



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

13 September 2021

**Minutes of an ordinary Council meeting  
held on Monday, 13 September 2021  
at the Council Chamber, Chatswood commencing at 7:06pm**

**ATTENDANCE:**

**Councillors**

Gail Giles-Gidney (Her Worship the Mayor)  
Angelo Rozos (Deputy Mayor)  
Craig Campbell  
Hugh Eriksson  
Denis Fernandez  
Tony Mustaca  
Wendy Norton  
Angelo Rozos  
Christine Tuon  
Nic Wright  
Brendon Zhu

**Officers**

Debra Just (Chief Executive Officer)  
Laura Kendall (Customer & Corporate Director)  
Melanie Smith (Community, Culture & Leisure Director)  
Hugh Phemister (Planning & Infrastructure Director)  
Marcia Doheny (Legal Counsel)  
Michael Cashin (Community Life Manager)  
Angela Casey (Culture and Leisure Manager)  
Ian Arnott (Planning Manager)  
Stephen Naven (Chief Financial Officer)  
Samantha Charlton (Governance, Risk & Corporate Planning Manager)  
Sherryn Williams (Governance Team Leader)  
Teena Strydom (Senior Governance Officer)  
Jason Racchi (Information Technology Team Leader)  
Matthew Long (Network Support Officer)

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**1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY**

Notes:

1. The Mayor read the opening prayer.
2. The Mayor acknowledged the traditional inhabitants of the land on which we stand, the Aboriginal people, their spirits and ancestors. We acknowledge the vital contribution that indigenous people and cultures have made and still make to the nation that we share, Australia.

**2 DISCLOSURES OF INTERESTS**

- Councillor Wright declared a non-pecuniary less than significant interest in Item 15.1: Investment Report for the month of July 2021 and Item 15.2: Investment Report for the month of August 2021. Councillor Wright chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

*“I am an employee of Westpac Bank with whom Council has investments.”*

- Councillor Giles-Gidney declared a non-pecuniary significant interest in Item 15.6 Planning Proposal for 9 - 11 Nelson Street Chatswood. Councillor Giles-Gidney chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

*“I am a member of the Sydney North Planning Panel.”*

- Councillor Campbell declared a non-pecuniary significant interest in Item 15.6 Planning Proposal for 9 - 11 Nelson Street Chatswood. Councillor Campbell chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

*“I am a member of the Sydney North Planning Panel.”*

- Councillor Saville declared a non-pecuniary less than significant interest in Item 16.2 – Notice of Motion 18/2021 – Cease Proposal to Develop Herbert Street Precinct. Councillor Saville chose to remain in the meeting and participate in the voting and discussion on the item. The reason provided was:

*“The motion pertains to land on Royal North Shore Hospital [RNSH] land. Previously, I have worked at RNSH as a registered nurse. I have also worked in teaching capacity through university contract at a number of hospitals including RNSH. Last in end 2020. I am a community representative on committees at RNSH.”*

- Councillor Saville declared a non-pecuniary less than significant interest in Item 16.8 – Notice of Motion – 688-692 Pacific Highway, Chatswood. Councillor Saville chose to remain in the meeting and participate in the voting and discussion on the item. The reason provided was:

*“Our sons attended Chatswood Primary School many years ago. I have been involved in advocacy regarding Chatswood Primary School over-crowding and need for open space over the last decade.”*

- Councillor Norton declared a non-pecuniary less than significant interest in Item 16.8 – Notice of Motion 688-692 Pacific Highway Chatswood. Councillor Norton chose to remain in the meeting and participate in the voting and discussion on the item. The reason provided was:

*“I am a Senior Psychologist employed by the NSW Department of Education. The motion references Chatswood Public School.”*

- Councillor Fernandez declared a non-pecuniary less than significant interest in Item 17.2 - Public Exhibition of Planning Agreements Relating to Planning Proposals at 3-5 Help Street and 58 Anderson Street, Chatswood. Councillor Fernandez chose to leave the meeting and take no part in the discussion and voting on the item. The reason provided was:

*“The proponent and proponent’s appointed consultants have either directly or indirectly previously been involved in projects that I worked on before being elected a Councillor.”*

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### **3 CONFIRMATION OF MINUTES**

***That the Minutes of the ordinary meeting of Council held 2 August 2021, copies of which have been circulated to each member of Council, be confirmed.***

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

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

**That Council grant the application for a leave of absence by Councillor Rutherford for 13 September 2021 meeting and Councillor Eriksson for 3 November 2021 meeting.**

**MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

**5 PETITIONS - NIL**

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**6 OPEN FORUM — MATTERS NOT ON THE AGENDA - NIL**

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**7 MAYORAL MINUTE**

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**7.1 MAYORAL MINUTE 06/2021 - INFRASTRUCTURE CONTRIBUTIONS REFORMS CAMPAIGN UPDATE****MOTION**

That Council:

1. Call on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. Call on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. Call on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
4. Supplement its previous letters to the Premier, Treasurer, Minister for Planning and Public Spaces, Minister for Local Government, local Members of Parliament, and Leader of the Opposition, by writing to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Pauline Hanson's One Nation the Hon Mark Latham MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the Hon Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament.
5. Alert the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels.
6. Affirm its support to LGNSW and any advocacy groups or initiatives and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

**MAYOR GILES-GIDNEY**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford



## 7.2 MAYORAL MINUTE – UPPER HOUSE ENQUIRY ON THE NORTHERN BEACHES AND WESTERN HARBOUR TUNNEL

### MOTION

That Council note the verbal update on this item.

MAYOR GILES-GIDNEY

**CARRIED**

### Voting

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

**Against:** Nil

**Absent:** Councillor Rutherford

## 8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

## 9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

## 10 MATTERS REQUIRING ELABORATION OR DEBATE

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

- 15.1 Investment Report for Month of July 2021
- 15.4 Local Government NSW Annual Conference
- 15.6 Planning Proposal for 9 - 11 Nelson Street Chatswood
- 15.8 24 Endeavour Street, Chatswood - Fitness First Lease
- 15.10 Response to Request to Review DA 2021/5 - Artarmon Pavilion
- 16.1 Notice of Motion 17/2021 - Developing Online Notification System for Development Applications
- 16.2 Notice of Motion 18/2021 - Cease Proposal to Develop Herbert Street Precinct
- 16.3 Notice of Motion 19/2021 - Allocate Funding for Plan for Plantings along Valetta Lane Artarmon
- 16.4 Notice of Motion 20/2021 - Postpone the Planned Upgrades of Castle Cove Oval and O.H Reid Reserve
- 16.5 Notice of Motion 21/2021 - Public Toilet Strategy
- 16.6 Notice of Motion 22/2021 - Circular Economy Policy and E-Waste Collection
- 16.7 Notice of Motion 23/2021 - Vaccination Clinic
- 16.8 Notice of Motion 24/2021 - 688-692 Pacific Highway, Chatswood
- 16.9 Notice of Motion 25/2021 - Artarmon Village
- 17.1 Confidential - Legal Matters Report - September 2021
- 17.2 Confidential - Public Exhibition of Planning Agreements Relating to Planning Proposals at 3-5 Help Street and 58 Anderson Street Chatswood
- 17.3 Confidential - Remnant Portion of Scott Street Willoughby (Adjacent Mirvac Site)
- 17.4 Confidential - 24 Endeavour Street, Chatswood – Fitness First
- 17.5 Confidential - Property Lease Portfolio
- 17.6 Confidential - Notice of Motion 20/2021 Postpone the Planned Upgrades of Castle Cove Oval and O.H Reid Reserve

**MOTION**

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

- 12.1 Minutes - Access and Inclusion Advisory Committee He
- 12.2 Draft Minutes - Audit, Risk and Improvement Committee Meeting
- 12.3 Minutes - Willoughby Heritage Advisory Committee Meeting
- 15.2 Investment Report for Month of August 2021
- 15.3 Quarterly Budget Review 4 - Carryover of Unspent Project Funds from 2020/21 to 2021/22
- 15.5 Legal Matters Report - September 2021
- 15.7 Exhibition of Draft Housing State Environment Planning Policy
- 15.9 Property Lease Portfolio
- 15.11 Endorse Distribution of Grant Funding to LifeSource Community Care

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

<b>11 PUBLIC FORUM — MATTERS ON THE MINUTES</b>
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Public Forum allows members of the public to address Council for a maximum of three (3) minutes on an issue on the Minutes.

- 1 **16.2 - Notice of Motion 18/2021 – Cease proposal to develop Herbert Street Precinct** - Bruce Cooper addressed Council speaking for the officer's recommendation.
- 2 **16.8 - Notice of Motion 24/2021 – 688-692 Pacific Highway, Chatswood** - Andrew Cooper (On behalf of Aqualand) addressed Council speaking for the officer's recommendation.
- 3 **16.8 Notice of Motion 24/2021 – 688-692 Pacific Highway, Chatswood** - Kate Periera (President of P&C) addressed Council speaking for the officer's recommendation.
- 4 **16.8 Notice of Motion 24/2021 – 688-692 Pacific Highway, Chatswood** - Peter Hayes addressed Council speaking for the officer's recommendation.
- 5 **16.8 Notice of Motion 24/2021 – 688-692 Pacific Highway, Chatswood** - Joe Grundy addressed Council speaking for the officer's recommendation.
- 6 **15.10- Late Report – Review of Determination – DA 2021/5 – 1A Burra Road, Artarmon – Artarmon Pavilion** - Anna Greco addressed Council speaking for the officer's recommendation.
7. **15.6 - Planning Proposal for 9 - 11 Nelson Street Chatswood** - Stephen White addressed Council speaking for the officer's recommendation.

**16.2 NOTICE OF MOTION 18/2021 - CEASE PROPOSAL TO DEVELOP  
HERBERT STREET PRECINCT**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING &  
INFRASTRUCTURE DIRECTOR

**AUTHOR:** IAN ARNOTT – PLANNING MANAGER

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**MOTION**

That Council write to the Premier, Minister for Health, Minister for Planning, Minister for Education and their respective opposition counterparts, as well as the Minister for Counter Terrorism and Corrections, in his capacity as local member for Lane Cove, emphasising Council's support of the following:

1. The State government cease its proposal to develop the Herbert St Precinct.
2. Royal North Shore Hospital lands are preserved for future hospital growth.
3. Seek a commitment that any future development of Royal North Shore Hospital land is used for patient related health care by our local hospital.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Councillor Eriksson

**Absent:** Councillor Rutherford

*Note:*

*Councillors Norton and Saville declared an interest in this item.*

**16.8 NOTICE OF MOTION 24/2021 - 688-692 PACIFIC HIGHWAY, CHATSWOOD**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** IAN ARNOTT – PLANNING MANAGER

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**MOTION**

That Council in response to the Memo from Director Hugh Phemister to the Mayor and Councillors dated 10 May 2021, which in turn was in response to Questions with Notice from former Councillor Coppock, I move the motion for a report to Council be prepared for the next meeting of Council to outline the following matters:

1. An outline of the likely benefits and impacts for the GFA compensation of all or part of the floor space ratio entitlement of 688-692 Pacific Highway being allocated to 629-639 Pacific Highway, Chatswood for the benefit of both the school community and the recipient site.
2. An outline of the mechanisms available for the GFA compensation / FSR.
3. Occasions when Council has permitted such a compensation or transfer or sought to have such a transfer within the CBD Chatswood.
4. What Planning pathways are available for such a transfer?
5. The process by which the proposal could be expeditiously considered by Council in the event a Planning Proposal is lodged by the 629-639 Pacific Owner?
6. An outline of the process for Council, the 629-639 Owner, other relevant agencies / authorities and the school community to work together to further explore the proposal (and realise this opportunity).
7. That the CEO facilitate a meeting with all parties including the Department of Education and Aqualand and provide a report back to Council on the progress of this matter.
8. Note the responses provided.
9. Request Aqualand to submit a Planning Proposal or seek a Pre-Planning Proposal meeting incorporating all relevant detail to ensure the implications to Council can be understood and assessed in an open and transparent way.

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ROZOS**

**AMENDMENT**

That Council:

1. Note the responses provided.
2. Request Aqualand to submit a Planning Proposal or seek a Pre-Planning Proposal meeting incorporating all relevant detail to ensure the implications to Council can be understood and assessed in an open and transparent way.
3. Request officers to provide information back to Councillors on:
  - the position of the Department of Education and/or Schools Infrastructure NSW on this proposal
  - whether a transfer of development rights is possible under the *Environmental Planning and Assessment Act 1979* or any other relevant law.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR FERNANDEZ**

**Voting**

**For the Amendment:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Tuon, Wright and Zhu

**Against:** Councillors Rozos and Saville

**Absent:** Councillor Rutherford

The Amendment on being put to the meeting was **CARRIED** and become the Motion.

The Motion on being put to the meeting became the resolution of Council.

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

*Note:*

*Councillors Norton and Saville declared an interest in this item.*

**15.10 RESPONSE TO REQUEST TO REVIEW DA 2021/5 - ARTARMON PAVILION**

<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>

**MOTION**

**That Council:**

- 1. Note the officer's report.**
- 2. Resolve the final development design include that the entire main hall as an entire meeting space.**

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR SAVILLE**

**AMENDMENT**

**That Council:**

- 1. Note the officer's report.**
- 2. Resolve the final development design include an internal enclosed meeting space no larger than 80sqm.**
- 3. Officers continue with the project.**

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR TUON**

**Voting**

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

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

**Absent:** Councillor Rutherford

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

*The motion on being put became the resolution of Council*

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

**15.6 PLANNING PROPOSAL FOR 9 - 11 NELSON STREET CHATSWOOD**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** CRAIG O'BRIEN – STRATEGIC PLANNER

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**MOTION**

**That Council:**

- 1. Forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, with the following amendments to Willoughby Local Environmental Plan 2012:**
  - (1) To add Clause 4.4B 'Minimum non-residential floor space in the Mixed Use Zone' as follows:**

**"4.4B Minimum non-residential floor space in the Mixed Use Zone**  
Land zoned B4 Mixed Use is to contain a minimum non-residential floor space component. This is calculated at 17% of FSR as indicated on the Floor Space Ratio Map."
  - (2) To add Clause 5.6 'Architectural roof features', (2A) as follows:**

**"(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3."**
  - (3) To amend Clause 6.7 'Active street frontages' as follows:**
    - "(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.**
    - (2) This clause applies to land identified as "Active Street Frontages" on the Active Street Frontages Map.**
    - (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.**
    - (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—**
      - (a) entrances and lobbies (including as part of mixed use development),**
      - (b) access for fire services,**
      - (c) vehicular access.**

- (5) In this clause, a building has an active street frontage if:
- a) In the Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.
  - b) In the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purposes of non-residential premises.”
- (4) To amend Clause 6.8 (2) to include “Area 3 or Area 8 or Area 9” on the Special Provisions Area Map.
- (5) To amend Clause 6.23 (2) to include “Area 8” or “Area 12” on the Special Provisions Area Map.
- (6) To add Clause 6.25 as follows:
- “6.25 Sun access
- (1) The objective of this clause is to:
- (a) protect certain public space in Chatswood CBD from excessive overshadowing.
  - (b) Protect properties in South Chatswood Conservation Area from a reduction in solar access
- (2) The consent authority must not grant consent to development on land zoned B3 or B4 if the consent authority is satisfied that:
- (a) the development will result in additional overshadowing in mid winter between 12 noon and 2pm, on:
    - Victoria Avenue between the interchange and Archer Street
    - Concourse Open Space
    - Garden of Remembrance
    - Tennis and croquet club.
  - (b) the development will reduce solar access to any individual property within the South Chatswood Conservation Area to less than 3 hours between 9.00am and 3.00pm mid winter.
- (7) Add to Schedule 1 Additional Permitted Uses:
- “75. Use of certain B4 land in Chatswood
- (1) This clause applies to land zoned B4 in the Chatswood CBD.



- (2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
    - (a) the ground level is used for non-residential purposes and
    - (b) A minimum of 17% of the total FSR is provided for non-residential purposes and
    - (c) No residential dwelling is located at the ground floor.”
  - (8) To amend the Land Zoning Map (Sheet LZN\_004) for 9 – 11 Nelson Street, Chatswood, to B4 Mixed Use.
  - (9) To amend the Height of Buildings Map (Sheet HOB\_004) for 9 – 11 Nelson Street, Chatswood, to 90 metres.
  - (10) To amend the Floor Space Ratio Map (Sheet FSR\_004) for 9 – 11 Nelson Street, Chatswood, to 6:1 (including affordable housing).
  - (11) To amend the Special Provisions Area Map (Sheet SPA\_004) to show 9 – 11 Nelson Street, Chatswood, as Area 8.
  - (12) To amend the Active Street Frontages Map (Sheet ASF\_004) to include 9 – 11 Nelson Street, Chatswood, to include the Gordon Avenue and Nelson Street frontages.
  - (13) To amend the Lot Size Map (Sheet LSZ\_004) to include 9 – 11 Nelson Street, Chatswood, with a minimum lot size of 4,000sq metres.
2. The easement for public access 3 metres wide along the eastern boundary of the site adjacent to the Frank Channon Walk contained in the Letter of Offer, is to apply to ground level and the airspace above. Following on from the Letter of Offer a progressed draft VPA is to be submitted to Council prior to Council forwarding the Planning Proposal to DPIE.
3. The following plans are to be submitted to Council, consistent with the submitted architectural plans Issue P3 and dated 27.05.2021, as one package prior to Council forwarding the Planning Proposal to DPIE:
  - (1) A full set of Elevation and section plans.
  - (2) Concept Landscape Plans.  
In particular, the concept landscape plans are to show the provision of a 3m wide easement for public access along the entire eastern boundary of the site between Nelson Street and Gordon Avenue, as well as dimensions for all setbacks.
  - (3) A full set of detailed shadow diagrams every 1 hour between 9am and 3pm, 21 June, showing existing overshadowing, overshadowing proposed by the development and overshadowing proposed by the development and future Chatswood envelope. The diagrams are to be based on 1 hour analysis, with supporting analysis also to be provided.
4. Subject to 1, 2 and 3 above, endorse for public exhibition the Planning Proposal as amended.

5. Endorse for public exhibition the Planning Proposal, with the accompanying draft site specific Development Control Plan provisions.
6. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
  - (1) To proceed as recommended.
  - (2) To not proceed with the Planning Proposal.
7. Request that the Department of Planning, Industry and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning, Industry and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.
8. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which do not alter the policy intent.

**MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR FERNANDEZ**

**CARRIED**

**Voting**

**For the Motion:** Councillors Eriksson, Fernandez, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu

**Against:** Nil

**Absent:** Councillors Giles-Gidney, Campbell and Mustaca

*Notes:*

1. *Councillors Giles-Gidney and Campbell left the meeting at 9:22pm having declared an interest in this item.*
2. *Councillor Rozos assumed the Chair.*
3. *Councillor Mustaca left the meeting at 8:54pm.*

**12 REPORTS OF COMMITTEES****12.1 MINUTES - ACCESS AND INCLUSION ADVISORY COMMITTEE HELD ON 14 JULY 2021**

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

**AUTHOR:** ELLEN MILLER - COMMUNITY VENUES AND SERVICES TEAM LEADER

**RESOLUTION**

That Council receive and note the minutes of the Access and Inclusion Advisory Committee meeting held on 14 July 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR SAVILLE

**CARRIED EN BLOC**

**12.2 DRAFT MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 21 JULY 2021**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER AND CORPORATE DIRECTOR

**AUTHOR:** SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER

**RESOLUTION**

That Council note the draft minutes of the Audit, Risk and Improvement Committee meeting of 21 July 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR SAVILLE

**CARRIED EN BLOC**

**12.3 MINUTES - WILLOUGHBY HERITAGE ADVISORY COMMITTEE MEETING  
HELD ON 25 MAY 2021**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING AND  
INFRASTRUCTURE DIRECTOR

**AUTHOR:** IAN ARNOTT - PLANNING MANAGER

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**RESOLUTION**

That Council receive and note the minutes of the Willoughby Heritage Advisory Committee meeting held on 25 May 2021.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR SAVILLE**

**CARRIED EN BLOCK**

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**13 DEFERRED MATTERS - NIL**

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**14 CORRESPONDENCE - NIL**

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**15 REPORTS FROM THE OFFICERS**

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**CUSTOMER & CORPORATE DIRECTORATE****15.1 INVESTMENT REPORT FOR MONTH OF JULY 2021**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** STEPHEN NAVEN – CHIEF FINANCIAL OFFICER

**MOTION**

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 July 2021.

**MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Tuon

**Notes:**

1. Councillor Giles-Gidney returned to the meeting at 9:34pm and assumed the Chair.
2. Councillor Campbell returned to the meeting at 9:34pm.
3. Councillor Wright declared an interest in this item.
4. Councillor Tuon left the meeting at 9:35pm.
5. Councillor Mustaca returned to the meeting at 9:36pm.
6. Councillor Rozos left the meeting at 9:37pm.

**15.2 INVESTMENT REPORT FOR MONTH OF AUGUST 2021**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** STEPHEN NAVEN – CHIEF FINANCIAL OFFICER

**RESOLUTION**

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 August 2021.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR SAVILLE**

**CARRIED EN BLOC**

**15.3 QUARTERLY BUDGET REVIEW 4 - CARRYOVER OF UNSPENT PROJECT FUNDS FROM 2020/21 TO 2021/22**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** STEPHEN NAVEN – CHIEF FINANCIAL OFFICER

**RESOLUTION**

That Council:

1. Approve the carryover of unspent project budgets from 2020/21 to 2021/22 totalling \$3,811,409 (with \$309,000 funded from General Fund).
2. Approve the new project “Bellambi St & Carden Lane - Road Rehabilitation” with savings of \$78,843 from the Local Roads and Community Infrastructure Program grant income received in 2020/21.
3. Approve the budget increase of \$9,000 for a 2020/21 project “Traffic control signals improvements, Anderson Street and Victoria Avenue, Chatswood” to complete the works in 2021/22.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR SAVILLE

**CARRIED EN BLOC**

**15.4 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

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

**MOTION**

That Council nominate Councillors Giles-Gidney, Rozos, Eriksson, Norton and Zhu as voting delegates to attend the Local Government NSW 2021 Annual Conference on 29 November 2021 and to vote in the NSW Board Election.

MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR WRIGHT

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

**Notes:**

1. Councillor Tuon returned to the meeting at 9:38pm.
2. Councillor Rozos returned to the meeting at 9:39pm.

**15.5 LEGAL MATTERS REPORT - SEPTEMBER 2021**

**RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR**

**AUTHOR: SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER**

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**RESOLUTION**

**That Council receive the legal services report for September 2021.**

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR SAVILLE**

**CARRIED EN BLOC**

**PLANNING & INFRASTRUCTURE DIRECTORATE****15.7 EXHIBITION OF DRAFT HOUSING STATE ENVIRONMENT PLANNING POLICY****RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER****AUTHOR: JANE GIBSON – STRATEGIC PLANNER****RESOLUTION**

That Council retrospectively endorse the submission to the Department of Planning, Industry and Environment regarding the Draft *Housing State Environmental Planning Policy* which accords with the previous submission on the *Explanation of Intended Effects* for this SEPP.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR WRIGHT****CARRIED EN BLOC****15.8 24 ENDEAVOUR STREET, CHATSWOOD - FITNESS FIRST LEASE****RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR****AUTHOR: TERRY CARROLL – STRATEGIC PROPERTY SPECIALIST****MOTION****That Council:**

- 1. Enter into a lease with Fitness First Australia Pty Ltd for Lots 5, 7 & 9 in DP 1025583 for a term of ten years commencing 19 December 2021, with an option for a further five-year term.**
- 2. Delegate authority to the Chief Executive Officer to execute the lease agreement and any associated documents including, but not limited to, any future leases, options to renew, assignments and variations related to the occupation of Lots 5, 7 & 9 in DP 1025583.**
- 3. Negotiate with Fitness First a time for community access to the pool.**

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR WRIGHT****CARRIED****Voting****For the Motion:** Councillors Giles-Gidney, Campbell, Fernandez, Mustaca, Norton, Rozos, Saville, Tuon, Wright and Zhu**Against:** Nil**Absent:** Councillors Eriksson and Rutherford*Note:**Councillor Eriksson left the meeting at 9:42pm.*



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**15.9 PROPERTY LEASE PORTFOLIO**

**RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING &  
INFRASTRUCTURE DIRECTOR**

**AUTHOR: TERENCE CARROLL – PROPERTY LEASING  
SPECIALIST**

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**RESOLUTION**

**That Council note the report on Council’s property lease portfolio.**

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR SAVILLE**

**CARRIED EN BLOC**

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**COMMUNITY, CULTURE & LEISURE DIRECTORATE**

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**15.11 ENDORSE DISTRIBUTION OF GRANT FUNDING TO LIFESOURCE  
COMMUNITY CARE**

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

**AUTHOR: TRACEY WALKER – COMMUNITY PROJECTS  
OFFICER**

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**RESOLUTION**

**That Council endorse the distribution of grant funds (\$7,500) to LifeSource Community Care through the 2021/22 Grants for the Community Program.**

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR SAVILLE**

**CARRIED EN BLOC**

**16 NOTICES OF MOTION****16.1 NOTICE OF MOTION 17/2021 - DEVELOPING ONLINE NOTIFICATION SYSTEM FOR DEVELOPMENT APPLICATIONS**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** IAN ARNOTT – PLANNING MANAGER

**MOTION**

**That Council:**

1. Note the implementation of Phase 3 of the Connect project will incorporate a range of measures to enhance the customer experience in the DA process, and that this module is forecast to go-live in late 2022. In implementing the new system, the following will be investigated:
  - (1) the ability for users on the site to see DAs on a map
  - (2) have a tick box form of common areas that allows objections/support to be sent for a DA (e.g. Heritage, solar access, bulk and size, overdevelopment of site, etc.)
  - (3) allows users to register for email alerts by particular streets, suburbs and/or wards.
2. Note that advice will be provided on Council's website of the availability of the free independent Planning Alerts service.
3. Council express strong support for local planning panels to be made a voluntary option for councils rather than imposed by the state government, and that Council write to the Premier, Minister for Planning, Minister for Local Government and their opposition counterparts informing them of our resolution.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Eriksson and Rutherford

**16.3 NOTICE OF MOTION 19/2021 - ALLOCATE FUNDING FOR PLANTINGS ALONG VALETTA LANE ARTARMON**

Note:

The following motion was put and carried, however, the matter was recommitted and amended later in the meeting following item 16.9 - Notice of Motion 25/2021 - Artarmon Village:

That Council note:

1. The proposed planting in Valetta Lane is identified in the Wilkes Avenue Artarmon - Local Centre Public Domain Masterplan, however it is not part of the current Wilkes Avenue streetscape upgrade project.
2. The estimated cost of the work is \$85,000 and no budget allocation has been adopted as part of the 2021/22 Operational Plan.
3. A project and capital works budget submission will be made for Council's consideration of the requested works in the 2022/23 Operational Plan and Budget.
4. An application could be made to Sydney Trains in October 2021 seeking access to their land for landscaping purposes and to relocate fencing on Sydney Trains land in anticipation of future planting as identified in the Wilkes Avenue Artarmon - Local Centre Public Domain Masterplan.

Moved Councillor Wright / Seconded Councillor Tuon

**CARRIED**

Voting

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

Against: Nil

Absent: Councillors Eriksson and Rutherford

**16.5 NOTICE OF MOTION 21/2021 - PUBLIC TOILET STRATEGY**

**RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER AND CORPORATE DIRECTOR**

**AUTHOR: MELISSA SHAKAS – ASSETS OFFICER - BUILDINGS**

**MOTION**

That Council note a budget bid for a Public Toilet Strategy will be presented to Council for its consideration as part of the 2022/23 budget deliberations.

**MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR NORTON**

**CARRIED**

Voting

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

**Against:** Nil

**Absent:** Councillor Rutherford

Note:

Councillor Eriksson returned to the meeting at 9:47pm.

**16.6 NOTICE OF MOTION 22/2021 - CIRCULAR ECONOMY POLICY AND E-WASTE COLLECTIONS**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** DAVID ROBERTS – ENVIRONMENT MANAGER

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**MOTION****That Council:**

- note that the NSW Government is currently consulting on the implementation of a waste strategy to drive the circular economy and addresses the intent of the Notice of Motion
- note the waste and circular economy initiatives and collaboration currently underway by the City of Willoughby
- note the program for reviewing, integrating and standardising all Council policies with the incoming Council and our Community Strategic Plan
- refer the contents of the Notice of Motion to officers to be considered as part of a broader, integrated waste policy and the broader policy review proposed for 2022
- continue to promote e-waste recycling through its Community Recycling Centre in Artarmon.

**MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

**16.7 NOTICE OF MOTION 23/2021 - VACCINATION CLINIC**

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

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

**MOTION**

That Council note the report.

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

**16.9 NOTICE OF MOTION 25/2021 - ARTARMON VILLAGE**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** CHRIS BINNS - DESIGN, CONSTRUCTION & MAINTENANCE GROUP MANAGER

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

**MOTION**

That Council note:

1. The officer's comments and request officers to consider incorporating provisions in Part L of draft Willoughby Development Control Plan for the Artarmon Local Centre following exhibition to ensure consistent style, colouring and lighting for the facades of the shops between Jersey Road and Francis Road and that this be addressed in the report to Council following exhibition of the draft Willoughby Development Control Plan.
2. The officer's comments regarding open space and the Artarmon Green and request that Artarmon Village and ward councillors be formally consulted on possible outcomes prior to the finalisation of the design.
3. The officer's comments regarding road closure.

4. The officer's comments regarding parking and that additional parking will be made available as a result of the following (subject to Council approval):
- A proposal to change the current loading zone in Francis Road, south side of the road, between Hampden Road and Hampden Lane, Artarmon to 15 min timed parking 8am to 12pm Monday to Friday which was considered and recommended by the Traffic Committee at its meeting on 18 August 2021. The Traffic Committee minutes will be considered for approval by Council at its October 2021 meeting and will provide additional parking.
  - The adopted Artarmon Local Centre Masterplan proposes kerb realignments on the eastern side of Hampden Road and reduces through traffic to one lane each way. This will in turn enable the removal of south-bound clearway restrictions between 6.30 – 9.30am and 3.30 – 6.30pm in peak traffic periods. A general parking gain of 6 hours per day per parking space will be a substantial increase on current parking provisions in Hampden Road. The exact number of spaces benefiting will become known as detailed design work progresses. The timing of new parking provisions have not yet been considered, but could match the existing 1P arrangement which is designed to optimise business parking turn-over. Alternatively, a 2P or other arrangement could be considered if necessary to deter commuter parking and boost a night time economy as the masterplan stages come to fruition.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR TUON**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

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**PROCEDURAL MOTION – RECOMMIT ITEM**

**That Council recommit items 2.0 – Disclosures of Interest and 16.3 – Notice of Motion 19/2021 – Allocate Funding for Plantings along Valetta Lane Artarmon.**

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

**2 DISCLOSURES OF INTERESTS**

- Councillor Norton declared a non-pecuniary less than significant interest in Item 16.2 – Notice of Motion 18/2021 – Cease Proposal to Develop Herbert Street Precinct. Councillor Norton chose to remain in the meeting and participate in the voting and discussion on the item. The reason provided was:

*“I am employed by the BSW Department of Education as a Senior Psychologist and a school is mentioned in the proposal.”*

**16.3 NOTICE OF MOTION 19/2021 - ALLOCATE FUNDING FOR PLANTINGS ALONG VALETTA LANE ARTARMON**

**RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR**

**AUTHOR: GYNT DRINAN – TEAM LEADER PROJECT MANAGEMENT**

**MOTION**

**That Council staff allocates funding from the current Wilkes Avenue Artarmon Local Centre Public Domain project for the purpose of planting out the perimeter area in Valetta Lane.**

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR TUON**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford



**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.

The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the Minutes of the Council meeting.

The Chair asked the Governance, Risk and Corporate Planning Manger whether there were any public representations relating to the confidential items listed. There were no public representations.

In accordance with the requirements of section 10A(2) of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- 17.1 - Confidential - Legal Matters Report - September 2021 - 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. Section 10A(2)(c) and (g)) of the *Local Government Act 1993*.
- 17.2 - Confidential - Public Exhibition of Planning Agreements relating to Planning Proposals at 3-5 Help Street and 58 Anderson Street Chatswood - This report provides Councillors with information of two Planning Agreements that Council has prepared to enter into. Deeds as such are commercial in confidence. On balance, it is not to be made public until Councillors support the content of the legal documents and endorse the public exhibition of the subject Planning Agreements. Section 10A(2)(c) of the *Local Government Act 1993*.
- 17.3 Confidential - Remnant Portion of Scott Street Willoughby (Adjacent Mirvac Site) - This report provides Councillors with information that discusses valuations and negotiation regarding the potential sale of the remnant portion of Scott Street, Willoughby. On balance, it is not in the public interest to release information that, if disclosed, would confer a commercial advantage on a person(s) with whom Council is conducting business. Section 10A(2)(c) of the *Local Government Act 1993*.
- 17.4 Confidential - 24 Endeavour Street, Chatswood - Fitness First Lease - This report is confidential as disclosure of information in it could put Council at a commercial disadvantage in its future dealings with Council's tenants and would also make public commercially confidential information pertaining to the tenancies. Section 10A(2)(d)(i) of the *Local Government Act 1993*.
- 17.5 Confidential - Property Lease Portfolio - This report is confidential as disclosure of information in it could put Council at a commercial disadvantage in its future dealings with Council's tenants and would also make public commercially confidential information pertaining to the tenancies. Section 10A(2)(d)(i) of the *Local Government Act 1993*.

- 17.6 Confidential - Notice of Motion 20/2021 Postpone the Planned Upgrades of Castle Cove Oval And O.H Reid Oval - The report provides Councillors with information that assist them to understand that there are potentially financial and legal implications to the deferment of the approved sportsground upgrades at O.H Reid Reserve and Castle Cove Park. The release of this information would enable the contractor to understand that it has a potential claim for damages against Council as a result of deferring the contract. On balance, it is not in the public interest to disclose information that could prejudice Council's financial and legal position.  
Section 10A(2)(c) of the *Local Government Act 1993*.

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**PROCEDURAL MOTION TO MOVE INTO CLOSED SESSION**

That Council move into closed session.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

*Note:*

*Council moved into closed session at 10:01pm.*

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**17.1 CONFIDENTIAL - LEGAL MATTERS REPORT - SEPTEMBER 2021**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER

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**MOTION**

That Council receive the confidential legal services report for September 2021.

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rutherford and Fernandez

**17.2 CONFIDENTIAL - PUBLIC EXHIBITION OF PLANNING AGREEMENTS  
RELATING TO PLANNING PROPOSALS AT 3-5 HELP STREET AND 58  
ANDERSON STREET CHATSWOOD**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING &  
INFRASTRUCTURE DIRECTOR

**AUTHOR:** SYLVANIA MOK – CONTRIBUTIONS SPECIALIST

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**MOTION**

**That Council:**

- 1. Agree to the draft Voluntary Planning Agreements for 3 to 5 Help Street, Chatswood; and 58 Anderson Street, Chatswood being publicly notified and exhibited in accordance with Section 7.5 of the *Environmental Planning and Assessment Act 1979* and Clause 25D of the *Environmental Planning and Assessment Regulation 2000*.**
- 2. Authorise the Chief Executive Officer to execute the Voluntary Planning Agreements following public exhibition and to make appropriate amendments to the Voluntary Planning Agreements which do not alter the intent of the draft Voluntary Planning Agreements as exhibited, or result in material changes to the Voluntary Planning Agreements following consideration of public submissions.**

**MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Councillor Saville

**Absent:** Councillors Rutherford and Fernandez

*Note:*

*Councillor Fernandez left the meeting at 10:09pm due to declaring an interest in this item.*

**17.3 CONFIDENTIAL - REMNANT PORTION OF SCOTT STREET WILLOUGHBY  
(ADJACENT MIRVAC SITE)**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING &  
INFRASTRUCTURE DIRECTOR

**AUTHOR:** CRAIG O'BRIEN – STRATEGIC PLANNER

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**MOTION****That Council:**

1. Offer to sell the remnant portion of Scott Street Willoughby to Mirvac with sale price set by the valuation undertaken by Jones Lang Lasalle which reflects the restricted use of the site.
2. Enter into a road access licence with Mirvac, following agreement on an appropriate fee, for the occupation of the remnant portion of Scott Street by Mirvac prior to sale.
3. Accept the classification status of the remnant portion of Scott Street as Operational Land.
4. Proceed with the road closure process.
5. Delegate Authority to the Chief Executive Officer to sign all associated documents for closure of the road and sale of this land, along with negotiation of an access licence.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Councillor Saville

**Absent:** Councillor Rutherford

*Note:*

*Councillor Fernandez returned to the meeting at 10:10pm.*

**17.4 CONFIDENTIAL - 24 ENDEAVOUR STREET, CHATSWOOD - FITNESS FIRST LEASE**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** TERENCE CARROLL – STRATEGIC PROPERTY SPECIALIST

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**MOTION****That Council:**

1. Enter into a lease with Fitness First Australia Pty Ltd for Lots 5, 7 & 9 in DP 1025583 for a term of ten years commencing 19 December 2021, with an option for a further five-year term, as outlined in Section 4 of this report.
2. Delegate authority to the Chief Executive Officer to execute the lease agreement and any associated documents including option to renew, assignments and variations related to the occupation of Lots 5, 7 & 9 in DP 1025583.

**MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

**17.5 CONFIDENTIAL - PROPERTY LEASE PORTFOLIO**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** TERENCE CARROLL – STRATEGIC PROPERTY SPECIALIST

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**MOTION**

**That Council:**

1. Note the report on Council's property lease portfolio.
2. Delegate to the Chief Executive Officer the authority to negotiate rent relief sought by impacted tenants in line with the *Retail and Other Commercial Leases (COVID-19) Regulation 2020*, or other direction provided by the NSW Government, relating to the most recent Public Health Orders.

**MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

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**PROCEDURAL MOTION – EXTEND THE COUNCIL MEETING**

That the meeting be extended in accordance with the Code of Meeting Practice.

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

**17.6 CONFIDENTIAL - NOTICE OF MOTION 20/2021 POSTPONE THE PLANNED UPGRADES OF CASTLE COVE OVAL AND O.H REID OVAL**

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

**AUTHOR:** JULIE WHITFIELD – OPEN SPACE CO-ORDINATOR

**MOTION**

That Council consider the legal advice on the Notice of Motion 20/2021 – Postpone the planned upgrades of Castle Cove Oval and O.H Reid Reserve Ovals and note the report.

**MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

**PROCEDURAL MOTION TO MOVE INTO OPEN SESSION**

That Council move into open session.

**MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford

*Note:*

*Council moved into open session at 11:01pm.*

**16.4 NOTICE OF MOTION 20/2021 - POSTPONE THE PLANNED UPGRADES OF CASTLE COVE OVAL AND OH REID RESERVE**

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

**AUTHOR:** JULIE WHITFIELD - OPEN SPACE CO-ORDINATOR

**MOTION**

That Council postpones the planned upgrades of Castle Cove Oval and OH Reid Reserve in view of the current community need for accessible places for exercise and recreation.

**MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR SAVILLE**

**AMENDMENT**

That Council:

1. Note that the playgrounds and perimeter areas for the Castle Cove and OH Reid ovals will remain available for use throughout the planned upgrades
2. Proceed with the sportsground renovations at Castle Cove Oval and O H Reid Ovals as per the adopted Operational Plan for 2021/22 in light of the potential financial impacts and legal consequences of deferring the work.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON**

**Voting**

**For the Amendment:** Councillors Giles-Gidney, Eriksson, Mustaca, Tuon, Wright and Zhu

**Against:** Councillor Campbell, Rozos, Fernandez, Norton and Saville

**Absent:** Councillor Rutherford

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

*The motion on being put to the meeting became the resolution of Council.*

**CARRIED**

**Voting**

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

**Against:** Councillors Rozos, Norton and Saville

**Absent:** Councillor Rutherford



**18 QUESTIONS WITH NOTICE****18.1 QUESTION WITH NOTICE 14/2021 - IMPROVE AIR QUALITY AND VENTILATION FROM COUNCILLOR SAVILLE**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT – 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>13 SEPTEMBER 2021</b>

During the pandemic, there is an emerging discussion regarding the importance of building design, cross ventilation, indoor air quality, occupational hygiene, green space etc. Indeed, some of the most rapid COVID transmission episodes have occurred in high-density residential buildings (e.g. Southbank, Docklands, Vic., multi-unit residential in SW Sydney), and in poorly ventilated spaces etc.

**QUESTION**

- 1. In terms of Council planning where there has been emphasis on increasing density, what is the potential for council to investigate further planning strategies to respond to the pandemic?**

Council's planning strategies, which have been endorsed by Council were prepared prior to the pandemic and form the basis of the draft *Local Environmental Plan* and draft *Development Control Plan* provisions that have also been endorsed by Council for exhibition. There is a general consensus that the longer term planning consequences of the pandemic are, as yet unknown. As further information becomes available planning strategies moving forward will be reviewed accordingly. Exhibition of the draft *Local Environmental Plan* and draft *Development Control Plan* may also raise this issue. All submissions received during exhibition will be collated and assessed and reported back to Council prior to adoption of the final documents.

- 2. With regards to indoor air quality in residential and commercial buildings, can council develop stronger, evidence based guidelines and policies to improve cross ventilation, filtration and indoor air quality generally, including in common areas, lifts etc? (e.g. Belgium has introduced stricter indoor air quality, filtration and ventilation guidelines since the pandemic).**

Australia does not currently have specific controls on indoor air quality. However, the regulation for ventilation of buildings in NSW is controlled by the *Building Code of Australia* (BCA). The BCA provides that buildings intended for residential occupation must have windows and other openings covering at least 10% of the floor space for ventilation purposes. Furthermore, if mechanical ventilation is to be used ventilation systems must comply with *AS 1668.2 Mechanical Ventilation for Acceptable Indoor Air Quality*.

Council adopted revisions to the sustainable section of the *Willoughby Development Control Plan* (WDCP) in May 2020. Whilst Council is not able to impose requirements on residential development which exceed *State Environmental Planning Policy (BASIX)* the WDCP encourages development to achieve higher sustainability standards. This includes seeking to achieve best practice design principles as outlined and, for certain development a four or five star green star rating.

**3. Given the increasing demand for local passive and active recreation, and public open space during the pandemic, what is the potential for council to provide more quality, improved open space?**

Council's *Local Strategic Planning Statement*, *Our Green City Plan* and draft *Resilience Plan* incorporate objectives and provisions which seek to improve green links and canopy cover throughout the city by the provision of linear parks, increased tree planting and improved pedestrian and cycle networks.

Due to cost of land and limited resources for acquisition, Council's adopted *Open Space and Recreation Plan* seeks to optimise the use of existing open space. Local Infrastructure Contributions and negotiated Planning Agreements contribute to improving the quality of existing open space and recreation facilities and, where possible increase open space provision.

There is no evidence of inadequate access to current open spaces during the pandemic.

**4. Could Council consider quantifying:**

- i. **Maximum number of dwellings per building?**
- ii. **Maximum number of units/dwellings using the same lift?**
- iii. **Number of restaurants permitted in food courts etc?**
- iv. **Number of public toilets in any given area (e.g. shopping centres) and ventilation required?**

The number of dwellings within a building is primarily determined by the permissible floor space. Under the adopted *Chatswood CBD Planning and Urban Design Strategy 2036* a maximum floorplate of 700m<sup>2</sup> is proposed limiting the number of dwellings achievable per floor. The number of lifts provided in a development is determined by the BCA based on the use/classification of the building and number of storeys.

The scale of shopping centres and other premises and the relevant regulations applying to food premises will determine the number of food premises achievable in any one development. Under the BCA any such premises are required to ensure circulation and exits are provided to satisfy fire egress standards.

The BCA also specifies the minimum number of toilets required to be provided in premises for workers and visitors. Ventilation requirements are as indicated in 2 above.

**5. Does council monitor air quality in our public buildings? (Libraries, community meeting rooms etc.)? If so, how frequently? Could that be improved if/when permitted to re-open?**

Council mechanical services maintenance contractors are required to ensure the systems comply with AS 1668.2 ***Mechanical Ventilation for Acceptable Indoor Air Quality***. Air quality monitoring generally relates to the levels of carbon dioxide and carbon monoxide, petro chemicals and ozone in the atmosphere and would not detect airborne viruses.

<b>18.2 QUESTION WITH NOTICE 15/2021 - ARTARMON BOWLING CLUB FROM COUNCILLOR SAVILLE</b>
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<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY, CULTURE &amp; LEISURE DIRECTORATE</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>13 SEPTEMBER 2021</b>

**QUESTION**

**1. Council has engaged a number of consultants, thus far, what has been the cost of each of the consultant's report?**

The former Artarmon Bowling Club came into Council's ownership in 2015. Council's deliberations regarding the future use of the building has been through a number of community engagement, design, DA and heritage processes in the ensuing 6 years.

Council commissioned a number of consultants reports at each stage of decision making process. These reports were required to undertake due diligence, assist Council to make an informed decision on the future use of the building, to respond to community feedback and to satisfy planning and heritage requirements associated with DA approvals issued for the building in 2019 and 2021.

**Due Diligence.**

On purchasing the former Clubhouse, a number of due diligence reports were required to establish the condition of the asset and the compliance of the building with the Building Code of Australia (BCA) and access requirements. Council's Property Unit commissioned three due diligence reports in 2016 (Figure 1).

**Figure 1 – Post Purchase Due Diligence Reports.**

<b>Vendor</b>	<b>Report</b>	<b>Date</b>	<b>Cost (ex GST)</b>
BCA Logic	Building code of Australia and access audit report	23-Jun-16	3,650
Hibbs and Associates	Hazardous Materials Survey - 2016	9-Jun-16	3,060
OPAL Dilapidations	Lifecycle Condition Report - Artarmon Bowling Club	13-Apr-16	5,636
<b>Total - Post Purchase Due Diligence Reports</b>			<b>\$12,346</b>

Reports of the type detailed in Figure 1 are required prior to a purchased property asset becoming operational. These reports assist the Property Unit to ensure WHS and public safety meet the various Codes, to inform strategic asset management, establish building maintenance budgets and satisfy insurance obligations.

On receipt of due diligence reports, Council completed minor works to the building, prior to the building becoming operational, in order to satisfy compliance requirements and improve public safety.

### Future use of the clubhouse and grounds

Council ran a number of community consultation processes regarding the future use of the former Clubhouse and surrounding grounds during 2017. In 2017, Council approved the Artarmon Parklands Project to develop the former Bowling Club grounds as parklands and to incorporate the management of the Parklands with Artarmon Reserve. At this point, a decision of the future use of the former Clubhouse was not reached and Council requested further information on the suitability of the location of the Artarmon Bowling Club building as a community facility.

Further reports were provided to Council in 2018 and 2019 relating the suitability of the Clubhouse as a community facility and the availability of other community facilities in Artarmon.

### DA-2019/254 – Demolition and redevelopment as a community pavilion

On 24 June 2019, Council endorsed the demolition of the former Clubhouse and the development of the site as a community pavilion. Council also requested at this meeting that a DA process for the community facilities at 139 Artarmon Rd and Artarmon Kids Cottage be instigated with the intention to increase the community facilities available to the Artarmon community. These DA processes were completed in 2020.

The Willoughby Local Planning Panel approved DA 2019/254 for demolition of the former Clubhouse on 29 October 2019. The DA required a number consultant reports prior to lodgement. There were also reports required as a response to the conditions of consent relating to design and heritage considerations (Figure 2).

**Figure 2 - Consultants Reports DA-2019/254**

Vendor	Report	Date Paid	Cost (ex GST)
<b>DA Reports</b>			
EI Australia	Hazardous Materials Survey - 2019	12-Sep-19	1,980
Artefact Heritage Services Pty Ltd	Heritage Impact Statement - 2019	25-Oct-19	5,895
	Photographic archival recording	20-Feb-20	6,540
	Salvage Schedule	20-Feb-20	5,476
	Attendance at Willoughby Local Planning Panel	20-Feb-20	2,000
<b>Post DA – as a requirement to lodge plans for the new facility</b>			
Artefact Heritage Services Pty Ltd	Heritage interpretive study	20-Feb-20	5,080
	Archaeological assessment	20-Feb-20	1,960
	Comparative analysis & additional historical background	20-Feb-20	5,020
	Heritage advice - Artarmon Bowling Club development	28-May-20	14,098
Gardner Wetherill, Fuse and Sarm Architects	Design Excellence Panel	23-Jul-20	5,400
<b>Total - DA for Demolition</b>			<b>\$53,449</b>

### Local Heritage Nomination

In 2020, an application for listing of the former Clubhouse as a local heritage item was received by Council. Consultants' reports were required to assess the application and provide a peer review of previous heritage advice. (Figure 3).

**Figure 3 - Consultants Reports Local Heritage Nomination**

Vendor	Report	Date Paid	Cost (ex GST)
Architectural Projects	Peer Review – Artefact	3-Dec-20	5,500
	Heritage Interpretation Strategy	29-Mar-21	2,200
<b>Total Local Heritage Nomination</b>			<b>\$7,700</b>

### Design for Adaptive re- use of the Clubhouse

Following the DA approval for demolition of the former Clubhouse, Council undertook further community engagement in relation to the design brief for the proposed Pavilion project. As a result of community feedback, Council elected to design the pavilion as an adaptive re-use of the former clubhouse as opposed to demolishing the Clubhouse building and replacing it with a new structure.

On 9 November 2020, The Council granted owners consent for the lodgement of DA 2021/5, based on the adaptive reuse design. The reports associated with DA 2021/5 are provided in Figure 4.

**Figure 4 - Consultants Reports DA 2021/5**

Vendor	Report	Date Paid	Cost (ex GST)
SJB Architects	DA Drawings (DA 2019.254 & DA 2021/5)	Ongoing	75,370
Craig & Rhodes	Cadastral Survey/3D Modelling/Services Locating	1-Nov-20	14,623
Altus Group	Quantity Surveyor	1-Nov-20	13,500
Joshua Consulting Engineers	Structural Assessment Report	30-Aug-21	4,235
Architectural Projects	Peer Review – DA	1-Jun-21	4,400
	Archival Report (Hazardous Material removal)	28-Aug-21	2,189
	Hazardous Removal Advice	5-Sep-21	1,210
<b>Total DA 2021/5</b>			<b>\$115,527</b>

## 2. What has been the total expenditure on consultants' reports for the ABC?

The total expenditure on consultants' reports for the former Artarmon Bowling Clubhouse \$189,002 (Figure 5) span the initial due diligence processes, two DA's, post DA requirements and a local heritage nomination.

**Figure 5 – Summary of Consultant Reports**

Phase	Cost
Post purchase due diligence reports	12,436
DA – Demolition	53,449
Local Heritage Nomination	7,700
DA 2021/5	115,527
<b>Total</b>	<b>\$189,022</b>

**3. What has been the cost of building plans and DA's?**

The cost of Architectural Services for DA 2021/5 is \$75,370, which is the cost of schematic and DA drawings by SJB Architects. Future design costs will be associated with the completion of construction drawings.

There have been two DA processes associated with this project, with breakdown costs provided in Figure 2 and Figure 4, for a total of \$168,976. This amount is higher than what may be considered typical for a project of this type and scale. The higher costs are attributable to:

- Changes to the design brief which necessitated a second design process (from total demolition and rebuild to adaptive re-use)
- Two DA processes (demolition and rebuild, adaptive re-use)
- The volume of heritage advice that has been requested by the community
- DA conditions including a design review processes and various heritage reports
- Challenges from the community regarding heritage advice, resulting in a number of peer review processes
- Three heritage nominations on the building at the local, state and national level.

**4. How many square metres of asbestos sheeting were/are in process of being removed?**

165m2

**5. What has been the cost for asbestos removal?**

The cost of asbestos removal is \$20,700.

**6. What has been cost of removal of lead paint?**

The cost of the removal of lead paint is \$14,700.

The total engagement fee for hazardous materials removal is \$57,600 (inclusive of the removal of asbestos and lead paint), as well as fencing, scaffolding, site coordination, traffic control, air monitoring and clearance certificate. The costs increased due to the recent Public Health Orders and delaying the commencement of works until Council considered the Notice of Motion tabled at the 2 August 2021 Council meeting.

**7. Has council received any grant funding for any of the above costs?**

Council submitted a proposal to fund the construction under the Commonwealth Local Road and Community Infrastructure funding in November 2020, however this submission was not successful.

Council has not received any other grant funding relating the above costs.

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**19 CONCLUSION OF THE MEETING**

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The meeting concluded at 11:17pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the ordinary Council meeting held on 12 July 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

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Mayor Giles-Gidney