

## 15.10 RESPONSE TO REQUEST TO REVIEW DA 2021/5 – ARTARMON PAVILION

<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. IMPLICATIONS</li><li>2. NOTICE OF MOTION</li><li>3. LETTER SEEKING REVIEW OF DETERMINATION</li><li>4. EMAIL RESPONSE FROM ABIGAIL GOLDBERG CHAIR OF WILLOUGHBY LOCAL PLANNING PANEL</li><li>5. STATEMENT OF DETERMINATION</li><li>6. IMAGES OF ARTARMON PAVILION</li><li>7. COMMUNITY CONSULTATION SUMMARY</li><li>8. EMAIL FROM PRESIDENT OF ARTARMON PROGRESS ASSOCIATION</li></ol>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>13 SEPTEMBER 2021</b>

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### 1. PURPOSE OF REPORT

To provide Council with information on the implications and process required to action its resolution of 2 August 2021 to seek a review of DA 2021/5 – Artarmon Pavilion.

### 2. OFFICER'S RECOMMENDATION

That Council:

1. **Note the only process available for review is a complete re-examination of DA 2021/5 under section 8.2 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* with additional costs of up to approximately \$60,000 and a time delay of 12 months.**
2. **Note that Council must formally resolve to submit an application for review of DA/2021/5 under Section 8.2 of *Environmental Planning and Assessment Act 1979*, provide land owner's consent, and delegate to the Chief Executive Officer the authority to finalise and execute the necessary documentation and approvals.**
3. **Note that not all matters outlined in Point 2 of the 2 August 2021 resolution for examination by the Willoughby Planning Panel as part of its review are within the remit of the Willoughby Local Planning Panel.**

### 3. BACKGROUND

At its meeting of 12 July 2021, Council resolved:

*That Council continue with the scheduled works for the adaptive reuse of the former Artarmon Bowling Club as a Community Pavilion as determined under DA 2021/5 by the Willoughby Local Planning Panel.*

Subsequently, at its meeting of 2 August 2021, Council resolved to request the Willoughby Local Planning Panel (WLPP) to review the determination of DA2021/5 as follows:

*That Council:*

1. *Request the Local Planning Panel review of DA 2021/5.*
2. *The Panel should be requested to consider the following:*
  - a. *The availability of alternative local venues that have capacity for indoor meetings and activities.*
  - b. *The amended design concepts, plans and Council's response to the recommended conditions.*
  - c. *Whether a design excellence condition should be required for the new proposal.*
  - d. *Any additional community concerns that may be raised.*
  - e. *Whether the heritage value of the following list of historic aspects of the current building have been properly considered in both the application and the proposal:*
    - *Kitchen*
    - *Women's Change Room Women's*
    - *Bathroom*
    - *Main Hall*
    - *Bar*
    - *Women's Jubilee Lounge.*

At the 2 August 2021 Council Meeting, Council was provided with advice which indicated the only mechanism to undertake a review by the Willoughby Local Planning Panel (WLPP) was through the lodgement of a Section 8.2 review under the *EP&A Act*. Council did not resolve to do so.

In the interim however, Officers wrote to the Chair of the WLPP with the full the detail of the motion seeking to advance Council's resolution.

The letter to the WLPP, and the response from the WLPP, are provided at **Attachment 3 and 4** respectively.

This report outlines the details of the process to lodge a Section 8.2, and the implications for Council and the Artarmon Pavilion project.

#### 4. DISCUSSION

##### Response from the WLPP

The response from the Chair of the Willoughby Local Planning Panel, dated 12 August 2021, states the only mechanism for a review is through a formal submission under Section 8.2 of the *EP&A Act 1979*. This accords with prior advice to Council from officers.

A section 8.2 is more than a review of the original submission as requested in Council's resolution, and is a complete re-assessment of the entire DA. It is a significant exercise in terms of time and cost.

The Chair of the WLPP's correspondence indicates that the WLPP members were comprehensively briefed, had reviewed all written submissions, and benefited from receiving and considering a range of verbal submissions. It also indicates that some of the matters for review fall outside of their Terms of Reference.

Table 2 outlines the matters identified in Point 2 of the resolution of the 2 August 2021 Council Meeting, and how they have been addressed.

**Table 2 – Items listed in 2 August 2021 Council Resolution**

<b>Item</b>	<b>WLPP Remit</b>	<b>Officers Comments</b>
Review DA 2021/5	This can only be done by lodging a formal request for a Section 8.2 review and requires Council to resolve Owners Consent to re-lodge DA 2021/5 and provide delegation to the CEO to progress this.	The requirement to lodge a Section 8.2 review was included in the officer's comments to Council at the 2 August 2021 meeting and is the subject of this report.
Availability of alternative local venues that have capacity for indoor meetings and activities	This was previously received and considered by WLPP.	Information regarding available facilities has been provided to Council at its meeting of 24 June 2019. Council also increased the availability of other venues via a DA process. This information was also provided to the WLPP as part of the submission responses for DA 2021/5.
Review amended design concepts, plans and Council's response to the recommended conditions.	The WLPP previously reviewed the concept plans and Council's response and would review any subsequent plans submitted by Council.	There were no amended plans provided to the WLPP. However, indicative sketches reflecting proposed draft heritage conditions regarding window frames and the access path were provided. The Panel accepted these concepts as an appropriate response to the heritage interpretation.

Item	WLPP Remit	Officers Comments
Whether a design excellence condition should be required for the new proposal		The design was the subject of a design review panel in 2020. It addressed a non-binding recommendation of the Panel, rather than a condition on the DA. Given the adaptive re-use of the building, conditions relating to heritage items, heritage interpretation and the requirement to retain the recognisable form of the original building, it is unlikely that another design review process would add any significant benefit.
Any additional community concerns that may be raised		A concern has been clarified around the capacity of people of all abilities to access the kitchen independently from the meeting room and is addressed in this report.
Heritage and historic value as listed in the resolution	The local planning panel, in making its determination of DA 2021/5 was provided with the extensive Heritage Reports. The application's heritage impact was assessed independently by Edwards Heritage Consultants. Architectural Projects provided an assessment and peer review which were reviewed by Planning Panel. The DA determination provides a number of conditions of consent in relation to retention of heritage items, heritage interpretation and retaining the original form of the building.	Council has appointed Architectural Projects as a consultant heritage architect to provide advice and oversight of the historic value of the building. Advice from Architectural Projects to the Planning Panel is reflected in the DA conditions of the final determination. Preparation of a Heritage Conservation Management Plan is recommended as a condition of consent.

Additional information regarding the powers afforded to Local Planning Panels can be found at <https://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Local-Planning-Panels/Statutory-rules>

## **Community Consultation**

Comprehensive community consultation was undertaken from April 2019 to the conclusion of the DA exhibition period in March 2021. This consultation was well attended by a range of community members, with a summary report contained in **Attachment 9**.

The community consultation indicates the majority of the community are in favour of a Pavilion style building like the current design, and the range of activities it will support.

## **Consultation with the Artarmon Progress Association**

On 16 March 2021, the Artarmon Progress Association (APA) provided a written submission during the exhibition period of the DA for the Artarmon Pavilion.

The APA requested the size of the proposed meeting room be increased from 67m<sup>2</sup> to facilitate a broader range of indoor activities. In response to conditions within the approval not requiring the retention of an internal wall, the design of room can be further increased to 80m<sup>2</sup>, which can be accommodated within the existing footprint of the building. Further increases in the size of the room are not recommended as they will reduce the capacity of the pavilion to freely service the general public.

Additionally, the APA requested the reinstatement of the outdoor deck on the northern side of the building which was not included in the submitted plans as endorsed by Council. Subsequent investigations into this request, and changes to how the site will operate to accommodate community gardeners and Council's operational staff storage requirements, will facilitate the incorporation of a northern deck.

This changes can be managed though a minor modification to the existing development consent.

## **Process to Lodge a Section 8.2 Review**

Section 8.2 of the *EPA&A Act* allows for an applicant to request a consent authority to review a determination or decision made by the consent authority. It is a comprehensive re-examination of the original proposal. In requesting a review, the applicant may amend the proposed development but only if it remains substantially the same as the original application.

Section 8.2 requests are usually made by applicants whose DA have been refused or where the conditions are viewed as overly onerous. Council received approval for DA 2021/5 and accepted the conditions.

A request to review DA2021/5 under Section 8.2 is required to be made within 12 months of the date of determination, and where the determination has been made by a local planning panel, as in this instance, the review must also be undertaken by the local planning panel.

An 8.2 review application is required to be accompanied by all documentation as submitted with the application as determined, or as amended or updated to reflect any proposed modifications to the proposal or changes to requirements. These documents include all plans, the Statement of Environmental Effects, Heritage Statement and other accompanying reports and documentation together with the consent of the owner of the land.

The estimated cost for re-exhibition, community consultation, internal time, WLPP fees, and delay costs for consultants is up to approximately \$60k, and a likely delay of 12 months.

It should be considered that whilst it would seem unlikely, it is a possible outcome that the Willoughby Local Planning Panel (WLPP) could refuse or seek wholesale change to DA. This could require a partial or complete redesign, community consultation, and incur significant time and cost delays, estimated at being up to 18 months and up to \$275,000.

A number of costs already incurred will need to be repeated, particularly in the event of a different DA determination by the WLPP and possible need for re-design. The costs of project to date is \$189,022 as outlined in Table 2

**Table 2 – Project Costs to Date**

<b>Project Phase</b>	<b>Cost</b>
Post purchase due diligence reports	12,436
DA – HAZMAT Survey, Heritage Consultancies, Design Excellence Panel	53,449
Local Heritage Nomination	7,700
DA 2021/5 – Design, Engineering, Quantity Survey	115,527
<b>Total</b>	<b>\$189,022</b>

**Other Implications for Council’s Consideration**

Further implications of a Section 8.2 Review on the **project** include:

- The current detailed design work is significantly progressed and would need to be put on hold. Contractual obligations would need to be reviewed.
- An inability to achieve the issuing of a Construction Certificate in November 2021 in readiness for construction tendering in early 2022.
- Council allocated \$1.53m for the construction of the project in the 2021/22 *Operational Plan* for which expenditure would no longer be possible in the current financial year. This may impact upon Council’s ability to achieve OLG’s asset ratios. The project’s budget would also need to be the source of funding for any additional costs associated with the Section 8.2 review.
- There are currently no public amenities for use by park and playground visitors, and further delays would compound the current shortfall in amenities provision.

There are other implications for Council to consider beyond those directly upon the project’s timelines and costs, and include:

- Reputational damage for Council with consultants and the community in potentially re-starting the approved project from the beginning after years of ground-work, design and consultation.
- Reputational damage for both Council and the WLPP from the possible perception that Council is expressing a lack of confidence in the decisions of the WLPP by asking for a review of substantially the same DA submission.
- Wasted recent re-design work responding to the ten heritage based conditions of the current WLPP approval conditions.

**5. CONCLUSION**

Community consultation has indicated support for the Artarmon pavilion, and feedback has been incorporated throughout the process as outlined in Attachment 6. The project has received Council funding in the current Operational Plan 2021/22, and has a DA approval. Through undertaking a Section 8.2 review, there are cost, timing and reputational considerations for Council as the only mechanism to review DA 2021/5 is a re-assessment and determination of the same DA for which Council has already received approval. Additionally, significant heritage advice has been sought to address the merits of retaining historic elements of the building fabric.

To progress the review, Council needs to formally endorse a motion to submit a Section 8.2 review, grant land owner’s consent, and provide the appropriate delegations to the CEO.

<b>IMPLICATIONS</b>	<b>COMMENT</b>
<b>City Strategy Outcome</b>	5.3 – Balance the creation of new public assets with the upgrade of existing public assets
<b>Business Plan Objectives, Outcomes / Services</b>	To support the implementation of improvement to community venues while balancing the importance of heritage.
<b>Policy</b>	There is no Policy applicable to this report.
<b>Consultation</b>	Correspondence with the Chair of the Willoughby Local Planning Panel as provided in Attachments 3 and 4.
<b>Resource</b>	The correspondence in relation to a potential review of the Development Application process was undertaken within existing Council resources.
<b>Risk</b>	Project not progressed to construction stage. Loss of reputation and confidence in Council by consultants, contractors and the community. Perception of wasting public money.
<b>Legal</b>	Requirements under the <i>Environmental Planning and Assessment Act 1979</i> .
<b>Legislation</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>Budget/Financial</b>	The Artarmon Parklands Pavilion – construction is identified as Project 301961 in the <i>2021/22 Operational Plan</i> of \$728,000. Expenditure to date is \$189,022. The likely cost implications of a Section 8.2 review are up to and additional \$60,000.

**NOTICE OF MOTION 16/2021 - REVIEW OF DEVELOPMENT APPLICATION 2021/5 BY LOCAL PLANNING PANEL**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. COMMUNITY CONSULTATION TIMELINE</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHAEL CASHIN – COMMUNITY LIFE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>2 AUGUST 2021</b>

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**1. PURPOSE OF REPORT**

Councillor Wright has indicated his intent to move the following Notice of Motion.

**2. MOTION**

That Council:

1. Request the Local Planning Panel review of DA 2021/5.
2. The Panel should be requested to consider the following:
  - a. The availability of alternative local venues that have capacity for indoor meetings and activities.
  - b. The amended design concepts, plans and Council's response to the recommended conditions.
  - c. Whether a design excellence condition should be required for the new proposal.
  - d. Any additional community concerns that may be raised.
  - e. Whether the heritage value of the following list of historic aspects of the current building have been properly considered in both the application and the proposal:
    - Kitchen
    - Women's Change Room
    - Women's bathroom
    - Main Hall
    - Bar
    - Women's Jubilee Lounge.

**3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION**

A number of residents have expressed concern that the information made available to the local planning panel may have been incomplete or not accurately represent the views on the community.



At the previous meeting of Council, a motion was moved that sought to put a hold on any works at this site pending the outcome of a national heritage review. This motion would have impacted the important hazardous material work that has been scheduled for the site, and possibly placed our community at risk. The removal of the asbestos and lead paint was the right thing to do.

But it is equally important that Council be seen to act in good faith. We heard from a number of speakers that expressed concern about the process Council has followed, and when it comes to development and the protection of local heritage values, it is important that Council is beyond reproach.

I am therefore requesting that the local planning panel review this determination and the amended plans.

In my opinion, the work that Willoughby City Council is doing to incorporate accessibility on this site remains of the highest importance, but the timing of this project and the proposed works schedule allows for a final independent review of the design and proposal that I hope may restore confidence in our processes.

#### **4. OFFICER'S RECOMMENDATION**

**That Council notes the determination of DA 2021/5 by Willoughby Local Planning Panel (WLPP) on 25 May 2021, with the knowledge the WLPP had the benefit of hearing from the community as part of its consideration in granting planning consent for the adaptive reuse of the former Artarmon Bowling Club as a Community Pavilion.**

#### **5. OFFICER'S COMMENTS**

On 25 May 2021, the Willoughby Local Planning Panel (WLPP) determined to approve DA2021/5 (the Current DA) for the adaptive re-use of the former Clubhouse as a Community Pavilion and associated landscaping works.

Council Officers appreciate the importance of the Artarmon Bowling Club to the community, its social history and its potential to provide service to the community into the future. Adaptive re-use of buildings can be controversial and garner a range of views from the community, which is important in helping shape the final proposal.

A fundamental and important element of the planning system is that communities get to represent their views when changes to the built environment are proposed. The community have provided significant feedback during the exhibition phase of this DA, and were able to share their views and concerns with the WLPP. The consideration of the WLPP had the benefit of receiving 35 written submissions, and hearing from six correspondents who addressed the panel.

##### **Review of DA 2021/5.**

In granting the Current DA, the WLPP takes into consideration the matters identified in s 4.15(1) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* that are relevant to the application's assessment. This consideration would have included all the matters raised in the Notice of Motion.

Council is conscious the adaptive re-use of the Artarmon Bowling Club has raised significant community interest, and that the perception of the process is as important as the actual process. To provide further comfort around the process of the current DA, the CEO requested an independent review and Maddocks law firm were engaged to provide advice on the appropriateness of the process and validity of the consent.

Maddocks concluded the WLPP undertook an appropriate assessment and that the consent has been lawfully granted.

Given the robust process, community consultation prior to and during the DA exhibition period, and the level of feedback received by the WLPP, it is not considered necessary to ask the WLPP to reconsider the matter.

The only mechanism to trigger a review of the determination is for the applicant, in this instance Council, to lodge an application under Section 8.2 of the *EP&A Act*. This submission would require a Council motion given Council's previous resolutions to support the current DA. It would also be unusual for an application to request a review of a Local Planning Panel determination that is favourable to the applicant.

This process would certainly delay the project and incur further significant costs.

The objections that have been raised cover a range of issues. Initially there was concern about the complete demolition of the structure which lead Council to develop an adaptive reuse option. Two significant concerns relate to the adaptive reuse (i.e. how much of the building will be retained), and the size of the final facility when it's completed.

The level of adaptive reuse has been subject to considerable design development, and the current DA is considered to capture the shape and form of the building, whilst providing a new facility that can be enjoyed by the wider community.

The adaptive reuse focuses on retaining the original 1950s aspects of the building, both in terms of shape, form, palate and features. The additions to the building in the 1960's, the lean-to elements, are not considered as historically important and detract from the overall heritage value. The final design has had input from a range of heritage experts who have balanced the need to provide a contemporary facility which reflects the heritage importance of the building.

There have been concerns raised that the internal footprint is not big enough, and whilst Council officers appreciate these concerns, the focus of the redevelopment is to provide an internal facility that can fit within the current building's total footprint, as well as provide for an external pavilion element to support users of the adjacent park, playground and community garden. The size of enclosed room is balanced with the public pavilion and there are contrasting views on this balance.

#### **Recommended Items to consider in the Review**

Responses to the individual issues raised by Councillor Wright's Motion are provided below.

In designing the size and potential uses of the facility, consideration has been given to other nearby facilities available for indoor meetings and activities which are:

- Artarmon Kid's Cottage - 200m<sup>2</sup>, 80 person capacity, 50 for active classes
- 139 Artarmon Road, Artarmon - 100m<sup>2</sup>, 50person capacity, 30 for active classes.

Council Officers have carefully taken into account nearby facilities in determining the Current DA.

#### **Availability of alternative Community Facilities**

Council is aware of the need for internal bookable spaces and in 2020 lodged an amendment to the existing DA consent to increase the hours of availability and increase possible users at the Artarmon Kids Cottage from child related to activities to community use. The availability of these facilities provides a net increase to Council operated community rooms.

### **Amended Design**

Council will, as is required under the Current DA, provide updated plans to comply with the DA conditions imposed by the WLPP prior to the issue of a construction certificate. The updated plans will be subject to review by Architectural Projects who are the independent Heritage Architect who provided advice to Council and the WLPP during the assessment.

As these detailed plans progress we will share these with the community to ensure they are kept informed about the project.

### **Design Excellence Process.**

A design excellence process was required under DA 2019/254 (the Previous DA), which proposed the demolition of the former Clubhouse. Council surrendered the Previous DA and lodged a new DA, the current DA, for the adaptive re-use of the existing building.

Design excellence processes generally relate to new buildings being constructed. Notwithstanding this, considerable time, thought and energy has been given to retain the recognisable form of the original clubhouse in the current design, including significant heritage interpretation design elements in response to the Local Heritage nomination.

### **Community Concerns**

The DA received a large volume of public submissions detailing community concerns. The assessment report for WLPP addressed these concerns in detail and Council has conducted extensive community consultation regarding the proposed use for the former Clubhouse since 2016. A copy of the consultation timeline can be found at attachment 1 of this report.

Whilst possible, it is considered unlikely there are any new significant material concerns that have not been raised to the WLPP given the comprehensive nature and number of submissions received during the exhibition period.

### **Historic Aspects**

An independent heritage expert has undertaken a comprehensive inventory of the current building, which has been incorporated into the design of the new building. The heritage elements were conditioned in the planning consent and form the basis of the new Artarmon Parklands Pavilion.

The list of items in the Notice of Motion are not a comprehensive list of heritage elements in the building, but their treatment is as follows:

- The existing kitchen room is to be retained. However, the kitchen cabinets are required to be removed and replaced as they are in poor condition and there is asbestos sheeting behind them.
- The Women's change room and bathroom will be reconfigured to provide bathroom facilities for the building and the playground that meet current access standards. There is also asbestos sheeting behind the tiles which requires removal.
- The Main Hall structure, and the main honour board wall, will be retained along with the majority of the exposed timber floor.
- The Bar area has not been identified as having significant heritage value that warrants its retention. However, the footprint of the bar area will be interpreted into the paving of the new design. The space where the Bar is located is essential to provide access to the playground from the main building.
- The Women's Jubilee Lounge was an addition to the building in the 1960s and will not be retained. However, the footprint of the Jubilee Lounge will be interpreted into the new paving. In its place will be an accessible ramp to access the lower playground (the ramp will provide Disability and Discrimination Act compliant access).

In making the determination, the WLPP considered comprehensive Heritage analysis and reports regarding the former Clubhouse, including those used to inform the local Heritage nomination for the building.

The WLPP also conducted a site inspection prior to determination. In making the determination of DA 2021/5, the Panel noted;

*All heritage issues appear to have been resolved in the final design, and the history of the site is acknowledged in design elements.*

Architectural Projects, the heritage consultant, has also been retained to provide oversight of the detailed design and construction.

[Attachment 2 - Timeline - Artarmon Parklands Pavilion.pdf](#)

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*Making Willoughby City even more liveable.*

# Artarmon Parklands Pavilion

## Timeline

● <b>May 2016 - May 2019</b>	Former Artarmon Bowling Club Consultation.
● <b>March 2020</b>	Artarmon Pavilion Development Consultation.
● <b>March 2020</b>	Workshop onsite with Artarmon Parkland users and stakeholders.
● <b>June 2020</b>	Concept designs developed.
● <b>July 2020</b>	Review by Design Excellence Panel.
● <b>21 September 2020</b>	Briefing to Council to endorse outcome of the Design Excellence Panel process and approve the lodgement of the Development Application.
● <b>October 2020</b>	Public exhibition on the preferred Concept design following the Design Excellence Panel process.
● <b>Dec 2020 – Jan 2021</b>	Development Application lodged and Statutory Consultation with the public as part of the DA process. The Panel determined to approve the development application.
● <b>July 2021</b>	Fencing and signage erected for Council works remediation to commence
○ <b>August – October 2021</b>	Detailed Design. Prepare detailed design and documentation.
○ <b>November 2021</b>	Construction Certificate. Council to obtain Construction Certificate in accordance with DA consent conditions.
○ <b>December 2021 – February 2022</b>	Procurement. Tender called for the construction of Pavilion.
○ <b>March – October 2022</b>	Construction. Adaptive re-use of the existing building as Community Facility, Pavilion, and associated landscaping.

[www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)



**PLANNING & INFRASTRUCTURE DEPARTMENT**

Planning Unit

12 August 2021

Ms A Goldberg  
abigail@goldbergblaise.com.au

Dear Abigail,

**RE: Review of Determination of Development Application 2021/5 by Willoughby Local Planning Panel – 1A Burra Road, Artarmon**

The Willoughby Local Planning Panel approved subject to conditions Development Application 2021/5 for partial demolition, adaptive reuse and refurbishment of the former Artarmon Bowling Clubhouse building, into a new community facility and associated landscape works at its meeting of 25 May, 2021.

Council, being the applicant and owner of the site considered a Notice of Motion at its meeting of 2 August, 2021 requesting that the panel review its determination of the application. The resolution of Council reads:

*That Council:*

1. Request the Local Planning Panel review of DA 2021/5.
2. The Panel should be requested to consider the following:
  - a. The availability of alternative local venues that have capacity for indoor meetings and activities.
  - b. The amended design concepts, plans and Council's response to the recommended conditions.
  - c. Whether a design excellence condition should be required for the new proposal.
  - d. Any additional community concerns that may be raised.
  - e. Whether the heritage value of the following list of historic aspects of the current building have been properly considered in both the application and the proposal:
    - Kitchen
    - Women's Change Room Women's
    - Bathroom
    - Main Hall
    - Bar
    - Women's Jubilee Lounge.

As such it is requested that the Willoughby Local Planning Panel review its determination of Development Application 2021/5 having regard to the matters listed in 2 above.

Yours sincerely,

Ian Arnott  
PLANNING MANAGER

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**El-helou, Rita**

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**Subject:** RE: Review of Determination for Artarmon Bowling Club Redevelopment DA2021-5 (1A Burra Rd, Artarmon)

**From:** Abigail Goldberg [<mailto:abigail@goldbergblaise.com.au>]  
**Sent:** Thursday, 12 August 2021 4:49 PM  
**To:** Council's Email <[email@willoughby.nsw.gov.au](mailto:email@willoughby.nsw.gov.au)>  
**Cc:** Arnott, Ian <[Ian.Arnott@Willoughby.nsw.gov.au](mailto:Ian.Arnott@Willoughby.nsw.gov.au)>; Abigail Goldberg <[abigail@goldbergblaise.com.au](mailto:abigail@goldbergblaise.com.au)>  
**Subject:** Re: Review of Determination for Artarmon Bowling Club Redevelopment DA2021-5 (1A Burra Rd, Artarmon)

Dear Ian

Thank you for your letter of 12 August 2021 informing me of the Notice of Motion considered by Council at its meeting of 2 August 2021, requesting that the Willoughby Local Planning Panel review its determination of the Artarmon Bowling Club Redevelopment DA2021-5 (1A Burra Rd, Artarmon).

I note that the determination of this DA was chaired by myself along with two highly experienced Expert Panellists appointed by Council as well as a community representative appointed by Council. I recall that the Panel was comprehensively briefed by Council staff regarding this DA, and that several matters were raised and debated by the Panel at the briefing. The Panel also reviewed written submissions made during the public exhibition and heard from both objectors and supporters at a public meeting held on 25 May 2021. The Panel adjourned in order to formulate a resolution, and following further debate and discussion, determined to support approval of the DA for the reasons outlined in the attached Determination and Statement of Reasons. Amendments were made to a number of conditions to address concerns raised by the community as well as by Panel members.

Should Council wish for the decision to be reviewed, an application can be made under Division 8.2 of the Environmental Planning and Assessment Act 1979 (the Act). The determination of a Review application is required to be determined by different members of the Panel to those who made the original determination.

I observe that Council in its Notice of Motion has listed a number of matters related to the DA which it is seeking to review. A Division 8.2 Review, as for the original decision, will be undertaken in relation to the planning merits of the DA under condition, and the Panel will not be able to consider matters outside of its remit, such as the availability of alternative local venues that have capacity for indoor meetings and activities.

I trust that this response is helpful. Thank you again for consulting me regarding Council's Notice of Motion and please don't hesitate to be in contact again if needed.

Regards  
Abigail

**Abigail Goldberg** FAICD FPIA, Chair and Director  
T: 0404 021 552  
E: [abigail@goldbergblaise.com.au](mailto:abigail@goldbergblaise.com.au)

**GoldbergBlaise**

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**From:** "Arnott, Ian" <[lan.Arnott@Willoughby.nsw.gov.au](mailto:lan.Arnott@Willoughby.nsw.gov.au)>

**Date:** Thursday, 12 August 2021 at 3:29 pm

**To:** Mum Goldberg <[abigail@goldbergblaise.com.au](mailto:abigail@goldbergblaise.com.au)>

**Subject:** Review of Determination for Artarmon Bowling Club Redevelopment DA2021-5 (1A Burra Rd, Artarmon)

Hi Abigail,

Please find attached letter requesting the Willoughby Local Planning Panel review its determination of DA 2021/5 for redevelopment of the former Artarmon Bowling Club. The letter is sent in accordance with Council resolution of 2 August 2021.

You are requested to respond to Council's central email ([email@willoughby.nsw.gov.au](mailto:email@willoughby.nsw.gov.au)) and copy me in.

Thanks for your attention to this matter.

Regards,

Ian

*Ian Arnott - Planning Manager*

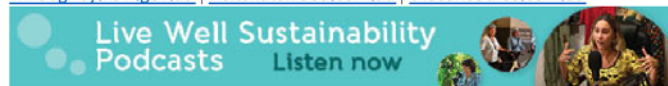
**WILLOUGHBY CITY COUNCIL**

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**DETERMINATION AND STATEMENT OF REASONS**  
WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	25 May 2021
PANEL MEMBERS	Abigail Goldberg (Chair), Kara Krason, John McInerney and Robert Wilson
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Willoughby City Council on 25 May 2021 by teleconference. The meeting opened at 2.00pm. Papers were circulated electronically between 19 May and 25 May 2021.

This item was heard between 3:00pm and 3:45pm.

**MATTER DETERMINED**

DA-2021/5 at 1A Burra Road, ARTARMON NSW 2064. Partial demolition, adaptive reuse and refurbishment of the former Artarmon Bowling Clubhouse building, into a new community facility and associated landscaping works.

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at the meeting and briefings and the matters observed at site inspections listed at item 8 in Schedule 1 of this Determination and Statement of Reasons.

The Panel adjourned subsequent to the meeting to deliberate on the matter and formulate a resolution.

**Development application**

The Panel determined to **approve** the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was 3:1 in favour, against the decision was Community Representative, Robert Wilson.

**REASONS FOR THE DECISION**

The reasons accepted by the majority of the Panel are as outlined in the Council assessment reports, including a supplementary report requesting modifications to Condition 2. The majority of the Panel notes:

- The final amended design provides a public facility in a pavilion style including both indoor and outdoor space
- All heritage issues appear to have been resolved in the final design, and the history of the site is acknowledged in design elements
- The final detailed management of the facility will be addressed through the Facility Management Plan
- Accessibility will be addressed via adoption of recommendations of the Access Planning Review report included in Condition 1.

The Panel required amendment to **Condition 4: Landscaping Plan** in order that consideration be given to providing an accessible parking space proximate to the facility.

Mr Wilson elected not to support the Panel decision to approve the application for the following reason:

- The final amended design does not provide a public facility that meets community expectations or addresses heritage concerns.

**CONDITIONS**

The development application was approved subject to the conditions in the Council assessment report with the following amendment(s).

**Conditions 2 and 4 are to be amended to read as follows:**

**2. Submit the Following Information to Willoughby City Council**

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.

- a) Retain **Reinterpret** the original glazing to the west ~~or if the condition requires reconstruct the glazing, and maintain the openness of the proposed pavilion.~~
- b) Interpret the 1957 original glazing to the bar on the south as a screen;
- c) Retain the original weatherboard façade glazing to the north or reconstruct if the timber condition requires, ~~of the northern section of the façade to the junction of the Community Room and the covered patio/pavilion.~~
- d) Interpret the footprint of the 1965 Lounge in the paving.
- e) Interpret the footprint of the 1957 bar in the paving and the roof over.
- f) Adjust the **detailing of the ramp (i.e. materials and colours)** as necessary to accommodate these interpretations.
- g) Retain the honour board in the main hall in situ and delete the proposed honour wall, **subject to structural engineering advice that the honour board can remain in-situ.**
- h) Adjust the access to the WCs to retain the original doors; the door can be widened to comply with access standards.
- i) Fix the southern door shut to retain the symmetry.
- j) Amend roof material to concrete tiles, **to be of the same or a similar colour to those used for the former clubhouse.**

(Reason: Ensure compliance)

**4. Landscaping Plan**

A landscaping plan shall be submitted with the Construction Certificate Application. **In preparing the landscape design consideration be given to providing an accessible parking space.** The plan shall include details of landscaping, using plant species including hydrangeas, camellias, azaleas and roses, used in the bowling club-era, that reflects past formal landscaping around the former clubhouse and bowling greens, and incorporates Aboriginal cultural and Non-Aboriginal heritage interpretive or public-art works developed as required by the Heritage Conservation Management Plan.

(Reason: Heritage and amenity)



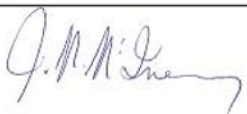

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during the public exhibition and heard from all those wishing to address the Panel. The Panel noted that key issues of concern included:

- Heritage and history
- Availability of public facilities in the area
- Size of the facility and rooms that will be made available for hire
- Accessibility
- Sustainability
- Parking

The majority of the Panel considered that concerns raised by the community have been adequately addressed in the assessment report and subsequent design amendments and associated supplementary report, and that no new issues requiring assessment were raised during the public meeting.

As noted above, Mr Wilson elected not to support the decision of the majority of the Panel to approve the application.

PANEL MEMBERS	
 <b>ABIGAIL GOLDBERG (CHAIR)</b>	 <b>KARA KRASON</b>
 <b>JOHN MCINERNEY</b>	 <b>ROBERT WILSON</b>

SCHEDULE 1		
1)	DA NO.	DA-2021/5
2)	PROPOSED DEVELOPMENT	Partial demolition, adaptive reuse and refurbishment of the former Artarmon Bowling Clubhouse building, into a new community facility and associated landscaping works.
3)	STREET ADDRESS	1A Burra Road, ARTARMON NSW 2064.
4)	APPLICANT/OWNER	Willoughby City Council
5)	REASON FOR REFERRAL	Conflict of Interest: <ul style="list-style-type: none"> <li>• Council application.</li> </ul>
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ <i>State Environmental and Planning Policy (Infrastructure 2007)</i>.</li> <li>◦ <i>SEPP 55 – Remediation of Land (Land Contamination)</i>.</li> <li>◦ <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) (Deemed SEPP)</i>.</li> <li>◦ <i>Willoughby Local Environmental Plan 2012</i>.</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ <i>Willoughby Development Control Plan</i></li> </ul> </li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>.</li> <li>• Provisions of the <i>Environmental Planning and Assessment Act</i>.</li> <li>• Planning agreements: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
7)	MATERIAL CONSIDERED BY THE PANEL	<ol style="list-style-type: none"> <li>1) Council assessment report dated: 18 May 2021.</li> <li>2) Council supplementary report dated: 25 May 2021.</li> <li>3) Written submissions during public exhibition: 35</li> <li>4) Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>◦ In Support - NIL</li> <li>◦ In Objection – <ul style="list-style-type: none"> <li>◦ Kate Lamb of 23 Chelmsford Ave Willoughby</li> <li>◦ Sharon Todd-Miller of 53 Shepherd Rd Artarmon</li> <li>◦ Anna Greco of 21 Gorman St Willoughby</li> <li>◦ Dr Judy Simpson of 70 Artarmon Rd Artarmon</li> <li>◦ Mr Bob Taffel of Willoughby South Progress Association</li> <li>◦ Mr Michael Dawes of Artarmon Progress Association</li> </ul> </li> <li>◦ On behalf of the applicant – <ul style="list-style-type: none"> <li>◦ Michael Cashin of Willoughby City Council</li> <li>◦ Jennifer Hill of Architectural Projects</li> </ul> </li> <li>◦ Council assessment officer – Jim Davies (Independent Planning Consultant)</li> </ul> </li> </ol>
8)	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> <li>• Site inspections were undertaken individually by Panellists at their discretion due to COVID-19 precautions.</li> <li>• Papers circulated electronically 19 and 25 May 2021.</li> <li>• Final briefing to discuss Council's recommendation, 25 May 2021 at 11:00am</li> <li>• Attendees: <ul style="list-style-type: none"> <li>◦ Abigail Goldberg (Chair), Kara Krason, John McInerney and Robert Wilson.</li> </ul> </li> </ul>

		o Council assessment staff: Jim Davies and Ritu Shankar
9)	<b>COUNCIL RECOMMENDATION</b>	Approval
10)	<b>DRAFT CONDITIONS</b>	Attached to the Council assessment report

Reference: DA-2021/5

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**SUMMARY - ARTARMON PAVILION CONSULTATION****April 2019 - Have Your Say consultation on the former Artarmon Bowling Clubhouse**

Council conducted a survey of options for the future use of the former Artarmon Bowling Clubhouse through Have Your Say. The consultation presented three options. The 307 responses are recorded as follows:

Option	Number of Respondents	% of Respondents
Option 1 – Keep Artarmon Bowling Clubhouse as is	27	8.8
Option 2 – Refurbish the Clubhouse as a community facility	126	41
Option 3 – Replace the Clubhouse with an outdoor recreation pavilion and accessible amenity block	154	50.2

**2019 - Consultation for DA 2019/254**

The application to demolish the clubhouse and landscape the land following demolition, was notified and 73 submissions were received. A significant majority objected to the application – 71 submissions.

- In summary key grounds for objection included:  
The clubhouse is (was) considered in good condition, affordable and superior to other facilities in the area.
- Significant cultural value and heritage significance.
- Loss of functionality, if a pavilion was to replace the clubhouse.
- Demolition is not considered an outcome that supports sustainability.

As a result, the DA for demolition was not actioned by The Council, and a design for adaptive re-use of the building was initiated.

**March 2020 - Design Brief**

A community consultation was conducted to gain community input into the design brief for the project. An online survey was conducted in concert with community drop-in sessions in the Parklands.

**On-line Survey Results – 43 Responses**

Respondents were presented with options for designs concepts options and the future use of the pavilion.

Design Concept

- 31 respondents supported a pavilion or a pavilion with an enclosed meeting room.
- 11 respondents supported retaining the current hall.
- 1 neutral response gave no clear support either way.

Use of Facility

- 33 respondents supported a pavilion or a pavilion with an enclosed meeting room.
- 10 respondents supported retention of the current hall.

### Drop-in sessions - 183 Respondents

Community Sessions were held in the Artarmon Parklands at 1A Burra Rd Artarmon on the following dates:

- Saturday 29 February 2020 9am – 11am
- Monday 9 March 2020 4pm – 6pm

Participants were presented with two large boards. One that featured the options for designs concepts options and the other with future use of the pavilion. Results are below.

### Concept Design

Pavilion Concept Design Features	Number	%
Complement parkland; shade, toilet & picnic facilities	140	23%
Outdoor BBQ facilities	103	17%
Seating / Picnic tables	87	15%
Pavilion open on at least three sides	52	9%
Incorporate the history of the former Artarmon Bowling Club	40	7%
Publicly accessible toilets (already part of concept design)	24	4%
Small meeting room to 50m <sup>2</sup> open onto pavilion internal space	19	3%
<i>Other: Café</i>	24	4%
<i>Other: Solar panels</i>	19	3%
<i>Other: incorporate aboriginal history</i>	9	1%
<i>Other: Water tanks</i>	8	1%
<i>Other: Use of recycled building materials</i>	8	1%
<b>subtotal</b>	<b>533</b>	<b>88%</b>
<b>Other Design Concepts in Favour of hall</b>	<b>Number</b>	<b>%</b>
Other: Keep the Bowling Club House	36	6%
Other: Preserve large room with wooden floor minimum 100m <sup>2</sup>	31	5%
Other: Indoor facility	7	1%
<b>subtotal</b>	<b>74</b>	<b>12%</b>
<b>Total</b>	<b>607</b>	

<b>Uses in Support of Pavilion</b>	<b>Number</b>	<b>%</b>
BBQ's and Picnics	123	20%
Markets	86	14%
Workshops/Community Education	84	14%
Cover from sun/rain	78	13%
Children's birthday parties	56	9%
Outdoor exercise classes	45	7%
Festival events	44	7%
Concerts	42	7%
Public meetings	31	5%
<i>Other: Martial arts</i>	1	0.2%
<i>Other: Senior classes</i>	1	0.2%
<b>subtotal</b>	591	95%
<b>Other Uses in Support of Maintaining a Hall</b>	<b>Number</b>	<b>%</b>
<i>Other: Indoor exercise classes</i>	23	4%
<i>Other: Indoor dance classes</i>	6	1%
<b>subtotal</b>	29	5%
<b>Total</b>	620	

#### **February 2021 - Consultation for DA 2021/5**

The application was publicly notified and submissions invited, between 20 January 2021 and 16 March 2021. 35 submissions were received, including from the Willoughby District Historical Society and Museum and local progress associations of Artarmon and South Willoughby. A submission was also received from the Artarmon Parklands Community Gardens Association.

Three themes emerged from the submissions allowing them to be grouped accordingly:

- 19 submissions support the pavilion concept, while seeking refinements to the design. This group included submissions from the Artarmon and South Willoughby Progress Associations.
- 11 submissions, including one from the Willoughby District Historical Society and Museum, objected to the proposal on built heritage/social and cultural historical grounds.
- 15 submissions, also broadly classed as objections, stated a preference for the building to be retained, renovated and restored, rather than the proposed removal of existing fabric and rebuilding as a pavilion. Reasons included heritage/history and the pavilion not suiting community-intended (and past) use of the building.

**El-helou, Rita**

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**Subject:** FW: APA key changes - former Artarmon Bowling Club

**From:** Georgie Roussac <[georginaroussac@gmail.com](mailto:georginaroussac@gmail.com)>  
**Date:** 7 September 2021 at 9:14:00 pm AEST  
**To:** "Giles-Gidney, Gail" <[Gail.Giles-Gidney@willoughby.nsw.gov.au](mailto:Gail.Giles-Gidney@willoughby.nsw.gov.au)>  
**Subject:** APA key changes - former Artarmon Bowling Club

Dear Mayor,

Information as requested.

The APA supports the proposed adaptive reuse approach but objected to the DA due to two key concerns (outlined below and attached).

Key changes requested to meet community requirements:

- **Extension of the community room to provide more enclosed space** (to meet existing and growing population needs - uses include repair workshops, first aid courses, 'inside' playgroup activities, after school care, holiday programs, dance and exercise classes, community group meetings and workshops).
- **Extension of the covered deck to the west & north side to address accessibility constraints** - to ensure a person in a wheelchair can access the kitchen if the enclosed/bookable room is being used.

Please note, these are the views presented in APA's submission. We are aware that there are other perspectives not captured in our submission.

The APA & WSPA would welcome the opportunity to discuss these enhancements and review the final design.

Kind regards,  
Georgie  
President, Artarmon Progress Association