Friends of Cooper Park is not objecting to the terms of the new lease in general, there is one proviso which is patently ridiculous. This pertains to the halving of the terrace space available to the operators of the cafe. The reasons given for this are apparently something to do with access to the toilets. Since at present there is absolutely no problem – repeat NO problem - with access to the toilets we are at a loss to understand what on earth benefit this would bring. It most certainly would restrict the scope of community activities which you have specified in the lease.

We strongly urge you to remove this limitation from the lease granted to Young Aces and revert to the present situation which works absolutely fine.

Yours sincerely
Kate Maclaren
Friends of Cooper Park



Breda Cosgrove

From: [REDACTED]
Sent: Friday, 12 July 2024 16:29
To: Records
Subject: Objection to the lease with Young Aces Cooper Park - Woollahra Municipal Council, Tender SC7818

To the General Manager.

I would like to express my concern regarding the lease conditions relating to the Cooper Park Tennis Courts.
Specifically the way Woollahra council has handled the matter, by not listening and seemingly to have mislead the community as to their intentions for the tennis courts and cafe area.
The courts operate perfectly well currently and everyone is very happy. No need to fix what is not broken!

I am also very concerned to learn that YoungAces will not honour the agreement set up with the Sydney Football Stadium for court allocation. How can this be?

Cooper Park Tennis is a very special place, it is well used and beloved by the local community and by those who travel from further afield to enjoy all it has to offer.

I really am not happy that council are prepared to jeopardise this beautiful Sydney spot, throw away something so special just in the name of 'money'.
They should be ashamed.

I do hope you will support the majority objection to grant a lease to Young Aces.
Thank you for your help.
L Walker.

Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 11 July 2024 13:08
To: Zubin Marolia
Subject: Re: The General Manager, Woollahra Municipal Council

Hi Zubin,

I object to council pursuing the current lease with Young Aces.

The lease which pertains to Young Aces' occupation is not in the best interests of the Cooper Park Tennis Community.

Yes, you have provided council's **opinion or intention** with the lease, but the lease itself is incongruent with your statements to myself and the broader community.

I am expecting that Woollahra Council will accept my objection and provide a copy to the minister in accordance with:

Section 47(5)(a) of the NSW Local Government Act 1993

Kind Regards,

Emile Mckenna

On Wed, 10 Jul 2024 at 5:28 pm, Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au> wrote:

Dear Emile

Thank you for your email.

Allow me to clarify your concerns: the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. Council is not removing or repurposing the courts under any circumstances. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating::

The Council has received inquiries seeking clarification on the use of the tennis courts. We confirm that the courts are designated solely for tennis, and multi-sport use is prohibited. The permitted use of the Centre is outlined as follows:

"The Tennis Court Centre is for playing tennis, including operating a Kiosk/Café and Tennis Pro Shop, and conducting community-related activities connected with court use. Multi-sport use of the premises is not allowed."

We encourage the use of the tennis centre building to foster community spirit and broaden engagement with the Centre. Council supports initiatives such as social evenings, trivia nights, ladies' lunches, Christmas gatherings, BBQs, and men's shed activities, believing these will enhance community engagement.

We trust this clarifies the Council's stance and addresses any concerns you may have had.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

Our Values: Respect | Open | Accountable | Responsive | Excellence

We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.



Sent: Friday, 5 July 2024 1:06 PM
To: Records <Records@woollahra.nsw.gov.au>
Subject: The General Manager, Woollahra Municipal Council

Dear General Manager,

I am writing to you today to express my concern regarding Tender SC7818. As a long term member of the Cooper Park Tennis Community I am concerned that the proposed lease contains several ambiguous points whereby the courts could be used for activities other than tennis. Many members rely on the tennis courts

for physical and mental health. New tennis courts are not built in the Eastern Suburbs for obvious reasons thus it is of critical importance that the courts be reserved for playing tennis and tennis only.

Ambiguous points in the proposed lease are per the below:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

.

.

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

(a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;

(b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of

doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

..

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

This is a concern expressed by many other long term community members. Can this please be addressed as soon as possible.

Kind Regards,

Emile McKenna



Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 11 July 2024 12:52
To: Zubin Marolia
Subject: Re: Cooper Park Tennis courts

Thank you for your reassuring response, Zubin

On Wed, 10 Jul 2024 at 5:37 PM, Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au> wrote:

Dear Viktor

Thank you for your email and phone discussion.

As discussed, the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. Council is not removing or repurposing the courts under any circumstances. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating::

The Council has received inquiries seeking clarification on the use of the tennis courts. We confirm that the courts are designated solely for tennis, and multi-sport use is prohibited. The permitted use of the Centre is outlined as follows:

"The Tennis Court Centre is for playing tennis, including operating a Kiosk/Café and Tennis Pro Shop, and conducting community-related activities connected with court use. Multi-sport use of the premises is not allowed."

We encourage the use of the tennis centre building to foster community spirit and broaden engagement with the Centre. Council supports initiatives such as social evenings, trivia nights, ladies' lunches, Christmas gatherings, BBQs, and men's shed activities, believing these will enhance community engagement.

The lease includes the following clauses:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

(a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;

(b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of

doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.



Sent: Thursday, 4 July 2024 11:44 AM
To: Records <Records@woollahra.nsw.gov.au>
Subject: Cooper Park Tennis courts

To The General Manager

Dear Sir

I would like you reconsider the council's decision to offer the new contract to run the courts to a new tender.

In place of strong community oriented current tender, the profit enhancing services offered by the new tender, is a disgraceful a choice.

The NSW minister for local governments would be alarmed by the Woollahra Council blatant disregard for the law and regulations displayed by the selection process.

I object the destruction of the local 100 years tradition .

Regards

Viktor WJecks

Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 11 July 2024 10:17
To: Zubin Marolia
Subject: Re: Submission concerning Tender SC7818

Thank you for the clarification, Zubin. All is understood and all seems to be well.
Regards,
Dr Ron Desiatnik

On Wed, Jul 10, 2024 at 5:33 PM Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au> wrote:

Dear Ron

Thank you for your email.

Allow me to clarify your concerns: the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. Council is not removing or repurposing the courts under any circumstances. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating::

The Council has received inquiries seeking clarification on the use of the tennis courts. We confirm that the courts are designated solely for tennis, and multi-sport use is prohibited. The permitted use of the Centre is outlined as follows:

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We encourage the use of the tennis centre building to foster community spirit and broaden engagement with the Centre. Council supports initiatives such as social evenings, trivia nights, ladies' lunches, Christmas gatherings, BBQs, and men's shed activities, believing these will enhance community engagement.

The lease includes the following clauses:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

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(b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of

doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
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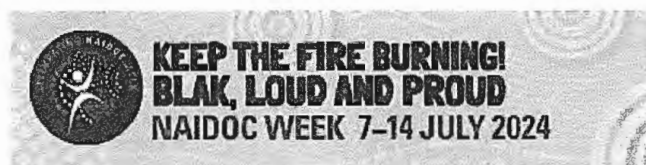


Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
t: 02 9391 7185 m: 0419 205 235
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Monday, 8 July 2024 4:07 PM
To: Records <Records@woollahra.nsw.gov.au>
Subject: Re: Submission concerning Tender SC7818

As a regular tennis player at Cooper Park courts, I trust that Council will ensure, by appropriate wording of the lease for the courts area, that no activity other than the playing of tennis and the upkeep of the courts for that purpose only, will be permitted on the courts.

Yours sincerely

Dr R J Desiatnik

Breda Cosgrove

From: Zubin Marolia
Sent: Wednesday, 10 July 2024 17:35
To: Nathan Heazlewood
Subject: RE: Cooper Park tennis Courts - General manager - submission concerning Tender SC7818

Dear Nathan

Thank you for your email.

Allow me to clarify your concerns: the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. Council is not removing or repurposing the courts under any circumstances. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating::

The Council has received inquiries seeking clarification on the use of the tennis courts. We confirm that the courts are designated solely for tennis, and multi-sport use is prohibited. The permitted use of the Centre is outlined as follows:

"The Tennis Court Centre is for playing tennis, including operating a Kiosk/Café and Tennis Pro Shop, and conducting community-related activities connected with court use. Multi-sport use of the premises is not allowed."

We encourage the use of the tennis centre building to foster community spirit and broaden engagement with the Centre. Council supports initiatives such as social evenings, trivia nights, ladies' lunches, Christmas gatherings, BBQs, and men's shed activities, believing these will enhance community engagement.

The lease includes the following clauses:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

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(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

(a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;

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(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

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(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Tuesday, 9 July 2024 4:02 PM

To: Records <Records@woollahra.nsw.gov.au>; Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Subject: Re: Cooper Park tennis Courts - General manager - submission concerning Tender SC7818

Dear Zubin,

I got your alternative email because I have not received a response from the council from my email below on 5 July 2024. I understand that you are the Council representative for the Cooper Park Tennis Courts.

Evident from its lack of response, Woollahra Council continues to ignore the community.

Please explain why Woollahra Council is determined to make decisions regarding the Cooper Park Tennis Courts against community interests.

I can understand this type of behaviour in a communist country. However, the last time I checked, the people who live in and pay rates in the Woollahra Council governing area are entitled to opine on how the area operates.

Dictatorship and incompetence are evident in how Woollahra Council conducted both the first and second tender processes. The whole process shows an authoritarian deceptive council that disregards its own community. Some examples are;

1. Pretending to offer the community a platform to allow it to be involved in the decision process. Pretending to enable the community to object decisions,
2. Ignoring its own meeting minutes,
3. Once realising the sensitivity, secretly issuing an unrealistically short time for community response by advertising over an approximate 3-day period that spanned a weekend,
4. Ignoring a 100-years and the Cooper Park Management Plan,
5. Persistent on selecting significant lease income without having regard to the use of the tennis courts,

Please at least respond to my email email.

Regards,
Nathan

On Fri, 5 Jul 2024 at 11:07, [REDACTED] wrote:

Dear General Manager,

I am writing to express my concern for the Cooper Park Tennis Court community. I explain below that Woollahra Council has failed to represent its community in items 7 and 8 of the lease agreement by allowing the diversification of activities on the Cooper Park Tennis Courts.

I understand that the community is solely the Council's raison d'etre. In other words, a Council has no reason to exist without the community it represents. However, in Cooper Park's current tender and leasing process, the community feels that it is not adequately represented by Woollahra Council.

I am a resident of Woollahra Council. My office is also in the Woollahra Council LGA, and I play a lot of tennis at Cooper Park Tennis Courts. I know most of the community there.

The worst thing Woollahra Council could do is allow activities other than tennis on the Cooper Park Tennis Courts. Tennis has been played there for over 100 years. There are playing fields and other areas nearby that can be used for activities other than tennis.

Please don't allow the diversification of activities on the Cooper Park Tennis Courts.

I understand that the successful tenderer ("**Young Aces**") requires activities other than tennis to make its lease financially viable. I understand there are ambiguities in the wording of Item 7 and Item 8 of the lease agreement that allows Young Aces to conduct activities such as social gatherings, trivia nights, ladies' luncheons, multi-sports, possibly yoga, martial arts, fitness activities etc... While some of these activities seem appropriate for the kiosk area, the lease terms appear to permit them on the tennis courts themselves.

I understand that the minutes (Item R6) of Woollahra Council's meeting on 6 November 2023 indicated;

"Staff to consider objective criteria to assess community involvement in the tender to engender a sense of community".

Woollahra Council has failed to represent its community in items 7 and 8 of the lease agreement.

A significant number of community members voiced their opinions both in writing and at the meeting, advocating for the preservation of Cooper Park in its current form, emphasising that the tennis courts should remain dedicated solely to tennis and nothing else. The usage of the courts and the kiosk is clearly outlined in the Cooper Park Plan of Management 2001, which is governed by Section 35 of the NSW Local Government Act 1993

As a community member and on behalf of the community, I strongly object to Woollahra Council allowing these ambiguities to remain on the lease with Young Aces. The 100-year tenure has urged me to write to you. I want to ensure that Cooper Park is preserved in its current state and not degraded, especially now that we have the chance to save it.

Woollahra Council needs to remove all entitlement to community related activities from the lease. Woollahra Council needs to state clearly in the lease that only tennis activities can be carried out on the tennis courts.

Regards,
Nathan Heazlewood

Breda Cosgrove

From: Zubin Marolia
Sent: Wednesday, 10 July 2024 17:34
To: Jane Prout
Subject: RE: Cooper Park tennis courts

Dear Jane

Thank you for your email.

Allow me to clarify your concerns: the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. Council is not removing or repurposing the courts under any circumstances. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating::

The Council has received inquiries seeking clarification on the use of the tennis courts. We confirm that the courts are designated solely for tennis, and multi-sport use is prohibited. The permitted use of the Centre is outlined as follows:

"The Tennis Court Centre is for playing tennis, including operating a Kiosk/Café and Tennis Pro Shop, and conducting community-related activities connected with court use. Multi-sport use of the premises is not allowed."

We encourage the use of the tennis centre building to foster community spirit and broaden engagement with the Centre. Council supports initiatives such as social evenings, trivia nights, ladies' lunches, Christmas gatherings, BBQs, and men's shed activities, believing these will enhance community engagement.

The lease includes the following clauses:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

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(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

..

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

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Sent: Tuesday, 9 July 2024 11:14 AM

Records <Records@woollahra.nsw.gov.au>
Subject: Cooper Park tennis courts

Dear Council,

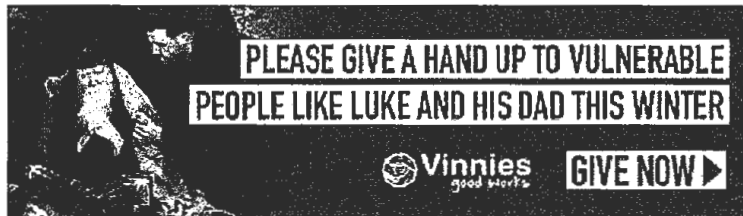
I am writing in follow up to the changes in tender for Cooper Park. I have been a rate payer and been using the tennis courts with my family and friends for the past thirty years and love tennis. I have closely monitored the council's decisions regarding the tennis courts throughout the tender process. Despite significant objections voiced by residents, a recent development concerning the lease agreement with Young Aces has caused considerable unease among many of us.

I strongly oppose the council's decision to authorise Young Aces to utilise the tennis courts for purposes unrelated to tennis. I recall previous correspondence and reassurance from the council that guaranteed the tennis courts would remain and be used for tennis only. Despite our extensive correspondence, active presence, and vocal expressions during council meetings, the lease's ambiguous terms not only contradicts the Cooper Park Plan of Management 2001 and the NSW Local Government Act 1993 but also jeopardises the interests of our longstanding tennis community.

Could you please clarify and confirm that there are no grounds for the tennis courts to be used for a different purpose other than tennis. I look forward to your prompt response to this communication.

Kind regards

Jane Prout



We acknowledge Aboriginal and Torres Strait Islander peoples, as the Traditional Custodians of this land, with deep respect. May Elders, past and present, be blessed and honoured. May we join together and build a future based on compassion, justice, hope, faith, and reconciliation.

Important Disclaimers and Warning: The contents of this email and its attachments are confidential and intended solely for the original recipients to whom they are addressed. This message expresses the views of the author and not necessarily the St Vincent de Paul Society State Council of NSW. If you are not the intended recipient please delete without copying or forwarding and inform the sender that you received it in error.

Please consider the environment before printing this email.

Breda Cosgrove

From: Zubin Marolia
Sent: Wednesday, 10 July 2024 17:34
To: Ron Desiatnik
Subject: RE: Submission concerning Tender SC7818

Dear Ron

Thank you for your email.

Allow me to clarify your concerns: the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. Council is not removing or repurposing the courts under any circumstances. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating::

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We encourage the use of the tennis centre building to foster community spirit and broaden engagement with the Centre. Council supports initiatives such as social evenings, trivia nights, ladies' lunches, Christmas gatherings, BBQs, and men's shed activities, believing these will enhance community engagement.

The lease includes the following clauses:

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Item 8 Key Performance Indicators:

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As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



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Manager Property and Projects

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Sent: Monday, 8 July 2024 4:07 PM
To: Records <Records@woollahra.nsw.gov.au>
Subject: Re: Submission concerning Tender SC7818

As a regular tennis player at Cooper Park courts, I trust that Council will ensure, by appropriate wording of the lease for the courts area, that no activity other than the playing of tennis and the upkeep of the courts for that purpose only, will be permitted on the courts.

Yours sincerely
Dr R J Desiatnik
Woollahra

Breda Cosgrove

From: Zubin Marolia
Sent: Wednesday, 10 July 2024 17:33
To: [REDACTED]
Subject: RE: Council Decision re. Cooper Park new lease tender

Dear Steve

Thank you for your email.

Allow me to clarify your concerns: the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. Council is not removing or repurposing the courts under any circumstances. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating::

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Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards

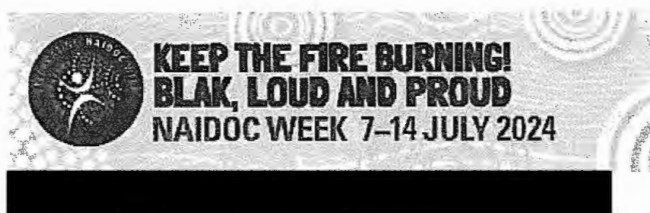


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Sent: Monday, 8 July 2024 8:31 AM

To: Records <Records@woollahra.nsw.gov.au>

Subject: Council Decision re. Cooper Park new lease tender

General Manager,

I'm reaching out to ask for your support in a matter that greatly concerns our community at Cooper Park.

For years, I have been an active tennis player at Cooper Park, closely following the decisions made by the council regarding the tennis courts. Despite significant objections from the community, there has been a recent development concerning the lease with Young Aces, which has raised serious concerns for many of us.

I strongly oppose the council's decision to allow Young Aces to utilise the tennis courts for activities unrelated to tennis. It is clear that the lease's ambiguous wording is being interpreted in a manner that contradicts the Cooper Park Plan of Management 2001 and the NSW Local Government Act 1993 and the interests of our tight-knit tennis community. This move also goes in contradiction to the established prohibition of multi-sport activities on these courts.

If the council continues down this path, I fear our community will have no choice but to escalate this matter to the NSW Minister of Local Government. It may become necessary for the Minister to appoint an administrator to conduct a thorough investigation into all council records and activities related to the recent tenders for the Cooper Park Tennis Centre.

Thank you for your support in this important community issue.

Breda Cosgrove

From: Zubin Marolia
Sent: Wednesday, 10 July 2024 17:29
To: Emile McKenna
Subject: RE: The General Manager, Woollahra Municipal Council

Dear Emile

Thank you for your email.

Allow me to clarify your concerns: the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. Council is not removing or repurposing the courts under any circumstances. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating::

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We trust this clarifies the Council's stance and addresses any concerns you may have had.

Regards



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Sent: Friday, 5 July 2024 1:06 PM

To: Records <Records@woollahra.nsw.gov.au>
Subject: The General Manager, Woollahra Municipal Council

Dear General Manager,

I am writing to you today to express my concern regarding Tender SC7818. As a long term member of the Cooper Park Tennis Community I am concerned that the proposed lease contains several ambiguous points whereby the courts could be used for activities other than tennis. Many members rely on the tennis courts for physical and mental health. New tennis courts are not built in the Eastern Suburbs for obvious reasons thus it is of critical importance that the courts be reserved for playing tennis and tennis only.

Ambiguous points in the proposed lease are per the below:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

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doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

..

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

This is a concern expressed by many other long term community members. Can this please be addressed as soon as possible.

Kind Regards,

Emile McKenna



Breda Cosgrove

From: Zubin Marolia
Sent: Wednesday, 10 July 2024 17:28
To: Paul d'Alpuget
Subject: RE: Cooper Park Lease

Dear Paul

Thank you for your email.

Allow me to clarify your concerns: the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. Council is not removing or repurposing the courts under any circumstances. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating::

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We trust this clarifies the Council's stance and addresses any concerns you may have had.

Regards



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Sent: Thursday, 4 July 2024 3:46 PM

To: Records <Records@woollahra.nsw.gov.au>

Subject: Cooper Park Lease

To : The General Manager

Dear Sir

I wish to express my concern over the future use of the Cooper Park tennis courts and that the courts themselves should be kept exclusively for the purpose of playing the sport of tennis.

I'm currently playing 3 days a week at Cooper park and am part of an enthusiastic community of tennis players using the courts.

There is a concern amongst them that the future availability of court hire particularly in the mornings from 7.30am to 9am is under threat.

I oppose the current lease and suggest that a clause requiring 50% of the courts to remain available for hire in the mornings be inserted into the conditions and that no other activities are to be conducted on the courts apart from tennis.

Regards

Paul d'Alpuget

Sent from my iPhone

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<https://www.mailguard.com.au/mg>

Breda Cosgrove

From: Zubin Marolia
Sent: Wednesday, 10 July 2024 17:27
To: Greta Auskalnyte
Subject: RE: objection to Cooper Park tennis court replacement

Dear Greta

Thank you for your email.

Allow me to clarify your concerns: the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. Council is not removing or repurposing the courts under any circumstances. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating::

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We trust this clarifies the Council's stance and addresses any concerns you may have had.

Regards

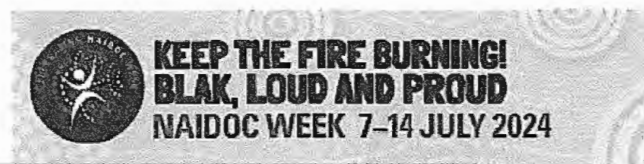


Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Thursday, 4 July 2024 3:29 PM

To: Records <Records@woollahra.nsw.gov.au>
Subject: objection to Cooper Park tennis court replacement

To whom it concerns,

I hope this message finds you well. I am writing on behalf of the local community to express our strong objection to the proposed takeover of the Cooper Park tennis court.

The Cooper Park tennis court has been a beloved and essential part of our community for many years. It is not just a place for physical activity, but also a vital social hub where residents of all ages come together to connect, engage, and foster a sense of community. The court provides a safe and accessible space for people to enjoy recreational tennis, promoting both physical health and social well-being.

Removing or repurposing this court would significantly impact the community, depriving many residents of an important recreational facility. The court is used regularly by local children, families, and tennis enthusiasts, contributing to the overall vibrancy and health of our community.

We understand that developments and changes are sometimes necessary, but we strongly believe that such actions should not come at the expense of valuable community resources. We urge you to consider the negative impact this takeover would have on the local population and to explore alternative solutions that do not involve the removal of this cherished amenity.

We kindly request you hear our concerns about these development goals.

Thank you for your attention to this important issue. We look forward to your response and hope to work together to find a solution that preserves the Cooper Park tennis court for future generations.

Sincerely,
Greta Auskalynite
Nursing and tennis student

Breda Cosgrove

From: Zubin Marolia
Sent: Friday, 5 July 2024 16:17
To: [REDACTED]
Cc: Jim Allison
Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron

The lease reflects the community sentiments and staff are authorised to ensure that the Council resolution is followed through. In relation to the queries raised, I respond as follows:

- The leased area of the verandah in the tender remains unchanged.
- Council does envisage community based activities in the kiosk area if the opportunity arises and is encouraged.
- No activities other than tennis games, competitions, and coaching are permitted on the actual tennis Courts
- Council acknowledges that, as per the lease's definitions, "Courts" refers to all tennis courts within the Centre
- As we have confirmed to you previously, the use of the centre does not contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993. Council has already resolved on this matter. This has been confirmed by our Open Space team who administer the Plans of Management.

Please note that the Council resolution is final and Council does not intend to review its decision. We trust that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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[REDACTED]
Sent: Friday, 5 July 2024 3:20 PM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>
Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>
Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

Thank you for your recent clarification regarding the council's position following the meeting held on 6 November, 2024 ("Meeting"). At this meeting, the council drafted a motion that reads, "Staff to consider objective criteria to assess community involvement in the tender to engender a sense of community" ("Minute").

It appears that the council's interpretation of the Minute conflicts with the sentiments expressed by the community during the Meeting. There was overwhelming objection, evidenced by numerous correspondences, particularly concerning the evolving nature of community-related activities outlined in Item 7 of The Reference Schedule of the lease ("Item 7"). The council's shifting stance has caused considerable dismay among community members.

As of the submission deadline of 12 July, 2024, I assume the lease remains unsigned, providing an opportunity for the council to thoroughly consider the community's submissions in a fair and equitable manner. Given these developments, I seek further clarification on the following points:

1. Page 38 of 40 of the RFT for Cooper Park Tennis Courts – 2024 (attached) refers to Lease Area (72m²) and License Area (45m²) ("Kiosk Area"), indicating the operational space within the Kiosk Area for the new lessee, Young Aces. Has the council extended this operational area to encompass the entire space on the veranda?
2. Building on the previous question, does the council anticipate community activities occurring within the Kiosk Area?
3. Additionally, does the council envision any community activities other than tennis games, competitions, and coaching taking place on the actual tennis Courts?
4. Does the council acknowledge that, as per the lease's definitions, "Courts" refers to all tennis courts within the Centre?
5. Lastly, does the council believe that amending Item 7 of the Permitted Use of Premises, which now includes "undertaking of community related activities in connection with use of the Courts," complies with the defined use of the tennis courts under the Cooper Park Plan of Management 2001, which is governed by Section 35 of the NSW Local Government Act 1993?

I kindly request the council's prompt response to these inquiries so that I may relay specific answers to the concerned community members.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.


From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>
Sent: Wednesday, 3 July 2024 12:27 PM

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron

Further to your earlier comments we have already posted a further Notice clarifying Council's position.



Tender SC7818

Further clarification of proposed lease of community land - Cooper Park, Woollahra

The Council has received inquiries seeking clarification regarding the use of the tennis courts. The Council confirms that the tennis courts are to be used for the playing of tennis and multi-sport use is not permitted on the courts. The permitted use of the Centre states as follows:

"Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted."

The use of the tennis centre building to engender a sense of community to broadening the community engagement with the Centre is encouraged. Initiatives such as social evenings, trivia nights, ladies lunches, Christmas socials, BBQ's, men's shed and the like are supported by Council. We believe this will deliver a genuine community engagement outcome.

I have discussed your proposed wording with our Director and General Manager who are both of the view that the wording as written in the lease and the other clauses with the lease are consistent with the Council resolution and are more than adequate to prevent multi-sport use of the Centre.

As explained earlier the community's desire for the new lessees to foster a sense of community has also been captured in the lease. In addition to tennis related activities, the other areas of the tennis centre will be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons. These activities aim to engage the community and increase awareness rather than generate significant revenue.

Hope this clarifies Council's position and if you still have concerns, we can discuss this further.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
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Sent: Tuesday, 2 July 2024 2:16 PM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

Thank you for providing additional clarification regarding the lease and use of the tennis courts and the Kiosk/Café area. It has become evident that there is significant ambiguity surrounding Items 7 and 8. My ongoing concerns regarding the usage scope of the tennis courts underscores the urgent need for revisions to the wording of Item 7 and Item 8.

In order for us to withdraw our objection to the signing of the lease, the Council should amend Item 7 and Item 8(5.3)(b) to allow community-related activities that do not interfere with the primary use of the tennis courts solely for tennis. To maintain clarity and avoid any further back-and-forth, the revised wording should read as follows:

Item 7 Permitted Use of Premises:

The Tennis Court Centre is designated for playing tennis, including the operation of a Kiosk/Café and Tennis Pro Shop, as well as hosting community-related activities within the Kiosk/Café area. However, multi-use sports activities on the tennis courts or community-related activities in the Kiosk/Café area that may interfere with playing tennis on the tennis courts are not permitted.

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

- (a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;*
- (b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted on the tennis courts is tennis and hosting of community-related activities is only permitted within the Kiosk/Café area. No multi-use sports use of the premises is permitted;*
- (c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;*
- ..*
- (viii) use or permit the Premises to be used for the playing of any sport other than tennis;*

I seek your approval for the aforementioned amendments and appreciate your prompt attention to this matter.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Sent: Monday, 1 July 2024 7:33 PM

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

As mentioned in my earlier email, the availability of the tennis courts for the community will not be affected because the courts are designated exclusively for tennis and not for multi-sport use. The lease includes the following clauses:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

(a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;

(b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

..

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

It should be noted that top four ranking tenderers were within \$15k of each other, so rental offering was not too different and indicates that the new operators are not relying solely other sources of income. As we have confirmed to you previously after seeking legal advice, the use of the centre does not contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993. Council has already resolved on this matter.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Monday, 1 July 2024 12:05 AM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

I appreciate your clarification regarding the interpretation of "... undertaking community-related activities in connection with the use of the [tennis] courts. ..." as outlined in the proposed new lease for the Cooper Park Tennis Centre.

While I acknowledge the new tenant's proposal for programs aimed at children, there remains uncertainty regarding the potential long-term impact of these new programs on the community's access to the tennis courts.

The community has consistently voiced objections to the introduction of sports other than tennis on the courts. This opposition stems not only from the preference for tennis but also from the desire to maintain the Cooper Park Tennis Centre exclusively for tennis activities, in accordance with its current status.

The Council has opted for the highest bidders in the tender process, who require significant financial returns from the business. It is becoming evident that relying solely on tennis may no longer meet the financial aspirations of the new tenant. Consequently, the Council is considering facilitating more lucrative activities on the tennis courts, which contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993.

Unless the Council revises the aforementioned wording in the proposed lease to align with community expectations, objections from the community will persist. Therefore, we strongly urge the Council to refrain from finalising the lease agreement at this time.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Sent: Friday, 28 June 2024 10:03 AM

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

We acknowledge receipt of your email and would like to clarify that the permitted use of the premises under the lease is:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted.

The community related activities in connection with the use of the Courts relates to the tenant's proposed pre-school programme which involves children undertaking activities on the tennis courts where they do not hold a tennis racquet (given their size). It is a pathway program and involves teaching the children various motor skill activities building them up to holding a tennis racquet by the age of 4 years old.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards,



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028

e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Thursday, 27 June 2024 1:06 PM

To: Records <Records@woollahra.nsw.gov.au>

Subject: General manager - submission concerning Tender SC7818

Attention: Craig Swift-McNair, General Manager, Woollahra Municipal Council.

Dear Sir,

I am writing in response to a notice posted this week on the fence of the Cooper Park Tennis Centre by the Woollahra Council regarding a proposed lease of community land – Cooper Park, Woollahra ("Notice").

The final paragraph of Schedule 3 in the Notice refers to "... the undertaking of community related activities in connection with the use of the tennis courts".

There has been significant community opposition to any activities on the tennis courts other than tennis itself. The previous Tender SC7193 proposed multi-sport use, Tender SC7818 suggested multi-functional use, and now the Notice mentions community related activities, all implying uses beyond tennis.

During the tender process, the Woollahra Council issued Addendum #01 (see attached) to tenderers clearly stating that no other sports will be permitted on the tennis courts. The broader community has expressed strong objections to any alternative use of the tennis courts in Cooper Park, and the Woollahra Council had pledged in various council meetings to honour this sentiment. I eagerly anticipate the Woollahra Council rescinding any authorisation in the lease that allows for activities other than tennis on the tennis courts because it is still unclear what “community based activities”, if not tennis, actually mean.

I look forward to receiving clarification on this matter.

Yours sincerely,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

Breda Cosgrove

From: [REDACTED]
Sent: Friday, 12 July 2024 7:53
To: Records
Subject: Objection to the lease with Young Aces Cooper Park - Woollahra Municipal Council, Tender SC7818

To whom it may concern:

I have concluded, after studying the Tender process and the continuing objections from many members of the community, that there are many contentious aspects to the lease; some of which include, but not exclusively, the following.

- i. In response to tender SC7818 (including the proposed "Draft" lease), objections were raised regarding amendments made by the Council to Item 7 of the Reference Schedule on Page 44 of the aforesaid lease. Initially, Item 7 specified the "Permitted Use of Premises" as "Tennis Court Centre including operation of a kiosk/shop in connection with use of the Courts," on which potential tenderers had based their bids.
- ii. Following negotiations with Young Aces Cooper Park, the council amended Item 7 to specify that the "Tennis Court Centre is to be used for playing tennis including operation of a kiosk/café and tennis Pro Shop and the undertaking of community-related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted". Despite objections, the council has retained the additional wording "...and the undertaking of community-related activities..." in Item 7, granting Young Aces Cooper Park additional privileges over other tenderers. This insistence strongly suggests plans for additional, though not outlined, community activities at the tennis courts, a strategy, that appears to maintain the council's support for Young Aces Cooper Park, amidst strong community opposition.
- iii. In response to objections, the council defined "community activities" as social evenings, trivia nights, ladies' lunches, Christmas gatherings, BBQs, and men's shed activities. However, the lease reveals that Young Aces Cooper Park will have less than half the veranda space currently allocated to the incumbent leaseholder. Yet, more activities are

encouraged within this greatly reduced area. The rationale behind hosting these activities "in connection with use of the Courts" rather than the kiosk remains suspicious, to say the least.

- iv. Community feedback suggests that Young Aces Cooper Park has informed Sydney Football Stadium that they will not receive all current booking slots, potentially impacting longstanding social tennis groups. There are concerns over prime coaching times being reallocated to coaching and after-school activities, potentially prohibiting regular social tennis sessions from taking place.
- v. The council did not consult the community prior to the first R.F.T.S. (SC7193, May 25) and did not post any signage, fully 28 days prior to the due date, as is required.
- vi. The Council did not follow community sentiments, strongly expressed at the November Council meeting, of having this unique centre remain operationally the same but alluded to some vague and questionable management plan, which in and of itself, is entirely open to whatever activities you want to put forward.
- vii. The Council did not follow due process and had to recall a meeting allowing potential tender personages/groups the opportunity to speak.
- viii. The Council does not follow the Cooper Plan of Management (201) as per court and kiosk use and further limits the use of the veranda by reducing it to 50% of its original size. Thus, hindering community activities even further and in direct opposition to the Council's stated aims for this area.
- ix. The Council does not factor in adequately the community voice. It appears that, following the meeting in November 23 the Mayor instructed the Council staff members to factor in the community voice. However, the Council tender panel overcame this obstacle by allocating 5% only to the community feedback in the tender evaluation weighting.
- x. The Council tender weighting criteria is weighted to the Council's rental return only.
- xi. The proposed operator, Young Aces Cooper Park, achieved the highest score overall in the tender evaluation by virtue of the financial rental offer being weighted at 40%.
- xii. The Council weighting tender criteria is a risk to the community at large and at odds with the Council's stated position on community involvement.

As a result of these opinions and observations I find the whole procedure to be circumspect at the least and highly questionable in the extreme and wish to lodge my strong objections to the whole process. I further believe that the tender in question (Woollahra Municipal Council, Tender SC7818) be totally re-evaluated and resubmitted in its entirety.

Yours faithfully,

Michael Luff

Breda Cosgrove

From: [REDACTED]
Sent: Friday, 12 July 2024 10:43
To: Records
Subject: Objection to the lease of the Cooper Park tennis courts to Young Aces.

With regards to the lease which has been signed with this group there are several factors which give me much concern.

The wording of the lease relating to what activities the courts and the kiosk area can be used for is so vague that it can be twisted to mean almost anything. Multi sports appears to have been ruled out but community activities are permitted. This could be anything from bingo nights to wedding receptions. It is beyond belief to suggest that the primary function of this facility as a recreational tennis centre won't in the future be affected in some way by what could happen here. This goes against the clearly stated community concerns expressed most strongly during the early stage of the tender process and which council has said a number of times is an important part of their decision making.

It also worries me that notices regarding the lease have appeared then vanished then come back with wording changed slightly. People using the facility could be forgiven for being confused as to what is actually going to happen. This doesn't seem to me to be the best way to gauge community attitudes, something which council claims to be much interested in.

I believe that during the tender deliberations by the employed council staff these community concerns were given only 5% weighting against 40% to the rent offered. It's clear therefore what was really important in the decision taken.

It is my contention that council has not followed the the Cooper Park plan of management. They have not properly informed the community either during the tender process or since making the decision to award the tender to Young aces. I believe the decision taken is not in the long term interest of the people who have been using this wonderful facility for many years and it should be reviewed.

*Regards,
Thomas Hodson*

Breda Cosgrove

From: [REDACTED]
Sent: Friday, 12 July 2024 9:02
To: Records
Subject: Cooper Park Tennis tender SC7818

Dear General Manager,

I have been researching the legislation and the plan management for Cooper Park and I am of the opinion that the council is in breach of both in the additional wording that was inserted into item 7. Item 7 is totally out of context with the use of the tennis courts. Therefore, I object to the signing of the lease.

Yours Sincerely

David Levy

Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 11 July 2024 21:05
To: Records
Subject: Fwd: Objection to the lease with Young Aces Cooper Park - Woollahra Municipal Council, Tender SC7818

To the General Manager,

I am writing to object to the lease with Young Aces in relation to Cooper Park Tennis courts.

As a long term tax payer and resident of Woollahra and a frequent user of Cooper Park tennis courts, I followed Council's tender process with keen interest. I attended the Finance, Community and Services Committee tender meeting on 6/11/2023 in relation to the first tender process and the one on 8/4/2024 in relation to the second tender process.

The following are the reasons for my objection:

1. In the initial tender process last year, the rent to council component was worth 30% of the overall evaluation. In the subsequent tender, the rental bid was increased by a massive 33% to be worth 40% of the evaluation process.

Council needs to be aware that by driving up the rent so substantially, there is a corresponding need for the successful tenderer to squeeze more money out of the tennis centre. The trend around Sydney at other tennis centres in such situations is for an operator to recruit inexperienced coaches at low rates where the operator can charge more per hour and to cut back on renting courts to the public for general play. This approach is not in the general community's interests. It favours a smaller number of people able to pay around \$125 for one hour of coaching at the expense of players who rent a court for \$35 per hour. As it is, it is already difficult to rent a court due to great demand and now it is set to be even harder.

We have already heard that one group of social tennis players who have a regular weekly booking for a number of courts have been advised by Young Aces that their courts will be required for coaching and that they will have to find another time slot. It also appears that Sydney Football Stadium will have the number of available courts available to them at Cooper Park reduced for the same reason. This trend is deeply concerning for the community.

2. Initially, Item 7 on page 44 of the Reference Schedule specified the "Permitted Use of Premises" as "Tennis Court Centre including operation of a kiosk/shop in connection with use of the Courts," which tenderers based their bids on. During lease negotiations with Young Aces, Council amended Item 7 to state that the "Tennis Court Centre is to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted".

Young Aces has been granted privileges under the lease that did not form part of the tender and as such were not available for the other tenderers to include in their responses. It appears Council has created an uneven playing ground and favoured one party over the others.

3. At the Finance, Community and Services Committee tender meeting on 8/4/2024, the councillors were presented with over 200 pages of emails of late correspondence from the local community expressing their views on the tender process and the various tenderers, most being in favour of the incumbent operator. Many of us spent considerable time and effort providing Council with our input - as is our right as residents and tax payers. And yet, councillors were only given approximately 15 minutes to read and digest over 200 pages of community input before discussion started. So much for listening to what the local residents have to say.

Sitting in the public gallery watching this farce was extremely irritating and offensive. The community's voice was very largely ignored. At the same time, one councillor stood up and said she had visited one, and only one, of the tenderer's tennis centres (Young Aces) and was impressed after hearing the views of a young boy on the court next to her's. Another councillor stood up and quoted his mother's opinion on the matter. These highly anecdotal and biased accounts did little to add value to the discussion and even less to reassure the gallery and those watching the live stream of the validity of the overall tender process.

In conclusion, I would like to add that as a tax payer I have been appalled by the vast waste of tax payer money by Woollahra Council in the two tender processes. At the Finance, Community and Services Committee tender meeting on 6/11/2023 in relation to the first tender process, after the Finance Committee nominated its choice of successful tenderer, the Mayor annulled the decision demanding that the use of the courts for multi-sports be removed. Although I supported his decision, I was shocked that Council had spent a significant number of costly employees' hours over many months writing the tender and evaluating the tenderers - all for nothing. Moreover, what a waste of time and money for the hapless tenderers. I would have thought that discussions in Council about tender contents should take place before the event and not after the event. This would never happen in private enterprise.

Yours sincerely,

Michael Fabian



Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 11 July 2024 15:59
To: Records
Subject: tender SC7818

Dear Minister,

I relation to tender SC7818 I would like to register my Objection.

I object.

Regards JEREMY FITZGERALD,

Cooper Park Court user and long time tennis player

Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 11 July 2024 8:57
To: Zubin Marolia; Records
Subject: Re: Cooper Park tennis Courts - General manager - submission concerning Tender SC7818

Thank you for responding to my email Zuben.

I would like to make my points very clear which you appear to not fully understand.

I object to the signing of the lease agreement.

Firstly, item 7 of lease allows, "other activities.." which does not appear in the original lease in the tender.

The goal posts have shifted from what the community wants to now what Young Aces want.

Under the NSW LGA ACT 1993 Section 47(5)a, I understand that Council has to forward my objection to the minister for local governments for his consideration.

I also understand that whilst there is an objection on foot, the lease agreement cannot be agreed to by the Council.

I thank you again for your reply.

Given that I have objected, I request your confirmation that Council will now take this matter up with the minister.

Regards,
Nathan Heazlewood [REDACTED]

On Wed, 10 Jul 2024 at 5:35 PM, Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au> wrote:

Dear Nathan

Thank you for your email.

Allow me to clarify your concerns: the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. Council is not removing or repurposing the courts under any circumstances. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating:

The Council has received inquiries seeking clarification on the use of the tennis courts. We confirm that the courts are designated solely for tennis, and multi-sport use is prohibited. The permitted use of the Centre is outlined as follows:

"The Tennis Court Centre is for playing tennis, including operating a Kiosk/Café and Tennis Pro Shop, and conducting community-related activities connected with court use. Multi-sport use of the premises is not allowed."

We encourage the use of the tennis centre building to foster community spirit and broaden engagement with the Centre. Council supports initiatives such as social evenings, trivia nights, ladies' lunches, Christmas gatherings, BBQs, and men's shed activities, believing these will enhance community engagement.

The lease includes the following clauses:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

(a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;

(b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of

doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council:
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.



From [REDACTED]
Sent: Tuesday, 9 July 2024 4:02 PM
To: Records <Records@woollahra.nsw.gov.au>; Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>
Subject: Re: Cooper Park tennis Courts - General manager - submission concerning Tender SC7818

Dear Zubin,

I got your alternative email because I have not received a response from the council from my email below on 5 July 2024. I understand that you are the Council representative for the Cooper Park Tennis Courts.

Evident from its lack of response, Woollahra Council continues to ignore the community.

Please explain why Woollahra Council is determined to make decisions regarding the Cooper Park Tennis Courts against community interests.

I can understand this type of behaviour in a communist country. However, the last time I checked, the people who live in and pay rates in the Woollahra Council governing area are entitled to opine on how the area operates.

Dictatorship and incompetence are evident in how Woollahra Council conducted both the first and second tender processes. The whole process shows an authoritarian deceptive council that disregards its own community. Some examples are;

1. Pretending to offer the community a platform to allow it to be involved in the decision process. Pretending to enable the community to object decisions,
2. Ignoring its own meeting minutes,
3. Once realising the sensitivity, secretly issuing an unrealistically short time for community response by advertising over an approximate 3-day period that spanned a weekend,
4. Ignoring a 100-years and the Cooper Park Management Plan,
5. Persistent on selecting significant lease income without having regard to the use of the tennis courts,

Please at least respond to my email email.

Regards,
Nathan

On Fri, 5 Jul 2024 at 11:07

| Dear General Manager,

I am writing to express my concern for the Cooper Park Tennis Court community. I explain below that Woollahra Council has failed to represent its community in items 7 and 8 of the lease agreement by allowing the diversification of activities on the Cooper Park Tennis Courts.

I understand that the community is solely the Council's raison d'etre. In other words, a Council has no reason to exist without the community it represents. However, in Cooper Park's current tender and leasing process, the community feels that it is not adequately represented by Woollahra Council.

I am a resident of Woollahra Council. My office is also in the Woollahra Council LGA, and I play a lot of tennis at Cooper Park Tennis Courts. I know most of the community there.

The worst thing Woollahra Council could do is allow activities other than tennis on the Cooper Park Tennis Courts. Tennis has been played there for over 100 years. There are playing fields and other areas nearby that can be used for activities other than tennis.

Please don't allow the diversification of activities on the Cooper Park Tennis Courts.

I understand that the successful tenderer ("**Young Aces**") requires activities other than tennis to make its lease financially viable. I understand there are ambiguities in the wording of Item 7 and Item 8 of the lease agreement that allows Young Aces to conduct activities such as social gatherings, trivia nights, ladies' luncheons, multi-sports, possibly yoga, martial arts, fitness activities etc... While some of these activities seem appropriate for the kiosk area, the lease terms appear to permit them on the tennis courts themselves.

I understand that the minutes (Item R6) of Woollahra Council's meeting on 6 November 2023 indicated;

"Staff to consider objective criteria to assess community involvement in the tender to engender a sense of community".

Woollahra Council has failed to represent its community in items 7 and 8 of the lease agreement.

A significant number of community members voiced their opinions both in writing and at the meeting, advocating for the preservation of Cooper Park in its current form, emphasising that the tennis courts should remain dedicated solely to tennis and nothing else. The usage of the courts and the kiosk is clearly outlined in the Cooper Park Plan of Management 2001, which is governed by Section 35 of the NSW Local Government Act 1993

As a community member and on behalf of the community, I strongly object to Woollahra Council allowing these ambiguities to remain on the lease with Young Aces. The 100-year tenure has urged me to write to you. I want to ensure that Cooper Park is preserved in its current state and not degraded, especially now that we have the chance to save it.

Woollahra Council needs to remove all entitlement to community related activities from the lease. Woollahra Council needs to state clearly in the lease that only tennis activities can be carried out on the tennis courts.

Regards,
Nathan Heazlewood

Breda Cosgrove

From: [REDACTED]
Sent: Tuesday, 9 July 2024 22:50
To: Zubin Marolia
Cc: Jim Allison; Records; Richard Shields; Sarah Swan; Isabelle Shapiro; Sean Carmichael; Lucinda Regan; Luise Elsing; Nicola Grieve; Mark Silcocks; Toni Zeltzer; Peter Cavanagh; Harriet Price; Matthew Robertson; Susan Wynne; Mary-Lou Jarvis; Merrill Witt
Subject: RE: General manager - submission concerning Tender SC7818
Attachments: IMG_3711.jpg; IMG_3729.jpg

Dear Zubin,

The community is deeply troubled by the persistent fabrication of unsupported interpretations in your communications. It is deeply concerning that the council consistently overlooked or dismissed community input throughout the entire process of issuing tenders SC7193 and SC7818, as clearly outlined in your recent email correspondence. Attached are two recent images displaying the council's notices affixed to the fence of Tennis Court No. 1.

Your email's conclusion, stating "Please note that the Council resolution is final and Council does not intend to review its decision," strongly suggests that the lease with Young Aces has been fully endorsed, incorporating the newly introduced provisions in Item 7 of the Reference Schedule on Page 44 of 53 of the lease. Specifically, this clause specifies, "Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted." There has never been a council resolution to amend the lease in a manner that would grant Young Aces additional privileges over other competing tenderers.

It is noteworthy that the addition of "undertaking of community related activities" was absent from the original terms of Tender SC7818, and community activities are not supported in Section 5 - Use of the Premises on page 13 of 53 of the lease. Furthermore, your assertion that the restricted space on the kiosk's veranda will offer more community engagement despite its diminished seating capacity is a weak argument by any rational measure. This decision unfairly forces Young Aces to extend "community activities" to the tennis courts, as allowed under your revised wording in Item 7. Despite my persistent advocacy for retaining the original wording in Item 7, which clearly defines the Tennis Court Centre's intended use, your insistence on alternative wording appears aimed at enabling Young Aces to conduct "community activities" on the tennis courts, contrary to common sense and community objections regarding non-tennis activities in that space.

In light of these ongoing concerns, I have forwarded this correspondence to all councillors in the hope that timely intervention can prevent further missteps. As council elections approach, it is imperative for our elected leaders to acknowledge their collective responsibility for the mishandling of the tender processes and addressing community concerns. The community on the other hand firmly believes that the NSW Minister of Local Government has the ultimate powers to investigate and rectify any potential improprieties by the council.

Your prompt attention to this matter is eagerly anticipated to safeguard the future of Cooper Park Tennis Centre as a dedicated tennis only facility for generations to come.

Best regards,

Doron Argaman

Copies: 1. Jim Allison

2. Woollahra Municipal Councillors
3. Records @ Woollahra Municipal Council
4. The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>
Sent: Monday, 8 July 2024 9:08 AM
[REDACTED]
Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>
Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron

The lease reflects the community sentiments and staff are authorised to ensure that the Council resolution is followed through. In relation to the queries raised, I respond as follows:

- The leased area of the verandah in the tender remains unchanged.
- Council does envisage community based activities in the kiosk area if the opportunity arises and is encouraged.
- No activities other than tennis games, competitions, and coaching are permitted on the actual tennis Courts
- Council acknowledges that, as per the lease's definitions, "Courts" refers to all tennis courts within the Centre
- As we have confirmed to you previously, the use of the centre does not contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993. Council has already resolved on this matter. This has been confirmed by our Open Space team who administer the Plans of Management.

Please note that the Council resolution is final and Council does not intend to review its decision. We trust that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Friday, 5 July 2024 3:20 PM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

Thank you for your recent clarification regarding the council's position following the meeting held on 6 November, 2024 ("Meeting"). At this meeting, the council drafted a motion that reads, "Staff to consider objective criteria to assess community involvement in the tender to engender a sense of community" ("Minute").

It appears that the council's interpretation of the Minute conflicts with the sentiments expressed by the community during the Meeting. There was overwhelming objection, evidenced by numerous correspondences, particularly concerning the evolving nature of community-related activities outlined in Item 7 of The Reference Schedule of the lease ("Item 7"). The council's shifting stance has caused considerable dismay among community members.

As of the submission deadline of 12 July, 2024, I assume the lease remains unsigned, providing an opportunity for the council to thoroughly consider the community's submissions in a fair and equitable manner. Given these developments, I seek further clarification on the following points:

1. Page 38 of 40 of the RFT for Cooper Park Tennis Courts – 2024 (attached) refers to Lease Area (72m²) and License Area (45m²) ("Kiosk Area"), indicating the operational space within the Kiosk Area for the new lessee, Young Aces. Has the council extended this operational area to encompass the entire space on the veranda?
2. Building on the previous question, does the council anticipate community activities occurring within the Kiosk Area?
3. Additionally, does the council envision any community activities other than tennis games, competitions, and coaching taking place on the actual tennis Courts?
4. Does the council acknowledge that, as per the lease's definitions, "Courts" refers to all tennis courts within the Centre?
5. Lastly, does the council believe that amending Item 7 of the Permitted Use of Premises, which now includes "undertaking of community related activities in connection with use of the Courts," complies with the defined use of the tennis courts under the Cooper Park Plan of Management 2001, which is governed by Section 35 of the NSW Local Government Act 1993?

I kindly request the council's prompt response to these inquiries so that I may relay specific answers to the concerned community members.

Best regards,

Doron Argaman


Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>
Sent: Wednesday, 3 July 2024 12:37 PM
Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>
Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron

Further to your earlier comments we have already posted a further Notice clarifying Council's position.



Tender SC7818
Further clarification of
proposed lease of
community land - Cooper
Park, Woollahra

The Council has received inquiries seeking clarification regarding the use of the tennis courts. The Council confirms that the tennis courts are to be used for the playing of tennis and multi-sport use is not permitted on the courts. The permitted use of the Centre states as follows:

"Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted."

The use of the tennis centre building to engender a sense of community to broadening the community engagement with the Centre is encouraged. Initiatives such as social evenings, trivia nights, ladies lunches, Christmas socials, BBQ's, men's shed and the like are supported by Council. We believe this will deliver a genuine community engagement outcome.

I have discussed your proposed wording with our Director and General Manager who are both of the view that the wording as written in the lease and the other clauses with the lease are consistent with the Council resolution and are more than adequate to prevent multi-sport use of the Centre.

As explained earlier the community's desire for the new lessees to foster a sense of community has also been captured in the lease. In addition to tennis related activities, the other areas of the tennis centre will be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons. These activities aim to engage the community and increase awareness rather than generate significant revenue.

Hope this clarifies Council's position and if you still have concerns, we can discuss this further.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Tuesday, 2 July 2024 2:16 PM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

Thank you for providing additional clarification regarding the lease and use of the tennis courts and the Kiosk/Café area. It has become evident that there is significant ambiguity surrounding Items 7 and 8. My ongoing concerns regarding the usage scope of the tennis courts underscores the urgent need for revisions to the wording of Item 7 and Item 8.

In order for us to withdraw our objection to the signing of the lease, the Council should amend Item 7 and Item 8(5.3)(b) to allow community-related activities that do not interfere with the primary use of the tennis courts solely for tennis. To maintain clarity and avoid any further back-and-forth, the revised wording should read as follows:

Item 7 Permitted Use of Premises:

The Tennis Court Centre is designated for playing tennis, including the operation of a Kiosk/Café and Tennis Pro Shop, as well as hosting community-related activities within the Kiosk/Café area. However, multi-use sports activities on the tennis courts or community-related activities in the Kiosk/Café area that may interfere with playing tennis on the tennis courts are not permitted.

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

- (a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;*
- (b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted on the tennis courts is tennis and hosting of community-related activities is only permitted within the Kiosk/Café area. No multi-use sports use of the premises is permitted;*
- (c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;*
- ...*
- (viii) use or permit the Premises to be used for the playing of any sport other than tennis;*

I seek your approval for the aforementioned amendments and appreciate your prompt attention to this matter.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Sent: Monday, 1 July 2024 7:33 PM

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

As mentioned in my earlier email, the availability of the tennis courts for the community will not be affected because the courts are designated exclusively for tennis and not for multi-sport use. The lease includes the following clauses:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

.

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

(a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;

(b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

..

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

It should be noted that top four ranking tenderers were within \$15k of each other, so rental offering was not too different and indicates that the new operators are not relying solely other sources of income. As we

have confirmed to you previously after seeking legal advice, the use of the centre does not contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993. Council has already resolved on this matter.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Monday, 1 July 2024 12:05 AM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

I appreciate your clarification regarding the interpretation of "... undertaking community-related activities in connection with the use of the [tennis] courts. ..." as outlined in the proposed new lease for the Cooper Park Tennis Centre.

While I acknowledge the new tenant's proposal for programs aimed at children, there remains uncertainty regarding the potential long-term impact of these new programs on the community's access to the tennis courts.

The community has consistently voiced objections to the introduction of sports other than tennis on the courts. This opposition stems not only from the preference for tennis but also from the desire to maintain the Cooper Park Tennis Centre exclusively for tennis activities, in accordance with its current status.

The Council has opted for the highest bidders in the tender process, who require significant financial returns from the business. It is becoming evident that relying solely on tennis may no longer meet the financial aspirations of the new tenant. Consequently, the Council is considering facilitating more lucrative activities on the tennis courts, which contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993.

Unless the Council revises the aforementioned wording in the proposed lease to align with community expectations, objections from the community will persist. Therefore, we strongly urge the Council to refrain from finalising the lease agreement at this time.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Sent: Friday, 28 June 2024 10:03 AM

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

We acknowledge receipt of your email and would like to clarify that the permitted use of the premises under the lease is:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted.

The community related activities in connection with the use of the Courts relates to the tenant's proposed pre-school programme which involves children undertaking activities on the tennis courts where they do not hold a tennis racquet (given their size). It is a pathway program and involves teaching the children various motor skill activities building them up to holding a tennis racquet by the age of 4 years old.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards,



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028

e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

Sent: Thursday, 27 June 2024 1:06 PM

To: Records <Records@woollahra.nsw.gov.au>

Subject: General manager - submission concerning Tender SC7818

Attention: Craig Swift-McNair, General Manager, Woollahra Municipal Council.

Dear Sir,

I am writing in response to a notice posted this week on the fence of the Cooper Park Tennis Centre by the Woollahra Council regarding a proposed lease of community land – Cooper Park, Woollahra ("Notice").

The final paragraph of Schedule 3 in the Notice refers to "... the undertaking of community related activities in connection with the use of the tennis courts".

There has been significant community opposition to any activities on the tennis courts other than tennis itself. The previous Tender SC7193 proposed multi-sport use, Tender SC7818 suggested multi-functional use, and now the Notice mentions community related activities, all implying uses beyond tennis.

During the tender process, the Woollahra Council issued Addendum #01 (see attached) to tenderers clearly stating that no other sports will be permitted on the tennis courts. The broader community has expressed strong objections to any alternative use of the tennis courts in Cooper Park, and the Woollahra Council had pledged in various council meetings to honour this sentiment. I eagerly anticipate the Woollahra Council rescinding any authorisation in the lease that allows for activities other than tennis on the tennis courts because it is still unclear what "community based activities", if not tennis, actually mean.

I look forward to receiving clarification on this matter.

Yours sincerely,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

Breda Cosgrove

From: [REDACTED]
Sent: Tuesday, 9 July 2024 16:02
To: Records; Zubin Marolia
Subject: Re: Cooper Park tennis Courts - General manager - submission concerning Tender SC7818

Dear Zubin,

I got your alternative email because I have not received a response from the council from my email below on 5 July 2024. I understand that you are the Council representative for the Cooper Park Tennis Courts.

Evident from its lack of response, Woollahra Council continues to ignore the community.

Please explain why Woollahra Council is determined to make decisions regarding the Cooper Park Tennis Courts against community interests.

I can understand this type of behaviour in a communist country. However, the last time I checked, the people who live in and pay rates in the Woollahra Council governing area are entitled to opine on how the area operates.

Dictatorship and incompetence are evident in how Woollahra Council conducted both the first and second tender processes. The whole process shows an authoritarian deceptive council that disregards its own community. Some examples are;

1. Pretending to offer the community a platform to allow it to be involved in the decision process. Pretending to enable the community to object decisions,
2. Ignoring its own meeting minutes,
3. Once realising the sensitivity, secretly issuing an unrealistically short time for community response by advertising over an approximate 3-day period that spanned a weekend,
4. Ignoring a 100-years and the Cooper Park Management Plan,
5. Persistent on selecting significant lease income without having regard to the use of the tennis courts,

Please at least respond to my email email.

Regards,
Nathan

On Fri, 5 Jul 2024 at 11:00, [REDACTED]
Dear General Manager,

I am writing to express my concern for the Cooper Park Tennis Court community. I explain below that Woollahra Council has failed to represent its community in items 7 and 8 of the lease agreement by allowing the diversification of activities on the Cooper Park Tennis Courts.

I understand that the community is solely the Council's raison d'etre. In other words, a Council has no reason to exist without the community it represents. However, in Cooper Park's current

tender and leasing process, the community feels that it is not adequately represented by Woollahra Council.

I am a resident of Woollahra Council. My office is also in the Woollahra Council LGA, and I play a lot of tennis at Cooper Park Tennis Courts. I know most of the community there.

The worst thing Woollahra Council could do is allow activities other than tennis on the Cooper Park Tennis Courts. Tennis has been played there for over 100 years. There are playing fields and other areas nearby that can be used for activities other than tennis.

Please don't allow the diversification of activities on the Cooper Park Tennis Courts.

I understand that the successful tenderer ("**Young Aces**") requires activities other than tennis to make its lease financially viable. I understand there are ambiguities in the wording of Item 7 and Item 8 of the lease agreement that allows Young Aces to conduct activities such as social gatherings, trivia nights, ladies' luncheons, multi-sports, possibly yoga, martial arts, fitness activities etc... While some of these activities seem appropriate for the kiosk area, the lease terms appear to permit them on the tennis courts themselves.

I understand that the minutes (Item R6) of Woollahra Council's meeting on 6 November 2023 indicated;

"Staff to consider objective criteria to assess community involvement in the tender to engender a sense of community".

Woollahra Council has failed to represent its community in items 7 and 8 of the lease agreement.

A significant number of community members voiced their opinions both in writing and at the meeting, advocating for the preservation of Cooper Park in its current form, emphasising that the tennis courts should remain dedicated solely to tennis and nothing else. The usage of the courts and the kiosk is clearly outlined in the Cooper Park Plan of Management 2001, which is governed by Section 35 of the NSW Local Government Act 1993

As a community member and on behalf of the community, I strongly object to Woollahra Council allowing these ambiguities to remain on the lease with Young Aces. The 100-year tenure has urged me to write to you. I want to ensure that Cooper Park is preserved in its current state and not degraded, especially now that we have the chance to save it.

Woollahra Council needs to remove all entitlement to community related activities from the lease. Woollahra Council needs to state clearly in the lease that only tennis activities can be carried out on the tennis courts.

Regards,
Nathan Heazlewood

Breda Cosgrove

From: [REDACTED]
Sent: Tuesday, 9 July 2024 11:14
To: [REDACTED]
Subject: Cooper Park tennis courts

Dear Council,

I am writing in follow up to the changes in tender for Cooper Park. I have been a rate payer and been using the tennis courts with my family and friends for the past thirty years and love tennis. I have closely monitored the council's decisions regarding the tennis courts throughout the tender process. Despite significant objections voiced by residents, a recent development concerning the lease agreement with Young Aces has caused considerable unease among many of us.

I strongly oppose the council's decision to authorise Young Aces to utilise the tennis courts for purposes unrelated to tennis. I recall previous correspondence and reassurance from the council that guaranteed the tennis courts would remain and be used for tennis only. Despite our extensive correspondence, active presence, and vocal expressions during council meetings, the lease's ambiguous terms not only contradicts the Cooper Park Plan of Management 2001 and the NSW Local Government Act 1993 but also jeopardises the interests of our longstanding tennis community.

Could you please clarify and confirm that there are no grounds for the tennis courts to be used for a different purpose other than tennis. I look forward to your prompt response to this communication.

Kind regards

Jane Prout



We acknowledge Aboriginal and Torres Strait Islander peoples, as the Traditional Custodians of this land, with deep respect. May Elders, past and present, be blessed and honoured. May we join together and build a future based on compassion, justice, hope, faith, and reconciliation.

Important Disclaimers and Warning: The contents of this email and its attachments are confidential and intended solely for the original recipients to whom they are addressed. This message expresses the views of the author and not necessarily the St Vincent de Paul Society State Council of NSW. If you are not the intended recipient please delete without copying or forwarding and inform the sender that you received it in error.

Please consider the environment before printing this email.

Breda Cosgrove

From: [REDACTED]
Sent: Monday, 8 July 2024 8:31
To: Records
Subject: Council Decision re. Cooper Park new lease tender

General Manager,

I'm reaching out to ask for your support in a matter that greatly concerns our community at Cooper Park.

For years, I have been an active tennis player at Cooper Park, closely following the decisions made by the council regarding the tennis courts. Despite significant objections from the community, there has been a recent development concerning the lease with Young Aces, which has raised serious concerns for many of us.

I strongly oppose the council's decision to allow Young Aces to utilise the tennis courts for activities unrelated to tennis. It is clear that the lease's ambiguous wording is being interpreted in a manner that contradicts the Cooper Park Plan of Management 2001 and the NSW Local Government Act 1993 and the interests of our tight-knit tennis community. This move also goes in contradiction to the established prohibition of multi-sport activities on these courts.

If the council continues down this path, I fear our community will have no choice but to escalate this matter to the NSW Minister of Local Government. It may become necessary for the Minister to appoint an administrator to conduct a thorough investigation into all council records and activities related to the recent tenders for the Cooper Park Tennis Centre.

Thank you for your support in this important community issue.

Regards
Steve

Breda Cosgrove

From: [REDACTED]
Sent: Monday, 8 July 2024 16:07
To: Records
Subject: Re: Submission concerning Tender SC7818

As a regular tennis player at Cooper Park courts, I trust that Council will ensure, by appropriate wording of the lease for the courts area, that no activity other than the playing of tennis and the upkeep of the courts for that purpose only, will be permitted on the courts.

Yours sincerely
Dr R J Desiatnik
Woollahra

Breda Cosgrove

From: Zubin Marolia
Sent: Thursday, 4 July 2024 15:22
To: Izzy Chowska
Cc: Jim Allison
Subject: RE: Urgent Appeal to Preserve Cooper Park Tennis Court

Dear Isabelle

Thank you for your email.

Allow me to clarify your concerns: the tennis courts are strictly designated for tennis use only, as outlined in the new lease. We have been receiving emails suggesting misinformation about potential multi-sport usage, which is not permitted under the new lease terms. We are actively promoting the use of other areas for community activities, despite some objections. To provide further clarity we recently added a Notice stating::

The Council has received inquiries seeking clarification on the use of the tennis courts. We confirm that the courts are designated solely for tennis, and multi-sport use is prohibited. The permitted use of the Centre is outlined as follows:

"The Tennis Court Centre is for playing tennis, including operating a Kiosk/Café and Tennis Pro Shop, and conducting community-related activities connected with court use. Multi-sport use of the premises is not allowed."

We encourage the use of the tennis centre building to foster community spirit and broaden engagement with the Centre. Council supports initiatives such as social evenings, trivia nights, ladies' lunches, Christmas gatherings, BBQs, and men's shed activities, believing these will enhance community engagement.

We trust this clarifies the Council's stance and addresses any concerns you may have had.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Thursday, 4 July 2024 12:45 PM

To: Records <Records@woollahra.nsw.gov.au>

Subject: Urgent Appeal to Preserve Cooper Park Tennis Court

Dear Council,

I am writing to express deep concern regarding the proposed takeover of the Cooper Park tennis court, a decision that would profoundly affect our local community.

The tennis court at Cooper Park has long been a cherished part of our neighborhood, serving as a key gathering place for residents of all ages.

The court's role in fostering community spirit and providing a safe recreational outlet cannot be overstated. For my father, a retiree, the tennis court is particularly significant. It plays a crucial role in his daily life, contributing significantly to his physical and mental health. Regularly playing tennis there helps him stay fit, engaged, and socially connected. Losing this valuable resource would severely impact his well-being, along with that of many others who depend on this court for their health and social interaction.

While we understand that development is often necessary, it is vital to ensure that such projects do not come at the cost of essential community amenities.

We strongly urge you to reconsider the proposed takeover and to look into alternative solutions that can achieve development goals without sacrificing this vital community asset.

We respectfully request a meeting to discuss this issue further and to explore potential alternatives that will allow us to preserve the Cooper Park tennis court.

Thank you for your time and consideration. We hope we can find a solution that respects and maintains the needs of our community.

Warm regards,

Isabelle Wojciechowska

Local resident of 33 years.

Breda Cosgrove

From: Zubin Marolia
Sent: Thursday, 4 July 2024 14:46
To: Brian Knox
Cc: Jim Allison
Subject: RE: Cooper Park Tennis Courts

Dear Brian

Thank you for your email.

I have advised Doron that the lease has multiple clauses that protect the use of the courts for tennis. In case you have not had access to them I have reiterated them below:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

- (a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;
- (b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;
- (c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;
- (g) not at any time during the Term:
- (viii) use or permit the Premises to be used for the playing of any sport other than tennis;

Accordingly, as the lease already includes robust clauses to ensure that the courts are used exclusively for tennis, we see no need to amend the wording. There will be no weakening of the lease conditions or reduction in rent.

We hope this clarifies the Council's position and addresses any concerns you may have had.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
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e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Thursday, 4 July 2024 12:46 PM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: Cooper Park Tennis Courts

Mr Zubin Marolia
Manager Property and Projects
Woollahra Municipal Council

Dear Mr Marolia,

As a resident of Woollahra Council and user of the Cooper Park Tennis Centre, I wish to support and associate myself with the comments of Mr Doran Argaman in relation to the terms of the lease of the Cooper Park Tennis Centre, and, in particular, to the need for absolute clarity under the lease to ensure that:

- (i) the only sports use of the tennis courts is for tennis. Put in the alternative, that no sports or activities other than tennis are to be permitted at the Centre;
- (ii) that if there are community - related activities, those are only to be permitted in the kiosk/cafe area;
- (iii) that no multi-sports use of the premises is permitted.

I want Council to ensure in the lease that there is no ambiguity or suggestion that there may be 'non-primary' sporting or other activities conducted on the premises, for example, the conversion or occasional use of the courts for pickleball, basketball or five-a-side soccer on, or adjacent to, the courts.

This is not an idle nor theoretical concern.

I have seen that occur at other tennis centres hosting work-related tennis events or tennis camps where centre managers during inclement weather want to ensure that for example, children or guests are otherwise occupied,

In another centre in another state I have also seen a marquee erected on courts on the ostensible excuse that it was for a tennis presentation.
In that instance, the court surfaces were trashed.

The Cooper Park courts were not designated nor designed for any such activities.

These kinds of events occur when a Centre is taken over by new managers who have

quoted for a particular centre at a reduced or competitive rate and then attempt to change the use of the lease - usually citing commercial reasons or a changed business model. They then cite a lack of financial viability as part of a demand for changed lease conditions in an attempt to embarrass Council and pit Councils against residents and users.

There is a strong concern among current users and residents that there will be an attempt to introduce social gatherings, trivia nights etc which will spill over onto the courts themselves. As Mr Argaman has noted in his communications with Council, such activities may be appropriate for the kiosk - not the courts.

I want to ensure that that does not occur during this lease for this centre and that there is no weakening of the lease conditions.

I spoke at the last Committee meeting of Woollahra Council when the lease was considered. I then reiterated my intention and that of other residents to ensure that the Cooper Park Tennis centre remains just that: a tennis centre.

I look forward to the amendment of the lease to ensure that that purpose is protected and the observance of the lease conditions are monitored by Council.

Yours sincerely,

Brian Knox

Breda Cosgrove

From: Zubin Marolia
Sent: Thursday, 4 July 2024 14:30
To: Harry Della
Cc: Jim Allison
Subject: RE: General manager - submission concerning Tender SC7818

Hi Harry

Thank you for your email and let me assure you that multi-sports is not going to be permitted at this centre. The permitted uses specifically excludes multi-sports. I refer you to the clause dealing with permitted use:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

In addition to the above, the lease already includes other robust clauses to ensure that the courts are used exclusively for tennis.

I appreciate you writing to us to clarify your concern as I think someone may be providing misinformation. We hope this clarifies the Council's position and addresses any concerns you may have had.

Regards



Zubin Marolia
Manager Property and Projects

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Sent: Thursday, 4 July 2024 2:13 PM
To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>
Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>
Subject: RE: General manager - submission concerning Tender SC7818

Hi , to whom it may concern, re Cooper Park Tennis .
I have been playing tennis at Cooper Park for many years and a few days ago, I read a sign at Cooper Park Tennis that brought my immediate attention re some future plans for Cooper Park and I assume the new tenants . I thought we had after all the debate and meetings public and other wise that this issue was resolved .As my previous letter to Woollahra council had stressed, that it is difficult enough to book courts at Cooper park at convenient times and that , if the intention is to let the new tenants put in Multi sports or any other sports other

than Tennis, then I clearly object . If I have interpreted this the wrong way then I apologise . But there is plenty of space in the park only 20 meters away from the tennis courts for Woollahra council to build a multi sports area and everyone is happy . We have clearly not enough courts in the Eastern Suburbs ..please leave it as Tennis Courts regards Harry Cioppa

Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 4 July 2024 13:57
To: Zubin Marolia
Cc: Jim Allison
Subject: Re: Cooper Park tennis courts and their intended use under the proposed lease - Tender SC7818

Thank you.
Nicholas

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>
Date: Thursday, 4 July 2024 at 1:14 pm
Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>
Subject: RE: Cooper Park tennis courts and their intended use under the proposed lease - Tender SC7818

Dear Nicholas

The Council has considered community feedback and confirms that the tennis courts will remain available exclusively for tennis use. The courts are designated specifically for tennis and not for multi-sport use. In addition to the permitted uses mentioned in your email, the lease includes several clauses reinforcing that the courts are intended solely for tennis, as outlined below:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

- (a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;
- (b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;
- (c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

(g) not at any time during the Term:

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see, the lease already includes robust clauses to ensure that the courts are used exclusively for tennis. There is no need to amend the wording. We hope this clarifies the Council's position and addresses any concerns you may have had.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
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t: 02 9391 7185 m: 0419 205 235
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Thursday, 4 July 2024 8:25 AM

To: Records <Records@woollahra.nsw.gov.au>

Subject: Cooper Park tennis courts and their intended use under the proposed lease - Tender SC7818

To the General Manager.

I refer to the notice at the entrance to the Cooper Park Tennis courts with regard to the new lease agreement, and more specifically to the terms of the permitted use under the proposed lease.

Having read the Notice clarifying Council's position, I suggest to remove any ambiguity as to the permitted use of the tennis courts themselves by adding the following words or similar to relevant sentence highlighted in RED as follows.

*"Tennis Court Centre to be used for playing tennis including the operation of a kiosk /café and Tennis Pro Shop. The undertaking of any community related activities in connection with use of the Tennis Court Centre is to take place out-side of the 8 designated tennis courts, which are to be used strictly for playing tennis.
Multi-use sports use of the premises is not permitted"*

Yours sincerely,

Nicholas Lucas
Local resident and tennis player at Cooper Park

Breda Cosgrove

From: Zubin Marolia
Sent: Thursday, 4 July 2024 13:14
To: Nick Lucas
Cc: Jim Allison
Subject: RE: Cooper Park tennis courts and their intended use under the proposed lease - Tender SC7818

Dear Nicholas

The Council has considered community feedback and confirms that the tennis courts will remain available exclusively for tennis use. The courts are designated specifically for tennis and not for multi-sport use. In addition to the permitted uses mentioned in your email, the lease includes several clauses reinforcing that the courts are intended solely for tennis, as outlined below:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

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- (a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;
- (b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;
- (c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;
- (g) not at any time during the Term:
- (viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see, the lease already includes robust clauses to ensure that the courts are used exclusively for tennis. There is no need to amend the wording. We hope this clarifies the Council's position and addresses any concerns you may have had.

Regards



Zubin Marolia
Manager Property and Projects

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Sent: Thursday, 4 July 2024 8:25 AM

To: Records <Records@woollahra.nsw.gov.au>

Subject: Cooper Park tennis courts and their intended use under the proposed lease - Tender SC7818

To the General Manager.

I refer to the notice at the entrance to the Cooper Park Tennis courts with regard to the new lease agreement, and more specifically to the terms of the permitted use under the proposed lease.

Having read the Notice clarifying Council's position, I suggest to remove any ambiguity as to the permitted use of the tennis courts themselves by adding the following words or similar to relevant sentence highlighted in RED as follows.

*"Tennis Court Centre to be used for playing tennis including the operation of a kiosk /café and Tennis Pro Shop. The undertaking of any community related activities in connection with use of the Tennis Court Centre is to take place out-side of the 8 designated tennis courts, which are to be used strictly for playing tennis.
Multi-use sports use of the premises is not permitted"*

Yours sincerely,


Nicholas Lucas
Local resident and tennis player at Cooper Park

Breda Cosgrove

From: Zubin Marolia
Sent: Wednesday, 3 July 2024 11:11
To: [REDACTED]
Cc: Jim Allison
Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron

Further to your earlier comments we have already posted a further Notice clarifying Council's position.



Tender SC7818
**Further clarification of
proposed lease of
community land - Cooper
Park, Woollahra**

The Council has received inquiries seeking clarification regarding the use of the tennis courts. The Council confirms that the tennis courts are to be used for the playing of tennis and multi-sport use is not permitted on the courts. The permitted use of the Centre states as follows:

"Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted."

The use of the tennis centre building to engender a sense of community to broadening the community engagement with the Centre is encouraged. Initiatives such as social evenings, trivia nights, ladies lunches, Christmas socials, BBQ's, men's shed and the like are supported by Council. We believe this will deliver a genuine community engagement outcome.

I have discussed your proposed wording with our Director and General Manager who are both of the view that the wording as written in the lease and the other clauses with the lease are consistent with the Council resolution and are more than adequate to prevent multi-sport use of the Centre.

As explained earlier the community's desire for the new lessees to foster a sense of community has also been captured in the lease. In addition to tennis related activities, the other areas of the tennis centre will be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons. These activities aim to engage the community and increase awareness rather than generate significant revenue.

Hope this clarifies Council's position and if you still have concerns, we can discuss this further.

Regards



Zubin Marolia
Manager Property and Projects

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Sent: Tuesday, 2 July 2024 2:16 PM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

Thank you for providing additional clarification regarding the lease and use of the tennis courts and the Kiosk/Café area. It has become evident that there is significant ambiguity surrounding Items 7 and 8. My ongoing concerns regarding the usage scope of the tennis courts underscores the urgent need for revisions to the wording of Item 7 and Item 8.

In order for us to withdraw our objection to the signing of the lease, the Council should amend Item 7 and Item 8(5.3)(b) to allow community-related activities that do not interfere with the primary use of the tennis courts solely for tennis. To maintain clarity and avoid any further back-and-forth, the revised wording should read as follows:

Item 7 Permitted Use of Premises:

The Tennis Court Centre is designated for playing tennis, including the operation of a Kiosk/Café and Tennis Pro Shop, as well as hosting community-related activities within the Kiosk/Café area. However, multi-use sports activities on the tennis courts or community-related activities in the Kiosk/Café area that may interfere with playing tennis on the tennis courts are not permitted.

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

- (a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;*
- (b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted on the tennis courts is tennis and hosting of community-related activities is only permitted within the Kiosk/Café area. No multi-use sports use of the premises is permitted;*
- (c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;*
- ..*
- (viii) use or permit the Premises to be used for the playing of any sport other than tennis;*

I seek your approval for the aforementioned amendments and appreciate your prompt attention to this matter.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Sent: Monday, 1 July 2024 7:33 PM

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

As mentioned in my earlier email, the availability of the tennis courts for the community will not be affected because the courts are designated exclusively for tennis and not for multi-sport use. The lease includes the following clauses:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) *Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).*

5.3 The Lessee must:

(a) *use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;*

(b) *use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;*

(c) *comply with all laws and requirements of any relevant authority regulating the Use of the Premises;*

(viii) *use or permit the Premises to be used for the playing of any sport other than tennis;*

As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

It should be noted that top four ranking tenderers were within \$15k of each other, so rental offering was not too different and indicates that the new operators are not relying solely other sources of income. As we have confirmed to you previously after seeking legal advice, the use of the centre does not contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993. Council has already resolved on this matter.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Monday, 1 July 2024 12:05 AM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

I appreciate your clarification regarding the interpretation of "... undertaking community-related activities in connection with the use of the [tennis] courts. ..." as outlined in the proposed new lease for the Cooper Park Tennis Centre.

While I acknowledge the new tenant's proposal for programs aimed at children, there remains uncertainty regarding the potential long-term impact of these new programs on the community's access to the tennis courts.

The community has consistently voiced objections to the introduction of sports other than tennis on the courts. This opposition stems not only from the preference for tennis but also from the desire to maintain the Cooper Park Tennis Centre exclusively for tennis activities, in accordance with its current status.

The Council has opted for the highest bidders in the tender process, who require significant financial returns from the business. It is becoming evident that relying solely on tennis may no longer meet the financial aspirations of the new tenant. Consequently, the Council is considering facilitating more lucrative activities on the tennis courts, which contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993.

Unless the Council revises the aforementioned wording in the proposed lease to align with community expectations, objections from the community will persist. Therefore, we strongly urge the Council to refrain from finalising the lease agreement at this time.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Sent: Friday, 28 June 2024 10:03 AM

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

We acknowledge receipt of your email and would like to clarify that the permitted use of the premises under the lease is:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted.

The community related activities in connection with the use of the Courts relates to the tenant's proposed pre-school programme which involves children undertaking activities on the tennis courts where they do not hold a tennis racquet (given their size). It is a pathway program and involves teaching the children various motor skill activities building them up to holding a tennis racquet by the age of 4 years old.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards,



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028

e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Thursday, 27 June 2024 1:06 PM

To: Records <Records@woollahra.nsw.gov.au>

Subject: General manager - submission concerning Tender SC7818

Attention: Craig Swift-McNair, General Manager, Woollahra Municipal Council.

Dear Sir,

I am writing in response to a notice posted this week on the fence of the Cooper Park Tennis Centre by the Woollahra Council regarding a proposed lease of community land – Cooper Park, Woollahra ("Notice").

The final paragraph of Schedule 3 in the Notice refers to "... the undertaking of community related activities in connection with the use of the tennis courts".

There has been significant community opposition to any activities on the tennis courts other than tennis itself. The previous Tender SC7193 proposed multi-sport use, Tender SC7818 suggested multi-functional use, and now the Notice mentions community related activities, all implying uses beyond tennis.

During the tender process, the Woollahra Council issued Addendum #01 (see attached) to tenderers clearly stating that no other sports will be permitted on the tennis courts. The broader community has expressed strong objections to any alternative use of the tennis courts in Cooper Park, and the Woollahra Council had pledged in various council meetings to honour this sentiment. I eagerly anticipate the Woollahra Council rescinding any authorisation in the lease that allows for activities other than tennis on the tennis courts because it is still unclear what "community based activities", if not tennis, actually mean.

I look forward to receiving clarification on this matter.

Yours sincerely,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

Breda Cosgrove

From: Zubin Marolia
Sent: Monday, 1 July 2024 19:33
To: [REDACTED]
Cc: Jim Allison
Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

As mentioned in my earlier email, the availability of the tennis courts for the community will not be affected because the courts are designated exclusively for tennis and not for multi-sport use. The lease includes the following clauses:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

.

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

(a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;

(b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

..

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

It should be noted that top four ranking tenderers were within \$15k of each other, so rental offering was not too different and indicates that the new operators are not relying solely other sources of income. As we have confirmed to you previously after seeking legal advice, the use of the centre does not contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993. Council has already resolved on this matter.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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their plastic waste this July.**

**Choose to refuse single use plastic.
Visit plasticfreejuly.org**

Sent: Monday, 1 July 2024 12:05 AM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

I appreciate your clarification regarding the interpretation of "... undertaking community-related activities in connection with the use of the [tennis] courts. ..." as outlined in the proposed new lease for the Cooper Park Tennis Centre.

While I acknowledge the new tenant's proposal for programs aimed at children, there remains uncertainty regarding the potential long-term impact of these new programs on the community's access to the tennis courts.

The community has consistently voiced objections to the introduction of sports other than tennis on the courts. This opposition stems not only from the preference for tennis but also from the desire to maintain the Cooper Park Tennis Centre exclusively for tennis activities, in accordance with its current status.

The Council has opted for the highest bidders in the tender process, who require significant financial returns from the business. It is becoming evident that relying solely on tennis may no longer meet the financial aspirations of the new tenant. Consequently, the Council is considering facilitating more lucrative activities on the tennis courts, which contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993.

Unless the Council revises the aforementioned wording in the proposed lease to align with community expectations, objections from the community will persist. Therefore, we strongly urge the Council to refrain from finalising the lease agreement at this time.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Sent: Friday, 28 June 2024 10:03 AM

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

We acknowledge receipt of your email and would like to clarify that the permitted use of the premises under the lease is:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted.

The community related activities in connection with the use of the Courts relates to the tenant's proposed pre-school programme which involves children undertaking activities on the tennis courts where they do not hold a tennis racquet (given their size). It is a pathway program and involves teaching the children various motor skill activities building them up to holding a tennis racquet by the age of 4 years old.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards,



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028

e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Thursday, 27 June 2024 1:06 PM

To: Records <Records@woollahra.nsw.gov.au>

Subject: General manager - submission concerning Tender SC7818

Attention: Craig Swift-McNair, General Manager, Woollahra Municipal Council.

Dear Sir,

I am writing in response to a notice posted this week on the fence of the Cooper Park Tennis Centre by the Woollahra Council regarding a proposed lease of community land – Cooper Park, Woollahra ("Notice").

The final paragraph of Schedule 3 in the Notice refers to "... the undertaking of community related activities in connection with the use of the tennis courts".

There has been significant community opposition to any activities on the tennis courts other than tennis itself. The previous Tender SC7193 proposed multi-sport use, Tender SC7818 suggested multi-functional use, and now the Notice mentions community related activities, all implying uses beyond tennis.

During the tender process, the Woollahra Council issued Addendum #01 (see attached) to tenderers clearly stating that no other sports will be permitted on the tennis courts. The broader community has expressed strong objections to any alternative use of the tennis courts in Cooper Park, and the Woollahra Council had pledged in various council meetings to honour this sentiment. I eagerly anticipate the Woollahra Council rescinding any authorisation in the lease that allows for activities other than tennis on the tennis courts because it is still unclear what “community based activities”, if not tennis, actually mean.

I look forward to receiving clarification on this matter.

Yours sincerely,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

Breda Cosgrove

From: [REDACTED]
Sent: Monday, 1 July 2024 16:25
To: Zubin Marolia
Cc: Jim Allison
Subject: Re: Cooper Park Tennis courts. Tender SC7818

Dear Zubin,

Thank you for the clarification. I think encouraging under 4year olds to play tennis is a positive

However , please note that the notice which was posted on the tennis courts does not include the last sentence of the permitted clause namely

Multi-use sports use of the premises is not permitted.

I believe it would be less controversial if you could replace the current notice with one which specifically mentions the full clause

Best regards

Philip

Sent from my iPhone

On 1 Jul 2024, at 2:54 pm, Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au> wrote:

Dear Philip

We acknowledge receipt of your email and would like to clarify that the permitted use of the premises under the lease is:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted.

As you will note above, multi-use of the tennis courts is not permitted. The community related activities in connection with the use of the courts relates to the tenant's proposed pre-school programme which involves children undertaking activities on the tennis courts where they do not hold a tennis racquet (given their size). It is a pathway program and involves teaching the children various motor skill activities building them up to holding a tennis racquet by the age of 4 years old.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards,

<image001.jpg>

Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

<image002.jpg>

From: [REDACTED]
Sent: Monday, 22 July 2024 2:12 PM
To: Records <Records@woollahra.nsw.gov.au>
Subject: Cooper Park Tennis courts. Tender SC7818

To the Woollahra Council General Manager,

I see that you have posted a notice at the Cooper Park tennis courts which (in schedule 3) make reference to "community related activities in connection with the use of the tennis courts"

This appears to be in direct violation of the original tender agreement following community consultation that stated that the tennis courts could be used only for the purpose of tennis.

You have also in the past posted a notice which referred to multi sports activities which you later amended.

In order to avoid any further confusion, please could you amend Schedule 3 of the notice to make it compliant with the agreed tender, namely that the tennis courts will be used only for tennis and no other activity, and please could you post the revised notice.

Thank you

Best regards

Philip Sewell
[REDACTED]

<image003.jpg>

Breda Cosgrove

From: [REDACTED]
Sent: Friday, 5 July 2024 15:20
To: Zubin Marolia; Records
Cc: Jim Allison
Subject: RE: General manager - submission concerning Tender SC7818
Attachments: Page 38 of 40 - Cooper_Park_Tennis_Request_for_Tender_SC7818.pdf

Dear Zubin,

Thank you for your recent clarification regarding the council's position following the meeting held on 6 November, 2024 ("Meeting"). At this meeting, the council drafted a motion that reads, "Staff to consider objective criteria to assess community involvement in the tender to engender a sense of community" ("Minute").

It appears that the council's interpretation of the Minute conflicts with the sentiments expressed by the community during the Meeting. There was overwhelming objection, evidenced by numerous correspondences, particularly concerning the evolving nature of community-related activities outlined in Item 7 of The Reference Schedule of the lease ("Item 7"). The council's shifting stance has caused considerable dismay among community members.

As of the submission deadline of 12 July, 2024, I assume the lease remains unsigned, providing an opportunity for the council to thoroughly consider the community's submissions in a fair and equitable manner. Given these developments, I seek further clarification on the following points:

1. Page 38 of 40 of the RFT for Cooper Park Tennis Courts – 2024 (attached) refers to Lease Area (72m²) and License Area (45m²) ("Kiosk Area"), indicating the operational space within the Kiosk Area for the new lessee, Young Aces. Has the council extended this operational area to encompass the entire space on the veranda?
2. Building on the previous question, does the council anticipate community activities occurring within the Kiosk Area?
3. Additionally, does the council envision any community activities other than tennis games, competitions, and coaching taking place on the actual tennis Courts?
4. Does the council acknowledge that, as per the lease's definitions, "Courts" refers to all tennis courts within the Centre?
5. Lastly, does the council believe that amending Item 7 of the Permitted Use of Premises, which now includes "undertaking of community related activities in connection with use of the Courts," complies with the defined use of the tennis courts under the Cooper Park Plan of Management 2001, which is governed by Section 35 of the NSW Local Government Act 1993?

I kindly request the council's prompt response to these inquiries so that I may relay specific answers to the concerned community members.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>


Sent: Wednesday, 3 July 2024 12:37 PM

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron

Further to your earlier comments we have already posted a further Notice clarifying Council's position.



Tender SC7818
Further clarification of
proposed lease of
community land - Cooper
Park, Woollahra

The Council has received inquiries seeking clarification regarding the use of the tennis courts. The Council confirms that the tennis courts are to be used for the playing of tennis and multi-sport use is not permitted on the courts. The permitted use of the Centre states as follows:

"Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted."

The use of the tennis centre building to engender a sense of community to broadening the community engagement with the Centre is encouraged. Initiatives such as social evenings, trivia nights, ladies lunches, Christmas socials, BBQ's, men's shed and the like are supported by Council. We believe this will deliver a genuine community engagement outcome.

I have discussed your proposed wording with our Director and General Manager who are both of the view that the wording as written in the lease and the other clauses with the lease are consistent with the Council resolution and are more than adequate to prevent multi-sport use of the Centre.

As explained earlier the community's desire for the new lessees to foster a sense of community has also been captured in the lease. In addition to tennis related activities, the other areas of the tennis centre will be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons. These activities aim to engage the community and increase awareness rather than generate significant revenue.

Hope this clarifies Council's position and if you still have concerns, we can discuss this further.

Regards

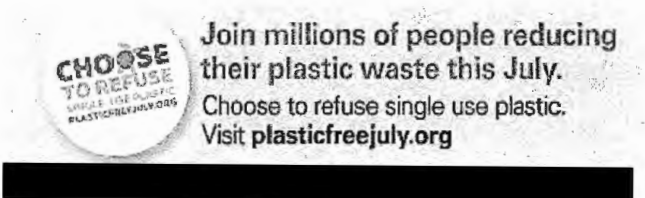


Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Tuesday, 2 July 2024 2:16 PM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

Thank you for providing additional clarification regarding the lease and use of the tennis courts and the Kiosk/Café area. It has become evident that there is significant ambiguity surrounding Items 7 and 8. My ongoing concerns regarding the usage scope of the tennis courts underscores the urgent need for revisions to the wording of Item 7 and Item 8.

In order for us to withdraw our objection to the signing of the lease, the Council should amend Item 7 and Item 8(5.3)(b) to allow community-related activities that do not interfere with the primary use of the tennis courts solely for tennis. To maintain clarity and avoid any further back-and-forth, the revised wording should read as follows:

Item 7 Permitted Use of Premises:

The Tennis Court Centre is designated for playing tennis, including the operation of a Kiosk/Café and Tennis Pro Shop, as well as hosting community-related activities within the Kiosk/Café area. However, multi-use sports activities on the tennis courts or community-related activities in the Kiosk/Café area that may interfere with playing tennis on the tennis courts are not permitted.

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

(a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;

(b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted on the tennis courts is tennis and hosting of community-related activities is only permitted within the Kiosk/Café area. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

..

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

I seek your approval for the aforementioned amendments and appreciate your prompt attention to this matter.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Sent: Monday, 1 July 2024 7:33 PM

Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

As mentioned in my earlier email, the availability of the tennis courts for the community will not be affected because the courts are designated exclusively for tennis and not for multi-sport use. The lease includes the following clauses:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

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.

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

(a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;

(b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

..

.

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

It should be noted that top four ranking tenderers were within \$15k of each other, so rental offering was not too different and indicates that the new operators are not relying solely other sources of income. As we have confirmed to you previously after seeking legal advice, the use of the centre does not contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993. Council has already resolved on this matter.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Join millions of people reducing
their plastic waste this July.
Choose to refuse single use plastic.
Visit plasticfreejuly.org

Sent: Monday, 1 July 2024 12:05 AM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

I appreciate your clarification regarding the interpretation of "... undertaking community-related activities in connection with the use of the [tennis] courts. ..." as outlined in the proposed new lease for the Cooper Park Tennis Centre.

While I acknowledge the new tenant's proposal for programs aimed at children, there remains uncertainty regarding the potential long-term impact of these new programs on the community's access to the tennis courts:

The community has consistently voiced objections to the introduction of sports other than tennis on the courts. This opposition stems not only from the preference for tennis but also from the desire to maintain the Cooper Park Tennis Centre exclusively for tennis activities, in accordance with its current status.

The Council has opted for the highest bidders in the tender process, who require significant financial returns from the business. It is becoming evident that relying solely on tennis may no longer meet the financial aspirations of the new tenant. Consequently, the Council is considering facilitating more lucrative activities on the tennis courts, which contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993.

Unless the Council revises the aforementioned wording in the proposed lease to align with community expectations, objections from the community will persist. Therefore, we strongly urge the Council to refrain from finalising the lease agreement at this time.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Sent: Friday, 28 June 2024 10:03 AM

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

We acknowledge receipt of your email and would like to clarify that the permitted use of the premises under the lease is:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted.

The community related activities in connection with the use of the Courts relates to the tenant's proposed pre-school programme which involves children undertaking activities on the tennis courts where they do not hold a tennis racquet (given their size). It is a pathway program and involves teaching the children various motor skill activities building them up to holding a tennis racquet by the age of 4 years old.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards,



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028

e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

Sent: Thursday, 27 June 2024 1:06 PM

To: Records <Records@woollahra.nsw.gov.au>

Subject: General manager - submission concerning Tender SC7818

Attention: Craig Swift-McNair, General Manager, Woollahra Municipal Council.

Dear Sir,

I am writing in response to a notice posted this week on the fence of the Cooper Park Tennis Centre by the Woollahra Council regarding a proposed lease of community land – Cooper Park, Woollahra ("Notice").

The final paragraph of Schedule 3 in the Notice refers to "... the undertaking of community related activities in connection with the use of the tennis courts".

There has been significant community opposition to any activities on the tennis courts other than tennis itself. The previous Tender SC7193 proposed multi-sport use, Tender SC7818 suggested multi-functional use, and now the Notice mentions community related activities, all implying uses beyond tennis.

During the tender process, the Woollahra Council issued Addendum #01 (see attached) to tenderers clearly stating that no other sports will be permitted on the tennis courts. The broader community has expressed strong objections to any alternative use of the tennis courts in Cooper Park, and the Woollahra Council had pledged in various council meetings to honour this sentiment. I eagerly anticipate the Woollahra Council rescinding any authorisation in the lease that allows for activities other than tennis on the tennis courts because it is still unclear what “community based activities”, if not tennis, actually mean.

I look forward to receiving clarification on this matter.

Yours sincerely,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

Breda Cosgrove

From: [REDACTED]
Sent: Friday, 5 July 2024 13:06
To: Records
Subject: The General Manager, Woollahra Municipal Council

Dear General Manager,

I am writing to you today to express my concern regarding Tender SC7818. As a long term member of the Cooper Park Tennis Community I am concerned that the proposed lease contains several ambiguous points whereby the courts could be used for activities other than tennis. Many members rely on the tennis courts for physical and mental health. New tennis courts are not built in the Eastern Suburbs for obvious reasons thus it is of critical importance that the courts be reserved for playing tennis and tennis only.

Ambiguous points in the proposed lease are per the below:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

(a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;

(b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of

doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

..

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

This is a concern expressed by many other long term community members. Can this please be addressed as soon as possible.

Kind Regards,

Emile McKenna

[REDACTED]

Breda Cosgrove

From: [REDACTED]
Sent: Friday, 5 July 2024 11:07
To: Records
Subject: Fwd: Cooper Park tennis Courts - General manager - submission concerning Tender SC7818

Dear General Manager,

I am writing to express my concern for the Cooper Park Tennis Court community. I explain below that Woollahra Council has failed to represent its community in items 7 and 8 of the lease agreement by allowing the diversification of activities on the Cooper Park Tennis Courts.

I understand that the community is solely the Council's raison d'être. In other words, a Council has no reason to exist without the community it represents. However, in Cooper Park's current tender and leasing process, the community feels that it is not adequately represented by Woollahra Council.

I am a resident of Woollahra Council. My office is also in the Woollahra Council LGA, and I play a lot of tennis at Cooper Park Tennis Courts. I know most of the community there.

The worst thing Woollahra Council could do is allow activities other than tennis on the Cooper Park Tennis Courts. Tennis has been played there for over 100 years. There are playing fields and other areas nearby that can be used for activities other than tennis.

Please don't allow the diversification of activities on the Cooper Park Tennis Courts.

I understand that the successful tenderer ("**Young Aces**") requires activities other than tennis to make its lease financially viable. I understand there are ambiguities in the wording of Item 7 and Item 8 of the lease agreement that allows Young Aces to conduct activities such as social gatherings, trivia nights, ladies' luncheons, multi-sports, possibly yoga, martial arts, fitness activities etc... While some of these activities seem appropriate for the kiosk area, the lease terms appear to permit them on the tennis courts themselves.

I understand that the minutes (Item R6) of Woollahra Council's meeting on 6 November 2023 indicated;

"Staff to consider objective criteria to assess community involvement in the tender to engender a sense of community".

Woollahra Council has failed to represent its community in items 7 and 8 of the lease agreement.

A significant number of community members voiced their opinions both in writing and at the meeting, advocating for the preservation of Cooper Park in its current form, emphasising that the tennis courts should remain dedicated solely to tennis and nothing else. The usage of the courts and the kiosk is clearly outlined in the Cooper Park Plan of Management 2001, which is governed by Section 35 of the NSW Local Government Act 1993

As a community member and on behalf of the community, I strongly object to Woollahra Council allowing these ambiguities to remain on the lease with Young Aces. The 100-year tenure has urged me to write to you. I want to ensure that Cooper Park is preserved in its current state and not degraded, especially now that we have the chance to save it.

Woollahra Council needs to remove all entitlement to community related activities from the lease. Woollahra Council needs to state clearly in the lease that only tennis activities can be carried out on the tennis courts.

Regards,
Nathan Heazlewood

--

Regards,
Nathan Heazlewood LT



Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 4 July 2024 15:46
To: Records
Subject: Cooper Park Lease

To : The General Manager

Dear Sir

I wish to express my concern over the future use of the Cooper Park tennis courts and that the courts themselves should be kept exclusively for the purpose of playing the sport of tennis.

I'm currently playing 3 days a week at Cooper park and am part of an enthusiastic community of tennis players using the courts.

There is a concern amongst them that the future availability of court hire particularly in the mornings from 7.30am to 9am is under threat.

I oppose the current lease and suggest that a clause requiring 50% of the courts to remain available for hire in the mornings be inserted into the conditions and that no other activities are to be conducted on the courts apart from tennis.

Regards

Paul d'Alpuget

Sent from my iPhone

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<https://www.mailguard.com.au/mg>

Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 4 July 2024 15:29
To: Records
Subject: objection to Cooper Park tennis court replacement

To whom it concerns,

I hope this message finds you well. I am writing on behalf of the local community to express our strong objection to the proposed takeover of the Cooper Park tennis court.

The Cooper Park tennis court has been a beloved and essential part of our community for many years. It is not just a place for physical activity, but also a vital social hub where residents of all ages come together to connect, engage, and foster a sense of community. The court provides a safe and accessible space for people to enjoy recreational tennis, promoting both physical health and social well-being.

Removing or repurposing this court would significantly impact the community, depriving many residents of an important recreational facility. The court is used regularly by local children, families, and tennis enthusiasts, contributing to the overall vibrancy and health of our community.

We understand that developments and changes are sometimes necessary, but we strongly believe that such actions should not come at the expense of valuable community resources. We urge you to consider the negative impact this takeover would have on the local population and to explore alternative solutions that do not involve the removal of this cherished amenity.

We kindly request you hear our concerns about these development goals.

Thank you for your attention to this important issue. We look forward to your response and hope to work together to find a solution that preserves the Cooper Park tennis court for future generations.

Sincerely,
Greta Auskalynite
Nursing and tennis student

Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 4 July 2024 14:13
To: Zubin Marolia; Records
Cc: Jim Allison
Subject: RE: General manager - submission concerning Tender SC7818

Hi , to whom it may concern, re Cooper Park Tennis .
I have been playing tennis at Cooper Park for many years and a few days ago, I read a sign at Cooper Park Tennis that brought my immediate attention re some future plans for Cooper Park and I assume the new tenants . I thought we had after all the debate and meetings public and other wise that this issue was resolved .As my previous letter to Woollahra council had stressed, that it is difficult enough to book courts at Cooper park at convenient times and that , if the intention is to let the new tenants put in Multi sports or any other sports other than Tennis, then I clearly object . If I have interpreted this the wrong way then I apologise . But there is plenty of space in the park only 20 meters away from the tennis courts for Woollahra council to build a multi sports area and everyone is happy . We have clearly not enough courts in the Eastern Suburbs ..please leave it as Tennis Courts regards Harry Cioppa

Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 4 July 2024 12:45
To: Records
Subject: Urgent Appeal to Preserve Cooper Park Tennis Court

Dear Council,

I am writing to express deep concern regarding the proposed takeover of the Cooper Park tennis court, a decision that would profoundly affect our local community.

The tennis court at Cooper Park has long been a cherished part of our neighborhood, serving as a key gathering place for residents of all ages.

The court's role in fostering community spirit and providing a safe recreational outlet cannot be overstated. For my father, a retiree, the tennis court is particularly significant. It plays a crucial role in his daily life, contributing significantly to his physical and mental health. Regularly playing tennis there helps him stay fit, engaged, and socially connected. Losing this valuable resource would severely impact his well-being, along with that of many others who depend on this court for their health and social interaction.

While we understand that development is often necessary, it is vital to ensure that such projects do not come at the cost of essential community amenities.

We strongly urge you to reconsider the proposed takeover and to look into alternative solutions that can achieve development goals without sacrificing this vital community asset.

We respectfully request a meeting to discuss this issue further and to explore potential alternatives that will allow us to preserve the Cooper Park tennis court.

Thank you for your time and consideration. We hope we can find a solution that respects and maintains the needs of our community.

Warm regards,

Isabelle Wojciechowska

Local resident of 33 years.

Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 4 July 2024 11:44
To: Records
Subject: Cooper Park Tennis courts

To The General Manager

Dear Sir

I would like you reconsider the council's decision to offer the new contract to run the courts to a new tender. In place of strong community oriented current tender, the profit enhancing services offered by the new tender, is a disgraceful a choice.

The NSW minister for local governments would be alarmed by the Woollahra Council blatant disregard for the law and regulations displayed by the selection process.

I object the destruction of the local 100 years tradition .

Regards

Viktor Wlecks

Breda Cosgrove

From: [REDACTED]
Sent: Thursday, 4 July 2024 8:25
To: Records
Subject: Cooper Park tennis courts and their intended use under the proposed lease -
Tender SC7818

To the General Manager.

I refer to the notice at the entrance to the Cooper Park Tennis courts with regard to the new lease agreement, and more specifically to the terms of the permitted use under the proposed lease.

Having read the Notice clarifying Council's position, I suggest to remove any ambiguity as to the permitted use of the tennis courts themselves by adding the following words or similar to relevant sentence highlighted in RED as follows.

"Tennis Court Centre to be used for playing tennis including the operation of a kiosk /café and Tennis Pro Shop. The undertaking of any community related activities in connection with use of the Tennis Court Centre is to take place out-side of the 8 designated tennis courts, which are to be used strictly for playing tennis.

Multi-use sports use of the premises is not permitted"

Yours sincerely,

Nicholas Lucas
Local resident and tennis player at Cooper Park

Breda Cosgrove

From: [REDACTED]
Sent: Tuesday, 2 July 2024 14:16
To: Zubin Marolia; Records
Cc: Jim Allison
Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

Thank you for providing additional clarification regarding the lease and use of the tennis courts and the Kiosk/Café area. It has become evident that there is significant ambiguity surrounding Items 7 and 8. My ongoing concerns regarding the usage scope of the tennis courts underscores the urgent need for revisions to the wording of Item 7 and Item 8.

In order for us to withdraw our objection to the signing of the lease, the Council should amend Item 7 and Item 8(5.3)(b) to allow community-related activities that do not interfere with the primary use of the tennis courts solely for tennis. To maintain clarity and avoid any further back-and-forth, the revised wording should read as follows:

Item 7 Permitted Use of Premises:

The Tennis Court Centre is designated for playing tennis, including the operation of a Kiosk/Café and Tennis Pro Shop, as well as hosting community-related activities within the Kiosk/Café area. However, multi-use sports activities on the tennis courts or community-related activities in the Kiosk/Café area that may interfere with playing tennis on the tennis courts are not permitted.

Item 8 Key Performance Indicators:

.

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

(a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;

(b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of

doubt, the only sports use permitted on the tennis courts is tennis and hosting of community-related activities is only permitted within the Kiosk/Café area. No multi-use sports use of the premises is permitted;

(c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;

..

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

I seek your approval for the aforementioned amendments and appreciate your prompt attention to this matter.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>
Sent: Monday, 1 July 2024 7:33 PM
Cc: Jim Allison <Jim.Allison@woollahra.nsw.gov.au>
Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

As mentioned in my earlier email, the availability of the tennis courts for the community will not be affected because the courts are designated exclusively for tennis and not for multi-sport use. The lease includes the following clauses:

Item 7 Permitted Use of Premises:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted

Item 8 Key Performance Indicators:

(i) Compliance with the requirement to not use or permit the premises to be used for the playing of any sport other than tennis as set out in clause 5.3(g)(viii).

5.3 The Lessee must:

- (a) use the Premises or permit use of the Premises for the purpose specified in Item 7 of the Reference Schedule;*
- (b) use the tennis courts, or permit the tennis courts or any part thereof to be used, only for the purpose specified in Item 7 of the Reference Schedule. For the avoidance of doubt, the only sports use permitted at the premises is tennis. No multi-use sports use of the premises is permitted;*
- (c) comply with all laws and requirements of any relevant authority regulating the Use of the Premises;*

(viii) use or permit the Premises to be used for the playing of any sport other than tennis;

As you can see the lease already has a robust clauses to protect the use of the courts for tennis use only.

Regarding the community's access to the facility, it was the community's desire for the new lessees to foster a sense of community. Therefore, we propose that the other areas of the tennis centre should be open for broader community activities such as social gatherings, trivia nights, ladies' luncheons, Christmas parties, BBQs, men's shed activities, and similar events. We believe this approach will contribute positively to our community goals.

It should be noted that top four ranking tenderers were within \$15k of each other, so rental offering was not too different and indicates that the new operators are not relying solely other sources of income. As we have confirmed to you previously after seeking legal advice, the use of the centre does not contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993. Council has already resolved on this matter.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.



Join millions of people reducing
their plastic waste this July.
Choose to refuse single use plastic.
Visit plasticfreejuly.org

Sent: Monday, 1 July 2024 12:05 AM

To: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>; Records <Records@woollahra.nsw.gov.au>

Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

I appreciate your clarification regarding the interpretation of "... undertaking community-related activities in connection with the use of the [tennis] courts. ..." as outlined in the proposed new lease for the Cooper Park Tennis Centre.

While I acknowledge the new tenant's proposal for programs aimed at children, there remains uncertainty regarding the potential long-term impact of these new programs on the community's access to the tennis courts.

The community has consistently voiced objections to the introduction of sports other than tennis on the courts. This opposition stems not only from the preference for tennis but also from the desire to maintain the Cooper Park Tennis Centre exclusively for tennis activities, in accordance with its current status.

The Council has opted for the highest bidders in the tender process, who require significant financial returns from the business. It is becoming evident that relying solely on tennis may no longer meet the financial aspirations of the new tenant. Consequently, the Council is considering facilitating more lucrative activities on the tennis courts, which contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993.

Unless the Council revises the aforementioned wording in the proposed lease to align with community expectations, objections from the community will persist. Therefore, we strongly urge the Council to refrain from finalising the lease agreement at this time.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>

Sent: Friday, 28 June 2024 10:03 AM

Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

We acknowledge receipt of your email and would like to clarify that the permitted use of the premises under the lease is:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted.

The community related activities in connection with the use of the Courts relates to the tenant's proposed pre-school programme which involves children undertaking activities on the tennis courts where they do not hold a tennis racquet (given their size). It is a pathway program and involves teaching the children various motor skill activities building them up to holding a tennis racquet by the age of 4 years old.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards,



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028

e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

Sent: Thursday, 27 June 2024 1:06 PM

To: Records <Records@woollahra.nsw.gov.au>

Subject: General manager - submission concerning Tender SC7818

Attention: Craig Swift-McNair, General Manager, Woollahra Municipal Council.

Dear Sir,

I am writing in response to a notice posted this week on the fence of the Cooper Park Tennis Centre by the Woollahra Council regarding a proposed lease of community land – Cooper Park, Woollahra ("Notice").

The final paragraph of Schedule 3 in the Notice refers to "... the undertaking of community related activities in connection with the use of the tennis courts".

There has been significant community opposition to any activities on the tennis courts other than tennis itself. The previous Tender SC7193 proposed multi-sport use, Tender SC7818 suggested multi-functional use, and now the Notice mentions community related activities, all implying uses beyond tennis.

During the tender process, the Woollahra Council issued Addendum #01 (see attached) to tenderers clearly stating that no other sports will be permitted on the tennis courts. The broader community has expressed strong objections to any alternative use of the tennis courts in Cooper Park, and the Woollahra Council had pledged in various council meetings to honour this sentiment. I eagerly anticipate the Woollahra Council rescinding any authorisation in the lease that allows for activities other than tennis on the tennis courts because it is still unclear what “community based activities”, if not tennis, actually mean.

I look forward to receiving clarification on this matter.

Yours sincerely,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

Breda Cosgrove

From: Zubin Marolia
Sent: Monday, 1 July 2024 14:54
To: philip sewell
Cc: Jim Allison
Subject: RE: Cooper Park Tennis courts. Tender SC7818

Dear Philip

We acknowledge receipt of your email and would like to clarify that the permitted use of the premises under the lease is:

Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted.

As you will note above, multi-use of the tennis courts is not permitted. The community related activities in connection with the use of the courts relates to the tenant's proposed pre-school programme which involves children undertaking activities on the tennis courts where they do not hold a tennis racquet (given their size). It is a pathway program and involves teaching the children various motor skill activities building them up to holding a tennis racquet by the age of 4 years old.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards,

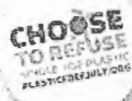


Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Join millions of people reducing their plastic waste this July.

Choose to refuse single use plastic. Visit plasticfreejuly.org

Sent: Monday, 1 July 2024 2:12 PM
To: Records <Records@woollahra.nsw.gov.au>
Subject: Cooper Park Tennis courts. Tender SC7818

To the Woollahra Council General Manager,

I see that you have posted a notice at the Cooper Park tennis courts which (in schedule 3) make reference to "community related activities in connection with the use of the tennis courts"

This appear to be in direct violation of the original tender agreement following community consultation that stated that the tennis courts could be used only for the purpose of tennis.

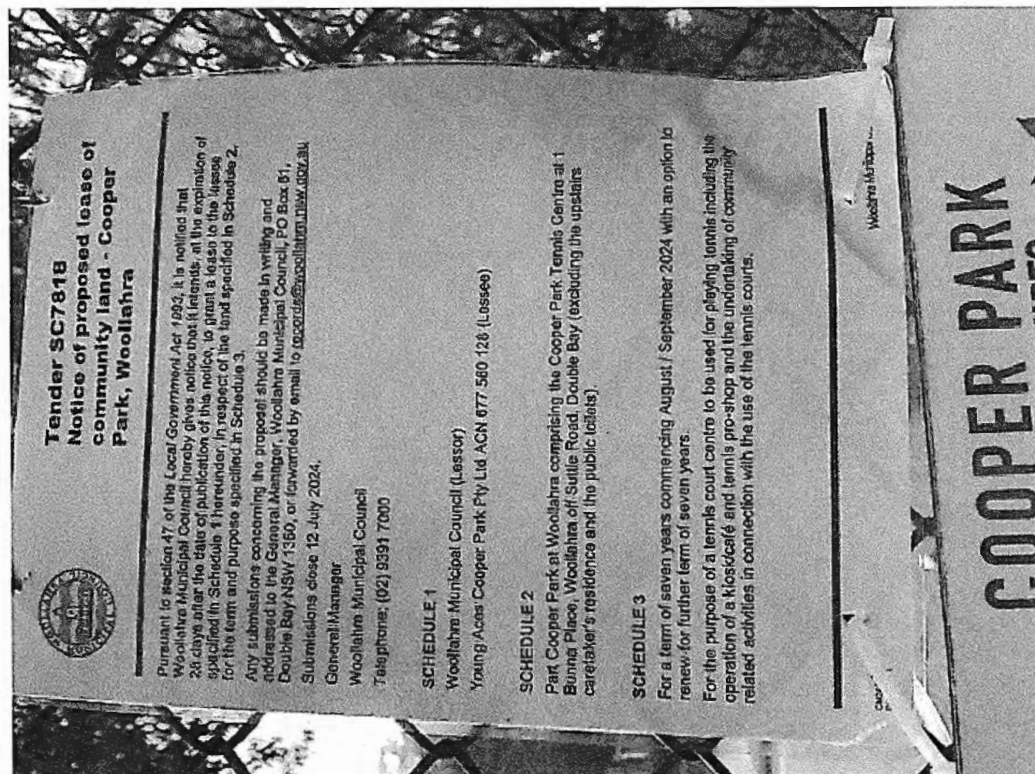
You have also in the past posted a notice which referred to multi sports activities which you later amended.

In order to avoid any further confusion, please could you amend Schedule 3 of the notice to make it compliant with the agreed tender, namely that the tennis courts will be used only for tennis and no other activity, and please could you post the revised notice.

Thank you

Best regards

Philip Sewell



Breda Cosgrove

From: [REDACTED]
Sent: Monday, 1 July 2024 14:12
To: Records
Subject: Cooper Park Tennis courts. Tender SC7818

To the Woollahra Council General Manager,

I see that you have posted a notice at the Cooper Park tennis courts which (in schedule 3) make reference to "community related activities in connection with the use of the tennis courts"

This appear to be in direct violation of the original tender agreement following community consultation that stated that the tennis courts could be used only for the purpose of tennis.

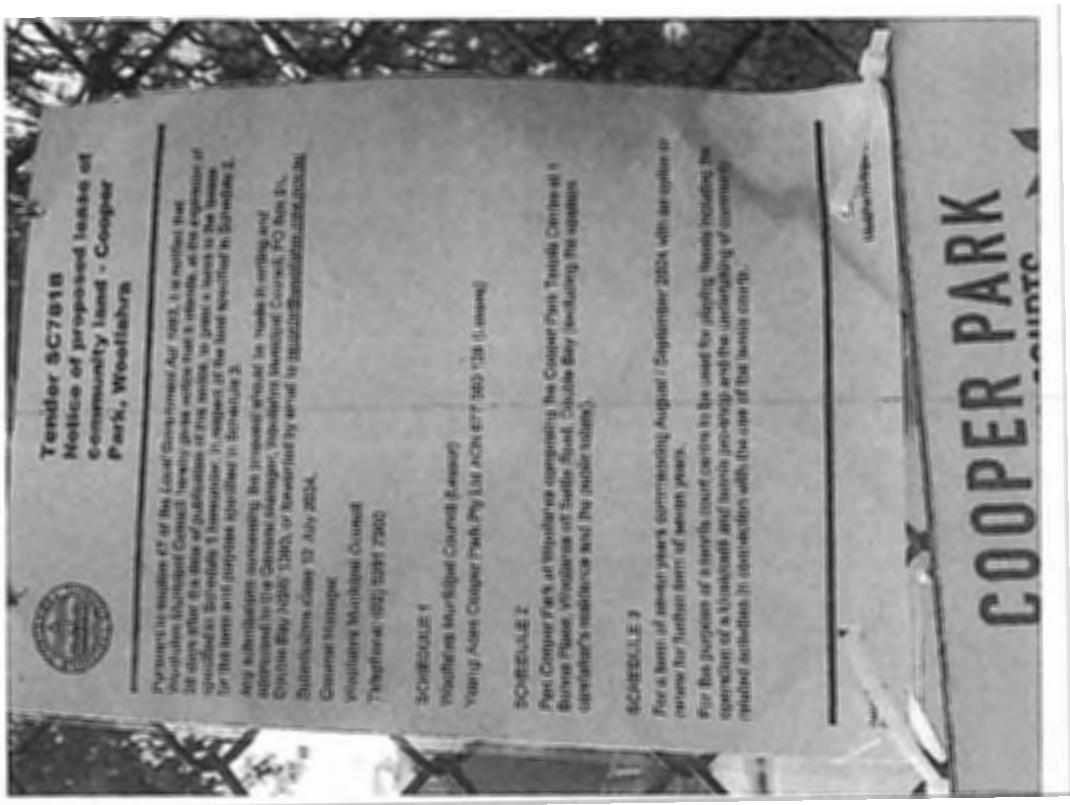
You have also in the past posted a notice which referred to multi sports activities which you later amended.

In order to avoid any further confusion, please could you amend Schedule 3 of the notice to make it compliant with the agreed tender, namely that the tennis courts will be used only for tennis and no other activity, and please could you post the revised notice.

Thank you

Best regards

Philip Sewell
[REDACTED]



Breda Cosgrove

From: [REDACTED]
Sent: Monday, 1 July 2024 0:05
To: Zubin Marolia; Records
Subject: RE: General manager - submission concerning Tender SC7818

Dear Zubin,

I appreciate your clarification regarding the interpretation of "... undertaking community-related activities in connection with the use of the [tennis] courts. ..." as outlined in the proposed new lease for the Cooper Park Tennis Centre.

While I acknowledge the new tenant's proposal for programs aimed at children, there remains uncertainty regarding the potential long-term impact of these new programs on the community's access to the tennis courts.

The community has consistently voiced objections to the introduction of sports other than tennis on the courts. This opposition stems not only from the preference for tennis but also from the desire to maintain the Cooper Park Tennis Centre exclusively for tennis activities, in accordance with its current status.

The Council has opted for the highest bidders in the tender process, who require significant financial returns from the business. It is becoming evident that relying solely on tennis may no longer meet the financial aspirations of the new tenant. Consequently, the Council is considering facilitating more lucrative activities on the tennis courts, which contradict the provisions of the Cooper Park Plan of Management 2001 and the Local Government Act 1993.

Unless the Council revises the aforementioned wording in the proposed lease to align with community expectations, objections from the community will persist. Therefore, we strongly urge the Council to refrain from finalising the lease agreement at this time.

Best regards,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

From: Zubin Marolia <Zubin.Marolia@woollahra.nsw.gov.au>
Sent: Friday, 28 June 2024 10:03 AM
[REDACTED]
Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

We acknowledge receipt of your email and would like to clarify that the permitted use of the premises under the lease is:

*Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts.
Multi-use sports use of the premises is not permitted.*

The community related activities in connection with the use of the Courts relates to the tenant's proposed pre-school programme which involves children undertaking activities on the tennis courts where they do not hold a tennis racquet (given their size). It is a pathway program and involves teaching the children various motor skill activities building them up to holding a tennis racquet by the age of 4 years old.

Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards,



Zubin Marolia
Manager Property and Projects

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028

e: zubin.marolia@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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Sent: Thursday, 27 June 2024 1:06 PM

To: Records <Records@woollahra.nsw.gov.au>

Subject: General manager - submission concerning Tender SC7818

Attention: Craig Swift-McNair, General Manager, Woollahra Municipal Council.

Dear Sir,

I am writing in response to a notice posted this week on the fence of the Cooper Park Tennis Centre by the Woollahra Council regarding a proposed lease of community land – Cooper Park, Woollahra ("Notice").

The final paragraph of Schedule 3 in the Notice refers to "... the undertaking of community related activities in connection with the use of the tennis courts".

There has been significant community opposition to any activities on the tennis courts other than tennis itself. The previous Tender SC7193 proposed multi-sport use, Tender SC7818 suggested multi-functional use, and now the Notice mentions community related activities, all implying uses beyond tennis.

During the tender process, the Woollahra Council issued Addendum #01 (see attached) to tenderers clearly stating that no other sports will be permitted on the tennis courts. The broader community has expressed strong objections to any alternative use of the tennis courts in Cooper Park, and the Woollahra Council had pledged in various council meetings to honour this sentiment. I eagerly anticipate the Woollahra Council rescinding any authorisation in the lease that allows for activities other than tennis on the tennis courts because it is still unclear what "community based activities", if not tennis, actually mean.

I look forward to receiving clarification on this matter.

Yours sincerely,

Doron Argaman

Breda Cosgrove

From: Zubin Marolia
Sent: Friday, 28 June 2024 10:03
To: [REDACTED]
Subject: RE: General manager - submission concerning Tender SC7818

Dear Doron,

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Council trusts that this addresses your query and that you will now withdraw the objection you have raised to the proposed lease.

Regards,



Zubin Marolia
Manager Property and Projects

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536 New South Head Road, Double Bay NSW 2028

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We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

[REDACTED]
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During the tender process, the Woollahra Council issued Addendum #01 (see attached) to tenderers clearly stating that no other sports will be permitted on the tennis courts. The broader community has expressed strong objections to any alternative use of the tennis courts in Cooper Park, and the Woollahra Council had pledged in various council meetings to honour this sentiment. I eagerly anticipate the Woollahra Council rescinding any authorisation in the lease that allows for activities other than tennis on the tennis courts because it is still unclear what "community based activities", if not tennis, actually mean.

I look forward to receiving clarification on this matter.

Yours sincerely,

Doron Argaman

Copy: The Community via BCC emails

Submissions close: 12 July, 2024.

Annexure 3



Tender SC7818

Further clarification of proposed lease of community land - Cooper Park, Woollahra

The Council has received inquiries seeking clarification regarding the use of the tennis courts. The Council confirms that the tennis courts are to be used for the playing of tennis and multi-sport use is not permitted on the courts. The permitted use of the Centre states as follows:

“Tennis Court Centre to be used for playing tennis including operation of a Kiosk/Café and Tennis Pro Shop and the undertaking of community related activities in connection with use of the Courts. Multi-use sports use of the premises is not permitted.”

The use of the tennis centre building to engender a sense of community to broadening the community engagement with the Centre is encouraged. Initiatives such as social evenings, trivia nights, ladies lunches, Christmas socials, BBQ's, men's shed and the like are supported by Council. We believe this will deliver a genuine community engagement outcome.



Dear General Manager and Councillors,

We are writing to you in our capacity as directors of Young Aces Tennis, the proposed lessees of Cooper Park Tennis Centre at 1 Bunna Place, Woollahra, New South Wales.

We have been advised by Woollahra Council that they have received a handful of objections to the proposed lease for Cooper Park following the 30-day public notice period. Although we haven't been provided with a copy of these objections, we understand that certain members of the community are concerned about our intended use of the tennis centre. We are writing to you to address those concerns.

Our intended use of the centre was made very clear in our comprehensive tender, which Woollahra Council carefully reviewed and scrutinised before finally selecting Young Aces as the preferred tenderer from various other applicants.

As business partners, we have vast experience in the management and operation of tennis centres and restaurants in Sydney, with a combined 70 years in these respective industries.

Our entire ethos and passion revolves around engendering a sense of community and involving and collaborating with all members of the community regardless of age, ability or background. We have successfully achieved this at our other respective venues where we have dedicated our time to understanding and prioritising the needs of the community.

On the tennis side, we intend to maintain the status quo at Cooper Park, namely, retaining permanent court bookings and current social tennis competitions. We have already had very positive conversations with existing members at the centre and have assured them that we will continue their current arrangements. We are also passionate about introducing preschool classes throughout the daytime and junior and adult tennis coaching in the afternoons and evening. We will be running more social competitions, open days, fundraisers, parent / child tournaments, birthday parties and corporate events; all intended to increase socialisation, wellbeing and cohesion. The needs of the community and ensuring a smooth transition from the incumbent to Young Aces, by engaging with current Cooper Park players and the broader community, is at the core of how we intend to run a successful business. We reiterate that we have no intention of offering multi sports such as basketball, padel, pickle ball and so on at the

centre. The requirement to offer multi sports was removed from council's RFT due to community feedback and is strictly prohibited under the proposed lease between council and Young Aces.

On the cafe side, we intend to introduce a full-fledged cafe and bistro for breakfast, lunch and dinner. We believe this will become a meeting place for mothers groups, older members of the community as well as children and their families before and after coaching. We intend to run various social events to further foster our inclusive community ethos.

We are incredibly excited to continue the good work of the incumbent whilst also enhancing the potential of this unique and special venue that is beloved by our Woollahra community.

If you have any questions please do not hesitate to get in touch with Will Skeggs at any time on 0423 391 962 or email will@youngaces.com.au.

Kind regards,
Will Skeggs
Brian Gaitz
Giancarlo Bazzocchi

Dated : 17 July 2024

15. Councillor Reports/Councillor Updates (Section 8.4)

Note: Councillor Reports/Councillor Updates are to be confined to condolences, congratulations, presentations and matters ruled by the Chair to be of extreme urgency (in accordance with Section 8.4 of Council's Code of Meeting Practice).

16. Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - BOATS, TRAILERS AND ADVERTISING
From: Councillors Sarah Swan, Mary-Lou Jarvis and Susan Wynne
Date: 09 July 2024
File No: 24/119773

Recommendation:

THAT Council staff prepare a report to be tabled at the Traffic Committee and referred to the Finance, Community & Services Committee with a view to:

- A. Reduce the number of boats and trailers parked in our LGA and in particular in Cooper Ward and Vacluse Ward;
- B. Consider whether and where “No parking, motorised vehicles excepted” signage can be implemented across the whole LGA; and
- C. Review, and if possible, truncate, the process followed arising from long term parking of boats, trailers and advertising and the impact on amenity;
- D. Note that the State Government reviewed this issue for New South Head Road Vacluse however no change occurred despite the further increase in boats and trailers;
- E. Request the Mayor write to the relevant Ministers and the Member for Vacluse and Member for Sydney seeking their support to implement restrictions on State Roads where required.

Item No: 16.2
Subject: **NOTICE OF MOTION - MOORE PARK GOLF COURSE**
From: Councillors Richard Shields, Sean Carmichael, Sarah Swan, Susan Wynne, Peter Cavanagh, Mark Silcocks, Merrill Witt, Lucinda Regan, Mary-Lou Jarvis and Toni Zeltzer
Date: 11 July 2024
File No: 24/121331

Recommendation:

THAT Council:

- A. Notes recent representations made to Woollahra Council by representatives of the Moore Park Golf Club regarding the NSW Government proposal to reduce the Moore Park Golf Course from 18 holes to 9 holes.
- B. Notes in particular the following information provided by the Club;
 - Of the more than 500,000 visits to the Moore Park Golf facilities each year, 82 percent are by people who live within 10kms.
 - Around 10% of users of the Moore Park facilities reside in the Woollahra LGA.
 - A petition to retain the 18 hole course has been signed by 27,000 individuals, 2430 of whom live in the Woollahra LGA.
- C. That the Mayor writes to NSW Premier Chris Minns and Paul Scully M.P., Minister for Planning and Public Spaces, requesting urgent re-consideration of the proposal to reduce the Moore Park Public Golf Course from 18 holes to 9 holes.

Background

In October 2023, NSW Premier Chris Minns announced a proposal to reduce the Moore Park Golf Course by 50% with plans to repurpose around 20 hectares of the 45-hectare golf course into a park. The proposal will result in the course being reduced from an 18 hole course to a 9 hole course.

The current agreement between the managers of the course and the NSW government is set to expire in June 2026, after which the reduction of the course is proposed to occur. This matter is therefore urgent and of critical importance to the Woollahra community.

At a presentation to Council at the meeting of 8 July and in correspondence with Mayor Shields, representatives of the Golf Course have made the following important observations;

- A. More than 3.5 million Australians hit a golf ball in 2023, across all its formats and by people of all abilities and ages, a uniqueness as a sport that stretches across the lifespan. 1.15 million of those people are located in NSW, the highest participation State in the country.
- B. By mid-2024, golf will become the most-played organised sport in Australia, surpassing soccer. Public golf courses like Moore Park are critical to meeting this growing demand.
- C. There is currently more demand for golf in Sydney than there is supply of accessible golf facilities. With excess demand and even less supply, families, older people, kids, and those without the means to afford private golf will be greatly impacted by the Government's current proposal.

- D. Moore Park is more than just a golf course; it is a community treasure. The course has welcomed Sydney residents since 1913, providing affordable and accessible golf for all the community.
- E. Of the more than 500,000 visits to the Moore Park Golf facilities each year, 82 percent are by people who live within 10kms.
- F. Around 10% of users of the Moore Park facilities reside in the Woollahra LGA.
- G. Over \$15 million in revenue is reported from Moore Park golf activities. These revenues support the maintenance and upkeep of Centennial Parklands, which are the lungs of our city and essential to the well-being of Woollahra residents.
- H. More than 100,000 rounds of golf are projected for 2024 – with 18-hole rounds accounting for 80% of recorded rounds. Moore Park is currently operating at full capacity.
- I. A petition to retain the 18 hole course has been signed by 27,000 individuals. 2430 of the signatories reside in Woollahra Council.
- J. 75% of course usage is by the general public, mostly the local community, those learning the game, business people who are not members of courses or looking for a course near the CBD, and tourists and visitors to Sydney due to its accessibility and central location. 25% of course usage is by Moore Park Golf Club members and affiliates of the Club.
- K. Moore Park is home to the Sydney Golf Academy's 27,418 students (2022/23) representing a 78% increase from 2019. Women's enrolments are 74% higher than in 2019.
- L. Economically, there are \$6.2 million in benefits provided to players, businesses, industry workers, and an additional \$105,000 in avoided health system costs annually (for those who are inactive without golf).
- M. Socially, there is a total of \$5.6 million in benefits, with Moore Park Golf Course round golfers deriving a physical health benefit of around \$902,000 and mental health benefit of \$936,000 per year. Round playing golfers live on average 5 years longer and are 7.1% happier than non-golfers. Moore Park Golf Course also provides a wider amenity benefit of \$3.7 million in breaking up the urban environment.
- N. Environmentally, the total benefits generated by Moore Park Golf Course is \$3.0 million per year. Moore Park South is part of an already extensive network of open space that together contributes a multitude of green
- O. The Moore Park Golf Club has developed an alternative landscape plan for the site which maintains the existing 18 hole course while providing 15 hectares of publicly accessible pathways and recreation facilities.

The Moore Park Golf Course is a critical and essential recreational facility which serves the whole of Sydney but particularly the eastern suburbs. Reduction of the course from 18 holes to 9 holes will profoundly impact playing opportunities at a time when the sport of golf is booming and the course is already operating at capacity.

Any perceived benefit from the reduction of the course will flow only to residents of neighbouring suburbs, potentially to the detriment of the residents of the eastern suburbs.

Of particular concern is the potential loss of revenue which will impact the upkeep of Centennial Parklands, which are the most important public open spaces serving the Woollahra community.

On behalf of the Woollahra community, Woollahra Council should oppose this unnecessary and detrimental proposal.

Item No: 16.3
Subject: **NOTICE OF MOTION - 40KM WOOLLAHRA**
From: Councillors Nicola Grieve, Sarah Swan and Luise Elsing
Date: 15 July 2024
File No: 24/124106

Recommendation:

THAT Council:

- A. Notes the report on the Queen Street, Woollahra 40km/h High Pedestrian Activity Area which was tabled at the Woollahra Local Traffic Committee meeting of 2 July 2024.
- B. Notes that the QSWWA have regularly requested a 40km zone, most recently at the Cooper Ward Meeting on 18 June 2024.
- C. Requests staff to prepare a report outlining the process required to implement a 40km/h speed limit for all non-arterial roads in the suburb of Woollahra.

Background

Paddington streets have had a standard 40km/h or less for more than a decade, making it a safer more pleasant suburb for residents, pedestrians, businesses, cyclists and cars. The neighboring suburb of Woollahra, which has a similar street typology and traffic profile would similarly benefit from the implementation of a standard 40km/h speed limit on non-arterial roads.

Item No: 16.4
Subject: **NOTICE OF MOTION - INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE (IHRA) WORKING DEFINITION OF ANTISEMITISM**
From: Councillors Isabelle Shapiro, Sean Carmichael and Richard Shields
Date: 16 July 2024
File No: 24/124769

Recommendation:

THAT Council:

Endorses and formally adopts in full the International Holocaust Remembrance Alliance (IHRA) working definition of Antisemitism including each of its examples of contemporary antisemitism (all as contained in the background provided with this Notice of Motion) as an important tool in identifying and combating manifestations of antisemitism.

Background

The International Holocaust Remembrance Alliance (IHRA)

The International Holocaust Remembrance Alliance (IHRA) was formed in 1998. Today its membership consists of 35 member countries, including Australia, each of whom recognises that international political coordination is imperative to strengthen the moral commitment of societies and to combat growing Holocaust denial and distortion, and antisemitism.

The Australian Government adopted the IHRA definition in 2021 with bipartisan support. In addition, States of New South Wales and Victoria, and local Councils of Waverley and Glen Eira, have also adopted the IHRA definition.

The IHRA Working Definition of Antisemitism

In order to begin to address the problem of antisemitism, IHRA experts determined that there must be clarity about what antisemitism is.

The IHRA working definition of antisemitism begins as follows:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities".

The IHRA definition is followed by contemporary examples that serve as illustrations of antisemitic behaviour, as follows:

"Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- *Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion*
- *Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions*
- *Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews*
- *Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust)*
- *Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust*
- *Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations*
- *Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour*
- *Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation*
- *Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis*
- *Drawing comparisons of contemporary Israeli policy to that of the Nazis*
- *Holding Jews collectively responsible for actions of the state of Israel.*

These examples are not intended to be exhaustive.

Why a Working Definition of Antisemitism was felt to be necessary

“Without detracting from the need to address other forms of racism and bigotry, it is the singularity of antisemitism, due to its longevity and demonstrated capacity to mutate from religious to racial to political forms, culminating in genocide, which warrants particular attention and remedies. Defining it is the necessary starting point”. (ECAJ 11/08/2021)

What the effect is of adopting the definition

Although the definition is “non-legally binding” it provides a guideline and a tool to assess whether or not an act or a statement can reasonably be regarded as antisemitic.

“In September 2019 the United Nations Special Rapporteur on Freedom of Religion or Belief published a report entitled ‘The UN Report on Combatting Antisemitism to Eliminate Discrimination and Intolerance Based on Religion or Belief’ (A/74/358). The report “recognises that the IHRA Working Definition of Antisemitism can offer valuable guidance for identifying antisemitism in its various forms, and therefore encourages States to adopt it for use in education, awareness-raising and for monitoring and responding to manifestations of antisemitism”. (ECAJ 11/08/21)

Antisemitism today

There has been great upsurge in antisemitism in Australia, up by over 730% over the previous year ([ECAJ 15/12/2023](#)). This means the need for a working definition of antisemitism is more important and more relevant than ever.

As a representative body which prides itself on standing up against all forms of racism, and as part of our broader work towards building a more socially cohesive society, it is vital that Council adopts the IHRA definition of antisemitism.

The Executive Council of Australian Jewry (ECAJ) prepared a paper making a case for Australia to adopt the IHRA definition which was used in the preparation of this motion.

This paper can be found at the following website link:

<https://www.ecaj.org.au/wordpress/wp-content/uploads/Case-for-adoption-of-IHRA-WDAS-11-August-2021-web.pdf>

17. Questions With Notice

Recommendation:

THAT the Questions with Notice be received and noted.

Background:

A Councillor may, by way of notice, ask a question for response by the General Manager or their nominee, in accordance with Council's adopted Code of Meeting Practice. Where a response, or an update will be provided at the Council Meeting, a response of 'On Notice' is listed in the Council Agenda.

The following Questions with Notice for the Council Meeting on 22 July 2024 have been received.

QWN: 17.1
From: Councillor Grieve
Subject: Questions with Notice - Dog On/Off Leash Plan of Management

Councillors Grieve & Robertson asking:

Could I please have an update on the status of the Plans of Management with the updated regulations for dog on/off leash.

Manager Open Space & Trees in response:

The review of dog regulations in parks and beaches has been undertaken, including community consultation. Through the exhibition process, Council staff received advice of the requirement to undertake a Review of Environmental Factors (REF) for any change of use to open space. Staff are currently investigating what options are available to progress the changes and what will be required (funding and resources).

At a minimum, an environmental assessment for 8 parks and/or beaches which have environmental sensitivities will be required, which will feed into individual REF's. A further 11 REF's are being developed for those parks that do not have environmental sensitivities. A report will be presented to the relevant Committee in Q2 FY24/25.

QWN: 17.2
From: Councillor Jarvis
Subject: Questions with Notice - Celebrating Spring in our Streets

Councillor Jarvis asking:

Noting spring is around the corner what steps can the Council take to brighten up our streets with spring foliage?

How might we encourage/permit businesses with shop fronts in our local centres to brighten up their street by including flowers or greenery next to their fronts, whether this be a display of temporary pot plants or hanging baskets?

London streets do this well in Spring.

By way of example the photos below from Ladbroke Grove in London from last year showing flowers and greenery.



Ladbroke Grove



These are residential examples - the first around Brompton area near the V&A museum



One the way to the Wallace collection

Manager Strategic Planning & Place in response:

From a place making perspective, we support road and footway diversification, interest and incremental urban greening. However, currently certain works (not carried out on behalf of Council) would require a development application (DA), including approval under the Local Government Act.

Council staff are currently in the process of preparing a local approvals policy which could facilitate the type of hanging basket and urban greening identified in this question (without the need for a DA). It would also address and include A frame signs and banner flags.

We are working towards presenting this policy to a meeting of Council by the end of this calendar year.

