

Mosman
COUNCIL



EOI closes
10am Monday 24
October 2022

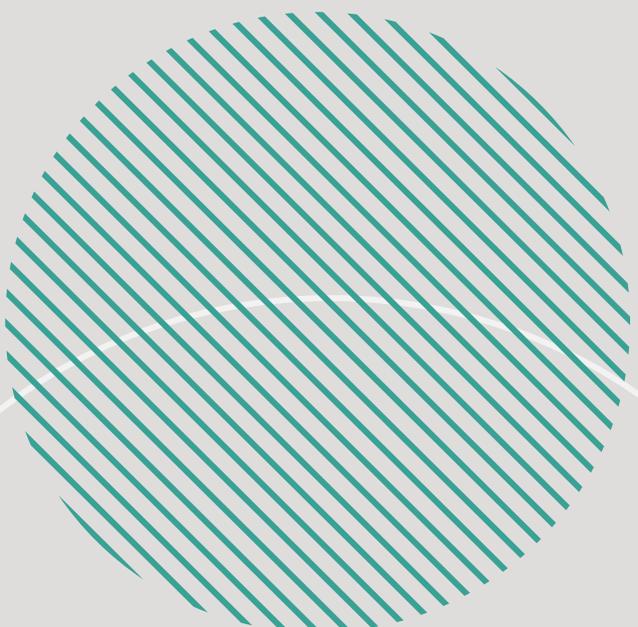
EXPRESSION OF INTEREST

Lease and Management of **Boronia**

624 Military Road, Mosman

BORONIA

Mosman Council is seeking expressions of interest for the lease of the beautiful and iconic Boronia located at 624 Military Road, Mosman. This is an exciting and rare opportunity to use the 1885 Victorian house and gardens as a stunning backdrop for a range of hospitality ventures.





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OVERVIEW

A rare opportunity to build a lucrative hospitality business in the heart of Mosman.

Mosman is an historic harbor-side area of 8.65 square kilometres with a population of around 31,000. It is almost completely surrounded by the waters of Sydney and Middle Harbours and is only 6 kilometres north of the Sydney CBD with ready access by bus and ferry and is serviced by excellent parking facilities.

An exciting and rare opportunity is now available to lease the beautiful and iconic Boronia located at 624 Military Road, Mosman. Mosman Council is seeking expressions of interest for the use of the Victorian-era house and gardens as a stunning backdrop for a range of hospitality ventures.

Opportunities to develop a significant hospitality business in such an affluent area are rare. This exciting opportunity would suit an experienced hospitality developer and operator who has the imagination, style and business acumen to realise the potential of this outstanding property and location.

Boronia is a two-storey former residential villa built in 1885 in the Victorian filigree style situated on a site retaining much of its 19th century formal Victorian garden setting with the front boundary facing Military Road marked by a stone and cast iron fence and gates. Leafy and tranquil Reservoir Park provides a peaceful backdrop at the rear boundary.

The property has recently undergone refurbishment to ensure it is structurally sound and ready for the next stage of its life. Boronia is now a blank canvas ready for a developer's flair to turn it into an outstanding hospitality destination for locals and visitors alike.

The property comes with development consent for an outdoor deck providing 90 leafy al fresco seats under a gorgeous old fairy-light lit Magnolia tree. When combined with the indoor seating capacity of Boronia, a developer is offered the opportunity to establish a large venue with more than 200 seats.

The operation of a quality hospitality business of this significance and size at Boronia is supported by ample free parking for patrons at nearby Bridgepoint shopping centre and the Vista Street public car park, with major public transport infrastructure including the B-Line bus service between the city and the northern beaches at its doorstep.

Council is open to entering a lease for up to 20 years (including option periods) to provide the right operator with the opportunity to recoup the investment in establishing a stand-out venue with a quality fit-out. Council is now inviting expressions of interest to undertake the proposed contract. Following receipt of expressions of interest, Council will finalise the Tender Specification and invite tenders from selected respondents to the expressions of interest.

PART 1 – GENERAL CONDITIONS

1.1 Purpose of the Expressions of Interest

This Expressions of interest (EOI) and subsequent tender process for the Lease will attempt to allow the market to consider and provide a viable use of Boronia for hospitality purposes whilst striking a balance between the commercial demands and the need to maintain a degree of public access to Boronia whilst having regard to heritage responsibilities.

1.2 Objectives of this EOI

Council is seeking proposals for a licensed hospitality venue at the property which is permitted within the current zoning and not inconsistent with the Conservation Management Plan for Boronia.

The core objective of this EOI is to identify developers and operators to invite to submit tenders for a contract to lease and manage the property which will deliver the following outcomes:

- Provide an attractive commercial return to Council net of the costs of maintenance without the need for any further capital contribution by Council in establishing the new business and contract
- Provide a vibrant and sustainable use and occupation of the site
- Provide an excellent range and level of service to patrons of the facility and the residents of and visitors to Mosman
- Provide an amenity that complements the surrounding precinct
- Acknowledges the responsibility of the successful tenderer to maintain the heritage building
- Provide an amenity that protects the heritage and public amenities of the venue

The construction and use of the outdoor dining deck is not an essential element of submissions and remains an option for respondents to take up if they wish. The proposal to design, obtain heritage and DA approval, and construct ground floor or outdoor accessible toilets, if commercially viable, is designed to provide optimal support for a quality hospitality operation at the site, however is again not an essential element.

Where tenderers can demonstrate that the provision of both or either of these facilities are commercially viable and add to the value of the contract, then Council is seeking an indication that such facilities are feasible. This will inform the detail of the Tender Specification. It is not the intention of this EOI to require the successful tenderer to commit to the capital expense of these facilities.

1.3 Contact Person

Name: Anthony Fitzpatrick – Manager Governance

Telephone: (02) 9978 4010 or 0419 784 010

Email: t.fitzpatrick@mosman.nsw.gov.au

1.4 Submissions

Carefully read all parts of this document. This EOI document comprises the following parts:

Part 1 – General Conditions

Part 2 – General Condition of the Proposed Contract

Part 3 – Property Details

Part 4 – Submission (details and response to questionnaire to be provided)

Prepare your submission in letter format addressing all matters listed under Part 4 of this document, attach any supporting documents, and sign and date your letter.

Lodge your submission by no later than **10:00am on Monday, 24 October 2022**. The submission is to be emailed to quotations@mosman.nsw.gov.au with the reference “**EOI-CS-22/01 – Boronia**” in the subject line.

The Council at its absolute discretion may choose to not review a submission which is:

- received after the deadline; or
- is not received by the required method; or
- incomplete

The identity of the applicant is fundamental to the Council. The applicant shall be the person, persons, corporation or corporations named as the applicant in Part 4 and who signs the submission lodged with Council.

The Council is not bound to accept any of the submissions, but will consider all submissions (except rejected submissions).

1.5 Factors considered in the review of submissions

In reviewing the submissions the Council will consider a range of factors, including but not limited to the:

- intended use/development and its suitability for the site
- capacity and capability of the respondents to pay an attractive commercial rent
- extent to which the objectives of this EOI are satisfied
- experience of the respondents in fulfilling the requirements of similar contracts
- capacity of the respondents to fulfil the requirements of the proposed contract
- unambiguous capacity and capability of the respondents to maintain the building and retain heritage amenity

1.6 Legislative requirements for leasing Council property

Council is required to call for tenders for the proposed lease and management of Boronia pursuant to Section 55 of the *Local Government Act 1993*. Council has decided that tenders will be invited from selected persons who have responded to this expression of interest pursuant to section 55(4)(a) of the *Local Government Act 1993* and sections 166(b) and 168 of the *Local Government (General) Regulation 2021*.

1.7 EOI Process

Stage 1

Invite EOI from the public to lease and manage the property known as Boronia located at 624 Military Road, Mosman.

Stage 2

EOI responses will be evaluated based on the information requested within Part 4 of this document with a view to Council staff establishing a shortlist of preferred respondents with the experience, capacity and commitment to occupy and manage the property in accordance with the objectives of this EOI. If a suitable shortlist can be established, Council will then proceed with the tender process and send invitations in writing to short-listed applicants, or such of them as Council thinks will be able to fulfil the requirements of the proposed contract, to tender for the proposed contract.

Alternatively, Council may decline to invite tenders from any of the respondents to the EOI.

1.8 Tender Process

Stage 1

Council will finalise Tender Specification and invite tenders from the selected short-listed applicants to the EOI.

Stage 2

Following the closing date for submission of tenders, responses will be evaluated based on the information requested within the Tender Specification with a view to a Tender Evaluation Panel establishing a shortlist of preferred tenderers.

Stage 3 (if required)

The Tender Evaluation Panel will interview short-listed tenderers to ascertain suitability. Reference checks and any further due diligence required will be conducted.

Stage 4

The Tender Evaluation Panel's report on the tender evaluation process will be submitted to a meeting of the Council recommending either acceptance of a tender, acceptance of no tenders, or negotiations with tenderers/s with a view of entering into a lease agreement for the occupation and management of the property.

1.9 The proposed timetable for EOI and tender processes

Advertisement and release of EOI	Friday, 9 September 2022
Property open for inspection Respondents must register intention to attend by emailing t.fitzpatrick@mosman.nsw.gov.au at least 24 hours prior	<ul style="list-style-type: none"> • Wednesday, 21 September 2022 <ul style="list-style-type: none"> ○ 10:00 am to 12:00 midday • Tuesday, 27 September 2022 <ul style="list-style-type: none"> ○ 2:00 pm to 4:00 pm • Monday, 10 October 2022 <ul style="list-style-type: none"> ○ 10:00 am to 12:00 midday
Close of EOI	10:00 am Monday, 24 October 2022
Invitation to tender to selected EOI respondents	Thursday, 27 October 2022
Property open for inspection	by appointment
Close of tender	Thursday, 24 November 2022
Interviews of preferred tenderers (if required)	Tuesday, 29 November 2022
Determination of tender by Council	Tuesday, 6 December 2022

The above dates are indicative and may be changed.

1.10 Governance

All documents, materials, articles and information submitted by the applicant will become the property of the Council on submission, provided that the applicant shall be entitled to retain copyright and other intellectual property rights therein.

Documents and other information relevant to any contract may be disclosed when required by law under the *Government Information (Public Access) Act 2006* or under a Court Order.

If an applicant, whether personally or by agent, canvasses any of the Councillors or Council Officers with a view to influencing the acceptance of any submission, then regardless of such canvassing having any influence on the review of the submissions, the Council may at its absolute discretion omit that submission from consideration.

Mosman Council's adopted **Code of Conduct** aims to ensure that its functions are undertaken efficiently, impartially and with integrity.

Council's **Statement of Business Ethics** is provided as supporting information.

Copies of both documents are available on the **EOI website**.

A **dedicated website for the EOI** can be accessed at <https://mosman.nsw.gov.au/eoi-boronia>

PART 2 - GENERAL CONDITIONS OF THE PROPOSED CONTRACT

2.1 Draft Lease

A Lease for the property will be entered into under the *Retail Leases Act 1994*.

The rent is to be determined following a review of financial offers obtained through the tender process. The review of offers of rent may be informed by valuation advice provided by the Council's registered Valuer.

The lessee will be responsible for the fit-out of the premises for the approved use and all associated costs.

A draft Lease will be included in the Tender Specification.

2.2 Draft Disclosure Statement

A draft Lessor's Disclosure Statement under Schedule 2 of the *Retail Leases Act 1994* will be included in the Tender Specification.

2.3 Building condition

Council has completed capital works on the building in 2012 and 2022. These works are detailed in Part 3.9.

Overall, Council is of the view that the building is in a satisfactory condition to be leased but given the age of the building any prospective lessee cannot expect that the building is in a brand new condition nor will be fully compliant with all current codes and standards. For example, there is no accessible access to the first floor toilets.

2.4 Outstanding refurbishment and conservation works

As Council is allocating no further capital funding to complete the outstanding refurbishment and conservation works detailed under Part 3.9 of this document, it is proposed the contract will require the lessee to fund and complete these works.

2.5 Preventative Maintenance Program

It will be a requirement of the lessee to prepare and undertake a yearly maintenance schedule to meet the needs of its own operation and to ensure the building is maintained in a standard befitting its heritage listing. This will include but not be limited to mechanical, electrical, hydraulics, painting and gardening schedules.

Any fit out or works to upgrade the building will be the responsibility of the lessee including ensuring that all State Heritage and planning legislation requirements are met.

The lessee will need to prepare a preventative maintenance program (PMP) recognising the historical significance of the property within six months of the commencement of the Lease for the approval of Council.

The PMP will detail maintenance and conservation work to be performed by the lessee, the frequency of performance required and refurbishment work to be performed from time to time. The PMP ensures that the premises are maintained in accordance with the Conservation Management Plan.

The lessee shall be responsible for all maintenance to the building (both internal and external but excluding structural). Council will continue to be responsible for the maintenance of the grounds excluding any outdoor deck and/or accessible toilets constructed (unless the lessee wishes to maintain to a higher standard at its expenses and with Council's approval). The PMP will identify the maintenance responsibilities of the lessee.

2.6 Other Outgoings

Other significant outgoings under the Lease include Council rates, water, gas, electricity, data and land tax.

PART 3 - PROPERTY DETAILS

3.1 Introduction

Boronia was built in 1885 as one of two almost identical neighbouring freestanding houses by two Newington carriage builders as residences for themselves with a common garden and entrance.

Council bought Boronia in 1952 and carried out considerable modifications to use the building as the Mosman Library. Then between 1978 and 1985 the building was used as offices and further altered. During 1985 the building was restored and adapted for use as a restaurant and function centre.

Council is committed to retain this heritage item in public ownership and to maintain a sustainable and appropriate use of the building and grounds, whilst realising a commercial return on the asset. Council is mindful of maintaining opportunities for public access to Boronia.

3.2 Background

A Conservation Management Plan for Boronia and Surrounds has been adopted by Council and a condition audit of the building was conducted in 2009 to help understand the heritage values and guide the conservation of Boronia.

Council subsequently conducted extensive refurbishment and conservation of the building and gardens in 2012 to bring it up to the standard identified in the Conservation Management Plan. Further refurbishment and conservation works have been completed in 2022 to address various structural, roofing and flooring issues.

3.3 The site

Boronia is located at 624 Military Road, Mosman on Council-owned Operational classified land described as Lot 1 in Deposited Plan 739374. It is located on the north side of Military Road between Cowles Road and Brady Street. The building is surrounded by gardens and is adjacent to Council-owned Reservoir Park to the north.

The parcel of land on which Boronia is situated is approximately rectangular in shape with an irregular rear boundary and has a land area of 2,128 square metres. The front boundary facing Military Road is 45.545 metres, the eastern side boundary is 34.015 metres, the western side boundary is 52.075 metres and the rear boundary has a total length of 48.700 metres.

A street map and aerial photograph of Boronia is attached as **Attachment 1**.

There is no exclusive use of the surrounding gardens contained within the parcel of land with the exception of the outdoor deck and accessible toilet facilities in the event of those options being implemented. The provision of the outdoor deck and accessible toilets will be determined as part of the tender process and the Lease will reflect the decisions made in relation to these facilities. The gardens and adjacent Reservoir Park remain open to the public during daylight hours.

The property has four adjacent car parking spaces available for use by the lessee.

A plan of the site showing Boronia in relation to its gardens and Reservoir Park is attached as **Attachment 2**.

A photo gallery of the site and the building interior and exterior is available on the **EOI website**.

3.4 The building

The main entry to the south facade provides access to three interconnected function rooms. Also situated on the ground floor are the main commercial kitchen, storage area and an informal rear access. From the ground floor hall a timber staircase leads to the split level upper floor which comprises the male and female amenities and storage areas on the lower level and two interconnected function rooms, office space and a servery/kitchen with dumb waiter (connecting to the main kitchen) on the upper level.

Internally, the building comprises two levels with suspended timber floors with various finishes (timber, tile and carpet) including recent tongue and groove timber floor finish over. There is rendered masonry walls with a painted finish and lath and plaster walls in some locations. Ceilings are a mix of painted plasterboard and painted lath and plaster with decorative cornices and ceiling roses throughout.

The property features a number of painted timber access doors with painted single-glazed timber sash and casement windows throughout with extensive decorated lead glass. The building comprises three original fireplaces with marble surrounds.

Externally, the main construction of Boronia is of masonry external walls which are stuccoed and lined externally to simulate ashlar stone. The roof is hipped and slated. The building has a recent external timber stairway and decking with profiled metal roof over to the north elevation, and small glazed orangery to the west elevation with profiled metal sheet roof over.

A veranda wraps around the building on the ground and upper level to its main southern facade and parts of the side facades. The veranda is constructed of painted cast iron columns, friezes, brackets and balustrades with supporting structural timber beams and a corrugated metal painted roof. There is a recent frameless glass and stainless-steel balustrade on the first floor verandah. There are powder coated metal rainwater goods and downpipes. There are timber shutters on the windows externally.

There is a freestanding masonry-built bin store to the west area, with various storage cupboards and meter cupboards to the north elevation.

Building gross lettable areas of the premises follow:

Ground floor	258 m ²
Upper floor	243 m ²
Total area exclusive of veranda	501 m²
Verandas	142 m ²
Total area inclusive of veranda	643 m²
Outdoor deck (if installed)	208 m ²
Total area inclusive of optional deck	851 m²

Indicative ground floor and first floor plans of the premises are attached as **Attachment 3**.

3.5 Fit-out and contents

The building is presently fitted out throughout. The fit-out and other contents supported the previous operation at Boronia and remain the property of Mosman Council.

The fit-out primarily comprises the commercial kitchen and cool room located on the ground floor, a server and cool room located on the first floor, a dumb waiter between the two, and an orangery on the ground floor serving as a bar. Light fittings are installed throughout and carpet is installed on

the first floor. Main contents include furniture, mirrors, coffee machine and miscellaneous catering items.

These items remain with the property and respondents will be asked whether they wish to make an offer to purchase the fit-out and contents as a single parcel as part of the tender response.

Respondents not wishing to purchase the existing fit-out and contents will not be precluded from being invited to submit a tender response.

3.6 The outdoor deck

In addition to the 643m² lettable area of the building, Council has obtained development consent 8.2021.139.1 on 20 October 2021 for the construction of a deck for outdoor seating and outdoor dining, tree removal and landscaping works. The deck is 208m² in area and the consent limits the number of person on the deck to 90 and it may operate from 10:00am to 12:00am. The deck and outdoor dining area must operate in accordance with the Council Operational Plan of Management dated 25 June 2021.

The approved plans for the deck are attached as **Attachment 4**.

The **determination of the development consent dated 20 October 2021** and the **Operational Plan of Management dated 25 June 2021** for the approved deck are both available on the **EOI website**.

3.7 Accessible toilet facilities

The property presently has no accessible toilet facilities as there are only toilets located on the first floor with access by either internal or external stairs. Should respondents consider that accessible toilet facilities located either on the ground floor or in the grounds are an essential element of their proposal then this should be included in the response.

3.8 Use of the building

The property is development application approved for use as a restaurant/reception premises (Development Application 485/85 approved by Council on 25 November 1985).

The site is zoned B2 Local Centre under Mosman Local Environmental Plan 2012 and the Mosman Business Centres Development Control Plan 2012. The current uses of Boronia as a restaurant and function centre are not prohibited. The Conservation Management Plan does not provide detailed assessment of alternative uses of the building but does address statutory planning controls as they relate to Boronia at Vol 2, Section 6.3.

The **original development consent 145/85 dated 25 November 1985**, the **Conservation Management Plan for Boronia and Surrounds, Volumes 1 – 3**, and **further heritage information** is available on the **EOI website**.

The premises are subject to Permanent Conservation Order No. 69 under Section 44 of the *Heritage Act 1977*. The effect of the order is to ensure that any work carried out on the premises by the lessee or use thereof does not affect or detract from the integrity of the building, its historical value and National Trust rating and that the lessee will at all times make all efforts to ensure that same are maintained. Any works proposed must be approved in writing by Mosman Council and the Heritage Council. This may include any internal fit-out works proposed by a lessee.

3.9 Recent refurbishment and conservation works

Significant works were conducted in 2012 to bring the building up to the standard identified in the

Conservation Management Plan. This included the verandah and some masonry. As a result of those works, the **first-floor verandah load restrictions** are rated as follows:

- maximum load on balcony 400kg/m²
- maximum load on balustrade 150kg/m

In view of these ratings, the successful Tenderer is responsible for:

- discouraging leaning on the balustrade
- not storing heavy goods on the balcony
- not permitting excessive jumping or dancing by crowds of patrons

Practically, what the above means is that the balcony itself can take about 100 - 150 people, however the balustrade cannot sustain more than approximately 30 people leaning on it. Load restrictions could be revisited if further conservation works were contemplated.

More recently in 2022, Council completed further significant refurbishment and conservation works to the building to renew flooring, roofing and doors and address other minor issues.

Remaining works identified to bring the building up to standard, some of which require Heritage NSW S60 Application approval, include:

- General clean of exterior and interior surfaces including replacing / steam cleaning of the carpets
- Repainting of interior and exterior painted surfaces, requiring paint specialist to examine the condition of the wall including peeling of the paint to uncover what is beneath
- Servicing of windows including repair/replacement of sash cords and replacement of sash fasteners
- Inspection of stormwater and sewage systems and make any damage good or upgrade as necessary
- Repair minor damage to cast iron balustrade
- Sand refinishing of front verandah timber decking
- Maintenance of store room next to dumb waiter
- Replacement of a broken wire-meshed window
- Other related miscellaneous works

PART 4 – APPLICANT’S SUBMISSION

4.1 Lodging a submission

Submissions of EOI must be received by the Council by **10:00am on Monday, 24 October 2022**.

Prepare your submission in letter format addressing all matters specified in Parts 4.2 and 4.3 below and in the order listed, attach any supporting documents, and sign and date your letter.

Submissions are to be emailed to quotations@mosman.nsw.gov.au with the reference “EOI22/01 – Boronia” in the subject line.

4.2 Respondent details

Respondents are to clearly outline the following:

1. Name of Respondent
2. Trading name of Respondent
3. Australian Business No. (ABN)/Australian Company No. (ACN)
4. Contact person's name
5. Contact Telephone
6. Postal Address
7. Email Address

4.3 Questionnaire for assessment of EOI

Respondents must address the following:

1. Describe the type of business proposed
2. Describe how the proposal would:
 - a. provide an attractive commercial return to Council
 - b. complement the surrounding area
 - c. create a community hub and provide public access to the building
3. Describe the concept for fit-out proposals and provide an indication whether the existing fit-out and contents would be retained or replaced
4. Confirm whether or not the construction of the outdoor dining deck would form part of the proposal
5. Confirm whether or not the approval and construction of ground floor or outdoor accessible toilets would form part of the proposal
6. Describe your experience in fulfilling the requirements of similar contracts including adhering to a preventative maintenance program
7. Describe your capacity to fulfil the requirements of the proposed contract
8. Describe your relevant industry experience in construction projects

9. Advise the proposed term of the contract including any options required to amortise proposed investment in developing and establishing the business
10. Describe any special conditions you would propose for inclusion in the contract
11. Describe the proposed management and operating structure including any innovative proposals relating to management and promotion of the facility
12. Describe any further details you believe are important in considering your proposal

Please note that Council is **not** requesting submission of offers of rent or financial details of fit-out and capital proposals under the proposed contract as part of this EOI process. That information will be requested in the Tender Specification issued to selected respondents to the EOI.

ATTACHMENTS

- Attachment 1 Street map and aerial view of Boronia House
- Attachment 2 Plan of the site showing Boronia in relation to its gardens and Reservoir Park
- Attachment 3 Indicative ground floor and first floor plans of the premises
- Attachment 4 The approved plans for the outdoor deck

OTHER DOCUMENTATION AVAILABLE ON EOI WEBSITE

Governance

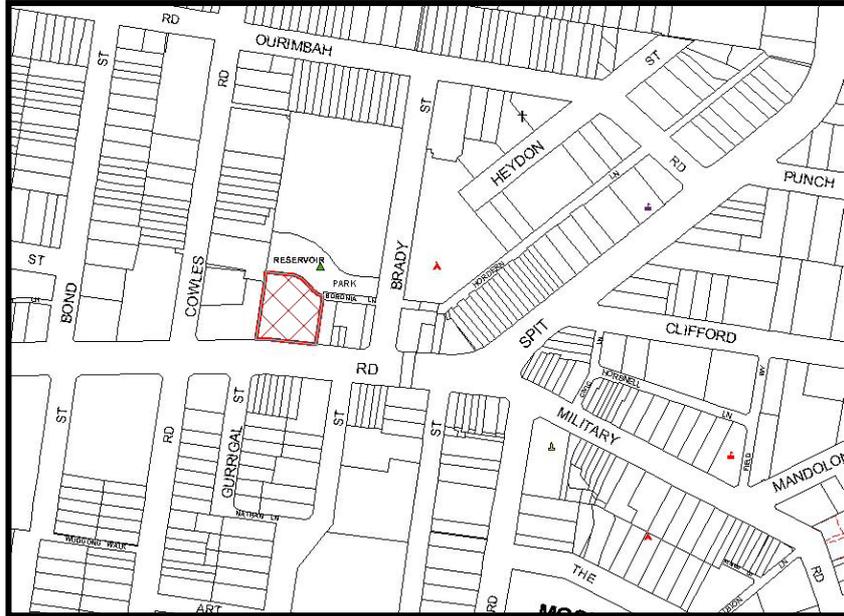
- Code of Conduct
- Statement of Business Ethics

Operational

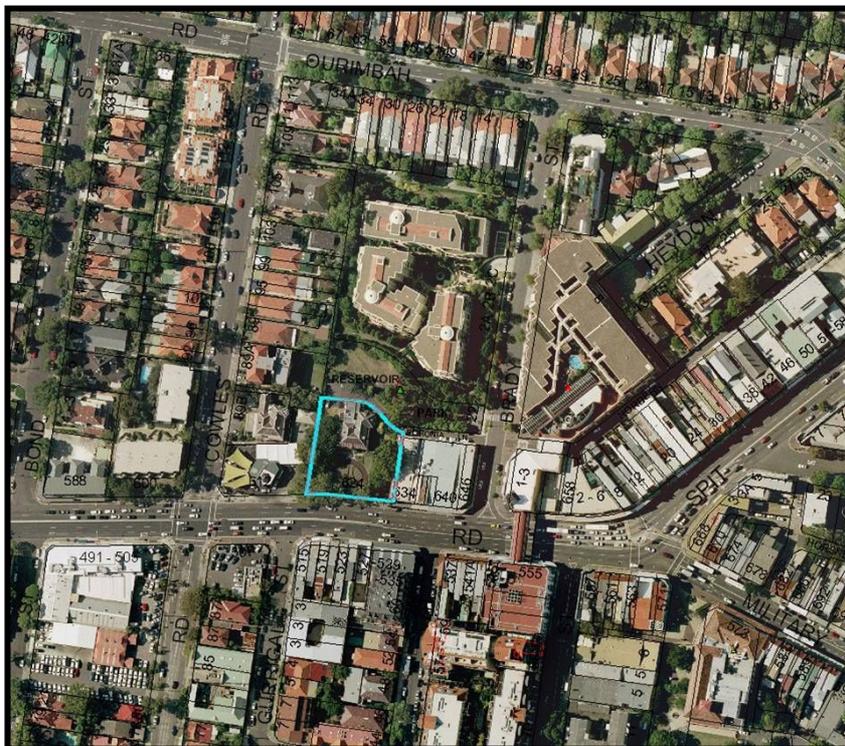
- Boronia Showcase (Photo gallery)
- Boronia Profile (Promotional booklet)
- Development consent 8.2021.139.1 for deck dated 20 October 2021
- Operational Plan of Management for proposed deck dated 25 June 2021
- Original development consent 145/85 dated 25 November 1985
- Conservation Management Plan, Volumes 1 - 3
- Mosman Council Heritage information

Attachment 1

Street map showing location of Boronia

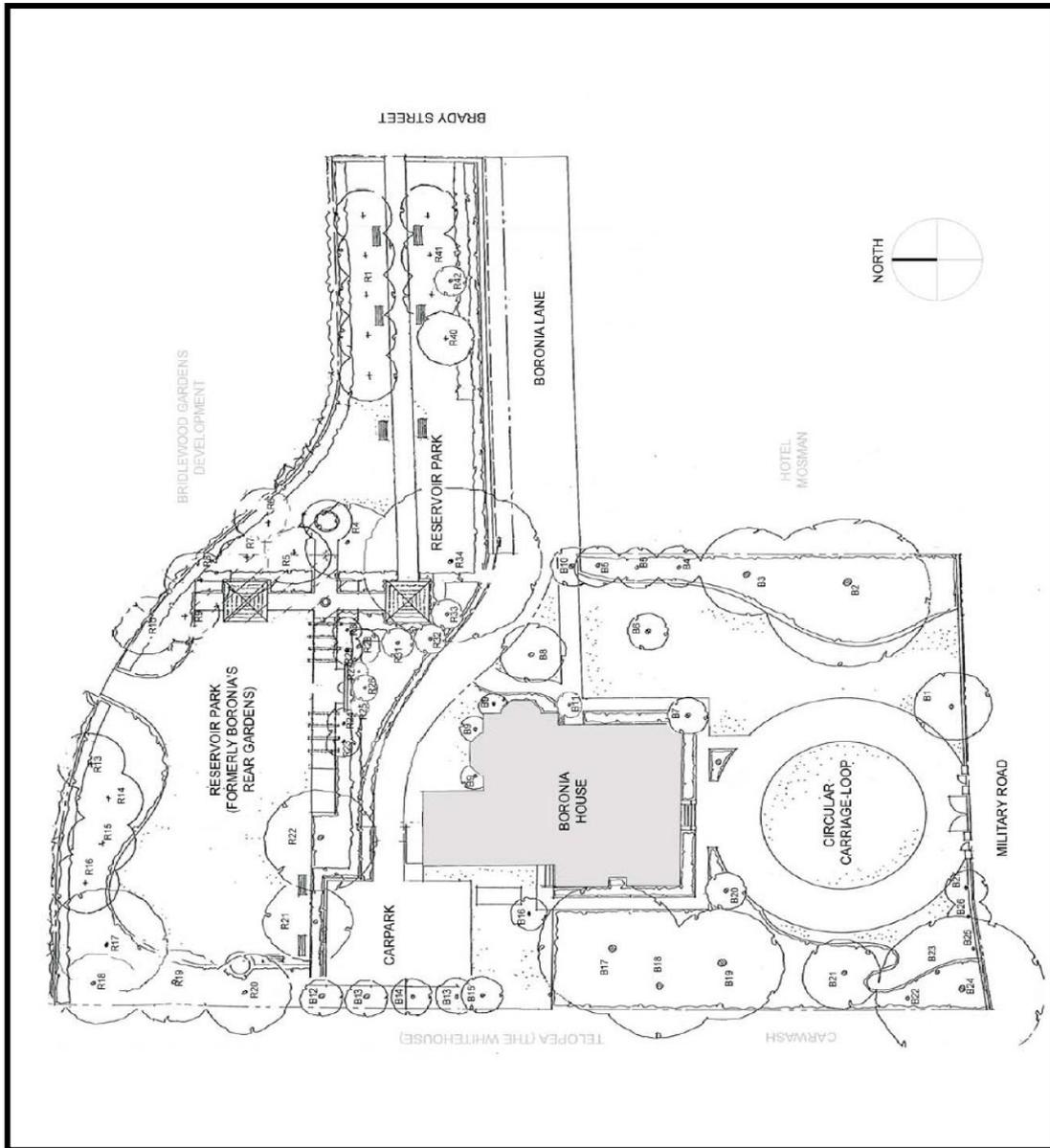


Aerial photograph of Boronia



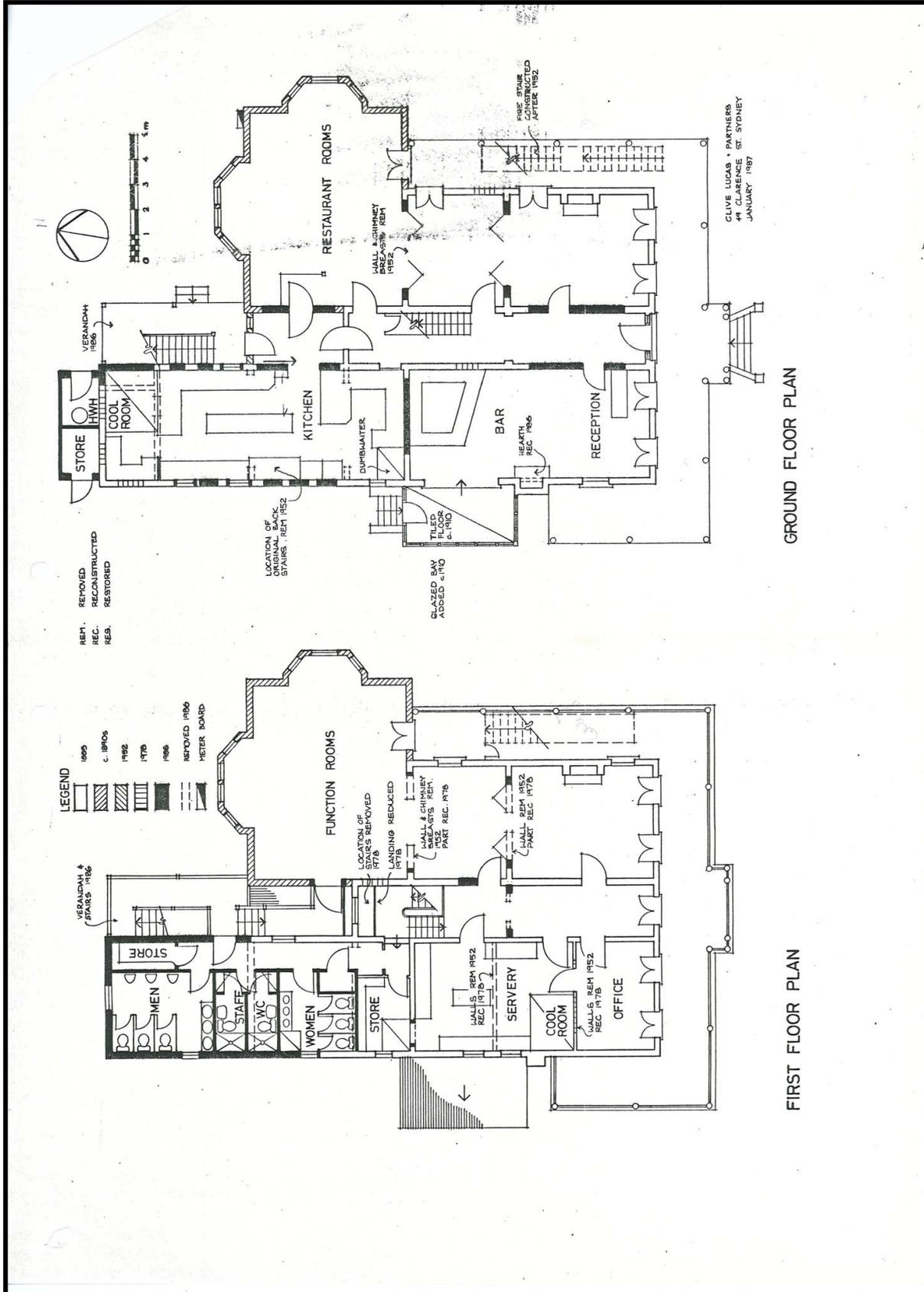
Attachment 2

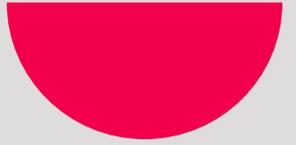
Plan of the site showing Boronia in relation to its gardens and Reservoir Park



Attachment 3

Indicative ground floor and first floor plans of the premises





A large white circle is centered on the page. A smaller teal circle with diagonal hatching is positioned above the center. A smaller red circle with diagonal hatching is positioned below the center. A small blue dot is at the top of the white circle, and a small red dot is at the bottom. On the right side, a circular inset shows a photograph of a building with a balcony, partially obscured by trees. The background is a light gray gradient.

BORONIA

Mosman
COUNCIL