



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chamber, 31 Victor Street, Chatswood

3 February 2014

commencing at 7:00pm

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## 1 PRESENT

### Councillors

The Deputy Mayor, Councillor G Giles-Gidney, Councillors S Coppock, H Eriksson, J Hooper, T Mustaca, W Norton, A Rozos, J Rutherford, L Saville, M Sloane, M Stevens and N Wright.

### Officers

Mr N Tobin (General Manager), Mr G Woodhams (Environmental Services Director), Ms T Crouch (Corporate Support & Performance Director), Mr J Ellis (Economic Property & Development Director), Mr P Collings (Acting Infrastructure Services Director), Mr J Knight (Administrative Services Director) and Ms B Jeffries (Executive Assistant).

## 2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Councillor Giles-Gidney declared a significant, non-pecuniary interest in Item 15.1 - Notice of Motion: Talus Street (R73306) Reserve Trust
- Councillors J Rutherford, J Hooper, H Eriksson, S Coppock, L Saville, N Wright and T Mustaca, declared a non-significant, non-pecuniary interest in Item 15.1 - Notice of Motion: Talus Street (R73306) Reserve Trust
- The General Manager declared a non-significant, non-pecuniary interest in Item 15.1 - Notice of Motion: Talus Street (R73306) Reserve Trust
- Councillor Mustaca declared a pecuniary interest in Item 20.1 - 31 Robinson Street, Chatswood - DA 2013/361

## 3 CONFIRMATION OF MINUTES

*That the Minutes of the Ordinary Meeting of Council held 9 December 2013, copies of which have been circulated to each member of Council, be confirmed.*

## 4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor M Stevens requested Leave of Absence for the next Council Meeting, 24 February 2014.

### RESOLUTION

**That Council grant Leave of Absence to Councillor Stevens for 24 February 2014.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

### Voting

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

**Against the Resolution:** Nil.

**5 INTERVIEWS**

NIL

**6 PETITIONS****6.1 SPECIAL RATE VARIATION**

The General Manager referred to a petition containing approximately 140 signatures opposing the Special Rate Variation.

**RESOLUTION**

**That the petition be received and noted.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

**Against the Resolution:** Nil.

**7 OPEN FORUM**

NIL

## 8 MAYORAL REPORT

The Acting Mayor presented the Mayoral Report which was circulated to all Councillors listing the Mayor's and Acting Mayor's activities.

### ACTING MAYOR'S DIARY – COUNCIL MEETING NOTES FOR 3 FEBRUARY 2014

WEDNESDAY 11 DECEMBER			
Clr Rutherford		Graduation of pupils from Berry Cottage Child Care Centre	Berry Cottage, Artarmon
THURSDAY 12 DECEMBER			
Clr Rutherford		JCC Meeting	Council Depot
THURSDAY 19 DECEMBER			
Mayor	1 pm	RSL Christmas Luncheon	Chatswood RSL Club
FRIDAY 20 DECEMBER			
Mayor Deputy Mayor: Clr Giles-Gidney Clrs Coppock, Rutherford, Sloane	10 am	Farewell Tea for Steven Head	Council Chambers
Mayor Deputy Mayor: Clr Giles-Gidney Clrs Norton,	12 noon	Presentations at Staff Christmas Party	The Civic Pavilion
Mayor Deputy Mayor: Clr Giles-Gidney Clrs Eriksson, Norton, Rozos, Rutherford, Wright	5 pm	Christmas Drinks with Joe Hockey MP	Cammeray Golf Club
SATURDAY 18 JANUARY			
Clr Rutherford	5 pm	Opening of Australia China Culture Council <i>Seeking: Australian Chinese Artists Exhibition 2014</i>	Ewart Gallery, Laurel Street
Deputy Mayor: Clr Giles-Gidney	7 pm	2014 Sydney International CNY Celebration	The Concourse
THURSDAY 23 JANUARY			
Acting Mayor: Clr Giles-Gidney	2 pm	Summer Reading Club Presentations	Chatswood Library
Acting Mayor: Clr Giles-Gidney Clr Eriksson	6-8 pm	CNY Reception – Chinese Consul General	Chinese Consulate Camperdown
FRIDAY 24 JANUARY			
Clr Rutherford	5 pm	Art Exhibition: <i>Woman Horse</i>	Hong Kong House, Druitt St.
SUNDAY 26 JANUARY			
Acting Mayor: Clr Giles-Gidney Councillors	9 am	Australia Day Celebrations	Chatswood Mall

TUESDAY 28 JANUARY			
Acting Mayor: Clr Giles-Gidney Councillors	10.30am	Commemoration Service for the Mayor	Our Lady of Dolours Church
Acting Mayor: Clr Giles-Gidney Councillors	2 pm	Tribute Concert	The Concourse
Clr Rutherford		4 <sup>th</sup> Anniversary Celebration of Chatswood Rotary International & Chinese New Year	Kam Fook Restaurant
WEDNESDAY 29 JANUARY			
Acting Mayor: Clr Giles-Gidney Councillors Hooper, Mustaca, Norton, Rozos, Rutherford, Wright	11.30am	Chinese New Media Launch	The Concourse Art Space
THURSDAY 30 JANUARY			
Acting Mayor: Clr Giles-Gidney	12 noon	NSROC/SHOROC Meeting	Coachwood Room
SATURDAY 1 FEBRUARY			
Clr Norton	9 am	FPA Meeting	Dougherty Centre

- The Deputy Mayor, Councillor Giles-Gidney thanked the Councillors for their continued support over the past 2 weeks, since the passing of the Mayor, Councillor Pat Reilly.
- The Deputy Mayor also gave thanks to the staff of Willoughby Council for the wonderful way in which the Memorial Service and Concert to honour the Mayor were put together with such short notice. She said it was a credit to the staff of Council to be able to organise such a wonderful and fitting event in such a manner.

## RESOLUTION

**That the Mayoral Report be received.**

**MOVED COUNCILLOR GILES-GIDNEY**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

### Voting

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

**Against the Resolution:** Nil.



## **9 MAYORAL MINUTE**

### **9.1 MAYORAL MINUTE – TRIBUTE FOR EMERITUS MAYOR PAT REILLY**

It is with terrible sadness that I note the passing of Pat Reilly, Mayor of the City of Willoughby. Pat Reilly passed away 10.24pm, Monday 20 January after a short sudden illness with his wife Beth Reilly and daughter Sophie by his side.

#### **Mayor Reilly**

Born in 1952, Emeritus Mayor Pat Reilly lived and worked in Willoughby the majority of his life.

He was educated locally at St Thomas', Willoughby, and St Pius X at Chatswood.

He was elected to Willoughby Council for Middle Harbour Ward in 1987, and re-elected in 1991 and 1995.

Elected Mayor of Willoughby City in September 1997, and in 1999 became the first popularly elected Mayor of Willoughby.

Mayor Reilly was the longest consecutive serving Mayor on the North Shore. He served as Mayor for 17 years and was on Council for 27 years.

Mayor Reilly will always be remembered as a man who dedicated himself to his community. He was the people's mayor and will be remembered for listening to and responding to the community he served so well and attending every event requested of him.

He was the driving force behind The Concourse, leading the delivery of one of the largest public infrastructure projects undertaken by a local government. The Concourse realised his vision of bringing cultural activities to the people of Willoughby. He was so proud every time he saw local school children perform on the Concert Hall stage or when the community attended to see professional performers, performing in a world-class venue in their own backyard.

Mayor Reilly kept a sense of history and individuality throughout the neighbourhoods of Willoughby while also accounting for as he would say "appropriate growth and development".

Mayor Reilly supported the City of Willoughby to become the City of Diversity; a city that is positively renowned for its diversity and that celebrates many cultural groups and provides a huge range of activities and support to residents of all ages.

He was an enormously generous and caring man who knew so many residents personally, having helped them in some way, attended their event, or presented them an award at school event.

My deepest condolences go to Mayor Reilly's wife, the Mayoress, Beth Reilly and his daughter Sophie Reilly as well as his other family and close friends. I make special mention of Beth and Sophie for their untiring support of the Mayor and also of the community over so many years.

## Tribute

Condolence messages from the community has been overwhelming and heartfelt. Messages have come from the local community, the professional arena and internationally from our Global friendship cities and associates.

The outpouring of support, and condolence was extraordinary at both the very inclusive church service and the Tribute concert. The event at The Concourse with so many of the community involved was a very meaningful way to pay our respects to The Mayor and I thank the members of the Willoughby Symphony, Willoughby Choir, Dr Nicholas Milton, David Campbell, Martin Buckingham and Century Venues who all so generously donated their time for this event.

I particularly would like to mention to the General Manager, Nick Tobin, Mel Smith, Tracey Crouch, Liz Keeling, Paul Collings, Tricia Winn, Sue and David Page and the Events Team and other staff members including Rebecca Hill and her staff who under difficult circumstance were able to put together such an outstanding, meaningful, respectful tribute to Mayor Reilly.

Council officers will continue to coordinate condolence books at community centres and develop an online tribute.

## Recognition

Council has received and noted a high level of community sentiment for appropriate recognition of Mayor Reilly. Suggestions include a statue, a naming, or a dedication within The Concourse venue.

Other ideas have included a commemorative event to be held during Willoughby's 150<sup>th</sup> celebrations in 2015.

### **I move that:**

Council officers consult with the community and Mayor Reilly's family and within three months bring a report to Council with a recommendation for an appropriate memorial to recognise Mayor Reilly's dedication and service to the City of Willoughby.

## RESOLUTION

**That:**

- 1. The Mayoral Minute be adopted.**
- 2. Council officers consult with the community and Mayor Reilly's family and within three months bring a report to Council with a recommendation for an appropriate memorial to recognise Mayor Reilly's dedication and service to the City of Willoughby.**

**MOVED COUNCILLOR GILES-GIDNEY**

**CARRIED**

### **Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

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Against the Resolution: Nil.

The following Councillors individually paid tribute and shared memories of the Mayor, Pat Reilly.

- Councillor T Mustaca
- Councillor M Stevens
- Councillor A Rozos
- Councillor N Wright
- Councillor J Hooper
- Councillor M Sloane
- Councillor S Coppock
- Councillor W Norton
- Councillor H Eriksson
- Councillor L Saville

## **FURTHER RESOLUTION**

**That:**

- 1. the Councillors' tributes to the late Mayor, Pat Reilly be noted.**
- 2. the Council Officers and General Manager be thanked for their tremendous efforts in organising the Mayor's Memorial Service and Celebration Concert in a very short time frame and under difficult circumstances.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

### **Voting**

**For the Further Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

**Against the Further Resolution:** Nil.

Councillor Mandy Stevens retired from the Meeting at 7.40pm.

## 9.2 MAYORAL MINUTE – SPECIAL RATE VARIATION

THAT

Due to the work being undertaken by the General Manager and the Senior Management Team in undertaking a service review across the entire Council to ascertain what organisational changes could be made to improve service delivery and where appropriate reduce costs to allocate back to asset improvements, Council resolve not to make application for an increase to IPART for an increase in Council's rate revenue commencing in 2014/15.

Further the General Manager bring back a report by July 2014 outlining the preliminary results of the service review together with a list of cost saving and revenue raising opportunities across Council.

And, that in addition, an updated long term financial plan together with a community consultation plan and draft timetable for a new application to IPART for a rate increase commencing in 2015/16 if required, also be brought back to Council at the appropriate time to enable Council to resolve this matter prior to December 2014.

In moving this Minute, I note that if this resolution is adopted, the public meeting to be held on 4 February is to be cancelled and those who have contacted Council indicating they will be attending will be advised tomorrow that the meeting has been cancelled and staff attend the Dougherty Centre to advise that the meeting is cancelled and no application to IPART will be made at this time.

### RESOLUTION

That:

- 1. Due to the work being undertaken by the General Manager and the Senior Management Team in undertaking a service review across the entire Council to ascertain what organisational changes could be made to improve service delivery and where appropriate reduce costs to allocate back to asset improvements, Council resolve not to make application for an increase to IPART for an increase in Council's rate revenue commencing in 2014/15.**
- 2. The General Manager bring back a report by July 2014 outlining the preliminary results of the service review together with a list of cost saving and revenue raising opportunities across Council.**
- 3. In addition, an updated long term financial plan together with a community consultation plan and draft timetable for a new application to IPART for a rate increase commencing in 2015/16 if required, also be brought back to Council at the appropriate time to enable Council to resolve this matter prior to December 2014.**
- 4. The public meeting scheduled to be held on 4 February is to be cancelled and those who have contacted Council indicating they will be attending will be advised tomorrow that the meeting has been cancelled and staff attend the Dougherty Centre to advise that the meeting is cancelled and no application to IPART will be made at this time.**

**MOVED COUNCILLOR GILES-GIDNEY**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

**Against the Resolution:** Nil.

**10 GENERAL MANAGER'S LATE REPORT**

NIL

**11 MATTERS FOR DEFERRAL, REFERRAL TO INSPECTION AND/OR PROCEDURAL PRIORITY**

Item 14.2 58 Alleyne Street, Chatswood - Middle Harbour Ward Councillors  
Inspection Committee Meeting.

**12 MATTERS BROUGHT FORWARD BY THE PUBLIC**

NIL

**13 MATTERS NOT REQUIRING ELABORATION OR DEBATE**

The Deputy Mayor invited Councillors to indicate the items not brought forward by the public that they wished to deal with separately.

Item 15.1 Notice of Motion - Talus Street (R73306) Reserve Trust  
Item 18.1 Mayoral By-election

**That the remaining items, viz:**

**Item 14.1 Ward Councillor Meetings held during the Recess**  
**Item 16.1 Councillors Information Booklet - 16 January 2014**  
**Item 16.2 Councillors Information Booklet - 23 January 2014**  
**Item 16.3 Councillors Information Booklet - 30 January 2014**  
**Item 17.1 Matters Dealt with under Delegated Authority**  
**Item 20.1 31 Robinson Street, Chatswood - DA 2013/361**  
**Item 20.2 Planning Proposal for a Woolworths Supermarket and Liquor  
Store (Shops) at 17-19 Smith Street, Chatswood**  
**Item 20.3 Draft Amendments to Willoughby Development Control Plan Part  
C2 - Subdivision**  
**Item 20.4 Development Application Report to 27 January 2014**

**be adopted in accordance with the recommendations in the reports.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

## 14 REPORTS FROM COMMITTEES

### 14.1 WARD COUNCILLOR MEETINGS HELD DURING RECESS

<b>ATTACHMENTS:</b>	<b>1. MINUTES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TRISHA DUFFY</b>
<b>MEETING DATE:</b>	<b>3 FEBRUARY 2014</b>

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#### **Purpose of Report**

To list the minutes of the Ward Councillor Meetings held during the recess of Council.

The following properties were the subject of a Ward Meeting:

- |                                       |                  |
|---------------------------------------|------------------|
| • 129-135 Victoria Avenue, Willoughby | 9 December 2013  |
| • 63 Centennial Avenue, Chatswood     | 12 December 2013 |
| • 9 Byora Crescent, Northbridge       | 16 December 2013 |
| • 58 Alleyne Street, Chatswood        | 18 December 2013 |
| • 5 Shepherd Road, Artarmon           | 23 December 2013 |
| • 5 Shepherd Road, Artarmon           | 3 January 2014   |

#### **RESOLUTION**

**That:**

- 1. The Minutes be received.**
- 2. Council note the resolutions & recommendation of the Committees.**

- 129-135 Victoria Avenue, Willoughby 9 December 2013**

That the application be approved in accordance with the Officer's recommendation.

- 63 Centennial Avenue, Chatswood 12 December 2013**

That the Officer's recommendation be adopted, subject to amendment to Point 1 as follows:

1. Provide a privacy lattice screen to the entire extent of the retaining wall. The screen is to be a minimum of 1800mm on the western elevation and between 1600mm to 1800mm on the northern elevation of the retaining wall, measured from the finished ground level adjoining the retaining wall. In this regard the applicant is to submit Engineering details and specifications to Council for approval prior to the erection of the screens.  
(Reason: Amenity and Privacy)



- **9 Byora Crescent, Northbridge** **16 December 2013**

That the Officer's recommendation be adopted.

- **58 Alleyne Street, Chatswood** **18 December 2013**

As the Councillors were not unanimous the application is referred to Council for determination.

- **5 Shepherd Road, Artarmon** **23 December 2013**

That:

1. The application be deferred to a Ward Committee meeting to be held at Council's offices at 9am on 3 January 2014 for the applicant to present amended plans addressing:
  - the study window
  - landscaping
  - car parking and
  - fencing along the western side boundary
2. The Committee noted that Mr Tan and Ms Farwell raised concerns regarding the process by which the Ward Committee meeting was called and held.

- **5 Shepherd Road, Artarmon** **3 January 2014**

1. That the Officer's approval recommendation be adopted and that a standard (i.e. non-deferred) development consent be issued, based on the amended architectural plans presented to the Ward Committee meeting and as per the conditions set out in Schedule 2 of the Officer's report, subject to the following changes:
  - a) The bricks of the existing driveway are to be used for the parking space and pathway to the dwelling and laid in the herring-bone pattern of the existing driveway.
  - b) Standard condition L07.666 Public Tree Planting be added to the Consent, regarding the planting of a Water Gum (*Tristanopsis laurina*) on the nature strip, in place of the existing shrub.
  - c) The Consent is to specify the following fencing arrangement along the common boundary with 7 Shepherd Road:

The existing metal fence is to be replaced with a lapped and capped timber paling fence. The fence is to be 1.8 metre in height from the rear boundary to the doorway indicated in the west elevation, from which point it is to taper down to a height of 1.0 metre, ending at the southern point of the western side boundary fence as shown on survey plan number 328-4, prepared by Warren Eldridge and dated 24.5.2013.

- d) The following requirements from Schedule 1 of the Officer's report are to be maintained and inserted into the Consent as conditions:
- 1(d) The 1<sup>st</sup> floor bathroom window is to have translucent glass.
  - 1(f) (required changes to the Schedule of External Materials and Finishes)
- e) Development Engineering conditions numbers 8. Sight Lines and 9. Vehicular Crossing, from the memo dated 22 October 2013, be altered to reflect the single vehicle parking arrangement as shown on the amended architectural plans.
2. That in approving Development Application DA-2013/385, Council note the special circumstances for permitting car parking forward of the front building line, being:
- a) The narrow dimension between the existing dwelling and the side boundaries, and
  - b) The maximum recommended driveway gradient under AS2890.1 Parking Facilities Part 1: Off-Street Car Parking and the site gradient.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

**14.2 58 ALLEYNE STREET, CHATSWOOD - MIDDLE HARBOUR WARD  
COUNCILLORS INSPECTION COMMITTEE MEETING**

**ATTACHMENTS:** 1. MINUTES & WARD REPORT

**RESPONSIBLE OFFICER:** PETER ROWAN - BUILDING SERVICES MANAGER

**AUTHOR:** MARK GRACZYK - DEVELOPMENT OFFICER  
(BUILDING SURVEYOR)

**MEETING DATE:** 3 FEBRUARY 2014

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**Purpose of Report**

To present the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 18 December 2013.

**This Item was deferred at the request of the applicant until the next meeting of Council**

## 15 DEFERRED MATTERS

### 15.1 NOTICE OF MOTION - TALUS STREET (R73306) RESERVE TRUST

<b>RESPONSIBLE OFFICER:</b>	<b>NICK TOBIN – GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>NICK TOBIN – GENERAL MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>9 DECEMBER 2013</b>

#### Purpose of Report

Councillor J Hooper has indicated his intention to move the following Notice of Motion:

"That notwithstanding the legality or otherwise of the NORTHERN SUBURBS TENNIS ASSN Inc. ("NSTA") 's capacity to sublease the Talus Street Reserve tennis complex to a commercial entity, namely LOVE 'N DEUCE PTY LTD, ACN 001500018, ABN 56001500018 ("**Love'n Deuce**"), the following questions need to be answered in a comprehensive report to Willoughby City Council by the General Manager:-

1. Is Council currently receiving \$24,000.00 rent for the Talus Street Reserve tennis complex? (an area of 15,300 square metres).
2. Is the Humpty Dumpty Foundation ("**Humpty Dumpty**"), which has raised at least \$1.2M for badly needed equipment in the emergency department of the RNSH and is currently occupying an office of approx 20 square metres paying approximately \$40,000 in rent to Love'n Deuce? ( i.e. \$16,000.00 more than Willoughby City Council is receiving for the entire Talus Street tennis complex! )
3. Is there a Clause in the lease from Willoughby City Council to the NSTA that provides for free office accommodation to Humpty Dumpty, in line with community expectations for Council's support for this worthy charitable organization? ( see, 1999 Willoughby City Council reports and advices from Mr. Nick Tobin )
4. Is there a Clause in the lease from Willoughby City Council to the NSTA that imposes a financial penalty on NSTA if Humpty Dumpty is forced to pay rent? ( see, 1999 Willoughby City Council reports and advices from Mr. Nick Tobin )
5. Is the NSTA in a very strong financial position and, according to its published 2013 Annual Report, has \$5,555,773.00 in assets, \$1,027,225 in retained profits and \$234,089 cash in bank, receives \$448,669 in income including over \$85,000 annually from Love'n Deuce courtesy of Willoughby City Council's extraordinary benevolence?
6. Is the estimate of additional rent payable to Willoughby City Council, in view of the questions 3 and 4 above, approximately \$160,100.70 plus interest being in excess of \$200,000.00? ( see table below ):

	Period		Year		Paid	Estimate Due
Rent Period	Apr-98	Apr-99	Yr 1	rent free	\$ -	\$20,000.00
Rent Period	Apr-99	Apr-00	Yr 2	rent free	\$ -	\$20,000.00
Rent	Apr-00	Apr-01	Yr 3	rent free	\$ -	\$20,000.00

Period						
Rent Period	Apr-01	Apr-02	Yr 4	base set at 14k	\$14,000.00	\$20,000.00
Rent Period	Apr-02	Apr-03	Yr 5	CPI	\$14,000.00	\$20,000.00
Rent Period	Apr-03	Apr-04	Yr 6	market review	\$16,170.00	\$23,100.00
Rent Period	Apr-04	Apr-05	Yr 7	CPI	\$16,500.00	\$23,571.43
Rent Period	Apr-05	Apr-06	Yr 8	CPI	\$16,864.14	\$24,091.63
Rent Period	Apr-06	Apr-07	Yr 9	CPI	\$17,319.31	\$24,741.87
Rent Period	Apr-07	Apr-08	Yr 10	CPI	\$17,706.21	\$25,294.59
Rent Period	Apr-08	Apr-09	Yr 11	market review	\$18,400.35	\$26,286.21
Rent Period	Apr-09	Apr-10	Yr 12	CPI	\$18,844.14	\$26,920.20
Rent Period	Apr-10	Apr-11	Yr 13	CPI	\$19,401.73	\$27,716.76
Rent Period	Apr-11	Apr-12	Yr 14	CPI	\$20,016.21	\$28,594.59
Rent Period	Apr-12	Apr-13	Yr 15	CPI	\$20,346.21	\$29,066.01
Rent Period	Apr-13	Apr-14	Yr 16	market review	\$24,000.00	\$34,285.71
				TOTAL RENT	\$233,568.30	\$393,669.00

**NOTE: The difference between Paid and Estimate Due is the amount Willoughby City Council / its ratepayers have not received but for the representation to Council that Humpty Dumpty would / is not paying rent at Talus Street is \$160,100.70 plus interest being in excess of \$200,000.00.**

7. Why has Willoughby City Council's management:-
  - a. Been silent about the exorbitant rent being paid by Humpty Dumpty for many years; and
  - b. Failed to collect the outstanding rent owed to Willoughby City Council, because Humpty Dumpty has not been provided with modest office accommodation rent free on the Talus Street Reserve tennis complex, as promised in the lease with NSTA?
  - c. The report also include capital expenditure and maintenance costs made by the lessees during the term of the lease. And details of discounts on rent given in return work carried out on site.
8. This report needs to be provided as soon as possible to Willoughby City Council, as there is considerable community disquiet over the entire issue."

**RESOLUTION**

That a report be brought back to Council, answering the following questions:

1. Is Council currently receiving \$24,000.00 rent for the Talus Street Reserve tennis complex? (an area of 15,300 square metres).
2. Is the Humpty Dumpty Foundation ("*Humpty Dumpty*"), which has raised at least \$1.2M for badly needed equipment in the emergency department of the RNSH and is currently occupying an office of approx 20 square metres paying approximately \$40,000 in rent to Love'n Deuce? (i.e. \$16,000.00 more than Willoughby City Council is receiving for the entire Talus Street tennis complex!)
3. Is there a Clause in the lease from Willoughby City Council to the NSTA that provides for free office accommodation to Humpty Dumpty, in line with community expectations for Council's support for this worthy charitable organization? (see, 1999 Willoughby City Council reports and advices from Mr. Nick Tobin)
4. Is there a Clause in the lease from Willoughby City Council to the NSTA that imposes a financial penalty on NSTA if Humpty Dumpty is forced to pay rent? (see, 1999 Willoughby City Council reports and advices from Mr. Nick Tobin)
5. Is the NSTA in a very strong financial position and, according to its published 2013 Annual Report, has \$5,555,773.00 in assets, \$1,027,225 in retained profits and \$234,089 cash in bank, receives \$448,669 in income including over \$85,000 annually from Love'n Deuce courtesy of Willoughby City Council's extraordinary benevolence?
6. Is the estimate of additional rent payable to Willoughby City Council, in view of the questions 3 and 4 above, approximately \$160,100.70 plus interest being in excess of \$200,000.00? (see table below):

	Period		Year		Paid	Estimate Due
Rent Period	Apr-98	Apr-99	Yr 1	rent free	\$ -	\$20,000.00
Rent Period	Apr-99	Apr-00	Yr 2	rent free	\$ -	\$20,000.00
Rent Period	Apr-00	Apr-01	Yr 3	rent free	\$ -	\$20,000.00
Rent Period	Apr-01	Apr-02	Yr 4	base set at 14k	\$14,000.00	\$20,000.00
Rent Period	Apr-02	Apr-03	Yr 5	CPI	\$14,000.00	\$20,000.00
Rent Period	Apr-03	Apr-04	Yr 6	market review	\$16,170.00	\$23,100.00
Rent Period	Apr-04	Apr-05	Yr 7	CPI	\$16,500.00	\$23,571.43
Rent Period	Apr-05	Apr-06	Yr 8	CPI	\$16,864.14	\$24,091.63
Rent Period	Apr-06	Apr-07	Yr 9	CPI	\$17,319.31	\$24,741.87
Rent Period	Apr-07	Apr-08	Yr 10	CPI	\$17,706.21	\$25,294.59
Rent	Apr-08	Apr-09	Yr 11	market review	\$18,400.35	\$26,286.21

Period						
Rent Period	Apr-09	Apr-10	Yr 12	CPI	\$18,844.14	\$26,920.20
Rent Period	Apr-10	Apr-11	Yr 13	CPI	\$19,401.73	\$27,716.76
Rent Period	Apr-11	Apr-12	Yr 14	CPI	\$20,016.21	\$28,594.59
Rent Period	Apr-12	Apr-13	Yr 15	CPI	\$20,346.21	\$29,066.01
Rent Period	Apr-13	Apr-14	Yr 16	market review	\$24,000.00	\$34,285.71
				<b>TOTAL RENT</b>	<b>\$233,568.30</b>	<b>\$393,669.00</b>

**NOTE: The difference between Paid and Estimate Due is the amount Willoughby City Council / its ratepayers have not received but for the representation to Council that Humpty Dumpty would / is not paying rent at Talus Street is \$160,100.70 plus interest being in excess of \$200,000.00.**

**9. Why has Willoughby City Council's management:-**

- a) Been silent about the exorbitant rent being paid by Humpty Dumpty for many years; and
- b) Failed to collect the outstanding rent owed to Willoughby City Council, because Humpty Dumpty has not been provided with modest office accommodation rent free on the Talus Street Reserve tennis complex, as promised in the lease with NSTA?
- c) The report also include capital expenditure and maintenance costs made by the lessees during the term of the lease and details of discounts on rent given in return for work carried out on site.

**10. This report needs to be provided as soon as possible to Willoughby City Council, as there is considerable community disquiet over the entire issue."**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR RUTHERFORD**

**CARRIED**

**Voting**

**For the Amendment:** Councillors Coppock, Eriksson, Hooper, Mustaca, Rutherford, Saville and Wright.

**Against the Amendment:** Councillors Norton, Sloane and Rozos.

**Absent:** Councillor Giles-Gidney

**Councillor G Giles-Gidney declared a significant, non-pecuniary interest in the above matter and withdrew from the Chamber taking no part in the discussion or voting on the matter.**

**Councillors J Rutherford, J Hooper, H Eriksson, S Coppock, L Saville, N Wright and T Mustaca, declared a non-significant, non-pecuniary interest in the above matter.**

**The General Manager declared a non-significant, non-pecuniary interest in the above matter.**

## 16 CORRESPONDENCE

### 16.1 COUNCILLORS INFORMATION BOOKLET - 16 JANUARY 2014

<b>RESPONSIBLE OFFICER:</b>	<b>NICK TOBIN - GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>SUE SCHUURMAN - EXECUTIVE ASSISTANT</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>3 FEBRUARY 2014</b>

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#### **Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklet which was circulated to all Councillors on 16 January 2014.

#### **RESOLUTION**

**That the Councillors Information Booklet be received.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

#### **Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.



**16.2 COUNCILLORS INFORMATION BOOKLET - 23 JANUARY 2014**

**RESPONSIBLE OFFICER:** NICK TOBIN - GENERAL MANAGER  
**AUTHOR:** SUE SCHUURMAN - EXECUTIVE ASSISTANT  
**CITY STRATEGY LINK:** 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE  
AND REPRESENTS ITS CONSTITUENTS  
**MEETING DATE:** 3 FEBRUARY 2014

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**Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklet which was circulated to all Councillors on 23 January 2014.

**RESOLUTION**

**That the Councillors Information Booklet be received.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

**16.3 COUNCILLORS INFORMATION BOOKLET - 30 JANUARY 2014**

<b>RESPONSIBLE OFFICER:</b>	<b>NICK TOBIN - GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>SUE SCHUURMAN - EXECUTIVE ASSISTANT</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>3 FEBRUARY 2014</b>

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**Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklet which was circulated to all Councillors on 30 January 2014.

**RESOLUTION**

**That:**

- 1. the Councillors Information Booklet be received.**
- 2. the Minister for Transport and Member for Willoughby the Hon Gladys Berejiklian MP be thanked for making representations to the Minister for Local Government the Hon Don Page MP on Council's behalf in relation to swimming pool safety.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

## 17 REPORTS FROM OFFICERS - GENERAL MANAGER

### 17.1 MATTERS DEALT WITH UNDER DELEGATED AUTHORITY

<b>RESPONSIBLE OFFICER:</b>	<b>NICK TOBIN - GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>SUE SCHURMAN - EXECUTIVE ASSISTANT</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>3 FEBRUARY 2014</b>

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#### **Purpose of Report**

To report to Council on matters dealt with by the Mayor and General Manager under delegated authority during the Christmas/New Year period.

#### **RESOLUTION**

That:

1. the report be received.
2. the Mayor and the General Manager be authorised to affix the Common Seal of Council on the following documents:
  - Contract for Parking Equipment and Parking Guidance Systems at The Concourse - Tender No. 40677
  - Chatswood Transport Interchange - S2007/5 (Leasehold Subdivisions 2014/0001 and 2014/0002)

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

#### **Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

**Additional Item**

**17.2 CITIZENSHIP CEREMONIES**

**RESOLUTION**

**That the General Manager bring back a report to Council on the costs and options for holding ceremonies in the evening.**

**MOVED COUNCILLOR COPPOCK**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

## 18 REPORTS FROM OFFICERS - CORPORATE SERVICES DIRECTOR

### 18.1 MAYORAL BY-ELECTION

**RESPONSIBLE OFFICER:** TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR

**AUTHOR:** JEFF KNIGHT - ADMINISTRATION SERVICES MANAGER

**CITY STRATEGY LINK:** 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS

**MEETING DATE:** 3 FEBRUARY 2014

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#### **Purpose of Report**

To make arrangements for the conduct of a by-election to fill the vacant position of Mayor.

#### **RESOLUTION**

1. That Willoughby City Council resolve pursuant to sections 296(2) and (4) of the *Local Government Act 1993* (NSW) that:
  - a) an election arrangement be entered into for the Electoral Commissioner to administer the conduct of the by-election to fill in a casual vacancy in the office of the Mayor; and
  - b) such electoral arrangement be entered into by contract between the Electoral Commissioner and the Council.
2. That funding for the Mayoral by-election be considered in the December quarterly budget review.

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

#### **Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

**19 REPORTS FROM OFFICERS - COMMUNITY SERVICES  
DIRECTOR**

NIL

## 20 REPORTS FROM OFFICERS - ENVIRONMENTAL SERVICES DIRECTOR

### 20.1 31 ROBINSON STREET, CHATSWOOD - DA 2013/361

**ATTACHMENTS:** 1. PLANS  
2. NOTIFICATION MAP

**MEETING DATE:** 3 FEBRUARY 2014

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**RECOMMENDATION:** APPROVAL

**LOCATION:** 31 ROBINSON STREET, CHATSWOOD NSW 2067

**APPLICANT:** MR MICHAEL MARTIN

**OWNER:** MR A MUSTACA AND MRS H A MUSTACA

**PROPOSAL:** SUBDIVISION OF 1 LOT INTO 2 TOGETHER WITH DEMOLITION OF OUTBUILDING AND CARPORT, CONSTRUCTION OF VEHICLE CROSSING AND HARDSTAND AREA

**DATE OF LODGEMENT:** 29 AUGUST 2013

**VALID APPLICATION DATE:** 29 AUGUST 2013

**REPORTING OFFICER:** JULIET STOKES - DEVELOPMENT PLANNER

**RESPONSIBLE OFFICER:** IAN ARNOTT - DEVELOPMENT PLANNING MANAGER

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### DESCRIPTION OF PROPOSAL

The proposal is for subdivision of 1 lot into 2, together with the demolition of an outbuilding and carport, construction of vehicle crossing and hardstand area.

### RESOLUTION

That:

1. Council support the Clause 4.6 Variation to the minimum lot size contained in Clause 4.1 noting the proposal is in keeping with the subdivision pattern in the locality and aligns with the boundary of the South Chatswood Conservation Area.
2. The application be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the attached conditions, noting the special circumstances for variations of on-site car parking requirements being:
  - a) the corner location providing greater street frontage for on-street parking;

- b) the proximity of the site to Chatswood Town Centre, Chatswood Station and Victoria Avenue / Penshurst Street bus services;
- c) the provision of two on-site spaces would compromise the quality and amount of private open space for Lot 1.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

**Absent:** Councillor Mustaca

**Councillor Mustaca declared a pecuniary interest in the above item and took no part in discussion or voting on the matter.**



### Schedule of Conditions

**Conditions of Consent:** (Including reasons for such conditions)

#### CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

#### 1. Approved Plan/Details

The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Proposed Subdivision of Lot A, DP 945858, No. 31 Robinson Street, Chatswood	079-13G L02 (00) - 01	N/A	29/08/2013	29 August 2013	Craig and Rhodes
Sediment & Erosion Control Plan & Details	079-13G Z01 (00) - 01	N/A	29/08/2013	29 August 2013	Craig and Rhodes
Detail Survey	079-13G T01 (01) - 01	N/A	29/06/2013	29 August 2013	Craig and Rhodes

the application form and any other supporting documentation submitted as part of the application, except for:

- a) any modifications which are "Exempt Development" as defined under S76(2) of the Environmental Planning and Assessment Act 1979;
- b) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

#### 2. Sydney Water 'Quick Check' Certificate

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

Plans will be appropriately stamped and the Principal certifying authority must ensure the plans are stamped by Sydney Water prior to release of the Construction Certificate.

(Reason: Ensure compliance)

### 3. Damage Deposit

The applicant shall lodge a Damage Deposit of \$5,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$66 (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

### 4. Stormwater Conveyed to Street Drainage

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. Any new drainage pipe connections to street kerb shall be made using a 125mm x 75mm x 4mm thick galvanised Rectangular Hollow Section (RHS) with a grated drainage pit (min. 600mm x 600mm) provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part C.5 of Council's DCP and Technical Standards. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

### 5. Submit Long Sections

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by Council, long sections along each side/edge of the proposed vehicular access path drawn at 1:20 Scale.

The long sections shall be prepared by a suitably qualified civil engineer using the B85 Ground Clearance Template from AS2890.1 and shall include the following: -

- Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm deep and the back of layback is 100mm above the gutter invert.
- Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.
- Crossfall on road pavement shall be shown on long sections.

The crossing is to be 3 metres wide with no splays and be constructed at right angle to street kerb. The centreline of the new crossing shall be in-line with the centreline of the driveway. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- At back of layback – 100 mm above and parallel to the gutter invert.
- At 1.65m from face of kerb (back edge of footpath) – 150 mm above and parallel to the gutter invert.

- At property boundary – 340 mm above and parallel to the gutter invert.

The footpath and nature strip are to be adjusted for a minimum distance of 6 metres on both sides of the crossing to suit the new levels.

All driveway grades and transitions shall comply with AS 2890.1 -2004 and Council's specifications. The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

(Reason: Ensure compliance)

## **PRIOR TO COMMENCEMENT**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.**

### **6. Report Existing Damages on Council's Property**

Prior to commencement of any works on site, the applicant shall notify Council in writing with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

(Reasons: Protection of Council's Infrastructure)

### **7. Permits and Approvals Required**

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).

- e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

(Reason: Legal requirements)

#### **8. Application for Vehicle crossing**

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing.

(Reason: Protection of public asset)

### **DURING DEMOLITION, EXCAVATION AND CONSTRUCTION**

**The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.**

#### **9. Hours of Work**

All construction/demolition work relating to this Development Consent within the City must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application under Section 96 of the Environmental Planning and Assessment Act for a variation to these approved hours must be lodged with Council at least 3 working days in advance of the proposed work. The application must include a statement regarding the reasons for the variation sought and must be accompanied by the required fee.

Note: This S96 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

#### **10. Construction Information Sign**

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Principal Certifying Authority (if other than Council)

**ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.**

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

#### **11. Building Site Fencing**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

#### **12. Provide Erosion and Sediment Control**

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

#### **13. Demolition Work AS 2601**

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".

(Reason: Safety)

#### **14. Suitable Footpath Crossing Provided**

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area at all times.

(Reason: Protection of public safety)

**15. Asbestos Sign to be Erected**

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health & Safety/Ensure Compliance)

**16. Neighbour Notification of Asbestos Removal**

The applicant/builder is to notify the adjoining residents five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence, Work Cover NSW phone number 131 050, Councils phone number 9777 1000.

This notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public Health)

**17. Asbestos Disposal**

All asbestos laden waste, including bonded or friable asbestos must be disposed of at a waste disposal site approved by the NSW Department of Environment, Climate Change and Water.

Upon completion of the asbestos removal and disposal the applicant must furnish the Principal Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental Protection/Public Health and Safety)

**18. Asbestos Removal**

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Committee 2002).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.

(Reason: Public Health & Safety/Ensure Compliance)

**19. Road and Footpath**

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

(Reason: Maintain public safety)

**20. No Storage on Foot/Roadway**

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

(Reason: Safety)

**21. Skips and Bins**

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.  
(Reason: Safety)

**22. Sweep & Clean Pavement**

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.  
(Reason: Legal requirement)

**23. Street Signs**

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.  
(Reason: Protection of Public Assets)

**24. Tree Protection**

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period:  
All trees not indicated for removal on the approved plans.
- ii) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- iii) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites.  
(Reason: Tree Management)

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the issue of an occupation certificate.**

**25. Surface Water Runoff**

Surface water runoff from paved areas shall be directed away from neighbouring properties and disposed of to the satisfaction of the Principal Certifying Authority.  
(Reason: Health and amenity)

**26. Public Tree Maintenance**

The applicants arborist or landscape designer is to certify that:

- i All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".
- ii All new and replacement public trees are of the required species, container

size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide, "Specifying Trees", 2003.

(Reason: Tree management, Public Asset Management)

## **PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION CERTIFICATE/STRATA APPROVAL**

**The following are to be complied with prior to the issue of the Subdivision Certificate / Strata Approval and the release of the Linen Plans for registration at the Land and Property Information Office.**

### **27. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the subdivision certification. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

The Section 73 Certificate must be submitted in conjunction with the application for Subdivision Certificate/Strata Approval.

(Reason: Statutory requirement)

### **28. Land Subdivision**

Land subdivision requires Linen Plan plus eight copies to be prepared by a Registered Surveyor. In this regard the applicant's attention is drawn to the requirement for a Subdivision Certificate, which is to be obtained from Council by separate application, to allow registration of the land subdivision with the Land Titles Office.

(Reason: Information)

### **29. Subdivision**

A Final Occupation Certificate for all proposed works including the provision of car parking on Lot 1 is to be issued PRIOR TO RELEASE OF THE SUBDIVISION CERTIFICATE.

(Reason: Ensure compliance)

### **30. General Easement/ROW Provision and Certification**

The creation of drainage easements, service easements and/or rights-of-carriageway shall be carried out as required. A registered surveyor is to certify prior to the release of the subdivision certificate that all interallotment drainage lines, services or driveways are fully contained within the proposed allotment and/or that future provisions of such are fully covered by the proposed burdens. Alternatively if the surveyor is of the opinion that no easements and/or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.

(Reason: Ensure compliance)



**31. Removal of Impervious Areas**

The impervious areas nominated on the approved plans for removal are to be removed and replaced with soft landscaping.

(Reason: Landscape amenity/stormwater absorption)

**32. Rainwater Re-use – Minor**

Prior to issue of the Subdivision Certificate/release of the linen plan, the applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 6 m<sup>3</sup> in accordance with Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse tank system shall be connected to supply non-potable use including landscape irrigation and car washing. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and conserve natural resources)

**33. Vehicular Crossing**

Prior to issue of the Subdivision Certificate/release of the linen plan, the applicant shall construct a new vehicular crossing including the replacement of the existing layback and gutter and any associated road restoration as directed by Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The crossing is to be 3 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- At back of layback – 100 mm above and parallel to the gutter invert.
- At 1.65m from face of kerb (back edge of footpath) – 150 mm above and parallel to the gutter invert.
- At property boundary – 340 mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 4%. The nature strip and footpath is to be adjusted for a minimum distance of 6 metres on both sides of the crossing to suit the new levels.

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate/release of the linen plan.

(Reason: Public amenity)

**34. Removal of Redundant Crossings**

Prior to issue of the Subdivision Certificate/release of linen plan, the applicant shall remove the redundant crossing in Septimus Street together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

(Reason: Public amenity)

### **ADDITIONAL CONDITIONS**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.**

**35. Separate Development Consent**

This consent does not approve the conceptual dwelling. Any dwelling proposed on Lot 2 is to be the subject of a separate application.

(Reason: Ensure compliance)

**36. Retaining Walls and Drainage**

If the soil conditions require it:

- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- b) adequate provision must be made for drainage.

(Reason: Safety)

**37. Erection Wholly within the Boundaries**

All works (with the exception of any works approved under S138 of the Roads Act 1993) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

**38. Vehicular Access and Garaging**

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification.

(Reason: Vehicular access)

**39. Underground Utility Services**

Locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

**40. Public Infrastructure Restoration**

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of Public Assets)

**41. Trees on Adjoining Properties**

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

**PRESCRIBED CONDITIONS**

**The following conditions are prescribed by S80A of the Environmental Planning & Assessment Act for developments involving building work.**

**42. Compliance with Building Code of Australia**

All building works must be carried out in accordance with the performance requirements of the Building Code of Australia.

(Reason: Compliance)

**STATUTORY REQUIREMENTS**

**The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants**

**43. Construction Certificate Required**

This consent IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and Statutory requirement)

**44. Occupation Certificate**

The building/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

**20.2 PLANNING PROPOSAL FOR A WOOLWORTHS SUPERMARKET AND LIQUOR STORE (SHOPS) AT 17-19 SMITH STREET, CHATSWOOD**

<b>ATTACHMENTS:</b>	<b>1. COUNCIL REPORT DATED 11 MAY 2012 2. EXTRACT FROM AMENDED PLANNING PROPOSAL JANUARY 2014 INCLUDING DETAILS OF WOOLWORTHS ONLINE STRATEGY 3. LETTER FROM TRAFFIC CONSULTANTS DATED 23 JANUARY 2014 RE AMENDED PLANNING PROPOSAL</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINDA MCCLURE, STRATEGIC PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>JANE HOSIE, STRATEGIC PLANNER</b>
<b>CITY STRATEGY LINK:</b>	<b>5.1.1 LOCAL BUSINESS</b>
<b>MEETING DATE:</b>	<b>3 FEBRUARY 2014</b>

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**Purpose of Report**

The purpose of this report is to advise Council on the status of a Planning Proposal for a Woolworths supermarket and liquor store in the East Chatswood industrial area at 17-19 Smith St, Chatswood and to recommend that Council refer the Planning Proposal to the Gateway for consideration for public exhibition.

**RESOLUTION**

That:

- 1. Council be the Relevant Planning Authority (RPA) for processing the Planning Proposal.**
- 2. The Planning Proposal be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.**
- 3. The Gateway and proponent be advised that there is outstanding documentation required to be included in the Planning Proposal prior to any public exhibition as outlined in this report.**
- 4. Council recommend to the Gateway that the community consultation program be adopted as outlined in this report.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

### 20.3 DRAFT AMENDMENTS TO WILLOUGHBY DEVELOPMENT CONTROL PLAN PART C2 - SUBDIVISION

<b>ATTACHMENTS:</b>	<b>1. PREVIOUS COUNCIL REPORT AND RESOLUTION DATED 11 NOVEMBER 2013</b> <b>2. DRAFT WDCP AMENDMENT - PART C2 SUBDIVISION AND PART D1.5.3 (3)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINDA MCCLURE - STRATEGIC PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>CRAIG O'BRIEN - STRATEGIC PLANNER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.2.1 A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS</b>
<b>MEETING DATE:</b>	<b>3 FEBRUARY 2014</b>

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#### **Purpose of Report**

The purpose of this report is to advise Council of the exhibition of draft amendments to Willoughby Development Control Plan (WDCP) Part C.2 Subdivision and Part D1 Dwelling Houses, Dual Occupancies and Secondary Dwellings. The report recommends that Council adopt the proposed draft amendments to the WDCP, as detailed in Attachment 2.

#### **RESOLUTION**

**That:**

- 1. Council adopt the amendments to the Willoughby Development Control Plan as detailed in Attachment 2 of the Environmental Services Director's report.**
- 2. Those who made a submission be advised of Council's resolution.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

#### **Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

**20.4 DEVELOPMENT APPLICATION REPORT TO 27 JANUARY 2014**

**ATTACHMENTS:** 1. LIST OF APPLICATIONS

**RESPONSIBLE OFFICER:** IAN ARNOTT - DEVELOPMENT PLANNING  
MANAGER, PETER ROWAN - BUILDING SERVICES  
MANAGER

**AUTHOR:** BUILDING SURVEYORS, DEVELOPMENT PLANNERS

**MEETING DATE:** 3 FEBRUARY 2014

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**Purpose of Report**

The attached schedule lists all current development applications grouped by suburb.

**RESOLUTION**

That the information be noted.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

**21 REPORTS FROM OFFICERS - INFRASTRUCTURE SERVICES DIRECTOR**

NIL

**22 NOTICE OF MOTION**

NIL

**23 CONFIDENTIAL ITEMS**

NIL

**24 QUESTIONS**

NIL

**The meeting concluded at 9:00 p.m.**