



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chamber, Level 6, 31 Victor Street, Chatswood

12 October 2020

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## 1 PRESENT

### Councillors

Joining the meeting present in the Chamber: Her Worship the Mayor Councillor G Giles-Gidney, Councillors Campbell, Eriksson, Mustaca, Norton, Rutherford, Tuon, Wright and Zhu.

Joining the meeting via Zoom Conferencing: Councillors Coppock, Saville, Rozos and Fernandez.

### Officers

Ms D Just (Chief Executive Officer), M Smith (Community, Culture & Leisure Director), Mr G McDonald (Customer & Corporate Director), Mr C Binns (Acting Planning & Infrastructure Director), Ms A Casey (Culture & Leisure Manger), Mr M Cashin (Community Life Manager), Mr I Arnott (Planning Manager) Ms N Shankie-Williams (Strategic Planning Team Leader), Ms S Charlton (Governance, Risk & Corporate Planning Manager), Ms S Williams (Governance Team Leader), Ms P Sheldrake (Governance Meeting Administration Officer), Mr J Racchi (Information Technology Team Leader) and Mr M Long (Network Support Officer).

## 2 DISCLOSURES OF INTERESTS

- Councillor Coppock declared a non-pecuniary significant interest in Item 15.1: Legal Services Report October 2020.  
*(Nature of Interest: I have a matter against Council at this time.)*
- Councillor Wright declared, via a Disclosure of Interest form, a non-pecuniary less than significant interest in Item 15.5: Investment Report for the month of September 2020.  
*(Nature of Interest: I am an employee of Westpac Bank with whom Council has investments.)*
- Councillor Coppock declared a non-pecuniary significant interest in Item 17.2: Confidential – Legal Services Report October 2020.  
*(Nature of Interest: I have a matter against Council at this time.)*
- Councillor Wright declared, via a Disclosure of Interest form, a pecuniary interest in Item 17.3: Confidential – Bank of China lease – Shop 11, 409 Victoria Avenue, Chatswood.  
*(Nature of Interest: I am an employee of a competitor bank (Westpac).)*

### **3 CONFIRMATION OF MINUTES**

#### **RESOLUTION**

**That the Minutes of the Ordinary Meeting of Council held 14 September 2020, copies of which have been circulated to each member of Council, be confirmed.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

#### **Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

### **4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

NIL

## 5 PETITIONS

### 5.1 PETITION – WILLOUGHBY CITY COUNCIL RETURN TALUS RESERVE PARKING AREA NAREMBURN TO RECREATION USERS AND OBJECTION TO REZONING AND DEVELOPMENT AT 1A-29 BOWEN STREET AND 6-18 MORIARTY ROAD, CHATSWOOD

**RESPONSIBLE OFFICER:** GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER

**CITY STRATEGY OUTCOME:** 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

**MEETING DATE:** 12 OCTOBER 2020

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#### PURPOSE OF REPORT

To consider a petition containing 789 signatures petitioning Council to return Talus Reserve parking area, Naremburn to recreational users.

Deputy Mayor Councillor Campbell tabled a further petition containing 55 signatures from the Bowen-Moriarty Community Action Group objecting to the rezoning and development at 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood.

#### MOTION

**That Council:**

1. Receive and note the petition from residents that Council return Talus Reserve parking area Naremburn to recreational users.
2. Receive and note the petition relating to rezoning and development at 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood.
3. Refer the petitions to the Acting Director Infrastructure and Planning for consideration.

**MOVED COUNCILLOR CAMPBELL**

**SECONDED COUNCILLOR RUTHERFORD**

**CARRIED**

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

#### Voting

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Councillor Coppock.

## 6 OPEN FORUM — MATTERS NOT ON THE AGENDA

Due to the restrictions on public gatherings imposed by Public Health Orders, members of the community were invited to forward their submissions to Council. No submissions were received.

## 7 MAYORAL MINUTE

NIL

## 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 15.5 Investment Report for the month of September 2020
- Item 15.6 Outcome of Public Exhibition and Adoption of Willoughby Industrial Lands Strategy 2036
- Item 15.7 Public Exhibition of the Draft Community Use of Sports Facilities Policy
- Item 15.9 Public Exhibition and Adoption of Children's Services – Service Provision – Adoption
- Item 16.1 Notice of Rescission Motion – Chatswood CBD Planning and Urban Design Strategy 2036
- Item 18.1 Question on Notice from Councillor Coppock – Chatswood CBD Planning and Urban Design Strategy 2036

### RESOLUTION

That the staff recommendations for the following items be adopted en bloc:

- Item 15.1 Legal Services Report October 2020
- Item 15.2 Disclosures of Pecuniary Interest and Other Matters 2019/20
- Item 15.3 Petitions Update – October 2020
- Item 15.4 Model Code of Conduct – Complaint Statistics
- Item 15.8 Outcome of Public Exhibition and Adoption of Master Plan – Chatswood Rotary War Memorial Athletics Field
- Item 17.1 Confidential – Council Business Support Plan – Update
- Item 17.2 Confidential – Legal Services Report October 2020
- Item 17.3 Confidential – Bank of China Lease – Shop 11, 409 Victoria Avenue, Chatswood

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

**Against:** Nil

**Absent:** Councillors Coppock and Wright.

- Councillor Coppock declared a non-pecuniary significant interest in Item 15.1: Confidential – Legal Services Report October 2020. Councillor Coppock withdrew from the meeting at 7:13pm when the item was moved by exception and returned to the meeting at 7:15pm. (Nature of Interest: I have a matter against Council at this time.)
- Councillor Coppock declared a non-pecuniary significant interest in Item 17.2: Confidential – Legal Services Report October 2020. Councillor Coppock withdrew from the meeting at 7:13pm when the item was moved by exception and returned to the meeting at 7:15pm. (Nature of Interest: I have a matter against Council at this time.)
- Councillor Wright declared, via a Disclosures of Interest form, a pecuniary interest in Item 17.3: Confidential – Bank of China Lease – Shop 11, 409 Victoria Avenue, Chatswood. Councillor Wright withdrew from the meeting at 7:13pm when the item was moved by exception and returned to the meeting at 7:15pm. (Nature of Interest: I am an employee of a competitor bank (Westpac))

## **11 PUBLIC FORUM — MATTERS ON THE AGENDA**

Due to the restrictions on public gatherings imposed by Public Health Orders, members of the community were invited to forward their submissions to Council. Submissions were distributed to Councillors prior to the meeting and have been included as an addendum to these minutes where permission has been given by the author.

### **Item 16.1 Notice of Rescission Motion – Chatswood CBD Planning and Urban Design Strategy 2036.**

A submission was received from Stephen Figgis, Principal Architect, Figgis & Jefferson Tapa Pty Ltd in support of the rescission motion.



**12 REPORTS OF COMMITTEES**

NIL

**13 DEFERRED MATTERS**

NIL

**14 CORRESPONDENCE**

NIL

## 15 REPORTS FROM THE OFFICERS

### CUSTOMER & CORPORATE DIRECTORATE

#### 15.1 LEGAL SERVICES REPORT OCTOBER 2020

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. LEGAL SERVICES REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CHARLTON - GOVERNANCE, RISK &amp; CORPORATE PLANNING 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>12 OCTOBER 2020</b>

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#### PURPOSE OF REPORT

To present for noting the legal services report for October 2020.

#### RESOLUTION

**That Council receive the legal services report for October 2020.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

#### Voting

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

**Against:** Nil

**Absent:** Councillors Coppock and Wright.

Councillor Coppock declared a non-pecuniary significant interest in Item 15.1: Confidential – Legal Services Report October 2020. Councillor Coppock withdrew from the meeting at 7:13pm when the item was moved by exception and returned to the meeting at 7:15pm. (Nature of Interest: I have a matter against Council at this time.)

Councillor Wright withdrew from the meeting at 7:13pm when this item was moved en bloc and return to the meeting at 7:15pm.

**15.2 DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS - 2019/20**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CHARLTON – GOVERNANCE RISK &amp; COPORATE PLANNING 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>12 OCTOBER 2019</b>

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**PURPOSE OF REPORT**

To table Councillor and designated officers Disclosures of Pecuniary Interests and Other Matters Returns (returns) as required by clause 4.25 of the *Model Code of Conduct for Local Councils in NSW 2020* (the Model Code) for the period 1 July 2019 to 30 June 2020.

**RESOLUTION**

**That Council note the tabling of Disclosures of Pecuniary Interest and Other Matters Returns by Councillors and designated persons for the 12 months ending 30 June 2020.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

**Against:** Nil

**Absent:** Councillors Coppock and Wright.

Councillors Coppock and Wright withdrew from the meeting at 7:13pm when this item was moved en bloc and return to the meeting at 7:15pm.

**15.3 PETITIONS UPDATE - OCTOBER 2020**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. LISTING OF PETITIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER</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>12 OCTOBER 2020</b>

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**PURPOSE OF REPORT**

To present to Council the biannual report regarding the status of petitions presented to Council between May and October 2020.

**RESOLUTION**

**That Council review and note the updated listing of petitions.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

**Against:** Nil

**Absent:** Councillors Coppock and Wright.

Councillors Coppock and Wright withdrew from the meeting at 7:13pm when this item was moved en bloc and return to the meeting at 7:15pm.

**15.4 MODEL CODE OF CONDUCT - COMPLAINT STATISTICS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. MODEL CODE OF CONDUCT – COMPLAINT STATISTICS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SHERRYN WILLIAMS – TEAM LEADER GOVERNANCE</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>12 OCTOBER 2020</b>

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**PURPOSE OF REPORT**

To report to Council the annual Code of Conduct Complaints Statistics for the reporting period ending 31 August 2020.

**RESOLUTION**

**That Council:**

- 1. Receive and note the annual report on Code of Conduct Complaint Statistics.**
- 2. Forward a copy of the annual report on Code of Conduct Complaint Statistics to the Office of Local Government.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

**Against:** Nil

**Absent:** Councillors Coppock and Wright.

Councillors Coppock and Wright withdrew from the meeting at 7:13pm when this item was moved en bloc and return to the meeting at 7:15pm.

**15.5 INVESTMENT REPORT FOR THE MONTH OF SEPTEMBER 2020**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b> <b>2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2019)</b> <b>3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>STEPHEN NAVEN – CHIEF FINANCIAL OFFICER</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>12 OCTOBER 2020</b>

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**PURPOSE OF REPORT**

To provide a report setting out Council's bank balances and investment portfolio performance as at 30 September 2020 under section 625 of the *Local Government Act 1993*.

**MOTION**

**That Council receive the Statement of Bank Balances and Investment Holdings as at 30 September 2020.**

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**The motion on being put to the meeting was CARRIED to become the resolution of Council.**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Tuon, Wright and Zhu.

**Against:** Councillors Coppock and Saville.

Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.5: Investment Report for the month of September 2020. Councillor Wright remained in the meeting and took part in the discussion and voting on this item. (Nature of Interest: I am an employee of the Westpac Group with whom Council has investments.)

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**PLANNING & INFRASTRUCTURE DIRECTORATE****15.6 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF WILLOUGHBY INDUSTRIAL LANDS STRATEGY 2036**

**ATTACHMENTS:**

- 1. IMPLICATIONS**
- 2. SUBMISSIONS ON DRAFT *WILLOUGHBY INDUSTRIAL LANDS STRATEGY 2036* (INCLUDED IN ATTACHMENT BOOKLET)**
- 3. FINAL *WILLOUGHBY INDUSTRIAL LANDS STRATEGY 2036***

**RESPONSIBLE OFFICER:** CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** NORMA SHANKIE-WILLIAMS – STRATEGIC PLANNING TEAM LEADER

**CITY STRATEGY OUTCOME:**

- 4.1 – FACILITATE THE DEVELOPMENT OF ALL BUSINESSES**
- 4.5 DIVERSIFY OUR ECONOMY INCLUDING CREATIVE AND INNOVATIVE INDUSTRIES**
- 5.1 BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**

**MEETING DATE:** 12 OCTOBER 2020

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**PURPOSE OF REPORT**

The purpose of this report is to provide Council with a summary of community feedback received during the public exhibition period of the draft *Willoughby Industrial Lands Strategy 2036* (ILS), inform Council of the proposed changes to the ILS and adopt the final version of the *Willoughby Industrial Lands Strategy 2036*.

**MOTION**

**That Council:**

- 1. Note the submissions received and proposed responses to feedback on the draft Willoughby Industrial Lands Strategy 2036 following the public exhibition period.**
- 2. Adopt the final Willoughby Industrial Lands Strategy 2036.**
- 3. Continue to encourage incentives for sustainable development and sustainable operating of businesses including the use of renewable energy and the installation of solar photovoltaic panels.**

4. Delegate authority to the Chief Executive Officer to make any minor amendments to the final Willoughby Industrial Lands Strategy 2036 which do not alter the intent.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Councillors Rozos and Coppock.



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**COMMUNITY, CULTURE & LEISURE DIRECTORATE****15.7 PUBLIC EXHIBITION OF THE DRAFT COMMUNITY USE OF SPORTS FACILITIES POLICY**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. DRAFT COMMUNITY USE OF SPORTS FACILITIES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY CULTURE AND LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD- OPEN SPACE CO-ORDINATOR</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>12 OCTOBER 2020</b>

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**PURPOSE OF REPORT**

To seek Council's approval to place the draft *Community Use of Sports Facilities Policy* on public exhibition.

**MOTION**

That Council:

- 1. Endorse the public exhibition of the draft *Community Use of Sports Facilities Policy* for a period of 28 days.**
- 2. Receive a further report on the outcomes of the public exhibition.**
- 3. Change the next review date be October 2022.**
- 4. Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents in preparation for public exhibition.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

**Voting**

**For the Motion:** Councillors Giles-Gidney, Coppock, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**PROCEDURAL MOTION**

That Council recommit Item 15.7 – Public Exhibition of draft *Community Use of Sports Facilities Policy* to permit Councillor Saville to seek further clarification if the document will include additional definitions, best practice and environmental impacts relating to synthetic turf and a full literature review with up to date research.

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR ERIKSSON**

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

**Voting**

**For the Motion:** Councillors Giles-Gidney, Coppock, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**MOTION**

**That Council:**

1. Endorse the public exhibition of the draft *Community Use of Sports Facilities Policy* for a period of 28 days.
2. Receive a further report on the outcomes of the public exhibition.
3. Change the next review date be October 2022.
4. Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents in preparation for public exhibition.

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Councillor Coppock\*

\*Councillor Coppock was present via the Zoom link at the time of the vote but did not vote. According to clause 11.4 of Council's Code of Meeting Practice, "A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion".

**15.8 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF MASTER PLAN – CHATSWOOD ROTARY WAR MEMORIAL ATHLETICS FIELD**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. COMMUNITY CONSULTATION SUMMARY REPORT 3. CHATSWOOD ROTARY WAR MEMORIAL ATHLETICS FIELD MASTER PLAN</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>AMY BARNES – OPEN SPACE PROJECTS OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE</b>
<b>MEETING DATE:</b>	<b>12 OCTOBER 2020</b>

**PURPOSE OF REPORT**

To seek Council's endorsement of the *Master Plan* for the Chatswood Rotary War Memorial Athletics Field dated September 2020 post public exhibition.

**RESOLUTION**

**That Council:**

- 1. Note the submissions received and proposed responses to feedback on the draft *Master Plan* for Chatswood Rotary War Memorial Athletics Field 2020 following the public exhibition period.**
- 2. Adopt the *Master Plan* for Chatswood Rotary War Memorial Athletics Field 2020.**
- 3. Authorise the Chief Executive Officer to make any necessary amendments to the final *Master Plan* for Chatswood Rotary Ware Memorial Athletics Field 2020 which do not alter the intent or result in material changes and execute all necessary documentation to give effect to this resolution.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

**Against:** Nil

**Absent:** Councillors Coppock and Wright.

Councillors Coppock and Wright withdrew from the meeting at 7:13pm when this item was moved en bloc and return to the meeting at 7:15pm.

**15.9 PUBLIC EXHIBITION AND ADOPTION OF CHILDREN'S SERVICES – SERVICE PROVISION - ADOPTION**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. CHATSWOOD CBD - LONG DAY CARE FEES AND PROPOSED FEE INCREASE</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>2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>12 OCTOBER 2020</b>

**PURPOSE OF REPORT**

For Council to endorse the recommended changes to the provision of Council's Children's Services which seek to secure the long term viability of services.

**MOTION**

**That Council:**

- 1. Maintain the current fee, with adjustments for CPI, for Devonshire Street Children's Centre Long Day Care fees in the 2020/21 and 2021/22 financial years.**
- 2. Endorse the cessation of Before School Care at Artarmon Kids Cottage due to low patronage and projected further reduction in demand.**
- 3. Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents in preparation for public exhibition.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR ROZOS**

**AMENDMENT**

**That Council:**

- 1. Adopt a phased increase to Devonshire Street Children's Centre Long Day Care fees in the 2020/21 and 2021/22 financial years as outlined in section 4.2 of the report in order to support the long term viability and equitable provision of the service.**
- 2. Place the proposed fee changes Chatswood CBD – Long Day Care Fees and Proposed Fee Increase on public exhibition for 28 days.**
- 3. Receive a report on the outcomes of the public exhibition.**

4. **Endorse the cessation of Before School Care at Artarmon Kids Cottage due to low patronage and projected further reduction in demand.**
5. **Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents in preparation for public exhibition.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR ZHU**

**CARRIED**

**The amendment on being put to the meeting was CARRIED to become the motion.**

**Voting**

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

**Against:** Councillors Coppock, Fernandez, Norton, Rozos, Saville and Wright.

**The Motion on being put to the meeting was CARRIED to become the resolution of Council.**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Coppock, Campbell, Eriksson, Mustaca, Rutherford, Tuon and Zhu.

**Against:** Councillors Fernandez, Norton, Rozos, Saville and Wright.

## 16 NOTICES OF MOTION

### 16.1 NOTICE OF RESCISSION MOTION - CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY 2036

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CRAIG O'BRIEN – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	12 OCTOBER 2020

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#### PURPOSE OF REPORT

Councillors Saville, Coppock and Wright have indicated their intention to move the following Notice of Motion.

#### MOTION

That Council:

1. Pursuant to notice, rescind the following resolution of Council, made on 14 September 2020, relating to Item 15.17: Updated Chatswood CBD Planning and Urban Design Strategy 2036:

*“That Council:*

1. *Note the full endorsement by the Department of Planning, Industry and Environment of the Chatswood CBD Planning and Urban Design Strategy 2036 and associated adjustments.*
2. *Delegate authority to the Chief Executive Officer to make minor amendments to the Chatswood CBD Planning and Urban Design Strategy 2036 which do not alter the intent.*
3. *Delegate authority to the Chief Executive Officer to amend the Willoughby Housing Strategy 2036 in accordance with the endorsed Chatswood CBD Planning and Urban Design Strategy 2036 consistent with the resolution of Council of 9 December 2019 and forward to the Department of Planning, Industry and Environment.”*

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR COPPOCK

LOST

**Voting**

**For the Resolution:** Councillors Coppock, Fernandez, Norton, Saville and Wright.

**Against:** Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Rozos, Rutherford, Tuon and Zhu.

## 17 CONFIDENTIAL MATTERS

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the Chief Executive Officer, the following business is confidential as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

### 17.1 CONFIDENTIAL – COUNCIL BUSINESS SUPPORT PLAN – UPDATE

#### Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

This report discusses the business support offered to businesses during the COVID-19 pandemic by Council. On balance, the public interest in preserving the confidentiality of information about this matter outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would confer commercial advantages on businesses that Council conducts business with.

### 17.2 CONFIDENTIAL – LEGAL SERVICES REPORT OCTOBER 2020

#### Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and (g) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This report provides Councillors with information that assists them to understand the status of current legal matters. The release of this information would provide person(s) with whom Council conducts business or parties that are subject to legal proceedings details of Council's legal strategy, intentions and expenditure. On balance, it is not in the public interest to release information that, if disclosed, would compromise Council's legal prospects.



**17.3 CONFIDENTIAL – BANK OF CHINA LEASE - SHOP 11, 409 VICTORIA AVENUE, CHATSWOOD****Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

This report discusses financial details and lease terms and conditions by Council and others. On balance, the public interest in preserving the confidentiality of information about this matter outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

**17.1 CONFIDENTIAL COUNCIL BUSINESS SUPPORT PLAN - UPDATE****RESOLUTION****That Council:**

1. **Note that eligible businesses are being transferred to the NSW Government *Retail and Other Commercial Leases (COVID-19) Regulation 2020* rental support program.**
2. **Endorse the extension of the 50% fee reduction for the Chatswood Mall Markets stall holders, for the three (3) month period 1 October 2020 to 31 December 2020.**
3. **Endorse the extension of the waiving of fees for Footway Dining and Street Advertising for the six (6) month period 1 October 2020 to 30 March 2021.**
4. **Release the resolutions and report following the meeting, with matters considered commercial in confidence redacted.**

**MOVED COUNCILLOR ZHU****SECONDED COUNCILLOR CAMPBELL****CARRIED****Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

**Against:** Nil

**Absent:** Councillors Coppock and Wright.

Councillors Coppock and Wright withdrew from the meeting at 7:13pm when this item was moved en bloc and return to the meeting at 7:15pm.

**17.2 CONFIDENTIAL – LEGAL SERVICES REPORT OCTOBER 2020****RESOLUTION**

That Council receives the confidential legal services report for October 2020.

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

**Against:** Nil

**Absent:** Councillors Coppock and Wright.

Councillor Coppock declared a non-pecuniary significant interest in Item 17.2: Confidential – Legal Services Report October 2020. Councillor Coppock withdrew from the meeting at 7:13pm when the item was moved by exception and returned to the meeting at 7:15pm. (Nature of Interest: I have a matter against Council at this time.)

Councillor Wright withdrew from the meeting at 7:13pm when this item was moved en bloc and return to the meeting at 7:15pm.

**17.3 CONFIDENTIAL - BANK OF CHINA LEASE - SHOP 11, 409 VICTORIA AVENUE, CHATSWOOD****RESOLUTION**

That Council:

1. **Enter into a lease with Bank of China for Shop 11, 409 Victoria Avenue, Chatswood at The Concourse, for a term of six (6) years and two (2) months, for a commencing rental amount as detailed in the conclusion of the report, noting the figure is exclusive of GST.**
2. **Provide the Chief Executive Officer with delegated authority to execute the lease agreement and any associated documents and variations related to the occupation of Shop 11, 409 Victoria Avenue, Chatswood.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

**Against:** Nil

**Absent:** Councillors Coppock and Wright.

Councillor Wright declared, via a Disclosures of Interest form, a pecuniary interest in Item 17.3: Confidential – Bank of China Lease – Shop 11, 409 Victoria Avenue, Chatswood. Councillor Wright withdrew from the meeting at 7:13pm when the item was moved by exception and returned to the meeting at 7:15pm. (Nature of Interest: I am an employee of a competitor bank (Westpac))

Councillors Coppock withdrew from the meeting at 7:13pm when this item was moved en bloc and return to the meeting at 7:15pm.

## 18 QUESTIONS WITH NOTICE

### 18.1 QUESTION ON NOTICE FROM COUNCILLOR COPPOCK – CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY 2036

- ATTACHMENTS:**
1. LETTER FROM DPIE TO CEO - PARTIAL ENDORSEMENT OF THE CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY
  2. LETTER FROM DPIE TO CEO - CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY
  3. LETTER FROM WCC TO DPIE - CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY TO 2036
  4. LETTER TO WCC PLANNING MANAGER FROM DPIE – CHATSWOOD CBD STRATEGY REVIEW
  5. LETTER TO WCC DIRECTOR PLANNING AND INFRASTRUCTURE FROM DPIE – PARTIAL ENDORSEMENT OF THE CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY – MIXED USE AREAS
  6. LETTER TO WCC DIRECTOR PLANNING AND INFRASTRUCTURE FROM DPIE – ENDORSEMENT OF THE CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY

**RESPONSIBLE OFFICER:** CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** IAN ARNOTT – PLANNING MANAGER

**CITY STRATEGY OUTCOME:** 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

**MEETING DATE:** 12 OCTOBER 2020

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Submitted by: Councillor Stuart Coppock

#### QUESTION

In relation to Item 15.17 - Updated Chatswood CBD Planning and Urban Design Strategy 2036 report to Council at its 14 September 2020 ordinary Council meeting, can council answer the following questions in relation to reports associated with the strategy:

1.
  - A. Report arising from letter Department of Planning, Industry and Environment (DPIE) 9 August 2019, who did the work arising out of the letter for Council Officers to write in the report “it is now possible to progress planning proposals to the B3 commercial core”?
  - B. Council consult with individual proponents of Planning Proposals in the proposed mixed use areas”?

2.
  - A. Reference to work by ARUP Group is mentioned in the same page of the Council report. Who paid for and directed and supervised the work done by ARUP?
  - B. What exactly was the “way forward” to which you refer?
  - C. What exactly was the approach “arrived at between Council and proponents in late 2019”?
  - D. Who are exactly the proponents? If they are corporate entities, with which corporate officers did Council Officers discuss these matters?
  - E. What exactly was communicated to DPIE?
  - F. What dates are these communications and are they in writing?
3. Reference to work by SGS Economics and Planning is mentioned in the same page of the Council report. Who paid for and directed and supervised the work done by ARUP?
4. Reference to work by GMU (GM Urban Design and Architecture) is mentioned in the same page of the Council report. Who paid for and directed and supervised the work done by GMU?
5. Reference to work by Weir Phillips Heritage and Planning is mentioned in the same page of the Council report. Who paid for and directed and supervised the work done by Weir Phillips Heritage and Planning?

## ANSWER

1.
  - A. There was no additional work to be carried out in regards the B3 Commercial Core zone, following the DPIE letter of 9 August 2019. The B3 Commercial Core was endorsed by DPIE subject to conditions, and the conditions were accepted by officers.  
  
The Council report stated:  
*“As a result of the 9 August 2019 DPIE letter:*
    - *It is now possible to progress planning proposals in the B3 Commercial Core consistent with the abovementioned identified conditions.”*  
The Conditions are summarised on Page 284 of the 14 September 2020 Council report.
  - B. Council dealt with the proponents whose Planning Proposals had already received Council endorsement to proceed to Gateway at the DPIE. They were Develotek, Goldfields, Central Element, and H and R Vakili.

2.

- A. Following the DPIE letter of 9 August 2019, Council consulted with individual proponents of Planning Proposals in the proposed mixed use areas of the CBD to develop a way forward to address the matters raised in the DPIE letter. An approach was arrived at between Council and proponents in late 2019 to engage independent consultants to prepare studies addressing each of the matters raised by DPIE with a view to addressing concerns raised by DPIE.

ARUP were engaged to prepare documentation addressing transport issues.

This process was outlined to DPIE on a number of occasions and supported, subject to the process being supervised by Council Officers (the Planning Manager and Strategic Planning Team) and Peer Reviewed by Transport for NSW.

Council Officers and Transport for NSW supervised the work and the proponents paid for the work.

The Peer Review on transport was undertaken by Transport for NSW at no cost to Council.

- B. To address the issues raised in the 9 August 2019 letter from the DPIE regarding the Strategy.
- C. To undertake further studies to address issues raised by DPIE, and submit those studies to peer review by the relevant State agencies involved (DPIE and Transport for NSW).
- D. See proponents listed in answer 1B above - all of whom had proposals supported by Council for progress to Gateway.
- E. Letter attached (also available on DPIE website).
- F. See DPIE letters attached.

3. It is assumed the question in Point 3 relates to **SGS and not ARUP**.

SGS Economics and Planning were engaged, supervised and paid to prepare economic feasibility testing by Council Officers (the Planning Manager and Strategic Planning Team).

The cost for this work was \$26,224 using budget for Council's overarching task to renew the LEP and DCP.

4. GMU were engaged to prepare documentation addressing urban design issues.

Council Officers supervised and proponents paid for the work.

The Peer Review on urban design and heritage was undertaken by the DPIE Urban Design Team at no cost to Council.

5. Weir Phillips Heritage and Planning were engaged to prepare documentation addressing heritage issues.

Council Officers supervised and the proponents paid for the work.

The Peer Review on heritage was undertaken by the DPIE Urban Design Team at no cost to Council.

**18.2 QUESTION ON NOTICE FROM COUNCILLOR COPPOCK – ARTARMON AMENITIES PAVILION**

**RESPONSIBLE OFFICER:** MELANIE SMITH – DIRECTOR COMMUNITY, CULTURE & LEISURE

**AUTHOR:** MICHAEL CASHIN – COMMUNITY LIFE MANAGER

**CITY STRATEGY OUTCOME:** 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

**MEETING DATE:** 12 OCTOBER 2020

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**QUESTION**

1. Is the May 2019 estimate for construction of the Artarmon Amenities Pavilion \$825,000?
2.
  - (a) Has this estimate increased?
  - (b) If so, on what is this increase based?
3.
  - (a) In what part of the current budget has the expenditure for the construction of the Artarmon Amenities Pavilion
  - (b) What is the figure placed in the budget if there has been an allocation?
4. Does the budget include an expenditure of a cost for complying with the Heritage Conservation advice given to Council by Artefact (Council's heritage advisors) and Council's Panning Panel?
5. Will the people of Willoughby City Council be consulted for their preference for a designer toilet block or restoring the heritage of clubhouse which already includes two externally accessible toilet facilities one in the basement of the building (this one includes wheelchair access) for potential use by the community gardens and the other on the playground side of the building formerly the lower green?
6. Why is Council advertising a spectacular design for an Amenities Pavilion with a notable absence of heritage reference which appears to call for the demolition of the clubhouse?
7. Is Council aware that the clubhouse is currently in the process of heritage recognition as part of the review of Willoughby local Environmental Plan 2012?



8. Is Council aware that a Council Officer advised Anna Greco on 4 September, 2020 4:35 PM of the following:

Council is currently embarking on a review of Willoughby local Environmental Plan 2012 being the relevant instrument for identifying local heritage items it has been determined that, in this instance the heritage nomination [*Artarmon Bowling Clubhouse*] will be assessed in conjunction with the LEP review. Council's previous heritage officer retired in January this year and the position has recently been permanently filled. Council's new heritage officer will assess the nomination for the Artarmon Bowling Club for consideration by Council.

It is anticipated that a report seeking Council resolution to proceed to exhibition on the draft LEP will be forwarded to Council for consideration prior to the end of the year. This report will also address the nomination for her?

### ANSWER

1. An estimate of \$825,000 was reported to Council on 24 June 2019 and 22 July 2019. This concept estimate provided an approximate cost to replace the former Clubhouse with an outdoor recreation pavilion and accessible amenity block.
2. (a) The concept estimate has not increased or been revised since July 2019. On 9 December 2019, Council approved the timeline for the development of a Community Pavilion with an option for adaptive re-use of the existing structure to be included. The preferred concept design presently on Have Your Say for community information is for adaptive re-use of the of the existing structure, rather than for the replacement of the existing club building. The design was altered after feedback gained during community consultation and to address the outcomes of a formal Design Review Process by industry experts. The preferred design is in its concept phase only and has not been costed. Council approval will be sought prior to lodgement of the Development Application for the preferred concept design. This will include an updated estimate of construction costs.  
  
(b) Not applicable.
3. (a) The budget for the Artarmon Parklands Pavilion in the current budget is allocated in the Project and Capital Works Budget - Leisure Projects.  
  
(b) The current budget allocation for the Artarmon Parklands Pavilion design and construction is \$728,000 for the 2020/21 financial year. This is allocated in the Project and Capital Works Budget as shown in Figure 1 and the detailed design and procurement phases will enable further refinement of project estimates.

**Figure 1 - 2020/21 Budget – Artarmon Parklands Pavilion**

Project ID	Description	Amount (\$)
301795	Artarmon Parklands Pavilion – design	200,000
301555	Artarmon Parklands Pavilion – construction	528,000
<b>Total</b>	<b>2020/21 Financial Year</b>	<b>728,000</b>

4. The cost of complying with Heritage Conservation advice is built into the current preferred concept design.

5. The community has been consulted on their preferences. Extensive community consultation occurred on the future use of the site prior to Council endorsement on 24 June 2019 to develop a Community Pavilion. Community consultation was conducted in March 2020 to provide community input into the concept design brief. The community will be consulted on the current design during the Development Application public exhibition period anticipated to occur in late 2020.
6. Relevant heritage reports were provided to the consultant architect and Design Review Panel prior to the development of the preferred concept design. The preferred concept design is for adaptive re-use of the former Clubhouse and does not propose complete demolition of the existing structure.
7. Council is aware of the local heritage nomination of the former Artarmon Bowling Clubhouse and that the nomination will be assessed in conjunction with the review of *Willoughby Local Environmental Plan 2012*. Council has commissioned two separate heritage reviews of the existing club building, both of which identified that the building did not meet the warrants of local heritage protection. Having more recently received a Local Heritage nomination and accompanying heritage report, Council will engage a further independent heritage consultant for advice in assessing the nomination. That review and advice will also be considered in the assessment of any upcoming Development Application for the pavilion.
8. Council is aware of the email referenced and the advice provided to Ms Greco.

## 19 CONCLUSION OF THE MEETING

- Councillors Coppock and Wright left the meeting at 7:13pm when items they had disclosed an interest in were moved en bloc. They returned to the meeting at 7:15pm.
- The meeting concluded at 8:48pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the 12 October 2020. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.