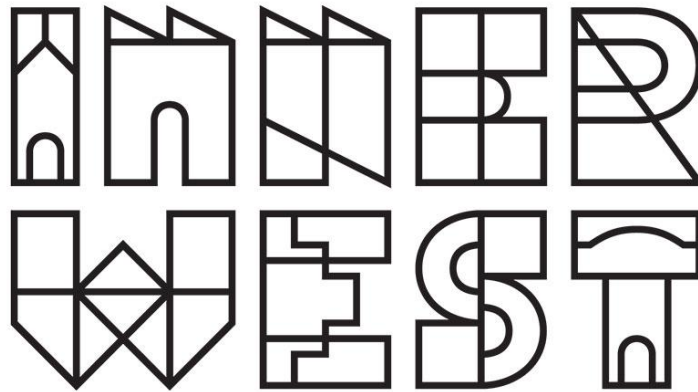


# SUPPLEMENTARY AGENDA 1

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Distributed on 19 August 2021



**COUNCIL MEETING**

**TUESDAY 24 AUGUST 2021**

**6.30pm**

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Location: Remote Meeting

## MEETING AGENDA – PRECIS SUPPLEMENTARY ITEMS

The following report appear as late item as information required for the preparation of the report was not available at the time of distribution of the Business Paper.

### **1 Reports with Confidential Information**

Reports appearing in this section of the Business Paper are confidential in their entirety or contain confidential information in attachments.

The confidential information has been circulated separately.

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**Item No:** C0821(4) Item 27  
**Subject:** MARRICKVILLE GOLF COURSE LEASE  
**Prepared By:** Con Vafeas - Strategic Investments and Property Manager  
**Authorised By:** Peter Livanes - Acting Director Corporate

Item 27

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**RECOMMENDATION**

**THAT:**

1. Council note the resolution of 22 September 2020 providing in principle support to enter into a 21 year lease with Marrickville Golf, Sporting and Community Club Limited;
2. Council note the objections received in respect of the proposed lease and endorse the position in response to those objections set out in this report;
3. Subject to Council adopting the Marrickville Parklands and Golf Course Plan of Management, Council apply to the Minister for Local Government in accordance with Sections 47(5) – (9) of the Local Government Act 1993 for consent to grant the proposed lease referred to in item 4 of this recommendation, noting the objections received to the lease; and
4. Subject to the consent of the Minister for Local Government, Council enter into a lease as Crown Land Manager of Riverside Park Reserve R.83765 and owner of land parcels forming part of the golf course at Wharf St Marrickville for a term of 21 years and authority be delegated to Council’s General Manager to negotiate, execute and administer the lease contained in Confidential Attachment 1.

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This report replaces the existing Council report C0821(4) Item 26 on the agenda of the Ordinary Council Meeting of 24 August 2021.

This report now provides the outcomes of the public notification period and the resulting process for Council to follow in accordance with the Local Government Act.

**BACKGROUND**

On 22 September 2020, Council resolved to maintain an 18-hole golf course and renew the Marrickville Golf Club lease with in principle support for a further 21-year lease term, as follows:

*THAT:*

1. *Council maintains an 18-hole golf course and revise the Draft Plan of Management accordingly prior to referring its Crown land components (generally the area described as Riverside Park) to the Minister for Water, Housing and Property for owners consent;*
2. *The revised Plan of Management highlight the environment, safety and community benefits that can be achieved while maintaining an 18-hole golf course;*
3. *Council commits to working with the Marrickville Golf, Sporting and Community Club on grant opportunities which will assist the club with environmentally sustainable water supply for greens and fairway watering;*

4. Council notes that on receipt of owner's consent by the Minister the Draft Plan will be exhibited for 28 days and brought back to Council for adoption;
5. Council investigates the potential benefits of a bridge to Gough Whitlam Park;
6. Council gives in principle support for a 21-year lease; and
7. Council to conduct a safety audit as part of the Plan of Management of the public walking paths through the golf course to determine if safety treatments are needed.

## DISCUSSION

Marrickville Golf, Sporting and Community Club has been in existence for 80 years. The lease between Inner West Council and Marrickville Golf, Sporting and Community Club Limited has expired and is currently in hold over.

Council engaged the services of an independent property valuer to ascertain an annual market rent for the golf course. The valuer used amongst other methods comparable rents from other Sydney Golf Courses

Council officers have now proposed terms (Attachment 2) to Marrickville Golf, Sporting and Community Club Limited for a new 21-year lease of the 18 golf greens, the pro shop and other buildings for the for the purpose of a golf course in accordance with the final draft plan of management and Council resolution as printed above.

The Club have agreed to these terms which can be read in more detail in the attached Heads of Agreement, Lease of Marrickville Golf Course (Attachment 1).

In negotiations of the lease terms, the Golf Club applied for an Accommodation Grant as outlined in Inner West Councils Land and Property Policy. The Policy sets out criteria for non-commercial sporting and community organisations to receive a discounted rent the percentage of which reflects community benefit, alignment with Council's priorities and the Lease applicant's capacity to pay.

An accommodation grant of 50% of the market rent is proposed based on the lessee providing the following:

- Access to the golf course to members of the public for the purposes of passive recreation and on leash dog walking in accordance with the PoM
- Access to Council staff, contractors and volunteers for the purpose of carrying out vegetation restoration so as to improve the urban ecology in accordance with the PoM
- Annual NAIDOC golf days
- Gold scholarship for your women (age 7 – 14) and mentoring programs
- Charity fundraising.

The grant will be detailed in the final lease and services provided will be annexed to the lease as a condition of the grant in the form of a service level agreement (SLA). This ensures that the occupation continues to be in the interests of the public and will include requirements of annual reporting and specific key performance indicators. To be eligible for the accommodation grant, the Marrickville Golf, Sporting and Community Club Limited will need to fully comply with the requirements of the SLA.

## COMMUNITY CONSULTATION

The lease proposal was publicly notified for a period of 28 days in accordance with Section 47 of the Local Government Act 1993.

The public notification included a notice on Council website, notice letters to surrounding property owners and notice signs at Marrickville Golf Club seeking public submissions. The submission period commenced on 9 July 2021 and concluded on 12 August 2021.

The following is an overview of submissions by themes showing submissions in support of the lease.

Summary of submissions by theme in support of the lease	Submission Excerpts
<p>Highlighting the harmony, inclusiveness and friendliness displayed by the community at the shared public open space</p>	<p><i>While no member of our family play golf, we enjoy walking around this open space several times a week and believe that this is a unique facility that can be enjoyed by residents of the inner west and neighboring LGAs.</i></p> <p><i>I have found the club to be one of the friendliest clubs I have played at. Walkers, runners, dogs and cyclists are all welcome and we share the space with respect to each other's activities.</i></p> <p><i>We don't play golf, but we like the golf course as a pleasant and peaceful open space.</i></p> <p><i>The golf club/course provides so much to the community including wanderers, fishers, dog walkers, al fresco picnic – ers, as well as golfers. And for the most part, we all get along very well in friendly acknowledgment.</i></p> <p><i>On our daily rides or walks, my wife and I cross the Golf grounds and note the great harmonious atmosphere between players, cyclists and walkers.</i></p> <p><i>As residents of the Inner west for over 20 years we believe the golf course is a inclusive part of our community and have seen increased activity at the course with both players and members of the community walking and using the facilities of the club house</i></p> <p><i>I have lived here for almost 10 years now, and even though I am not a keen golfer, I love having the golf course</i></p> <p><i>It would be a shame to see this institution not existing, we need community minded, inclusive clubs like Marrickville Golf Club. That's what the inner west is all about.</i></p> <p><i>I want to draw attention to the outstanding record of community building, companionship and care for the lands that this club has developed over its history. For all of the friendships, events, and care over the land and waters that this club is famous for, we must recognise that the central activity bringing all of this together is the sport of golf. The 18 hole course is the distinctive centre-piece of this critical asset in our community's social capital.</i></p>
<p>Signed petition of 225 names support the 18 hole golf with a 21 year lease</p>	<p><i>We the undersigned support the recommendations for Marrickville Parklands contained in the Draft Plan of Management currently before Inner West Council regarding an 18-hole golf course with a 21-year lease.</i></p>

<p>Proposed tenure of the lease</p>	<p><i>After a lifetime of getting by on a short term lease a long-term lease will enable the club to invest in much needed improvements to the course and amenities with the certainty that such investment requires.</i></p> <p><i>It would provide an opportunity for long term planning and improvement to the course and facilities.</i></p> <p><i>Thank you for the opportunity to support and lobby for the Plan and 21 years.</i></p> <p><i>A new lease would provide certainly for the club in its endeavours to be a great and well utilised community hub for all members of the community</i></p> <p><i>Marrickville Golf Club is a terrific LGA asset and has been for over 80 years. Please approve the Plan of Management for Marrickville Parklands including an 18-hole Golf Course with a 21-year lease.</i></p> <p><i>Please extend the lease for 21 years. We love the course and as for being hit by golf balls, I am more likely to be hit by a speeding cyclist on the Cooks river and I have been.</i></p>
<p>Health benefits including the social aspects</p>	<p><i>I think the golf course and its integration with the community walks should be enhanced as much as possible as it is a vital addition to the health and wellbeing of the community.</i></p> <p><i>I would like to show my strong support for the 21-year lease to the MGC. MGC has been an absolutely god send, particularly for mature age health and well-being, and one of the very few cross generational and gender competitive physical sports able to be played for a lifetime. The Pandemic has shown the importance of golf to a community, and the MGC, located in the Inner West, has provided not only for Golfers but their families and pets.</i></p> <p><i>Hopefully it's there as the same golf course for another 40 years or at least until I'm no longer around to enjoy it as the same golf course I've always known. It's definitely a special part of Marrickville that's beneficial for anyone to de-stress, relax and clear the mind, whether they play golf or not.</i></p> <p><i>It is great to see the council considering a 21-year lease to Marrickville golf community club I have lived in this council area all my life I am 64 and have been a member of the golf club for 10 years as I am getting close to my retirement it is nice to know I will have a golf course to play in our community I hope you approve the lease</i></p>
<p>As an 18 hole course (over the alternate proposal of 9 holes)</p>	<p><i>As a resident of Marrickville and a dog walker of 7 years mostly along the banks of the cook river and pathways along the golf course I am pretty upset at the continued attempts to take half the golf course away! I love how it coexists with both golfers and public,</i></p> <p><i>I support a 21-year lease (hopefully with no chance of the club</i></p>

	<p><i>being deprived of any usage of the 18 holes). this course provides much more to the local community than just its physical presence, the social and natural outlets provided go much further and benefit us all, long may this persist.</i></p> <p><i>On behalf of my family, I am writing to you to advise that we all wish you to renew a 21 year lease with Marrickville Golf Club. We oppose ALL sanctions being sought to be imposed.</i></p> <p><i>18 holes are vital for the course to be viable and the length of the current fairways, already short by industry standards, not be compromised.</i></p>
<p>Current management arrangement</p>	<p><i>The area under consideration has been managed jointly by the Club and Council for many years now and has become a perfect model of what a community facility can be. The extent to which the area meets the recreational needs of the broadest section of the inner west community is exemplary.</i></p> <p><i>Membership of the club is at a record high as is the daily usage by community members in general. Clearly a large number of our residents find this a facility which is inviting and indeed essential to fulfilling their recreational needs.</i></p> <p><i>give them the lease Let them spend money on it People need golf</i></p> <p><i>This matter has been thoroughly discussed by the community over the past couple of years resulting in the Approval of Council in September 2020 to enter into a 21 year Lease for the Golf Course. It will be able to give the Club certainty for the future and continue to be a major contributor and employer to the Community.</i></p>

The following is an overview of submission themes by way of objection to the lease and Council's response.

<b>Summary of submissions by theme by way of objection</b>	<b>Council Response</b>
<p>Concerns over the length of the proposed lease</p>	<p>Council sought independent market evidence showing similar golf courses in Sydney have leases of between 10 and 50+ years.</p> <p>A 21-year lease is supported by the Plan of Management and Council Resolution and is permitted under the Local Government Act.</p>
<p>The course is under utilised / not inclusive which can be addressed by reducing the course from 18 to 9 holes</p>	<p>The Marrickville Golf course is a shared public facility which in addition to golf allows public recreation access in the form of pedestrians, dog walkers and bike riders.</p> <p>The Marrickville Golf Club have 1000 members and in addition provide access for casual play for non-members.</p> <p>The Plan of Management and Council Resolution supports an 18-hole golf course.</p>



	<p>The proposed lease will include a service level agreement which ensures inclusiveness and provide for programs such as: junior female golf scholarships and mentoring programs, as well as a annual NAIDOC week golf day.</p> <p>The proposed lease and service level agreement will stipulate public access must be permitted and can be enforced by Council.</p>
<p>Concerns over the safety of the general public</p>	<p>Council resolved at the September ordinary meeting to carry out a Safety Audit of the golf course which will review pedestrian paths, signage and fencing requirements to reduce hazards to the golfers and the general public.</p> <p>A new lease will stipulate the Clubs commitment to WHS, a process for Public Liability Claims by the public and a Risk Management Plan, which will include a method for recording near misses and safety incidents.</p> <p>The Golf Club recognises the need to improve signage to highlight the responsibilities of golfers and the general public.</p>
<p>The Golf Course should be replaced by open space for public recreation, sporting fields or ecological areas, tree planting; to help address, amongst other things, Global Warming and the shortage of open space in the Inner West LGA</p>	<p>The proposed lease provides access for ecology groups, including Council Staff and Landcare to designated areas of the golf course for tree planting, reducing erosion and improving biodiversity.</p> <p>The Plan of Management supports an 18-hole golf course The Golf Course is a public access course and allows for access by the general public for the purposes of walking, dog walking and bike riding.</p>
<p>Concerns over proposed rent</p>	<p>Council engaged an independent property valuer, who determined the market of the golf course by researching comparable golf course leases in Sydney, the length and difficulty of the course and the improvements to the golf course.</p>
<p>The land should be utilised for the development of housing, in turn increasing the LGAs population</p>	<p>Housing development is not supported by the Plan of Management or Councils Recreational Needs Study.</p>
<p>Concerns over the management of golf users and the upkeep of greens, gardens and management of trees</p>	<p>Player Code of Conduct, grounds maintenance; including the areas away from the golf greens and waste management are the responsibility of the Golf Club and enforceable by Council as stipulated in the proposed lease document.</p> <p>The Code of Conduct will also cover areas such as litter control and disposal of golf tees and balls.</p> <p>Weed management is the responsibility of the Golf Club and guidance is provided by Council's ecology team.</p> <p>Council is proposing an increase in the number of bins provided for the use of the general public and to improve the appearance of the</p>



	<p>Cooks River.</p> <p>The proposed lease references WHS and addresses the use of chemicals by green staff.</p> <p>Tree Management and Auditing is the responsibility of the Golf Club and under the proposed lease the Club will be required to provide regular reporting to Council.</p>
<p>Water management and access to Dibble Avenue Water Hole</p>	<p>Access to Dibble Avenue Water Hole is not included in the proposed lease and any future access will be restricted by a separate license.</p>

This report proposes that Council applies for the Minister’s Consent to enter into a 21-year lease with Marrickville Golf, Sporting and Community Club Limited given that submissions by way of objection to the lease have been received. This is a requirement under the Local Government Act where objections to a lease for a period exceeding five years are received.

As per the Section 47(9), the Minister’s consent is conclusive evidence that Council has complied with subsections (1), (2) and (6) of the Act.

The proposed lease commencement was 1 October 2021 but will be adjusted subject to Ministerial approval regarding the objections received. The existing lease is on holdover until such time the long-term lease is determined.

**FINANCIAL IMPLICATIONS**

Proposed future annual rent paid to Council is outlined in the attachment confidential Heads of Agreement Marrickville Golf Course Lease.

**ATTACHMENTS**

1. Heads of Agreement, Lease of Marrickville Golf Course "signed" - *Confidential*  

***This attachment is confidential in accordance to commercial information of a confidential nature (Section 10A(2)(d)(i) of the Local Government Act 1993) that would, if disclosed prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the council; AND commercial information of a confidential nature (Section 10A(2)(d)(iii) of the Local Government Act 1993) that would, if disclosed reveal a trade secret.***
2. Heads of Agreement, Lease of Marrickville Golf Course "offer" - *Confidential*  

***This attachment is confidential in accordance to commercial information of a confidential nature (Section 10A(2)(d)(i) of the Local Government Act 1993) that would, if disclosed prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the council; AND commercial information of a confidential nature (Section 10A(2)(d)(iii) of the Local Government Act 1993) that would, if disclosed reveal a trade secret.***