



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

9 September 2019

commencing at 7:00pm

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1 PRESENT

Her Worship the Mayor Councillor G Giles-Gidney, Councillors C Campbell, H Eriksson, D Fernandez, W Norton, L Saville, C Tuon, B Zhu and N Wright

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr D Frost (Customer & Corporate Director), Mr G McDonald (Planning & Infrastructure Director), Ms S Charlton (Governance, Risk & Corporate Planning Manager), Mr V Grepl (Governance Officer) and Ms P Sheldrake (Governance Meeting Administration Officer)

2 DISCLOSURES OF INTERESTS

- Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.4: Investment Report for the month of August 2019
(Nature of Interest: I am an employee of the Westpac Group with whom Council has investments)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 12 August 2019, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

- Councillor Coppock is on leave previously granted.
- Councillors Rutherford, Rozos and Mustaca tendered an apology and requested Leave of Absence for 9 September 2019.
- Councillor Fernandez requested Leave of Absence from 30 September – 14 October 2019.
- Councillor Wright indicated he may be an apology for the October Council meeting.

RESOLUTION**That Council**

1. **Note Councillor Coppock is on leave previously granted.**
2. **Note the apology from Councillors Rutherford, Rozos and Mustaca and grant Leave of Absence for 9 September 2019.**
3. **Grant Leave of Absence to Councillor Fernandez from 30 September – 14 October 2019.**
4. **Note Councillor Wright's advice that he may be an apology for the October Council meeting.**

MOVED COUNCILLOR ERIKSSON**SECONDED COUNCILLOR ZHU****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu.**Against:** Nil

5 PETITIONS

NIL

6 OPEN FORUM — MATTERS NOT ON THE AGENDA

NIL

7 MAYORAL MINUTE(S)**7.1 MAYOR'S DIARY: COUNCIL MEETING NOTES – 9 SEPTEMBER 2019**

TUESDAY 13 AUGUST			
Mayor	8.40 am	Judge at Public Speaking Event	St Philip Neri School
Crs Norton, Saville	2 pm	Seniors Advisory Committee Meeting	Dougherty Centre
Cr Norton	6 pm	Bicycle Advisory Committee Meeting	Banksia Room
Mayor Crs Eriksson, Fernandez, Zhu	7.30 pm	Wby South Progress Association - AGM	Community Room, 2 Artarmon Road
WEDNESDAY 14 AUGUST			
Mayor	10.30 am	Visit to East Willoughby Pre-School (Gp 1)	East Willoughby Pre-School
Cr Saville	3.30 pm	Community Participation Committee Meeting	RNSH
Cr Norton	4 pm	Access & Inclusion Advisory Committee Meeting	Dougherty Centre
THURSDAY 15 AUGUST			
Mayor	10 am	Address to Mercy College Students	Council Chambers
Mayor	11 am	Judging of <i>Archipaws</i> Competition	Coachwood Room
Mayor	12.15 pm	VP(J) Day Luncheon	Chatswood RSL Club
Mayor Cr Zhu	6 pm	NSROC Board Meeting	Hunters Hill Council
FRIDAY 16 AUGUST			
Mayor	10.15 am	Visit to East Willoughby Pre-School (Gp 2)	East Willoughby Pre-School
Mayor	11.30 am	Welcome to Sugunami High School Students	Council Chambers
SATURDAY 17 AUGUST			
SUNDAY 18 AUGUST			
Mayor Cr Norton	2 pm	WDHS Fashion Cavalcade	Uniting Church, Clanwilliam St
MONDAY 19 AUGUST			
TUESDAY 20 AUGUST			
Cr Norton	7.30 pm	Chatswood East Progress Assn. Meeting	Dougherty Centre
WEDNESDAY 21 AUGUST			
Crs Norton, Saville	9.30 am	Local Traffic Committee Meeting	Banksia Room
Mayor	12 noon	Willoughby Christian Ministers Association Lunch	General Chao
THURSDAY 22 AUGUST			
Mayor Cr Zhu	10 am	LifeSource Morning Tea	LifeSource, Chatswood
Mayor Crs Campbell, Mustaca, Saville	5 pm	Local Centres Study Meeting – West Ward	Dougherty Centre

FRIDAY 23 AUGUST			
Mayor	12.30 am	Northbridge Rotary Charity Bridge Day	Northbridge Golf Club
Mayor Crs Campbell, Eriksson, Fernandez, Norton, Zhu	4 pm	Emerge Festival Launch	The Concourse
Mayor Deputy Mayor: Cr Rutherford Cr Norton	5.30 pm	Watermark Residences 10 th Anniversary	88 Deepwater Road
Mayor Cr Tuon	evening	Chatswood Chamber Annual Sleep Out	Westfield Car Park, Ground Floor
SATURDAY 24 AUGUST			
Mayor	9.30 am	Federation of Willoughby Progress Associations – AGM	Chatswood Library
Mayor	4.30 pm	Presentation of Patron’s Trophy	Northbridge Golf Club
SUNDAY 25 AUGUST			
Mayor	Morning	Northbridge Sailing Club Open Day	Clive Park
Mayor Cr Norton	2 pm	WSO Concert: Last Night of the Proms	The Concourse
Mayor Crs Norton, Saville	4 pm	Launch of 2020 Symphony Season	The Concourse
Mayor Crs Mustaca, Norton, Tuon, Zhu	6 pm	Tour of Taiwan Gourmet Cuisine	King Dynasty, Westfield
MONDAY 26 AUGUST			
Mayor	10 am	War on Food Waste Forum	Marrickville Library
Mayor Deputy Mayor: Cr Rutherford Crs Campbell, Eriksson, Norton, Tuon, Wright, Zhu	6 pm	Community Information Seminar	Council Chambers
TUESDAY 27 AUGUST			
Cr Saville	4.30 pm	Briefing Laneways	WCC
Mayor Crs Norton, Saville	5 pm	Heritage Advisory Committee Meeting	Banksia Room
Mayor Cr Norton	6 pm	Willoughby Park Centre Advisory Committee	Willoughby Park Centre
Cr Norton	7.30 pm	Castle Cove Progress Association Meeting	Castle Cove Community Centre
WEDNESDAY 28 AUGUST			
Mayor Crs Norton, Tuon	11.30 am & 3 pm	Citizenship Ceremonies	Council Chambers
THURSDAY 29 AUGUST			
Mayor	11 am	Visit to Child Care Centre	McCabe Place
Mayor	6 pm	Opening of WGHS Festival of Creative Arts	WGHS Hall
FRIDAY 30 AUGUST			
Mayor	2 pm	Club Grants Presentation Ceremony	Chatswood RSL Club
Cr Norton	5 pm	Happy Hour	Dougherty Apartments
SATURDAY 31 AUGUST			
Mayor	11 am	Opening of Exhibition - Art by Stuart Leung	Chinese Cultural Centre

TUESDAY 3 SEPTEMBER			
Mayor	9.50 am	Opening of Dementia Awareness Event	Zenith Theatre
Mayor	10.30 am	100 th Birthday celebration: Dulcie Hitchcock	St Peters Nursing Home
Mayor Crs Campbell, Norton	6 pm	Companion Animals Advisory Committee Meeting	Banksia Room
WEDNESDAY 4 SEPTEMBER			
Mayor	11 am	OWN Northside Wellness Group Meeting	Dougherty Centre
Cr Norton	10.30 am	Fair Trading Presentation: Retirement Villages	Dougherty Centre
Cr Saville	6 pm	Launch: National Parks Association, Sydney Region & Workshops	Dougherty Centre
Cr Saville	8 pm	Orchid Society Meeting & Exhibition	Dougherty Centre
THURSDAY 5 SEPTEMBER			
Mayor	1.30 pm	Civic Place Trust Committee	Mayor's Office
Cr Saville	3 pm	Drop in LSPS	Dougherty Centre
Mayor Crs Norton, Saville	6 pm	Natural Heritage & Bushland Committee	Council Depot
Cr Norton	7.15 pm	Welcome to Bingara Youth Exchange	Lane Cove Caravan Park
FRIDAY 6 SEPTEMBER			
Cr Saville	2.30 pm	SCCG Meeting with E.O.	
Mayor	5.30 pm	Tour of Art Works – Visual Arts Biennial 2019	Chatswood venues
Cr Saville	6 pm	Community Workshop – Climate emergency	Monte St Angelo School
Mayor Cr Norton	6.50 pm	Official Launch of Visual Arts Biennial 2019	The Concourse Art Space
Mayor Cr Norton	7.30 pm	Opening Night: The Drowsy Chaperone	Zenith Theatre
SATURDAY 7 SEPTEMBER			
Mayor Crs Campbell, Eriksson, Fernandez, Mustaca, Norton, Saville, Tuon, Wright, Zhu	10 am	Street Fair Parade	Chatswood
Mayor Cr Rozos	11.30 am	Netball Grand Final Presentations	Willoughby Leisure Centre
Crs Campbell, Eriksson, Fernandez, Norton	7 pm	George Michael WSO Tribute Concert	The Concourse
Mayor	7.30 pm	50 th Anniversary of Porsche in Willoughby	445 Willoughby Road
SUNDAY 8 SEPTEMBER			
Mayor	3 pm	Opening of Northbridge Adult Art Prize	Gallery 307

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

NIL

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

NIL

10 MATTERS REQUIRING ELABORATION OR DEBATE

The Mayor invited Councillors to indicate the items that they wished to deal with separately:

- Item 15.1 Election of Deputy Mayor
- Item 15.2 Councillors' representation on Management and Advisory Committees
- Item 15.3 Councillors' representation on Statutory Committees and external organisations
- Item 15.6 9 Centennial Avenue, Chatswood
- Item 15.7 Community Participation Plan 2019 – Public exhibition
- Item 16.1 Notice of Motion – Sustainable Energy Supply and Resources
- Item 16.2 Notice of Motion – Out of Term Grant Applications

RESOLUTION

That the staff recommendations for the following items be adopted on block:

- Item 12.1 Activities of the Audit Risk and Improvement Committee**
- Item 15.4 Investment Report for the month of August 2019**
- Item 15.5 Recommended carryover of unspent project funds from 2018/19 to 2019/20**
- Item 15.8 Adoption of Warners Park Plan of Management**

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR SAVILLE

CARRIED**Voting**

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

11 PUBLIC FORUM — MATTERS ON THE AGENDA

NIL

12 REPORTS OF COMMITTEES

12.1 ACTIVITIES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE

ATTACHMENTS:	1. IMPLICATIONS 2. ARIC REPORT AS TO OPERATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 SEPTEMBER 2019

PURPOSE OF REPORT

To provide Council with a report on the activities of the Audit Risk and Improvement Committee, including meeting minutes.

RESOLUTION

That Council receive and note the report on the activities of the Audit Risk and Improvement Committee.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 ELECTION OF DEPUTY MAYOR

ATTACHMENTS:	1. IMPLICATIONS 2. OFFICE OF LOCAL GOVERNMENT FACT SHEET – ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – GOVERNANCE OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 SEPTEMBER 2019

PURPOSE OF REPORT

To consider the election of a Councillor to the position of Deputy Mayor for the forthcoming twelve month period.

RESOLUTION

That Council:

- 1. Determine to elect a Councillor to the position of Deputy Mayor.**
- 2. Determine the method of voting to be used in the conduct of the election of Deputy Mayor by open voting.**
- 3. Note that the Chief Executive Officer has appointed Council's Public Officer to be the Returning Officer for the election.**
- 4. Proceed to elect a Deputy Mayor for the period until the next Council election to be held on 12 September 2020.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

The Mayor handed proceedings over to the Returning Officer.

The Returning Officer for the election (Governance, Risk & Corporate Planning Manager) advised the meeting that she has received one nomination and asked if there were any other nominations before conducting the vote.

The nomination received was for Councillor Campbell. As there were no other nominations, Councillor Campbell was elected to the position of Deputy Mayor unopposed.

The Mayor acknowledged outgoing Deputy Mayor Councillor Rutherford and congratulated Councillor Campbell on his appointment as Deputy Mayor.

Councillor Campbell thanked his colleagues for their support.

Council broke for a short recess from 7:13pm to 7:17pm.

15.2 COUNCILLORS' REPRESENTATION ON MANAGEMENT AND ADVISORY COMMITTEES

ATTACHMENTS:	1. IMPLICATIONS 2. COUNCILLOR REPRESENTATION CRITERIA 3. COUNCILLOR NOMINATIONS TO COMMITTEES 2017
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – GOVERNANCE OFFICER
CITY STRATEGY OUTCOME:	5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	9 SEPTEMBER 2019

PURPOSE OF REPORT

To nominate Councillor representatives to management and advisory committees until the caretaker period commences in September 2020.

RESOLUTION

That Council nominate the following Councillor representatives on management and advisory committees until the caretaker period commences ahead of the 12 September 2020 Council election:

Council management committees

- 1. Castlecrag Community Centre Management Committee**
Councillors Eriksson, Fernandez and Zhu

Council advisory committees

- 1. Multicultural Services Advisory Committee**
Councillors Norton, Rutherford and Tuon
- 2. Global Friendship Committee**
Councillors Rozos, Tuon and Zhu
- 3. Access and Inclusion Advisory Committee (formerly Access Steering Committee)**
Councillors Norton and Saville
- 4. Cultural Events Committee**
Councillors Norton, Rozos, Rutherford and Saville
- 5. Willoughby Seniors Advisory Committee**
Councillors Norton and Saville
- 6. Bicentennial Reserve and Flat Rock Gully Advisory Committee**
Mayor Giles-Gidney, Councillors Eriksson and Wright
- 7. Bicycle Consultative Committee**
Councillors Campbell and Norton
- 8. Natural Heritage and Bushland Advisory Committee**
Mayor Giles-Gidney, Councillors Fernandez, Norton and Saville

9. **Sustainability Reference Group**
Councillors Fernandez and Saville
10. **Willoughby Symphony Orchestra and Choir Advisory Committee**
Councillor Norton
11. **Companion Animals Committee**
Councillors Campbell and Norton
12. **Heritage Advisory Committee**
Councillors Norton and Saville
13. **Willoughby Park Centre Committee**
Councillors Norton and Rozos.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

15.3 COUNCILLORS' REPRESENTATION ON STATUTORY COMMITTEES AND EXTERNAL ORGANISATIONS

ATTACHMENTS:	1. IMPLICATIONS 2. COUNCILLOR REPRESENTATION CRITERIA 3. COUNCILLOR NOMINATIONS 2018
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – GOVERNANCE OFFICER
CITY STRATEGY OUTCOME:	5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	9 SEPTEMBER 2019

PURPOSE OF REPORT

To nominate Councillor representatives to statutory committee and external organisations until the caretaker period commences in August 2020, ahead of the 12 September 2020 Council election.

RESOLUTION

That Council nominate the following Councillor representatives on statutory committees and external organisations until the caretaker period commences ahead of the September 2020 Council election:

Council statutory committee

- 1. Audit, Risk and Improvement Committee**
Councillors Tuon and Wright

External Organisations

- 1. Dougherty Apartments Board**
Councillor Fernandez as Council member representative and a Director, Melanie Smith as a Director, Councillor Norton as the alternate Council member representative.
- 2. District Bush Fire Management Committee**
Councillor Campbell, Councillors Wright and Saville as the alternate Council representative
- 3. Northern Sydney Regional Organisation of Councils (NSROC)**
Mayor Giles-Gidney, Councillor Zhu as delegate, Councillor Wright as the alternate Council representative
- 4. Sydney North Planning Panel**
Mayor Giles-Gidney and Deputy Mayor Campbell
- 5. NSW Public Library Association**
Councillor Tuon
- 6. Sydney Coastal Councils Group**
Councillors Saville and Norton, Councillor Wright as the alternate Council representative.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

15.4 INVESTMENT REPORT FOR THE MONTH OF AUGUST 2019

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2018) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 SEPTEMBER 2019

PURPOSE OF REPORT

To detail the Council Bank balances and investment portfolio performance as at 31 August 2019.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 August 2019.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

15.5 RECOMMENDED CARRYOVER OF UNSPENT PROJECT FUNDS FROM 2018/19 TO 2019/20

ATTACHMENTS:	1. IMPLICATIONS 2. RECOMMENDED CARRYOVER PROJECTS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 SEPTEMBER 2019

PURPOSE OF REPORT

To seek Council endorsement of the proposed carryovers works from 2018/19 to 2019/20.

RESOLUTION

That Council endorse the proposed carryover works from 2018/19 to 2019/20 totalling \$2,290,600 (with \$80,100 funded from the General Fund).

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

PLANNING & INFRASTRUCTURE DIRECTORATE**15.6 9 CENTENNIAL AVENUE, CHATSWOOD**

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MARK TAYLOR – COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	9 SEPTEMBER 2019

PURPOSE OF REPORT

To advise Council of actions undertaken to protect the heritage value of the dwelling at 9 Centennial Avenue, Chatswood.

RESOLUTION

That Council note the report on 9 Centennial Avenue, Chatswood as requested by Council at its meeting on 22 July 2019.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillor Norton

COMMUNITY, CULTURE & LEISURE DIRECTORATE

15.7 COMMUNITY PARTICIPATION PLAN 2019 - PUBLIC EXHIBITION

ATTACHMENTS:	1. IMPLICATIONS 2. COMMUNITY ENGAGEMENT POLICY 3. DRAFT COMMUNITY PARTICIPATION PLAN
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	SAMANTHA CONNOR, MEDIA MARKETING AND EVENTS MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 SEPTEMBER 2019

PURPOSE OF REPORT

To seek Council's endorsement to place the draft *Community Participation Plan 2019* and the amended Community Engagement Policy on public exhibition.

RESOLUTION

That Council:

1. Approve the public exhibition of the draft *Community Participation Plan* dated August 2019 in Attachment 3.
2. Receive a further report after the conclusion of the public exhibition of the draft *Community Participation Plan* by November 2019.
3. Approve the public exhibition of the amended *Community Engagement Policy* dated 2016 in Attachment 2.
4. Receive a further report after the conclusion of the public exhibition of the amended *Community Engagement Policy* by November 2019.

5. Delegate to the Chief Executive Officer to make amendments to the *Draft Community Participation Plan* which do not alter the scope, purpose or intent of the *Plan*.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

15.8 ADOPTION OF THE WARNERS PARK PLAN OF MANAGEMENT

ATTACHMENTS:	1. IMPLICATIONS 2. WARNERS PARK - PLAN OF MANAGEMENT 3. PUBLIC HEARING REPORT 4. COMMUNITY FEEDBACK
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD- OPEN SPACE CO-ORDINATOR
CITY STRATEGY OUTCOME:	3.2 – CREATE RECREATION SPACES FOR ALL
MEETING DATE:	9 SEPTEMBER 2019

PURPOSE OF REPORT

To seek Council's endorsement to adopt the *Warners Park Plan of Management* dated April 2019, including the re-categorisation of the community land in Warners Park from 'Sportsground and Park' to 'General Community Use and Park'.

RESOLUTION

That Council:

1. Approve the re-categorisation of community land in Warners Park from Sportsground and Park to General Community Use and Park, reflecting the change in use of the land since the Northbridge Bowling Club ceased operation in July 2015, as follows:
 - 1.1 General Community Use – former bowling club buildings, propagation shade house, former greenkeepers shed and store and carpark.
 - 1.2 Park – two former bowling greens, informal grassed areas and gardens, children's playground, picnic area and community garden.
2. Adopt the Warners Park Plan of Management dated April 2019.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

16 NOTICE OF MOTIONS

16.1 NOTICE OF MOTION - SUSTAINABLE ENERGY SUPPLY AND RESOURCES

RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT MANAGER
CITY STRATEGY OUTCOME:	1.4 – REDUCE ENERGY, WATER AND RESOURCE WASTE AND ENCOURAGE REUSE
MEETING DATE:	9 SEPTEMBER 2019

PURPOSE OF REPORT

Councillor Saville has indicated her intention to move the following Notice of Motion.

MOTION

That Council make a submission to the Parliamentary Inquiry into Sustainability of energy supply and resources in NSW, including Council's:

1. Record, achievements and commitment to environmental sustainability;
2. Green City Plan (2019);
3. Support for a statewide goal of net zero emissions by 2030 (as per the 2017 LG conference, and subsequent conference resolution);
4. Strong concern regarding the impact of coal mining and emissions from coal fired power stations on the climate, the environment, human health and water security;
5. Support for a phase out of coalmining and coal fired power stations in NSW, with a transition to renewable energy sources by 2030;
6. Strong support for economic, transition and new job training, and other initiatives to assist regional communities and workers that may be affected by changing energy and resource markets.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR FERNANDEZ

NOT PUT

AMENDMENT

That Council make a submission to the Parliamentary Inquiry into Sustainability of energy supply and resources in NSW, including Council's:

1. Record, achievements and commitment to environmental sustainability;
2. Green City Plan (2019);

3. Note that Council is also a member of Cities Power Partnership, pledging to switch to non-polluting energy and reducing emissions in our community.
4. Strong support for economic, transition and new job training, and other initiatives to assist regional communities and workers that may be affected by changing energy and resource markets.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Amendment: Councillors Giles-Gidney, Campbell, Eriksson, Tuon and Zhu.

Against: Councillors Fernandez, Saville, Norton and Wright.

The amendment on being put to the meeting became the motion and the motion was carried unanimously to become the resolution of Council.

16.2 NOTICE OF MOTION - OUT OF TERM GRANT APPLICATIONS

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MELANIE SMITH - COMMUNITY, CULTURE & LEISURE DIRECTOR
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	9 SEPTEMBER 2019

PURPOSE OF REPORT

Councillor Zhu has indicated his intention to move the following Notice of Motion.

MOTION

That Council:

- 1. Delegate to the Chief Executive Officer the authority to consider and determine Out of Term Grant applications under:**
 - 1.1 Event Seed Funding Program**
 - 1.2 The Concourse Performing Arts Subsidy Program**
 - 1.3 Community Small Grants Program**

subject to the applications being in accordance with the relevant Council policy and/or grant program guidelines and funds remaining available for the program.

- 2. Receive a quarterly report from Council Officers for an update on the Out of Term Grant applications in the past quarter, the decision and the reason for the decision.**
- 3. Retains the ability to review this process.**

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton and Zhu.

Against: Councillors Saville, Tuon and Wright.

17 CONFIDENTIAL MATTERS

NIL

18 QUESTIONS WITH NOTICE

QUESTIONS ON NOTICE FROM COUNCILLOR COPPOCK

RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 SEPTEMBER 2019

QUESTION

Legal Advice re Artarmon Bowling Club Council meeting 22 July 2019

1. Cllr Coppock asked the CEO a series of questions concerning the meaning of ‘professional legal privilege’ and then how that related to the legal advice provided concerning issues raised in respect to the recession motion of the Council resolution to demolish the Artarmon Bowling Club.

The CEO said she would take the question on notice.

When is the answer to be provided to open Council?

2. Can the CEO confirm that the question that was placed on notice was exactly the same issue raised by Cllr Coppock in relation to the Report on Northbridge Baths before Council 2017, namely that legal advice given to Council has to meet very specific statutory tests before it can be treated as confidential before a meeting of Council?

Council Confidential Briefings

1. What is the statutory or legal basis for the GM’s Councillors confidential briefings when these briefings are not items on a published council agenda for a scheduled Council meeting?
2. Are the briefings council meetings?
3. The briefings are not open to the Public, where does it say Council can hold closed meetings to the public other than what is specified in the Act regarding Council meetings?
4. Where does it say that what is stated at these closed briefings can then not be made public?
5. Where does it say that agendas for the closed meetings if they are a council meeting are not placed in the public domain?
6. On what statutory authority or at law is the CEO or her officers able to mark papers provided to these briefings ‘confidential’ before, during or after these briefings?

Maintenance of The Concourse

1. Please detailed the itemised budget and actual maintenance costs at The Concourse for the year ended 30 June 2019?
2. Please detail the date of the latest operational maintenance report of the environmental features of The Concourse and provide a copy of that report to open Council?
3. Please advise in which Council agenda the report will be placed?

The Council Depot

1. The CEO provided some employment numbers for the Council depot in answer to a question from Cllr Coppock in this term of Council.

May the same chart be reproduced to provide answers again for this question on notice so that the information is updated to the end of the financial year 30 June 2019 to allow a comparison for the data?

2. Please provide the data for the frequency of street cleaning in each Ward for the periods:

Jan 2014 to Dec 2014

Jan 2015 to Dec 2015

Jan 2016 to Dec 2016

Jan 2017 to Dec 2017

Jan 2018 to Dec 2018

Jan 2018 to June 2018

City Garden Maintenance

1. Please provide details of budget and actual costs of city garden maintenance?
2. Please provide a description as to how the works are scheduled?

Leisure Centre

1. What was the CEO's rationale in obtaining Council's approval to abolish the Centre before finalised plans were in existence and any public consultation had occurred about what might be in those plans?
2. Does this mean that there will be no public consultation before demolition commences?

Artarmon Bowling Club

What was the CEO's rationale in seeking demolition of the Artarmon Bowling Club before finalised costs had been retained and the proposal now is to go back to the drawing board concerning the pavilion's design?

ANSWER**Legal Advice re Artarmon Bowling Club Council meeting 22 July 2019**

1. *Clr Coppock asked the CEO a series of questions concerning the meaning of "professional legal privilege" and then how that related to the legal advice provided concerning issues raised in respect to the recession motion of the Council resolution to demolish the Artarmon Bowling Club.*

*The CEO said she would take the question on notice.
When is the answer to be provided to open Council?*

The following response is provided to the questions raised by Councillor Coppock at the Council meeting of the 22 July 2019.

Legal professional privilege has two elements, litigation privilege and advice privilege.

Legal professional privilege extends to:

- 1) documents prepared or communications made for the dominant purpose of providing legal advice (legal advice privilege); and
- 2) documents prepared or communications made for the dominant purpose of litigation (litigation privilege).

The determination of documents prepared or communications made as being subject to legal professional privilege is dependent on the dominant purpose for which it was prepared. The dominant purpose approach is supported by the *NSW Evidence Act 1995*, see Part 3.10, Division 1, in particular section 118 which expressly recognises the legal advice privilege and applies the dominant purpose test.

Confidentiality is an important part of the privilege, and this is recognised by sections 10A, 10B and 11 of the *Local Government Act 1993* (the Act). These sections enable a Council to close a meeting to the public to preserve confidentiality and privilege. The *Model Code of Conduct for Local Councils in NSW 2018* imposes an obligation upon all council officials to maintain the integrity and security of confidential documents or information in their possession. And for documents or matters considered in a meeting that was closed to the public it is an offence under section 664(1A) of the Act to disclose those matters.

The advice document prepared by HWL Ebsworth with respect to the Artarmon Bowling Club was confidential legal advice prepared for the dominant (and sole) purpose of providing legal advice and therefore is privileged on the basis of the legal advice privilege.

2. *Can the CEO confirm that the question that was placed on notice was exactly the same issue raised by Clr Coppock in relation to the Report on Northbridge Baths before Council 2017, namely that legal advice given to Council has to meet very specific statutory tests before it can be treated as confidential before a meeting of Council?*

Questions raised by Councillor Coppock at the meetings held on 10 April 2017 and 22 July 2019 also concerned legal professional privilege which has been responded to in the previous response. Questions raised at the 10 April 2017 meeting were addressed at the meeting.

Council Confidential Briefings

1. *What is the statutory or legal basis for the GM's Councillors confidential briefings when these briefings are not items on a published council agenda for a scheduled Council meeting?*

Willoughby City Council Code of Meeting Practice provides for Councillor briefing sessions. Council's Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW published in the NSW Government Gazette on 14 December 2018 pursuant to section 360 of the *Local Government Act, 1993* (the Act) and Clause 232 of the *Local Government (General) Regulation 2005* (Regulation). This is the statutory basis for holding briefings for Councillors which are not open to the public and which are not restricted to public agenda items.

The Act advises in section 335 that the functions performed by the General Manager include the day-to-day management of the council and the responsibility of ensuring that the Mayor and Councillors are given timely information and advice to enable them to effectively discharge their functions.

Council's *Code of Meeting Practice* incorporates clauses from the Model Code regarding councillor briefing sessions. Whilst these provisions form part of the published Model Code and indicate that the provision of confidential briefings is an appropriate and acceptable part of managing the business of Council contemplated by the Act and the Regulation. Such briefings endorsed by Council in its Code are not restricted to council agenda items.

More specifically, Council's *Code of Meeting Practice* states:

- 3.31 Prior to each ordinary meeting of the council, the general manager may arrange a councillor briefing session to brief councillors on business to be considered at the meeting or a future meeting and **any other matter**.
- 3.32 Councillor briefing sessions are to be held in the absence of the public.
- 3.33 The general manager or a member of staff nominated by the general manager is to preside at councillor briefing sessions.

2. *Are the briefings council meetings?*

Councillor briefing sessions are not meetings. Please refer to response to question 1.

3. *The briefings sessions are not open to the Public, where does it say Council can hold closed meetings to the public other than what is specified in the Act regarding Council meetings?*

Councillor briefing sessions are not meetings. Please refer to the response to question 1 and also note clause 3.32 above of the Code.

4. *Where does it say that what is stated at these closed briefings can then not be made public?*

The confidentiality of councillor briefing sessions is expressly recognised by clauses 8.10 and 8.11 of the *Model Code of Conduct for Local Councils in NSW 2018* which was published in the NSW Government Gazette on 14 December 2018 as the prescribed Code of Conduct for the purposes of section 440 of the *Local Government Act, 1993* (the Act) and clause 180 of the *Local Government (General) Regulation 2005* (the Regulation).

Willoughby City Council Code of Conduct has adopted these provisions in full. Note that section 440 of the Act requires Councils to adopt a Code of Conduct which is consistent with the Model Code of Conduct and may only vary from the Model Code in certain specified circumstances and generally only to impose more onerous obligations.

Clause 8.11(g) of Council's Code of Conduct states that Councillors and Council officers must:

- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, **workshops or briefing sessions**).

5. *Where does it say that agendas for the closed meetings if they are a council meeting are not placed in the public domain?*

Councillor briefing sessions are not Council meetings. For transparency, Council publishes on its website a list of topics discussed at Councillor briefing sessions.

Agenda items that are listed for consideration during the closed session of a council meeting are published and are often accompanied by a public report.

6. *On what statutory authority or at law is the CEO or her officers able to mark papers provided to these briefings 'confidential' before, during or after these briefings?*

Please refer to the response to questions 1 to 5.

The scope of matters which should be treated as confidential is a matter for assessment and judgement by the Chief Executive Officer and forms a part of this role. The Model Codes now replace and strengthen the previous advice provided in the *Meetings Practice Note* (No 16). The Model Codes are formal instruments made under the authority of the Act and the Regulations as explained above.

Confidentiality may attach to information at a point in time and may subsequently not be confidential. It depends on the circumstances.

Under the general law protection will be afforded to information which was received on the understanding that it would be treated confidentially or that the person who received the information should have realised in all the circumstances that the information was to be treated confidentially.

Maintenance of The Concourse

1. *Please detail the itemised budget and actual maintenance costs at The Concourse for the year ended 30 June 2019?*

Table 1 – Concourse Expenditure 2018/19 Financial Year

Component	Revised Budgets \$	Total Expenditure \$	Operational Expenditure Proportion
Expenditure			
001 - General	0	863	
601 - Property - General	1,385,996	1,162,590	\$ 753,036
602 - Carpentry	0	8,118	
603 - Electrical	0	54,209	
607 - Plumbing	0	14,135	
611 - Meetings	0	1,000	
630 - Essential Services	0	68,708	
650 – Air Conditioning	0	33,543	
654 - Auto Doors	0	40,856	
661 - Grease Traps Programme Maint	0	42,660	\$ 42,660
662 - Lifts Programme Maint	0	43,200	
665 - Pest Control	16,687	4,845	
669 - Additional Property Work	0	33,318	
688 - Landscape & External Works	13,363	3,451	\$ 3,451
699 - Operational Costs	1,068,153	1,052,202	\$ 1,052,202
Expenditure Total	2,484,199	2,563,697	\$ 1,055,653
Income			
601 - Property - General	2,484,199	2,746,021	
630 - Essential Services	0	-977	
Income Total	2,484,199	2,746,998	
Total	0	183,301	

2. *Please detail the date of the latest operational maintenance report of the environmental features of The Concourse and provide a copy of that report to open Council?*
3. *Please advise in which Council agenda the report will be placed?*

Further information is required in order to provide a full response to questions 2 and 3. In the interim, Table 2 has been provided which details expenditure for the year 2018/19 on The Concourse filtration system.

Table 2 – Concourse Filtration System Expenditure 18/19 Financial Year

Component	Revised Budgets	YTD Actuals
Expenditure		
601 - Property - General	\$ 55,055	\$ 6,848
Expenditure Total	\$ 55,055	\$ 6,848
Total	\$ 55,055	\$ 6,848

The stormwater storage and filtration system provides sanitised and filtered water for use in toilet flushing and irrigation. An allocation of \$55,000 was provided in the 2018/19 operational budget for routine maintenance and repair of the plant and equipment as required. There were minimal repairs required during the 2018/19 financial year, which accounts for the minimal expenditure.

The Council Depot

1. *The CEO provided some employment numbers for the Council depot in answer to a question from Clr Coppock in this term of Council.*

May the same chart be reproduced to provide answers again for this question on notice so that the information is updated to the end of the financial year 30 June 2019 to allow a comparison for the data?

Table 3 – Depot staff budgets

Year	Budget FTEs			Actual FTEs			Costs		
	Depot	Council	Depot as % of Council total	Depot	Council	Depot as % of Council total	Total contractor and agency costs (\$)	Assume fully loaded cost of \$75k for FTE (\$)	Approx total cost (\$)
2006	138	420.07	32.9	113.5	387	29.3			
2007	139	420.07	33.1	121.3	387.05	31.3	3,852,730	9,097,500	12,950,230
2008	139.20	413.1	33.7	117.2	375.60	31.2	5,443,995	8,790,000	14,233,995
2009	139.4	421	33.1	122	396	30.8	4,016,564	9,150,000	13,166,564
2010	139.4	429.2	32.5	119.1	397.3	30.0	3,841,463	8,932,500	12,773,963
2011	137.24	437.39	31.4	118.6	408.2	29.1	4,581,836	8,895,000	13,476,836
2012	137.24	437.39	31.4	108.7	404.4	26.9	5,519,218	8,152,500	13,671,718
2013	135.37	445.21	30.4	110.26	416.01	26.5	6,417,031	8,269,500	14,686,531
2014	135.37	428.34	31.6	98.43	403.2	24.4	4,992,220	7,382,250	12,374,470
2015	117.2	427.65	27.4	95.05	395.04	24.1	5,119,558	7,128,750	12,248,308
2016	99.53	413.83	24.1	83.69	365.7	22.9	5,434,294	6,276,750	11,711,044
2017	99.73	406.87	24.5	84.73	355.83	23.8	6,152,282	6,354,750	12,507,032
2018	101.88	410.43	24.8	92.69	361.07	25.7	4,705,219	6,951,750	11,656,969
2019	104	412.72	25.2	88.88	360.89	24.6	7,170,423	6,666,000	13,836,423

Note: Depot includes Works, Open Space and Trades who look after Council owned Properties.

2. *Please provide the data for the frequency of street cleaning in each Ward for the periods:*

Jan 2014 to Dec 2014

Jan 2015 to Dec 2015

Jan 2016 to Dec 2016

Jan 2017 to Dec 2017

Jan 2018 to Dec 2018

Jan 2018 to June 2018

The frequency of street cleaning cannot be broken down by Ward, however the following general program has taken place across the LGA with only minor adjustments since 2014. Streets in and around the Chatswood and Artarmon CBDs are cleaned and swept daily (Monday to Friday). Residential areas across the local government area (LGA) are hand and machine swept weekly and fortnightly, depending on the area's level of use and on level of leaf litter accumulating. Shopping areas such as High Street, Northbridge/ Woonona Road, Naremburn, Willoughby Road, Frenchs Road, Mowbray Road and Victoria Avenue are swept daily and cleaned fortnightly.

Cleaning could include hosing, machine scrubbing or pressure cleaning. This cleaning is also supplemented by engaging a cleaning contractor with access to specialised cleaning equipment. Main streets across the LGA are generally swept Monday to Friday, with every residential street swept at least once a fortnight. The Artarmon industrial area is swept weekly. All car parking areas in the CBD are cleaned daily. Litter and waste from all public roadside, park and reserve bins are emptied at least weekly.

Additional cleansing services are scheduled before and/or after any events that take place across the LGA and any additional requests for cleaning are also undertaken within the work schedule through Customer Service Requests (CSRs) received from Councillors and members of the public.

City Garden Maintenance

1. *Please provide details of budget and actual costs of city garden maintenance?*
2. *Please provide a description as to how the works are scheduled?*

Council undertakes landscaping and garden maintenance at many locations across the City. These areas include parks, ovals, Local Area Traffic Management Schemes, nature strips, streetscapes, trees and dedicated high profile areas like the Remembrance Garden. Council does not have a single dedicated budget for all these works as they are carried out under two separate budget allocations. These budgets are 6630 – Open Space Non-Organised Passive Recreation and 6850 – Open Space Streetscapes. The budgeted and actual expenditure for these two budget areas for 2018/19 are listed in Table 4 below.

Table 4 – Budgeted and actual expenditure

Cost Centre	Budget 2018/19	Actual expenditure 2018/19
6630 – Open Space Non-Organised Passive Recreation	\$1,791,172	\$1,741,652
6850 – Open Space Streetscapes	\$1,570,354	\$1,475,315

The majority of maintenance works are carried out on a scheduled rolling works program where staff are allocated specific timeslots to undertake maintenance activities at various parks and landscaped areas. Higher profile areas such as the Remembrance Gardens receive a higher level of attention. Council also receives Customer Service Requests which also generate maintenance works and these are scheduled to be under taken in conjunction with maintenance works already programmed.

Leisure Centre

1. *What was the CEO's rationale in obtaining Council's approval to abolish the Centre before finalised plans were in existence and any public consultation had occurred about what might be in those plans?*
2. *Does this mean that there will be no public consultation before demolition commences?*

There are no plans to demolish the Leisure Centre.

Artarmon Bowling Club

What was the CEO's rationale in seeking demolition of the Artarmon Bowling Club before finalised costs had been retained and the proposal now is to go back to the drawing board concerning the pavilion's design?

At its meeting of 24 June 2019 Council endorsed the demolition of the former Artarmon Bowling Clubhouse and agreed to develop the former Artarmon Bowling Clubhouse site as a community pavilion.

The report provided Council's direction for the future development of the site and endorsement to progress to the next stage of design work for the proposed pavilion. The direction from Council has been established and the next stages are proceeding.

19 CONCLUSION OF THE MEETING

The meeting concluded at 8:18pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 9 September 2019. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.