



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chambers
Level 6, 31 Victor Street, Chatswood

10 June 2014

commencing at 7:00pm

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1 PRESENT

Councillors

Her Worship the Mayor Councillor G Giles-Gidney, Councillors H Eriksson, T Mustaca, W Norton, A Rozos, L Saville, J Rutherford, M Sloane, M Stevens and N Wright.

Officers

Mr N Tobin (General Manager), Mr G Woodhams (Environmental Services Director), Ms T Crouch (Corporate Support and Performance Director), Mr T Pizzuto (Financial Services Director), Mr J Ellis (Economic Property & Development Director), Mr P Collings (Acting Infrastructure Services Director), Mr J Knight (Administrative Services Manager), Mr V Grepl (Governance and Corporate Planning Officer), Mr M McDonald (Financial Services Manager), Mr David Sung (Engineering Services Manager), Mr J Brocklebank (Transport & Traffic Group Leader), Ms B Jeffries and Ms L Keeling (Executive Assistants).

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Councillor Giles-Gidney declared a non-significant non-pecuniary interest in Item 15.1 - Notice of Rescission Motion: Inspection Committee Meeting held 3 May 2014 - 2/77A Edinburgh Road, Castlecrag and in Item 22.2 - Notice of Motion: Parking Restrictions on Alpha Road, Willoughby.
- Councillor Giles-Gidney declared a significant non-pecuniary interest in Item 23.1 - Talus Street Reserve Trust.
- Councillor Wright declared a non-significant non-pecuniary interest in Item 15.1 - Notice of Rescission Motion: Inspection Committee Meeting held 3 May 2014 - 2/77A Edinburgh Road, Castlecrag.
- Councillor Eriksson declared a significant non-pecuniary interest in Item 15.1 - Notice of Rescission Motion: Inspection Committee Meeting held 3 May 2014 - 2/77A Edinburgh Road, Castlecrag and a non-significant, non-pecuniary interest in Item 22.2 Notice of Motion: Parking Restrictions on Alpha Road, Willoughby.
- Councillors Rutherford, Eriksson, Sloane, Saville, Mustaca and Wright declared a non-significant and non-pecuniary interest in Item 23.1 - Talus Street Reserve Trust.

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 26 May 2014, copies of which have been circulated to each member of Council, be confirmed.

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor J Hooper is on leave previously granted.
- Councillor S Coppock submitted apologies for non-attendance and requested Leave of Absence

RESOLUTION**That:**

1. Council note the absence of Councillor Hooper on leave previously granted
2. The apology from Councillor Coppock be accepted and Leave of Absence be granted.

MOVED COUNCILLOR SLOANE**SECONDED COUNCILLOR WRIGHT****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.**Against:** Nil**5 INTERVIEWS**

NIL

6 PETITIONS

NIL

7 OPEN FORUM

NIL

8 MAYORAL REPORT

The Mayoral Report was circulated to all Councillors listing the Mayor's activities

MAYOR'S DIARY – COUNCIL MEETING NOTES FOR 10 JUNE 2014

WEDNESDAY 28 MAY			
Cr Saville	10.30 am	28 th Crown Land Divestment : Briefing Session, NSW Trade and Investment	Crown Lands Division, Sydney
THURSDAY 29 MAY			
Mayor	10.30 am	Mowbray School Open Day	635 Mowbray Road
SATURDAY 31 MAY			
Mayor	11 am	World Netball Day Event	Bicentennial Reserve
SATURDAY 1 JUNE			
Cr Norton	3 pm	Willoughby City Band Concert	Zenith Theatre
TUESDAY 3 JUNE			
Mayor	10.30 am	Visit to St Pauls Northbridge: Birthday Celebrations for Mrs Wilson, aged 102	27 Eastern Valley Way
Mayor Crs Norton, Rozos, Rutherford	7.30 pm	Castle Cove Progress Association Mtg	
WEDNESDAY 4 JUNE			
Mayor Crs Eriksson, Mustaca, Norton, Rozos, Rutherford, Wright	Evening	Public Meeting re: Woolworths proposal	Council Chambers
THURSDAY 5 JUNE			
Crs Norton, Saville	All day	SCCG Workshop	Coachwood Room
Mayor	10.30 am	Willoughby Community Pre-School : "Celebrating diversity & community spirit"	Central Street, Naremburn
Mayor Crs Norton, Saville	1.30 pm	Book Launch & Celebration for the "Our Local Wildlife" Short Story Competition	Chatswood Library
Mayor	6 pm	"Love your Food" with Ed Halmagyi World Environment Event	Westfield, Chatswood
Mayor Cr Saville	6.30pm	Staff Photographic Exhibition: "Backyards & Beyond"	Ground Floor Foyer 31 Victor Street
Mayor Cr Eriksson	7.30 pm	Meet the Candidates – Northbridge Progress Association	Northbridge Golf Club
SATURDAY 7 JUNE			
Mayor	12.30 pm	Opening Ceremony for Master Hsung Yun's One Stroke Calligraphy & Sogetsu Ikebana Exhibition	The Civic Pavilion, The Concourse

RESOLUTION

That the Mayoral report be received

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

9 MAYORAL MINUTE

9.1 MAYORAL MINUTE - MEMORIAL FOR ARMENIAN GENOCIDE

RESPONSIBLE OFFICER: NICK TOBIN – GENERAL MANAGER

AUTHOR: NICK TOBIN

MEETING DATE: 10 JUNE 2014

PURPOSE OF REPORT

To consider the following Mayoral Minute.

MOTION

I have been approached by members of the Armenian community requesting that Council consider establishing a permanent memorial for the Armenian Genocide within a park in the City of Willoughby.

The 2011 census identified approximately 3-4% of the population of the City of Willoughby as having Armenian heritage. The historical links of the Armenian community with the city have resulted in a diverse range of organisations representing the Armenian community located in the city including churches, schools, Armenian cultural centre and various community groups.

2015 represents 100 years since the genocide and it would be fitting that an appropriate memorial be established prior to 24 April 2015. The Armenian community have indicated they would like to work with Council on the design of the memorial and its location. Cost of the memorial will be met by the Armenian community.

RESOLUTION

That:

- 1. Council invite the Armenian community, through the Diocese of the Armenian Church of Australia and New Zealand, to establish a working group to develop plans for a suitable memorial within the City of Willoughby to recognise the Armenian Genocide**
- 2. A report be presented to Council within 3 months detailing location, design and timeframe for completion.**

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Voting

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

Against: Nil

9.2 THE LATE ELSIE KAYE

RESPONSIBLE OFFICER: NICK TOBIN - GENERAL MANAGER

AUTHOR: JEFF KNIGHT

MEETING DATE: 10 JUNE 2014

Purpose of Report

To consider the following Mayoral Minute.

Motion

I am saddened to inform the meeting that Elsie Kaye of Northbridge passed away on 1 June 2014.

Elsie was one of the real community people of Willoughby who did a tremendous amount of community work for Northbridge and, indeed, Willoughby.

Elsie Kaye had a plaque next to her front door that read "JOY". This was an acronym for her personal philosophy: **J**esus first, **O**thers next and **Y**ourself last. She lived her life according to this creed and as a consequence brought much joy into other people's lives.

For example, her front porch in Namoi Road, Northbridge was the drop off point for unwanted books, toys, household items and even furniture.

Elsie would bring the items into her home and, with her helpers, would sort, clean, repair and redistribute these goods to various charities and groups including indigenous communities, The Red Cross, refuges for victims of domestic violence, halfway houses for ex-prisoners, refugee centres, and when she could not find a home for the items here, someone would take them overseas as far afield as The New Hebrides and the Ukraine.

Elsie loved children and taught Scripture at Northbridge Primary School, where she also helped coach chess. At Christmas time, children from St Mark's Kindergarten would come to her house to donate a toy to her collection, and to have the opportunity to enjoy the wonderland of the toy rooms before being treated to cake and ice-cream in her back yard. The true spirit of Christmas was experienced in her home.

On Saturday evenings, Elsie would gather people together for a hot home cooked meal. If she heard of sick neighbours, she would make a meal and deliver it to their door.

Amongst her many awards, Elsie was named Citizen of the Year by Willoughby City Council twice (1986 and 1991) and was awarded the prestigious Paul Harris Fellowship, Rotary International's highest honour.

Elsie was tireless in her work for others. Today we say thank you Elsie, Rest in Peace.

I move that Council send a letter of condolence to the family of the late Elsie Kaye.

RESOLUTION

That a letter of condolence be forwarded to the family of the late Elsie Kaye.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Voting

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

Against: Nil

Council observed a minute's silence in the memory of the late Elsie Kaye

9.3 2014 QUEEN'S BIRTHDAY HONOURS AWARDS**RESPONSIBLE OFFICER: NICK TOBIN – GENERAL MANAGER****AUTHOR: JEFF KNIGHT****MEETING DATE: 10 JUNE 2014**

To inform Council of the residents in Willoughby who received awards in the 2014 Queen's Birthday Honours List.

Purpose of report

I am pleased to inform Council that the following residents were recognised in the 2014 Queen's Birthday Honours Awards.

Member of the Order of Australia (AM)**PERCIVAL, Dr Terence Michael**

Northbridge

For significant service to science and technology through landmark developments on broadband and wireless communications.

Medal of the Order of Australia (OAM)**FLINT, John Marsden**

St Leonards

For service to the community, particularly through conservation of the natural and built environment.

RESOLUTION

That Council congratulate the recipients on their awards in the 2014 Queen's Birthday Honours List.

MOVED COUNCILLOR GILES-GIDNEY**CARRIED****Voting**

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

Against: Nil

10 GENERAL MANAGER'S LATE REPORT

NIL

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

NIL

12 MATTERS BROUGHT FORWARD BY THE PUBLIC

- | | |
|-------------------|--|
| Item 14.1.3 (9.3) | Chatswood CBD Traffic Study Update |
| Item 20.1 | 51-53 Alpha Road, Willoughby - DA 2004/521H |
| Item 20.2 | 58 Alleyne Street, Chatswood - DA 2013/231 |
| Item 22.2 | Notice of Motion: Parking Restrictions on Alpha Road, Willoughby |

13 MATTERS NOT REQUIRING ELABORATION OR DEBATE

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

- 14.1.2(9.2) Planning Proposal for 654-656 Pacific Highway, 658-666 Pacific Highway, 2A Oliver Road and 1 Freeman Road, Chatswood
- 15.1 Notice of Rescission Motion: Inspection Committee Meeting held 3 May 2014 - 2/77A Edinburgh Road, Castlecrag
- 17.1 Performance Appraisal Panel Appointment - General Manager
- 18.1 Operational Plan and Budget 2014-2014
- 18.2 Attendance at Segra Annual Conference at Alice Springs NT on 8-10 October 2014
- 19.1 2014/2015 Community Grants - Event Seed Funding
- 19.2 Application for Out of Term Community Grant
- 20.3 Willoughby Park Centre - Masterplan
- 21.1 Crown Land Legislation - White Paper Consultation
- 21.2 Tender Summary - Parking meter EMV Upgrade, Supply & Install new, and ongoing maintenance for new and existing meters - Tender 77671
- 22.1 Notice of Motion: Concerns with the Federal Government's 2014/15 Budget
- 22.3 Notice of Motion: Quorum in Council Meetings
- 23.1 Talus Street Reserve Trust

That the remaining items, viz:

- 14.1 Transport, Access & Environment Committee Meeting - 2 June 2014**
- 14.1.1(9.1) Planning Proposal for 8 McCabe Place, Chatswood**
- 14.2 100 Northcote Street, Naremburn - Naremburn Ward Councillors Inspection Committee Meeting**
- 16.1 Councillors Information Booklets - 29 May & 5 June 2014**
- 17.2 Promoting Better Practice Review Update**
- 20.4 Variations to Development Standards (Use of SEPP 1) Quarter 3 - January to March 2014**
- 20.5 Applications determined under delegated authority for the month of May 2014**
- 20.6 Development Application Report to 2 June 2014**
- 21.3 Request for Memorial Plaque - Clive Park**
- 23.2 Additional information - Parking meter EMV Upgrade, Supply & Install new and on-going maintenance for new and existing meters - Tender 77671**
- 23.3 734 Pacific Highway, Chatswood - DA 2011/388E**

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

14 REPORTS FROM COMMITTEES

14.1 TRANSPORT, ACCESS & ENVIRONMENT COMMITTEE MEETING - 2 JUNE 2014

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR
AUTHOR:	GREG WOODHAMS
MEETING DATE:	10 JUNE 2014

Purpose of Report

To list on the agenda the minutes of the Transport, Access & Environment Committee Meeting held 2 June 2014.

RESOLUTION

That:

1. The Minutes be received.
2. Council note the resolutions adopted by the Committee.
3. Council adopt the Committee's recommendations with the exception of:

Item 14.1.2 (9.2) Planning Proposal for 654-656 Pacific Highway, 658-666 Pacific Highway, 2A Oliver Road and 1 Freeman Road Chatswood.

Item 14.1.1.3 (9.3) Chatswood CBD Traffic Study Update

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

14.1.1 (9.1) PLANNING PROPOSAL FOR 8 MCCABE PLACE, CHATSWOOD

ATTACHMENTS:	1. PREVIOUS REPORT TO COUNCIL DATED 11 NOVEMBER 2012
	2. ENVIRONMENTAL SITE ASSESSMENT 8 MCCABE PLACE, CHATSWOOD – FINAL
	3. NOTIFICATION OF ABANDONMENT OF TANK
RESPONSIBLE OFFICER:	LINDA MCCLURE - STRATEGIC PLANNING MANAGER
AUTHOR:	JANE GIBSON - STRATEGIC PLANNER
CITY STRATEGY LINK:	5.1.1 LOCAL BUSINESS
MEETING DATE:	2 JUNE 2014

Purpose of Report

The purpose of this report is to advise Council of the public exhibition for the planning proposal relating to Lot 3 DP 239924 at 8 McCabe Place, Chatswood submitted by Ausgrid.

This report recommends that Willoughby Local Environmental Plan 2012 be amended to rezone 8 McCabe Place Chatswood from SP2 Electricity Transmission and Distribution to IN2 Light Industrial and that the planning proposal be sent to the Minister to be made.

RESOLUTION

That:

- 1. Council support the planning proposal for Number 8 McCabe Place Chatswood being Lot 3 DP 239924 subject to a satisfactory validation report being submitted to Council in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.**
- 2. Council adopt and make the amendment to Willoughby Local Environmental Plan 2012 in accordance with Section 59 of the Environmental Planning and Assessment Act 1979, so as to change Willoughby Local Environmental Plan 2012 and give effect to the planning proposal in the following manner:**
 - (a) Willoughby Local Environmental Plan 2012 Zoning Map be amended for Number 8 McCabe Place Chatswood (being Lot 3 DP 239924) from SP2 Infrastructure (Electricity Transmission and Distribution) to IN2 Light Industrial.**
 - (b) Willoughby Local Environmental Plan 2012 Floor Space Ratio Map be amended for Number 8 McCabe Place Chatswood (being Lot 3 DP 239924) to a Floor Space Ratio of 1:1 within Area 5.**

THIS ITEM WAS ADOPTED AT THE COUNCIL MEETING ON 10 JUNE 2014.

14.1.2 (9.2) PLANNING PROPOSAL FOR 654 - 656 PACIFIC HIGHWAY, 658 - 666 PACIFIC HIGHWAY, 2A OLIVER ROAD AND 1 FREEMAN ROAD, CHATSWOOD

ATTACHMENTS:	1. AERIAL PHOTO OF SITE AND LOCALITY 2. AMENDED CONCEPT PLAN 3. LETTER OF OFFER FOR VOLUNTARY PLANNING AGREEMENT 4. DRAFT WILLOUGHBY DEVELOPMENT CONTROL PLAN AMENDMENT
RESPONSIBLE OFFICER:	LINDA MCCLURE - STRATEGIC PLANNING MANAGER
AUTHOR:	CRAIG O'BRIEN - STRATEGIC PLANNER
CITY STRATEGY LINK:	3.1.1 PLAN FOR HOUSING CHOICE
MEETING DATE:	2 JUNE 2014

Purpose of Report

This report reviews a Planning Proposal submitted by Ingham Planning on behalf of Daraki Holdings for the block of land at 654 – 666 Pacific Highway, 1 Freeman Road and 2A Oliver Road, Chatswood, being Lot 1 DP 1068007, Lot 1 DP 121830, Lot 1 DP 839309 and Lot 2 DP 839309.

MOTION

That the matter be deferred to a Ward Councillors Inspection Committee

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

NOT PUT TO THE VOTE

AMENDMENT

That:

- 1. Council support for public exhibition:**
 - a) the Planning Proposal for 654 – 656 Pacific Highway, 658 – 666 Pacific Highway, 1 Freeman Road and 2A Oliver Road, Chatswood.**
 - b) the proposed draft amendments to Willoughby Local Environmental Plan 2012 as discussed in the report.**
 - c) the proposed draft amendments to Willoughby Development Control Plan for specific controls for the site as discussed in this report.**
 - d) a draft Voluntary Planning Agreement consistent with the letter of offer.**

- 2) The Planning Proposal be forwarded to Planning and Infrastructure seeking a Gateway Determination for public exhibition under Section 56 of the Environmental Planning and Assessment Act 1979.
- 3) The Planning Proposal, draft amendments to Willoughby Development Control Plan and the draft Voluntary Planning Agreement be exhibited at the same time.
- 4) Council advise the Department of Planning and Infrastructure that the Environmental Services Director, Mr Greg Woodhams, is nominated to be the delegate to process and finalise the Planning Proposal.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Amendment: Councillors Giles-Gidney, Eriksson, Mustaca, Rutherford, Sloane, Stevens and Wright.

Against: Councillors Saville, Rozos and Norton

14.1.3 (9.3) CHATSWOOD CBD TRAFFIC STUDY UPDATE

RESPONSIBLE OFFICER:	PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR GREG WOODHAMS – ENVIRONMENTAL SERVICES DIRECTOR
AUTHOR:	JAMES BROCKLEBANK - GROUP LEADER TRAFFIC AND TRANSPORT DAVID SUNG – ENGINEERING SERVICES MANAGER
CITY STRATEGY LINK:	4.2.2 BALANCE TRAFFIC MANAGEMENT
MEETING DATE:	2 JUNE 2014

Purpose of Report

To provide Council with a status update in regard to the implementation of recommendations from the Chatswood CBD traffic study and to propose action on several of these proposals.

Procedural Motion

That the following people address the meeting:

1. Mr R Lambert
2. Mr T Hobbs

Mr Lambert and Mr Hobbs addressed the meeting and answered questions of the Councillors.

MOTION

That:

1. Staff prepare concept plans and accompanying explanatory information in regard to options 2, 3, 4, 11, 13(i), 14(i), 15, 17 and 18 they be incorporated in the integrated Chatswood CBD Traffic and Transport / Urban Design and Development Plan.
2. Following Council endorsement of the integrated plan, the options be placed on public exhibition in conjunction with the CBD Urban Design and Development Plan.
3. Detailed investigations and designs be prepared to enable completion of options 8, 9 and 21 when funding becomes available and the options be included in the integrated CBD plan.
4. Work continue on completion of options 7, 10, 16, 19 & 22 and the options be included in the integrated CBD plan.

5. No further action be taken in regard to options 1(i), 1(ii), 5, 6, 12, 13(ii) and 14(ii) and Item 20.
6. That a further report be prepared for Council following exhibition of the Options summarising community feedback and recommendations in regard to the works including alternatives for addressing vehicle flow in Daisy and Tulip and adjoining Streets for Council to consider the amenity of the residents in those streets.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Motion Councillors Giles-Gidney, Eriksson, Mustaca, Norton, Rutherford, Saville, Sloane, Stevens and Wright.

Against: Councillors Rutherford and Rozos

AMENDMENT

That:

1. Staff prepare concept plans and accompanying explanatory information in regard to options 2, 4, 11, 13(i), 14(i), 15, 17 and 18 they be incorporated in the integrated Chatswood CBD Traffic and Transport / Urban Design and Development Plan.
2. Following Council endorsement of the integrated plan, the options be placed on public exhibition in conjunction with the CBD Urban Design and Development Plan.
3. Detailed investigations and designs be prepared to enable completion of options 8, 9 and 21 when funding becomes available and the options be included in the integrated CBD plan.
4. Work continue on completion of options 7, 10, 16, 19 & 22 and the options be included in the integrated CBD plan
5. No further action be taken in regard to options 1(i), 1(ii), 3, 5, 6, 12, 13(ii) and 14(ii) and Item 20.
6. That a further report be prepared for Council following exhibition of the Options summarising community feedback and recommendations in regard to the works including alternatives for addressing vehicle flow in Daisy and Tulip and adjoining Streets for Council to consider the amenity of the residents in those streets.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR NORTON

LOST

Voting

For the Amendment: Councillors Eriksson, Norton, Rozos, Rutherford and Stevens

Against: Councillors Giles-Gidney, Wright, Sloane, Saville and Mustaca

The Vote being equal the Mayor exercised her casting vote against the Amendment.

As the Amendment was lost, the Motion was put and was carried.

**14.2 100 NORTHCOTE STREET, NAREMBURN - NAREMBURN WARD
COUNCILLORS INSPECTION COMMITTEE MEETING**

ATTACHMENTS:

RESPONSIBLE OFFICER: PETER ROWAN - BUILDING SERVICES MANAGER

**AUTHOR: BRUCE GAAL - TEAM LEADER/DEVELOPMENT
OFFICER (BUILDING SURVEYOR)**

MEETING DATE: 10 JUNE 2014

Purpose of Report

To list on the agenda the minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 5 June 2014.

**THE INSPECTION COMMITTEE MEETING COULD NOT BE HELD DUE TO LACK OF A
QUORUM**

15 DEFERRED MATTERS

15.1 NOTICE OF RESCISSION MOTION: INSPECTION COMMITTEE MEETING HELD 3 MAY 2014 - 2/77A EDINBURGH ROAD, CASTLECRAG

RESPONSIBLE OFFICER:	NICK TOBIN – GENERAL MANAGER
AUTHOR:	NICK TOBIN – GENERAL MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	26 MAY 2014

Purpose of Report

Councillors Hooper, Coppock and Rutherford have indicated they wish to move the following Rescission Motion:

RESOLUTION

That Council rescinds the resolution adopted at the Council Meeting held on 12 May 2014, viz:

"That the application be approved and delegated authority be granted to the General Manager to issue the development consent notice, subject to the attached conditions, noting the special circumstances for the variation of the side boundary setback, recreational area, car parking, width of planter boxes and communal area requirements under WDCP, and subject to the eastern wall on the boundary extending *no further than one metre beyond* the existing wall and then the wall of the proposed extension being setback 1.0m from the eastern boundary."

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Sloane, Saville, Stevens, Rutherford and Norton

Against: Councillors Giles-Gidney, Wright, Mustaca and Rozos

Absent: Councillor Eriksson

As the Rescission Motion was carried, the following substantive motion was moved:

MOTION

That the application be approved and delegated authority be granted to the General Manager to issue the development consent notice, subject to the attached conditions, noting the special circumstances for the variation of the side boundary setback, recreational area, car parking, width of planter boxes and communal area requirements under WDCP, and subject to the eastern wall on the boundary extending no further than the existing wall and then the wall of the proposed extension being setback 1.0m from the eastern boundary.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

For the Motion: Councillors Sloane, Saville, Stevens, Rutherford and Norton

Against: Councillor Giles-Gidney, Wright, Mustaca and Rozos

Absent: Councillor Eriksson

Councillor Eriksson 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 Giles-Gidney and Wright declared non-significant, non-pecuniary interests in the above matter

16 CORRESPONDENCE

16.1 COUNCILLORS INFORMATION BOOKLETS - 29 MAY & 5 JUNE 2014

RESPONSIBLE OFFICER: NICK TOBIN - GENERAL MANAGER
AUTHOR: TRISHA DUFFY
CITY STRATEGY LINK: 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE
AND REPRESENTS ITS CONSTITUENTS
MEETING DATE: 12 MAY 2014

Purpose of Report

To list on the Agenda the Councillors Information Booklets, circulated to all Councillors on 29 May and 5 June 2014.

RESOLUTION

That the Councillors Information Booklets be received.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS - GENERAL MANAGER

17.1 PERFORMANCE APPRAISAL PANEL APPOINTMENT - GENERAL MANAGER

ATTACHMENTS: 1. NIL

RESPONSIBLE OFFICER: NICK TOBIN - GENERAL MANAGER

AUTHOR: NICK TOBIN - GENERAL MANAGER

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

MEETING DATE: 10 JUNE 2014

Purpose of Report

To re-establish a Review Panel to oversee the General Manager's Performance Review.

RESOLUTION

That:

1. The Mayor, Deputy Mayor and Councillors Rozos and Eriksson be appointed to represent Council on a General Manager's Review Panel.
2. The General Manager's Review Panel be authorised to complete the interim and annual process of performance management of the General Manager, including decisions about performance, any actions to be taken and the determination of the new performance agreement.
3. The General Manager's Review panel report back to Council its decisions both in relation to the interim and annual performance review.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

17.2 PROMOTING BETTER PRACTICE REVIEW UPDATE**RESPONSIBLE OFFICER: NICK TOBIN - GENERAL MANAGER****AUTHOR: NICK TOBIN - GENERAL MANAGER****DELIVERY PROGRAM ITEM: 6.1.1 A COUNCIL THAT IS OPEN AND HONEST AND REPRESENTS ITS CONSTITUENTS****MEETING DATE: 10 JUNE 2014**

Purpose of Report

To update Council of progress towards the recommendations made as part of the Division of Local Government's Promoting Better Business Practice Review undertaken in November 2012 and received by Willoughby City Council on 7 June 2013.

RESOLUTION

That Council note the updated status of the recommendations made in the Promoting Better Practice Review undertaken by the Division of Local Government.

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR SLOANE****CARRIED****Voting**

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

Against: Nil

18 REPORTS FROM OFFICERS - CORPORATE SERVICES DIRECTOR

18.1 OPERATIONAL PLAN AND BUDGET 2014-2015

ATTACHMENTS:	<ol style="list-style-type: none">1. 4 YEAR FORECAST ESTIMATES BY PRINCIPAL AUTHORITY2. GRAPHICAL SUMMARIES OF INCOME & EXPENDITURE 2014-20153. PROJECTED STATEMENT OF FINANCIAL PERFORMANCE BY TYPE FOR YEAR ENDED 30 JUNE 2015
RESPONSIBLE OFFICER:	TONY PIZZUTO – FINANCIAL SERVICES DIRECTOR
AUTHOR:	MARK MCDONALD - FINANCIAL SERVICES MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	10 JUNE 2014

Purpose of Report

To adopt Council's Operational Plan and Budget for 2014-2015 which incorporates all activities of the second year of the 2013-2017 Delivery Plan, estimates of Income and Expenditure and Schedule of Fees and Charges.

RESOLUTION

That:

1. The Operational Plan, Budget and Fees and Charges for 2014-2015, incorporating all activities of the second year of the 2013-2017 Delivery Program, be adopted.
2. Council make a Domestic Waste Management Charge of \$505.00 per annum per service on all properties categorised as Residential for the 2014/2015 rating year in accordance with the Section 496 of the *Local Government Act*.
3. Council make a Domestic Waste Management charge for Self-Funded Retirees of \$405.00 per annum per service on all qualifying properties categorised as Residential for the 2014/2015 rating year in accordance with Section 496 of the *Local Government Act*.
4. Council make a Domestic Waste Management charge for Pensioners of \$405.00 per annum per service on all qualifying properties categorised as Residential for the 2014/2015 rating year in accordance with Section 496 of the *Local Government Act*

5. Council make, in accordance with Section 496 (A) of the *Local Government Act 1993*, Stormwater Management Service Charges for the 2014/2015 rating year of:
 - \$25.00 per rateable residential property
 - \$12.50 per rateable strata titled property
 - \$25.00 per 350 sq m for business related properties (minimum charge \$5.00)
6. Council aggregate the values of certain parcels of land subject to minimum rates in accordance with Section 548A of the *Local Government Act 1993*.
7. Council make the following ordinary rates and charges using land values dated July 2012 and the Ad-valorem Rating Structure and Minimums for the 2014/2015 rating year in accordance with Section 494 of the *Local Government Act*:
 - (a) Residential:
 - Ad valorem - .00116889
 - Minimum - \$718.35
 - Yield - \$24.4 million
 - (b) Business:
 - Ad valorem - .00759599
 - Minimum - \$1,025.85
 - Yield - \$10.5 million
 - (c) CTC (Chatswood Town Centre)
 - Ad valorem - .010556
 - Minimum - \$1,091.05
 - Yield - \$5.9 million
 - (d) Chatswood Major Retail – Chatswood Chase
 - Ad valorem - .014785
 - Minimum - \$914.40
 - Yield - \$0.76 million
 - (e) Chatswood Major Retail - Westfield
 - Ad valorem - .014445
 - Minimum - \$914.40
 - Yield - \$0.97 million
 - (f) Strata Storage Facility
 - Ad valorem - .0051002
 - Minimum - \$693.55
 - Yield - \$0.08 million
8. The interest rate applicable on overdue rates and charges is 8.5% per annum for the 2014/2015 rating year (Section 566 of the *Local Government Act*)

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

**18.2 ATTENDANCE AT SEGRA ANNUAL CONFERENCE AT ALICE SPRINGS
NT ON 8-10 OCTOBER 2014**

ATTACHMENTS:	NIL
RESPONSIBLE OFFICER:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
AUTHOR:	DAVID PAGE
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	10 JUNE 2014

Purpose of Report

To obtain approval for Councillor Saville to attend the annual SEGRA conference in Alice Springs on 8-10 October 2014.

At the Council meeting on 14 April 2014, Councillor Hooper received approval to attend this Conference.

RESOLUTION

That Council authorises Councillor Saville to attend the SEGRA Conference at Alice Springs on 8-10 October 2014.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Mustaca, Norton, Rozos, Saville and Sloane

Against: Councillors Wright, Rutherford and Stevens

19 REPORTS FROM OFFICERS - COMMUNITY SERVICES DIRECTOR

19.1 2014/2015 COMMUNITY GRANTS - EVENT SEED FUNDING

ATTACHMENTS:	1. SUMMARY - 2014/15 EVENT SEED FUNDING - APPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY SERVICES DIRECTOR
AUTHOR:	MELANIE SMITH - COMMUNITY SERVICES DIRECTOR
CITY STRATEGY LINK:	1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED
MEETING DATE:	10 JUNE 2014

Purpose of Report

To seek Council's endorsement of the Officer's recommendations for the distribution of grant funds through Council's 2014/15 Community (Small) Grants Program – Events Seed Funding.

RESOLUTION

That:

1. Council endorse the Officer recommendations for the distribution of grant funds through the Event Seed Funding stream of the 2014/15 Community (Small) Grants Program.
2. All unallocated grant funds remain in the Community (Small) Grants program for allocation to "Out-of-term" Event Seed Funding applications received by Council within the 2014/15 financial year and which comply with the Grant Program Guidelines.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

19.2 APPLICATION FOR OUT OF TERM COMMUNITY GRANT - NATIONAL YOUTH SCIENCE FORUM

ATTACHMENTS:	1. APPLICATION LETTER
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY SERVICES DIRECTOR
AUTHOR:	MELANIE SMITH - COMMUNITY SERVICES DIRECTOR
CITY STRATEGY LINK:	1.2.7 COMMUNITY VOLUNTEERS ARE ACKNOWLEDGED AND SUPPORTED
MEETING DATE:	10 JUNE 2014

Purpose of Report

To seek Council's endorsement of the allocation of funds from 2013/14 Community (Small) Grants Program – Individual and Sports Applicant - Out of Term application from the National Youth Science Forum.

RESOLUTION

That Council endorse the allocation of \$500 to the National Youth Science Forum to assist Mr Kanishk Purohit, under the 2013/14 Willoughby City Council Community (small) Grants Program.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

20 REPORTS FROM OFFICERS - ENVIRONMENTAL SERVICES DIRECTOR

20.1 51-53 ALPHA ROAD, WILLOUGHBY - DA 2004/521/H

ATTACHMENTS:

1. SUMMARY OF SUBMISSIONS
2. NOTIFICATION MAP
3. PLANS

MEETING DATE: 10 JUNE 2014

RECOMMENDATION: REFUSAL

LOCATION: 51-53 ALPHA ROAD, WILLOUGHBY NSW 2068

APPLICANT: PPK WILLOUGHBY PTY LIMITED

OWNER: PPK WILLOUGHBY PTY LIMITED

PROPOSAL: S96 – MODIFY CONDITIONS OF CONSENT TO DELETE THE APPROVED ROAD ACCESS FOR DWELLINGS SERVICED VIA ROAD 5.

DATE OF LODGEMENT: 18 MARCH 2014

VALID APPLICATION DATE: 18 MARCH 2014

REPORTING OFFICER: STEVE GUY - CONSULTANT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING MANAGER

DESCRIPTION OF PROPOSAL

The section 96 application seeks to delete the approved road access for dwellings serviced via Road 5 and provide access to these dwellings via Road 3 and Mowbray Place.

8 parking spaces would be provided within the amended Road 5.

Procedural Motion

That the following people address the meeting:

1. Mr F Mohen
2. Mr M Ramsay
3. Ms K McIntosh
4. Mr A Cox
5. Mr R Robertson
6. Mr K Dobinson

Mr Mohen, Mr Ramsay, Ms McIntosh, Mr Cox, Mr Robertson and Mr Dobinson addressed the meeting and answered question of the Councillors.

RESOLUTION

That the application be refused for the reasons in the attached Schedule 1.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Schedule 1

The reasons for **REFUSAL** are:

1. Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposal is inconsistent with the Willoughby Local Environmental Plan 2011 objectives of the R3 Medium Density residential zone, in particular, the amended development does not minimise the potential for adverse impacts of increased density on the efficiency and safety of the road network; is inconsistent with Part 6.14 of the Willoughby Local Environmental Plan 2012 as the development is inconsistent with the Willoughby Development Control Plan and the Masterplan. In this respect and in accordance with Cl 6.14(3) of the Willoughby Local Environmental Plan 2012, as the development is inconsistent with the Willoughby Development Control Plan and Masterplan Council is unable to grant consent until such time as it is consistent with the Willoughby Development Control Plan and Masterplan; and is inconsistent with the aims 'for amenity' of the Willoughby Local Environmental Plan 2012 as the amended development does not maintain and enhance the existing amenity of the local community, and does not reduce adverse impacts from the development on adjoining or nearby residential properties most notably those within Mowbray Place and surrounding streets.
2. Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposal is inconsistent with the objectives of Clause 101 of SEPP Infrastructure as the development does not ensure that the new (amended) development does not compromise the effective and ongoing operation and function of the surrounding classified roads.
3. Pursuant to Section 79C(a)(i),(iii) of the Environmental Planning and Assessment Act, 1979, the modified design is inconsistent with the purpose of Part C.4 of the Willoughby Development Control Plan 2006 as it has not demonstrated that it will provide for the safe and efficient movement of vehicles within the City; is inconsistent with the intent of Part I.12 of the Willoughby Development Control Plan as the development erodes the co-ordinated residential layout of the Masterplan and does not ensure the protection of the amenity of neighbouring and nearby properties from the traffic impacts of the amended development; and The proposal is inconsistent with the following traffic management controls of I1.12 of the Willoughby Development Control Plan:
 1. does not provide vehicular access from Eastern Valley Way;
 2. does not provide access to and from Eastern Valley Way via left turn only;
 3. access in accordance with the traffic management controls of the Willoughby Development Control Plan and the design of the Masterplan.
4. Pursuant to Section 79C(a)(i), (b) & (c) of the Environmental Planning and Assessment Act, 1979, the modified design is not appropriate and will result in unacceptable traffic and safety impacts upon the surrounding road network and increased adverse impact on the amenity of the area.
5. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, the development proposal will have a detrimental impact on the residential amenity of the surrounding properties from increased congestion and traffic impacts and increase the potential for crashes on the surrounding road network.

6. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act, 1979, the amended proposal is not considered suitable for the site as it results in adverse traffic and safety impacts upon the surrounding road network and adverse amenity impacts upon surrounding properties.
7. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979, the proposal is not considered to be in the public interest as it is inconsistent with the relevant Environmental Planning Instruments, plans and documents, being SEPP (Infrastructure) 2007, Willoughby Local Environmental Plan 2012, the Masterplan and Deed of covenant for Willoughby Market Gardens, and the Willoughby Development Control Plan as the development results in unacceptable adverse traffic and safety impacts upon the surrounding road network, the amenity of the surrounding properties, and does not ensure the effective and ongoing operation and function of the surrounding classified roads is not compromised.

20.2 58 ALLEYNE STREET, CHATSWOOD - DA 2013/231

ATTACHMENTS: 1. WARD REPORT
2. LETTER FROM APPLICANT DATED 14 APRIL 2014

RESPONSIBLE OFFICER: PETER ROWAN - BUILDING SERVICES MANAGER

AUTHOR: MARK GRACZYK - BUILDING SURVEYOR

MEETING DATE: 10 JUNE 2014

Purpose of Report

This matter was referred to Council by the Middle Harbour Ward Councillors Inspection Committee held on 18 December 2013. The application was listed to be considered at the full Council Meeting of 3 February 2014 but was deferred at the applicant's request.

Procedural Motion

That Mr A Christopher address the meeting.

Mr Christopher addressed the meeting and answered questions of the Councillors

RESOLUTION

That the application be approved and delegated authority be granted to the General Manager to issue the consent notice in accordance with the conditions contained in Schedule 1.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

Schedule of Conditions

Conditions of Consent:

1. Approval 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
Architectural	Sheet 1 to 4	-	26.9.13	3.10.13	Tim & Sarah.K
Architectural	Sheet 5	-	-	12.6.13	Tim & Sarah.K
Driveway long sections	Sheet 1 to 5	B	8.5.14	-	TEF Consulting

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)

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. Fencing

Require that all the owners of the strata subdivision provide consent for the inclusion of the driveway and fencing over the common property area of the site, prior to the issue of Construction Certificate.

(Reason: Ensure Compliance)

4. Damage Deposit

The applicant shall lodge a Damage Deposit of \$1600 (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)

5. Revised Plans

In order to provide adequate sight lines to pedestrians and traffic on the footpath and roadway the applicant shall modify the proposed front fence/wall. Prior to issue of the Construction Certificate the applicant shall submit for approval by the Principle Certifying Authority, revised plans showing compliance with 1 of the following 2 alternatives:

- the edge of the proposed driveway shall have a 1mx1m splay from the boundary alignment
- If the height of front fence/wall is reduced to a height of 1200mm or less no splay will be required.

(Reason: Ensure Compliance)

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 2 Vehicle crossings

Submit an application with fees to Council for the construction of 2 plain concrete vehicular crossings.

(Reason: Protection of public asset)

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. 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)

16. 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)

17. 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)

18. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

19. 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)

20. 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)

21. Tree Protection

Retain and protect the following trees and vegetation throughout the demolition and construction period:

All trees not indicated for removal on the approved plans.

The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.

Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified Arborist on site. All structures are to bridge roots unless directed by a qualified Arborist on site.

Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites.

(Reason: Tree Management)

22. Public Tree Protection

With the exception of trees identified for removal by the development consent, no tree roots over 50mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

23. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

24. External Finishes

Exterior finishes of the proposed additions shall be of colour, texture and materials compatible with the existing building, in order to ensure a properly integrated overall appearance.

(Reason: Visual amenity)

25. Gates Adjoining Public Footways

Any gate openings shall be constructed so that the gates, when hung will be fitted in such a manner that they will not open over the footway or public place.

(Reason: Ensure compliance)

26. Unenclosed Carport

The carport shall be permanently unenclosed.

(Reason: Protection of streetscape)

27. 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)

28. Roof Stormwater Disposal

Roof stormwater shall be disposed of to:

- a) Council's kerb and gutter

(Reason: Health and amenity)

29. Splay Corner for Fence

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be designed and constructed by either a 1m x 1m splay on both sides of the driveway exit or 1m offset from the property boundary. Alternatively if the height of front fence is reduced to a height of 1200mm or less no splay will be required.

(Reason: Pedestrian safety)

30. 2 Vehicular Crossings

Construct 2 new vehicular crossings including the replacement of the existing layback and/or 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 the approved longitudinal sections by TEF Consulting, Job 13009, Sheet 01-05, Rev B, dated 08/05/2014. A separate application for each crossing including current fees and charges is to be submitted for approval by Council.

The crossings are to be 3 metres wide with no splays and be constructed at right angles to the street kerb in plain concrete. The new crossings shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

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

- At back of layback – 100 mm above and parallel to the gutter invert.
- At property boundary – Match with existing footpath levels.

The footpath which forms part of the proposed crossings shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted for a minimum distance of 3 metres on both sides of the works 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 any Occupation Certificate.
(Reason: Public amenity)

31. Removal of Redundant Crossings

Remove all redundant crossings 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)

32. Turfing of Nature Strip

In the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed

surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.

(Reason: Public amenity)

33. Vehicular Barriers

The carparking area shall be provided with barriers complying with the requirements listed in AS/NZS 2890.1-2004. Where the drop off exceeds 600mm, the barrier shall be designed by a Structural Engineer.

(Reason: Safety)

34. Ground Levels

The finished ground levels external to the building are to be consistent with the development consent and are not to be raised.

(Reason: Ensure compliance)

35. 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)

36. 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)

37. 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)

38. 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)

39. 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)

40. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on neighbouring private land.
(Reason: Environmental protection)

41. 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)

42. Support for Neighbouring Buildings

- (1) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the building, structure or work from possible damage from the excavation, and
 - b) if necessary, underpin and support the building, structure or work to prevent any such damage, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, "allotment of land" includes a public road and any other public place.
(Reason: Safety)

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)

20.3 WILLOUGHBY PARK CENTRE - MASTERPLAN

RESPONSIBLE OFFICER:	GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR
AUTHOR:	IAN ARNOTT - DEVELOPMENT PLANNING MANAGER
CITY STRATEGY LINK:	1.2.2 PROVIDE AND ADVOCATE FOR APPROPRIATE FACILITIES AND SERVICES FOR ALL AGES
MEETING DATE:	12 JUNE 2014

Purpose of Report

To provide further advice to Council in respect to the Willoughby Park Centre - Masterplan considered by Council at its meeting of 28 April, 2014 and in particular the heritage aspect including potential re-use of the stage.

RESOLUTION

That Council engage Clive Lucas Stapleton and Partners (being the Heritage Consultants which prepared the CMP for the Albert Chowne Memorial Hall) to review the proposal and prepare the Heritage Impact Statement for the submission of the Development Application for the Willoughby Park Centre.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

CONSEQUENTIAL MOTION

That Council replace the current flat skillion roof design with a corrugated iron pitch roof design for the Clive Reid Pavilion as part of the Willoughby Park Centre Master Plan.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

For the Consequential Motion: Councillors Giles-Gidney, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

Against: Nil

**20.4 VARIATIONS TO DEVELOPMENT STANDARDS (USE OF SEPP 1)
QUARTER 3 - JANUARY 2014 TO MARCH 2014**

ATTACHMENTS:	1. LIST OF APPLICATIONS WITH VARIATIONS TO DEVELOPMENT STANDARDS QUARTER 3 - JANUARY 2014 TO MARCH 2014
RESPONSIBLE OFFICER:	IAN ARNOTT - DEVELOPMENT PLANNING MANAGER
AUTHOR:	JUDY MUIR - ADMINISTRATION MANAGER
MEETING DATE:	10 JUNE 2014

Purpose of Report

The attached schedule lists development applications determined during the 3rd Quarter (January 2014 to March 2014) with variations in development standards as reported to the Department of Planning and Infrastructure.

RESOLUTION

That the information be noted.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

20.5 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY FOR THE MONTH OF MAY 2014

ATTACHMENTS:	1. LIST OF DETERMINED APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT - DEVELOPMENT PLANNING MANAGER, PETER ROWAN - BUILDING SERVICES MANAGER
AUTHOR:	BUILDING SURVEYORS, DEVELOPMENT PLANNERS
MEETING DATE:	10 JUNE 2014

Purpose of Report

The attached schedule lists all applications determined under delegated authority for the month of May 2014.

RESOLUTION

That the information be noted.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

20.6 DEVELOPMENT APPLICATION REPORT TO 2 JUNE 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:	10 JUNE 2014

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 SLOANE

CARRIED

Voting

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

Against: Nil

21 REPORTS FROM OFFICERS - INFRASTRUCTURE SERVICES DIRECTOR

21.1 CROWN LAND LEGISLATION - WHITE PAPER CONSULTATION

ATTACHMENTS: 1. PRESS RELEASE CROWN LANDS 7 APRIL 2014
2. WHITE PAPER RECOMMENDATIONS AND GOVERNMENT RESPONSE

RESPONSIBLE OFFICER: PAUL COLLINGS - ACTING DIRECTOR
INFRASTRUCTURE SERVICES

AUTHOR: JULIE WHITFIELD - OPEN SPACE MANAGER

CITY STRATEGY LINK: 6.3.4 COUNCIL WORKS WITH STATES

MEETING DATE: 10 JUNE 2014

Purpose of Report

To inform Council on the NSW Government White Paper review of the Crown Lands Act 1989.

RESOLUTION

That:

1. Council notes that the NSW Crown estate represents approx. 33 million hectares, which is about 42 per cent of the state, and is valued at approx. \$11 billion. Council objects to the proposed divestment of our state assets which could result in privatisation and development of open space.
2. Council provide a submission to the White Paper on Crown Land Management Review, with general support for the transfer of the existing Crown Reserves that are managed by Council to be transferred to Council subject to:
 - i) any transfer to Council being in freehold title.
 - ii) that Council retain the right not to accept the transfer at Council's discretion
 - iii) the transfer occurring at no cost to council; and
 - iv) the Legislation incorporating a mechanism to identify and recompense Council's for any additional costs incurred as a result of the land transfer that were not identified at the time of the transfer but which are outside the control of Council.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

Voting

For the Resolution: Councillors Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

Against: Councillors Giles-Gidney, Eriksson and Mustaca.

21.2 TENDER SUMMARY - PARKING METER EMV UPGRADE, SUPPLY & INSTALL NEW, AND ON-GOING MAINTENANCE FOR NEW AND EXISTING METERS - TENDER 77671

RESPONSIBLE OFFICER:	paul collings - acting INFRASTRUCTURE SERVICES DIRECTOR
AUTHOR:	PAUL GOMEZ - GROUP LEADER INFRASTRUCTURE AND PARKING MANAGEMENT GROUP AGNES TAN - ASSET ENGINEER
CITY STRATEGY LINK:	4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE
MEETING DATE:	10 JUNE 2014

Purpose of Report

To advise Council of the outcome of the evaluation of Tender 77671 Parking Meter EMV Upgrade, Supply & Install New, and On-going Maintenance for New and Existing Meters and to seek Council's approval to engage a contractor to provide these services.

RESOLUTION

That:

- 1. The tender from Australian Parking and Revenue Control Pty Ltd be accepted for Tender 077671 Parking Meter EMV Upgrade, Supply & Install New, and On-going Maintenance for New and Existing Meters 2014.**
- 2. The existing 43 Strada Rapide meters be upgraded for EMV compliance and to also facilitate contactless payment.**
- 3. The 105 EMV compliant new Strada Rapide meters be purchased to replace existing Global and Hectronic Parking meters.**
- 4. 5 additional EMV complaint new Strada Rapide meters be purchased and kept as spares given long production and shipping times.**
- 5. The tender be used to purchase any new parking meters that Council may install in the future.**
- 6. The General Manager be authorised to negotiate for variations with the recommended tenderer and execute the contract.**
- 7. The General Manager investigate the options for financing parking meters.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

21.3 REQUEST FOR MEMORIAL PLAQUE - CLIVE PARK

RESPONSIBLE OFFICER: PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR

AUTHOR: ALFRED BERNHARD – BUSHLAND MANAGER

CITY STRATEGY LINK: 1.1.1 THE COMMUNITY CAN PARTICIPATE IN CITY LIFE

MEETING DATE: 10 JUNE 2014

Purpose of Report

To approve the placing of a memorial plaque on a new reserve picnic table setting in Clive Park Northbridge in honour of the late Jill Wellington.

RESOLUTION

That Council approve the placing of a memorial plaque on a picnic setting in the upper area of Clive Park in honour of Mrs Wellington.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

22 NOTICE OF MOTION

22.1 NOTICE OF MOTION: CONCERNS WITH THE FEDERAL GOVERNMENT'S 2014/15 BUDGET

RESPONSIBLE OFFICER: NICK TOBIN – GENERAL MANAGER

AUTHOR: NICK TOBIN – GENERAL MANAGER

CITY STRATEGY LINK: 6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION

MEETING DATE: 10 JUNE 2014

Purpose of Report

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

That Willoughby City Council:

1. Notes with concern
 - (a) The Federal Government's decision in the 2014/15 Budget to freeze indexation for Commonwealth funded Financial Assistance Grants.
 - (b) That the indexation freeze is projected to cut \$288 million from funding to local councils in NSW which will directly impact on council's ability to provide essential services and maintain and build infrastructure, and
 - (c) That 152 local councils in NSW currently have a combined infrastructure backlog of \$7.2 billion.
2. Calls on the Federal Government and Cross benchers and the Opposition and to immediately abandon the decision to freeze the indexation of Financial Assistance Grants and reinstate the \$1 billion of previously promised funding to Local Governments across Australia.

RESOLUTION

That Willoughby City Council:

1. Notes with concern
 - (a) The Federal Government's decision in the 2014/15 Budget to freeze indexation for Commonwealth funded Financial Assistance Grants.
 - (b) That the indexation freeze is projected to cut \$288 million from funding to local councils in NSW which will directly impact on council's ability to provide essential services and maintain and build infrastructure, and
 - (c) That 152 local councils in NSW currently have a combined infrastructure backlog of \$7.2 billion.

2. Calls on the Federal Government, cross benchers and the Opposition and Independents to immediately abandon the decision to freeze the indexation of Financial Assistance Grants and reinstate the \$1 billion of previously promised funding to Local Governments across Australia.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Resolution: Councillors Eriksson, Norton, Rozos, Saville, Sloane, Stevens and Wright.

Against: Councillors Giles-Gidney, Mustaca and Rutherford.

22.2 NOTICE OF MOTION: PARKING RESTRICTIONS ON ALPHA ROAD, WILLOUGHBY

RESPONSIBLE OFFICER:	NICK TOBIN – GENERAL MANAGER
AUTHOR:	NICK TOBIN – GENERAL MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	10 JUNE 2014

Purpose of Report

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

Procedural Motion:

That Ms C Dickson address the meeting:

Ms Dickson addressed the meeting and answered questions of the Councillors.

MOTION

That:

- 1) Willoughby Council supports the introduction of parking restrictions along Alpha Rd between Sailors Bay Rd and Mowbray Rd (both east and west) on weekend days.**
- 2) Council officers take action to ensure the introduction of the aforementioned restrictions, including referral to any appropriate committees.**

THE NOTICE OF MOTION LAPSED AS THERE WAS NO SECONDER

22.3 NOTICE OF MOTION - QUORUM IN COUNCIL MEETINGS

RESPONSIBLE OFFICER:	NICK TOBIN – GENERAL MANAGER
AUTHOR:	NICK TOBIN – GENERAL MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	10 JUNE 2014

Purpose of Report

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

That the Willoughby City Council Code of Meeting Practice be amended and that the following line be inserted at (10)(4):

"A breach of the Code of Conduct will be deemed to have occurred if a Councillor or Councillors wilfully retire from a Council Meeting with the intent of the Council losing its Quorum or intentionally withhold a Quorum by not attending."

RESOLUTION

That the Willoughby City Council Code of Meeting Practice be amended and that the following line be inserted at (10)(4):

A breach of the Code of Conduct will be deemed to have occurred if a Councillor or Councillors wilfully retire from a Council Meeting with the intent of the Council losing its Quorum or intentionally withhold a Quorum by not attending.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Mustaca, Saville, Sloane, Stevens and Wright.

Against: Councillors Rutherford, Rozos and Norton.

23 CONFIDENTIAL ITEMS

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, 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.

Pursuant to Section 10A(4) of the *Local Government Act 1993*, the Mayor informed the Meeting that no written representations had been received from members of the public.

Procedural Motion

That:

1. Council resolve itself into Closed Session with the Press and Public excluded from the meeting to deal with the following confidential items.
2. Council resolve into Committee of the Whole in order to deal with these confidential items.

23.1 TALUS STREET RESERVE TRUST

Reason for Confidentiality

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Upon resumption of the Open Council, the General Manager referred to the matter considered in Committee of the Whole.

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.

Councillor Norton assumed the Chair in the absence of Councillor Giles-Gidney.

Councillor Eriksson declared a non-significant, non-pecuniary interest in the above matter.

23.2 ADDITIONAL INFORMATION - PARKING METER TENDER - 77671

Reason for Confidentiality

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

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

23.3 734 PACIFIC HIGHWAY CHATSWOOD, DA 2011/33/E

Reason for Confidentiality

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Upon resumption of the Open Council, the General Manager referred to the matter considered in Committee of the Whole

23.4 ABBOTT ROAD CHILD CARE REDEVELOPMENT

Reason for Confidentiality

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

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

23.5 GENERAL MANAGER'S VERBAL UPDATE

Reason for Confidentiality

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

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

Upon resumption of the open Council Meeting, the General Manager referred to the recommendations from the Committee of the Whole.

23.1 TALUS STREET RESERVE TRUST

Recommendation Summary

- 1. That the advice of the Council's legal advisers be noted.**
- 2. That Council proposed course of action be deferred for consideration at a Special Council Meeting to be held shortly after the Council recess.**

23.2 ADDITIONAL INFORMATION - PARKING METER TENDER - 77671**Recommendation Summary**

That:

1. It is recommended that the tender from Australian Parking and Revenue Control Pty Ltd be accepted for Tender 077671 Parking Meter EMV Upgrade, Supply & Install New, and On-going Maintenance for New and Existing Meters 2014.
2. That the existing 43 Strada Rapide meters be upgraded for EMV compliance and to also facilitate contactless payment.
3. That 105 EMV compliant new Strada Rapide meters be purchased to replace existing Global and Hectronic Parking meters.
4. That 5 additional EMV complaint new Strada Rapide meters be purchased and kept as spares given long production and shipping times.
5. That the tender be used to purchase any new parking meters that Council may install in the future.
6. That the General Manager be authorised to negotiate for variations with the recommended tenderer and execute the contract.

23.3 734 PACIFIC HIGHWAY, CHATSWOOD - DA 2011/33/E**Recommendation Summary**

That Council defend the appeal and grant delegated authority to the General Manager to settle the proceedings at the s34 conference if appropriate amendments can be made to address the reasons for refusal.

23.4 ABBOTT ROAD CHILD CARE REDEVELOPMENT**Recommendation Summary**

That Council undertakes an Expression of Interest process for childcare operators to build and operate a new childcare centre at 3 Abbott Road, Artarmon.

23.5 GENERAL MANAGER'S VERBAL UPDATE**Recommendation Summary**

That the General Manger's verbal update be noted.

RESOLUTION

That the recommendations from the Committee of the Whole be adopted.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

24 QUESTIONS

NIL

25 GENERAL BUSINESS

25.1 JEFF KNIGHT - ADMINISTRATIVE SERVICES MANAGER

The General Manager advised Council that Jeff Knight, Administrative Services Manager, was taking one year's Long Service Leave prior to retirement commencing 11 July 2014 and that this was his last Council meeting.

Her Worship The Mayor asked that a formal vote of thanks be given to Jeff, on behalf of the General Manager and Councillors. She advised that Jeff will be sorely missed and expressed her gratitude to him for his long and dedicated service to Willoughby City Council.

RESOLUTION

That a vote of thanks be given to Jeff Knight on behalf of Council, Directors and staff, for his long and dedicated service to Willoughby City Council

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Voting

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

Against: Nil

- Councillor Stevens retired from the meeting at 11:05pm.

The Meeting concluded at 11:45pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 10 June 2014. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.