



Willoughby City Council

ORDINARY COUNCIL

MINUTES

on 23 February 2015
commencing at 7:00pm

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1 PRESENT

Councillors

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

Officers

Ms D Just (General Manager), Mr P Collings (Acting Infrastructure Services Director), Mrs M Smith (Community Services Director), Mr J Ellis (Acting Environmental Services Director), Mr T Pizzuto, (Financial Services Director), Ms T Crouch (Corporate Support & Performance Director), Mr V Grepl (Acting Administrative Services Manager) and Ms B Jeffries (Executive Assistant).

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- The Acting Environmental Services Director declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 12.3 131 Sailors Bay Road, Northbridge – Sailors Bay Ward Councillors Inspection Committee Meeting – 6 February 2015.
(Nature of Interest – Association with the applicant as builder for The Concourse / Association with adjoining property 39/135 – 145 Sailors Bay Road as Director in charge of Council's property portfolio and particular dealings with the unit.)
- Councillor J Hooper declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 12.3 131 Sailors Bay Road, Northbridge – Sailors Bay Ward Councillors Inspection Committee Meeting – 6 February 2015.
(Nature of interest – Correspondent was Mr V Lahoud who is seeking information from me by Summons as to the name of informant to Council.)
- Councillor H Eriksson declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 12.3 131 Sailors Bay Road, Northbridge – Sailors Bay Ward Councillors Inspection Committee Meeting – 6 February 2015.
(Nature of Interest – I live in the building next door, however the DA I don't believe impacts my unit where I live, so I will vote on this issue.)
- Councillor J Hooper declared, via a Disclosures of Interest form, a substantial, non-pecuniary interest in Item 13.1 and Item 21.1 Councillors Legal Expenses and Obligations.
(Nature of Interest – This matter touches on a Summons issued on me to produce the name of an informant to Council).
- Councillor Giles-Gidney declared, via a Disclosures of Interest form, a substantial, non-pecuniary interest in Item 18.2 – JRPP Report – 28, 32, 36 Anderson Street, 1 Help Street & 2A McIntosh Street, Chatswood NSW 2067.
(Nature of Interest – Member of Joint Regional Planning Panel.)

- Councillor L Saville declared, via a Disclosures of Interest form, a Less than substantial, non-pecuniary interest in Item 18.1 98 – 102 Hampden Road, Artarmon – DA 2014/391
(*Nature of Interest – One of the applicants is Councillor T Mustaca, who is a fellow ward councillor on WCC. Another applicant is Mrs H Mustaca, with whom I am not close, but I have known her through school and 10th Sydney Old Girls. I believe I can vote independently.*)
- Councillor L Saville declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 21.2 Talus Street Reserve Trust – Details of Judicial Advice application to the Supreme Court and Terms of proposed Draft Sub-Lease and Licence.
(*Nature of Interest – as perceived managers of crown land, councillors have an interest.*)

3 CONFIRMATION OF MINUTES

- ***That the Minutes of the Ordinary Meeting of Council held 2 February 2015, copies of which have been circulated to each member of Council, be confirmed with the following amendment:***
Item 12.5 – Traffic Committee Minutes – 26 November 2014
Point 2 should be amended to read “after the bilingual school and Morrisons Car Sales are opened for operation”.
- ***That the Minutes of the Extraordinary Meeting of Council held 12 February 2015, copies of which have been circulated to each member of Council, be confirmed.***

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor T Mustaca submitted an apology for non-attendance and requested Leave of Absence.
- Councillor N Wright requested Leave of Absence for 23 March 2015.

RESOLUTION

That:

1. Council note the absence of Councillor Mustaca and grant Leave of Absence.
2. Council grant Leave of Absence to Councillor Wright on 23 March 2015.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

5 PETITIONS

5.1 PETITION - SKATE PARK IN NORTHBRIDGE

ATTACHMENTS:	1. PETITION
RESPONSIBLE OFFICER:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
AUTHOR:	TRISHA DUFFY
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	23 FEBRUARY 2015

Purpose of Report

To present a petition from children in the Northbridge area requesting that Council consider the construction of a skate park.

RESOLUTION

That the petition be received and referred to the Acting Infrastructure Services Director for consideration.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

5.2 PETITION REGARDING DANGEROUS DRIVERS IN COOLAROO ROAD

Councillor Saville presented 31 Pro Forma letters from residents in Coolaroo Road, concerning motorists using their road as a short cut and driving at excessive speed down Coolaroo Road.

RESOLUTION

That the petition be received and referred to the Acting Infrastructure Services Director for consideration.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

6 OPEN FORUM

Emma Brooks Maher spoke on the Talus Street Reserve Trust.

7 MAYORAL MINUTE**MAYOR'S DIARY– COUNCIL MEETING NOTES – 23 FEBRUARY 2015**

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

TUESDAY 3 FEBRUARY			
Mayor	9 am	WGHS Year 12 Well-Being Day	WGHS Hall
Mayor Crs Norton, Rutherford	11.30 am	Launch of Chinese New Year Festival	The Concourse ArtSpace
WEDNESDAY 4 FEBRUARY			
Mayor Cr Rutherford	11.30 am	Citizenship Ceremony	Council Chambers
THURSDAY 5 FEBRUARY			
Mayor Cr Norton	3.30 pm	Afternoon Tea to welcome General Manager, Debra Just	Council Chambers
Mayor Crs Hooper, Norton, Rozos, Rutherford, Saville, Sloane, Wright	6 pm	Regional Councillor Forum	Civic Pavilion
FRIDAY 6 FEBRUARY			
Mayor	7 pm	40 th Anniversary of the Ordination of HG Bishop Najarian	Le Montage, Lilyfield
SUNDAY 8 FEBRUARY			
Mayor Cr Norton	Evening	Poetry Reading at Dusk	Henry Lawson's Cave
WEDNESDAY 11 FEBRUARY			
Mayor	10 am	CAPP - Policing Program	Chatswood Police Station
THURSDAY 12 FEBRUARY			

Mayor	11 am	Opening of Chinese Ink Painting Exhibition	Chinese Cultural Centre
Mayor Deputy Mayor: Cr Mustaca	12.30 pm	NS Council of Mayors	Coachwood Room
SATURDAY 14 FEBRUARY			
Mayor	12.15 pm	Chinese New Year Celebration - Long Table Lunch	Chatswood Mall
Mayor Crs Norton, Saville	Afternoon	WDHS Meeting - AGM	Chatswood Library
TUESDAY 17 FEBRUARY			
Mayor Crs Norton, Rutherford, Saville	9.15 am	Opening of Hercules Street Hub	Hercules Street
Mayor	1 pm	Chatswood Chamber CNY Lunch	Fook Yuen, Chatswood
Mayor	6.30 pm	Opening of "Get the Edge" BPP	Hampden Rd, Artarmon
Mayor	7 pm	Northbridge Rotary - AGM	Northbridge Golf Club
Cr Norton	Evening	Chatswood East Progress Assn	Dougherty Centre
WEDNESDAY 18 FEBRUARY			
Mayor	11.30 am	Citizenship Ceremony	Council Chambers
Mayor	6 pm	Chatswood Rotary – Tree of Joy Dinner	Roseville Memorial Club
THURSDAY 19 FEBRUARY			
Mayor	12 noon	CNY Celebrations	The Interchange
Mayor	afternoon	Four Sisters Tea Exhibition	The Concourse ArtSpace
Mayor Cr Norton	6 pm	NSROC Meeting	N. Sydney Council
FRIDAY 20 FEBRUARY			
SATURDAY 21 FEBRUARY			

Mayor Deputy Mayor: Cr Mustaca Crs Coppock, Norton, Rozos, Rutherford, Wright	From 10am	CNY Celebrations	Chatswood Mall
Mayor	afternoon	Chinese Opera Performance	Chatswood RSL
Crs Norton, Saville	evening	WSO Performance: Grand Opera	The Concourse

RESOLUTION

That the Mayoral report be received.

MOVED COUNCILLOR STEVENS

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

8 GENERAL MANAGER'S LATE REPORT

- There will be a Councillor Workshop on "Fit for the Future" on 2 March 2015.
- With respect to Item 20.6 Notice of Motion – Progress of Works at Royal North Shore Hospital, there will be a presentation by the proponents at the Cultural and Civic Committee Meeting on 16 March 2015.

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

- Item 20.1 Notice of Motion: Community Charter for Good Planning in NSW – deferred.
- Item 20.2 Notice of Motion: Local Government Amendment (Red Tape Reduction) Bill 2014 – deferred.
- Item 20.4 Notice of Motion – Supreme Court of New South Wales Proceedings No 2015/208925 – withdrawn.
- Item 20.6 Notice of Motion – Progress of Works at Royal North Shore Hospital – a presentation on the progress of works will be held at the Cultural and Civic Committee Meeting on 16 March 2015.
- Item 21.2 Talus Street Reserve Trust – Details of Judicial Advice Application to the Supreme Court and Terms of Propose Draft Sub-Lease and Licence – deferred to a future Reserve Trust Manager meeting.

10 MATTERS BROUGHT FORWARD BY THE PUBLIC

- Item 12.3 131 Sailors Bay Road, Northbridge – Sailors Bay Ward Councillors Inspection Committee Meeting – 6 February 2015

11 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:

- Item 16.1 Fit for the Future Update
Item 18.2 JRPP Report – 28, 32, 36 Anderson Street, 1 Help Street & 2A McIntosh Street, Chatswood NSW 2067
Item 20.3 Notice of Motion – Electric Cars
Item 20.5 Notice of Motion – King Wood Mallesons

RESOLUTION

That the remaining items, viz:

- Item 12.1 Transport, Access & Environment Committee Meeting – 9 February 2015 – Minutes
- Item 12.1.1 (9.1) Castle Cove Park off Leash Dog Walking Times Extension
- Item 12.1.2 (9.2) Road Safety Report – 2014 Activity Report
- Item 12.1.3 (9.3) 2015 Crash Analysis Report
- Item 12.2 Cultural and Civic Committee Meeting – 16 February 2014 – Minutes
- Item 12.2.1 (9.1) Investments and Loan Borrowing as at December 2014
- Item 12.2.2 (9.2) Investments and Loan Borrowing as at January 2015
- Item 12.2.3 (9.3) Operational Plan and Financial Performance Report – December 2014
- Item 12.4 19 Beresford Avenue, Chatswood – West Ward Councillors Inspection Committee Meeting – 30 January 2015
- Item 12.5 45 Neerim Road, Castle Cove – Middle Harbour Ward Councillors Meeting (Via E-mail) – 2 February 2015
- Item 12.6 2-4 Johnson Street, Chatswood – Sailors Bay Ward Councillors Inspection Committee Meeting – 6 February 2015
- Item 12.7 18 Minnamurra Road, Northbridge - Sailors Bay Ward Councillors Inspection Committee Meeting – 6 February 2015
- Item 12.8 20 Weemala Road, Northbridge - Sailors Bay Ward Councillors Inspection Committee Meeting – 17 February 2015
- Item 12.9 29 Wyalong Street, Willoughby – Sailors Bay Ward Councillors Inspection Committee Meeting – 20 February 2015
- Item 12.10 Northbridge Golf Club - Sailors Bay Ward Councillors Inspection Committee Meeting – 20 February 2015
- Item 14.1 Councillors Information Booklets – 5, 12 & 19 February 2015
- Item 16.2 Beauchamp Park & Castle Cove Park Sportsground Floodlighting Installation and Upgrade Works Tender No. 084705
- Item 16.3 Tender Received for the Replacement of Roof Canopy and Associated Works Pacific Highway Pedestrian Bridge Chatswood – No. 085911
- Item 18.1 98 – 102 Hampden Road, Artarmon – DA 2014/391
- Item 18.3 Willoughby Park Centre – DA 2014/490
- Item 18.4 Development Application Report to 16 February 2015
- Item 19.1 Tender Summary – Assessment of Tender for the Supply and Delivery of a Rear Load Garbage Compactor – Tender No. 1511/0905
- Item 19.2 Tender Summary – Assessment of Tender for the Supply and Delivery of a 2000GVM Ride on Scrubber – Tender No. 1511/0905
- Item 19.3 Memorial Seat Request – Wallace Park Reserve

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil.

12 REPORTS FROM COMMITTEES

12.1 TRANSPORT, ACCESS & ENVIRONMENT COMMITTEE MEETING - 9 FEBRUARY 2015 - MINUTES

ATTACHMENTS: 1. MINUTES

RESPONSIBLE OFFICER: JEFF ELLIS - ACTING ENVIRONMENTAL SERVICES DIRECTOR

MEETING DATE: 23 FEBRUARY 2015

Purpose of Report

To list on the agenda the minutes of the Transport, Access & Environmental Committee Meeting held 9 February 2015.

RESOLUTION

That:

1. The Minutes be received.
2. Council adopt the Committee's recommendations.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

12.2 CULTURAL & CIVIC COMMITTEE MEETING - 16 FEBRUARY 2014 - MINUTES**ATTACHMENTS: 1. MINUTES****RESPONSIBLE OFFICER: MELANIE SMITH - COMMUNITY SERVICES DIRECTOR****MEETING DATE: 23 FEBRUARY 2015**

Purpose of Report

To present the minutes of the Cultural & Civic Committee Meeting held 16 February 2015.

RESOLUTION**That:**

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

MOVED COUNCILLOR SLOANE**SECONDED COUNCILLOR STEVENS****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hill, Hooper, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.**Against:** Nil

**12.3 131 SAILORS BAY ROAD, NORTHBRIDGE - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 6 FEBRUARY 2015**

ATTACHMENTS:	1. MINUTES & WARD REPORT
RESPONSIBLE OFFICER:	IAN ARNOTT - DEVELOPMENT PLANNING MANAGER
AUTHOR:	SIMON SMITH – DEVELOPMENT PLANNER
MEETING DATE:	23 FEBRUARY 2015

Purpose of Report

To present the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 6 February 2015.

Procedural Motion

That the following people address the meeting:

1. Mr Joseph Lahoud
2. Mr Brett Brown

Mr Lahoud and Mr Brown addressed the meeting and answered questions of the Councillors.

MOTION

That the new information be referred to a Ward Councillors Meeting.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR STEVENS

AMENDMENT

That the item be deferred in order to consult with the applicant, correspondent and Ward Councillors to consider the new information.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

For the Amendment: Councillors Giles-Gidney, Coppock, Eriksson, Hill, Hooper, Rutherford, Saville, Sloane, Stevens and Wright.

Against: Councillors Norton and Rozos.

THE AMENDMENT BECAME THE MOTION AND WAS CARRIED UNANIMOUSLY.

**12.4 19 BERESFORD AVENUE, CHATSWOOD - WEST WARD COUNCILLORS
INSPECTION COMMITTEE MEETING - 30 JANUARY 2015**

ATTACHMENTS: 1. MINUTES

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING
MANAGER

AUTHOR: CANDICE PON - DEVELOPMENT PLANNER

MEETING DATE: 23 FEBRUARY 2015

Purpose of Report

To present the minutes of the West Ward Councillors Inspection Committee Meeting held 30 January 2015.

RESOLUTION

That:

1. The Minutes be received.
2. Council note the resolution adopted by the Committee.

“That the application be approved in accordance with the Officer’s recommendation.”

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

**12.5 45 NEERIM ROAD, CASTLE COVE - MIDDLE HARBOUR WARD
COUNCILLORS MEETING (VIA EMAIL) - 2 FEBRUARY 2015**

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - DEVELOPMENT PLANNING MANAGER
AUTHOR:	ANA VISSARION – DEVELOPMENT PLANNER
MEETING DATE:	23 FEBRUARY 2015

Purpose of Report

To list on the agenda the result of the Middle Harbour Ward Councillors Meeting (conducted via email) on 2 February 2015.

RESOLUTION

That:

- 1. The Minutes be received.**
- 2. Council note the resolution adopted by the Committee.**

“Correspondence took place between applicant’s representatives/architect and the correspondent/objector, prior to meeting on site. An agreement was reached “for Lilly Pilly plantings to a maturity height of 4 metres” instead of the three (3) Banksia Integrifolia originally proposed or the three (3) Tuckeroos later agreed with the applicant at a later date.

The Councillors were unanimous in “endorsing the agreement between the applicant and the correspondent”.

RESOLVED UNDER DELEGATED AUTHORITY:

That the application be approved in accordance with the Officer's recommendation and with the following amendment in condition 2 C:

- 2 C. The three (3) Banksia Integrifolia proposed to be planted in the northern side of the rear garden shall be replaced by Syzygium Resilience (Lily Pily), capable of achieving a mature height of maximum 4m. The Lilly Pilly should be located entirely within the subject site and in accordance with best practices in the field.**

The Council's Officer did not agree with the change in the condition, but the Acting Environmental Services Director concurs with the Councillors’ resolution and as such the application has been determined and it is reported to Council for noting only.”

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

**12.6 2-4 JOHNSON STREET, CHATSWOOD - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 6 FEBRUARY 2015**

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - DEVELOPMENT PLANNING MANAGER
AUTHOR:	SIMON SMITH – DEVELOPMENT PLANNER
MEETING DATE:	23 FEBRUARY 2015

Purpose of Report

To present the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 6 February 2015.

RESOLUTION

That:

- 1. The Minutes be received.**
- 2. Council note the resolution adopted by the Committee.**

“That the application be approved in accordance with the Officer’s recommendation, subject to the following conditions:

Condition 2(b)(i) – Provision of two tandem car parking spaces to be provided behind the building line along the northern side elevation. This will require modification of the verandah and living/family room at ground floor level to enable a second car space to be provided behind the existing proposed carport.

Condition 2(b)(ii) – Deletion of the hard stand car parking area adjacent to the southern side of the driveway in front of the proposed dwelling and replaced with landscaping.

Condition 2(b)(iii) to be deleted.

Condition 2(b)(iv) – The large south facing window in the bathroom of the upper level shall be replaced with an obscure glazed highlight window with a sill height not less than 1.6m above the finished floor level. The west facing windows at the upper level shall be replaced with obscure glazing to the lower panel.

Condition 2(d) – The applicant shall demonstrate full compliance with the maximum FSR of 0.4:1 in accordance with the provisions of WLEP 2012. In this regard a FSR calculation plan shall be submitted to demonstrate such compliance.”

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

**12.7 18 MINNAMURRA ROAD, NORTHBRIDGE - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 6 FEBRUARY 2015**

ATTACHMENTS: 1. MINUTES

RESPONSIBLE OFFICER: JEFF ELLIS - ACTING ENVIRONMENTAL SERVICES
DIRECTOR

AUTHOR: IAN ARNOTT – DEVELOPMENT PLANNING
MANAGER

MEETING DATE: 23 FEBRUARY 2015

Purpose of Report

To list on the agenda the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 6 February 2015.

RESOLUTION

That:

- 1. The Minutes be received.**
- 2. Council note the resolution adopted by the Committee.**

“That the application be approved in accordance with the Officer's recommendation, subject to the following condition:

Condition 2 (Schedule 1) of the Deferred Commencement is to be deleted.”

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

**12.8 20 WEEMALA ROAD, NORTHBRIDGE - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 17 FEBRUARY
2015**

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	PETER ROWAN - BUILDING SERVICES MANAGER
AUTHOR:	CHRIS GUY – BUILDING SURVEYOR
MEETING DATE:	23 FEBRUARY 2015

Purpose of Report

To present the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 17 February 2015.

RESOLUTION

That:

- 1. The Minutes be received.**
- 2. Council note the resolution adopted by the Committee.**
 - “1) That Council accept the applicant's request to defer this matter so that further revised plans can be submitted and assessed.**
 - 2) That revised plans include the erection of height poles, certified by a Registered Surveyor, at all four corners of the proposed dwelling BEFORE notification of the latest modification.**
 - 3) That the revised plans be put on notification in accordance with Council's Notification Policy.”**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

**12.9 29 WYALONG STREET, WILLOUGHBY - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 20 FEBRUARY
2015**

ATTACHMENTS: NIL

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING
MANAGER

AUTHOR: ANA VISSARION – DEVELOPMENT PLANNER

MEETING DATE: 23 FEBRUARY 2015

Purpose of Report

To list on the agenda the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 20 February 2015.

RESOLUTION

That:

- 1. The Minutes be received.**
- 2. Council note the resolution adopted by the Committee.**

“That the application be approved as per the Officer's recommendation.”

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

**12.10 NORTHBRIDGE GOLF CLUB - SAILORS BAY WARD COUNCILLORS
INSPECTION COMMITTEE MEETING - 20 FEBRUARY 2015**

ATTACHMENTS: NIL

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING
MANAGER

AUTHOR: CANDICE PON – DEVELOPMENT PLANNER

MEETING DATE: 23 FEBRUARY 2015

Purpose of Report

To list on the agenda the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 20 February 2015.

RESOLUTION

That:

1. The Minutes be received.
2. Council note the recommendation adopted by the Committee.

“That the application be referred to full Council in accordance with the Officer's recommendation.”

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

13.1 COUNCILLORS' LEGAL EXPENSES AND OBLIGATIONS

RESPONSIBLE OFFICER: TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR

AUTHOR: VLADIMIR GREPL - ACTING ADMINISTRATIVE SERVICES MANAGER

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

MEETING DATE: 12 FEBRUARY 2015

Purpose of Report

To consider policy on Councillors' legal expenses and obligations.

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

THIS ITEM WILL BE DEALT WITH IN CONFIDENTIAL COUNCIL.

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLETS - 5, 12 & 19 FEBRUARY 2015

RESPONSIBLE OFFICER: DEBRA JUST - GENERAL MANAGER

AUTHOR: TRISHA DUFFY

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

MEETING DATE: 23 FEBRUARY 2015

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 5, 12 & 19 February 2015.

RESOLUTION

That the Councillors Information Booklets be received.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS - CORPORATE SERVICES DIRECTOR

16.1 FIT FOR THE FUTURE UPDATE

ATTACHMENTS:	1. TIMEFRAMES AND PROJECT PLAN - TEMPLATE 1 2. TIMEFRAMES AND PROJECT PLAN - TEMPLATE 2
RESPONSIBLE OFFICER:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
AUTHOR:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
CITY STRATEGY LINK:	6.3.4 COUNCIL WORKS WITH STATE AND REGIONAL ORGANISATIONS
MEETING DATE:	23 FEBRUARY 2015

Purpose of Report

To outline a program to enable Council to develop a timely and considered response to the State Governments Fit for the Future proposal.

MOTION

That

1. Council notes the Fit for the Future update.
2. A Councillors' workshop proposed for early March 2015 be held to discuss the options available to Willoughby City Council including the methods of community consultation to be undertaken, and
3. Council notes the proposed timelines attached to this report.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Councillor Coppock.

**16.2 BEAUCHAMP PARK & CASTLE COVE PARK SPORTSGROUND
FLOODLIGHTING INSTALLATION AND UPGRADE WORKS TENDER NO.
084705****RESPONSIBLE OFFICER: TRACEY CROUCH - CORPORATE SUPPORT AND
PERFORMANCE DIRECTOR****AUTHOR: DAVID PAGE****CITY STRATEGY LINK: 4.1.1 PLANNING, MAINTENANCE AND OPERATION
OF INFRASTRUCTURE****MEETING DATE: 23 FEBRUARY 2015**

Purpose of Report

To advise Council of the tenders received for the Beauchamp Park and Castle Cove Park Sportsground Floodlighting Installation and Upgrade Works.

RESOLUTION

That the information be noted.

MOVED COUNCILLOR SLOANE**SECONDED COUNCILLOR STEVENS****CARRIED****Voting**

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

Against: Nil

16.3 TENDER RECEIVED FOR THE REPLACEMENT OF ROOF CANOPY AND ASSOCIATED WORKS PACIFIC HIGHWAY PEDESTRIAN BRIDGE CHATSWOOD - NO. 085911**RESPONSIBLE OFFICER: TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR****AUTHOR: DAVID PAGE****CITY STRATEGY LINK: 4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE****MEETING DATE: 23 FEBRUARY 2015**

Purpose of Report

To advise Council of the tenders received for Replacement of Roof Canopy and associated works Pacific Highway Pedestrian Bridge, Chatswood – Tender No. 085911

RESOLUTION

That the information be noted.

MOVED COUNCILLOR SLOANE**SECONDED COUNCILLOR STEVENS****CARRIED****Voting**

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

Against: Nil

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

NIL

18 REPORTS FROM OFFICERS - ENVIRONMENTAL SERVICES DIRECTOR

18.1 98 - 102 HAMPDEN ROAD, ARTARMON - DA 2014/391

ATTACHMENTS: 1. ARCHITECTURAL PLANS
2. NOTIFICATION MAP

MEETING DATE: 23 FEBRUARY 2015

RECOMMENDATION: REFUSAL

LOCATION: 98 – 102 HAMPDEN ROAD, ARTARMON NSW 2064

APPLICANT: DO-GILD PTY LIMITED

OWNER: MS J A MUSTACA AND MR A MUSTACA AND MRS H A MUSTACA

PROPOSAL: RETAIN THE EXISTING FACADES AND DEMOLISH ALL OTHER STRUCTURES BEHIND THE HAMPDEN ROAD FRONTAGE, CONSTRUCTION OF A PART 5 & 6 STOREY MIXED USE DEVELOPMENT COMPRISING; RETAIL PREMISES ON THE GROUND FLOOR LEVEL; WINE BAR/RESTAURANT ON THE FIRST FLOOR LEVEL; CAR PARKING WITH ACCESS OFF HAMPDEN LANE ON THE THIRD FLOOR LEVEL; AND, 16 DWELLING UNITS ON 3 LEVELS ABOVE THE CAR PARKING AREA.

DATE OF LODGEMENT: 10 SEPTEMBER 2014

VALID APPLICATION DATE: 10 SEPTEMBER 2014

REPORTING OFFICER: ARTHUR TSEMBIS (DEVELOPMENT PLANNER)

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING MANAGER

DESCRIPTION OF PROPOSAL

The proposal, as amended, is to retain the façade of three (3) shop fronts along the Hampden Road street frontage, demolish the existing two storey commercial/retail buildings behind the façade and erect a part five and six storey mixed use development comprising:

- a large retail premises on the ground floor level having frontage to Hampden Road;
- wine bar/restaurant and associated courtyard/terrace area on the first floor level, with lift and stair access off Hampden Road;
- car parking area comprising 30 car spaces, loading dock and garbage storage area on the second floor level, with access off Hampden Lane;
- 4 studio apartments and 2 x 1 bedroom units on the third floor level;

- 8 studio apartments on the fourth floor level; and
- 2 x 2 bedroom units on the fifth floor level.

No specific use has been nominated for the proposed retail premises. Unless any future use is exempt or complying development, a separate development application will be required for Council's consideration for any proposed use of the ground floor commercial/retail premises.

No specific hours of operation have been nominated for the proposed wine bar/restaurant. A previous approval (DA 2010/841) for a licensed restaurant at No 100 Hampden Road limited the hours of operation to 7.00am to 12.00 midnight, 7 days a week. An attached patio area was restricted to 7.00am to 10.00pm, 7 days a week; however, this condition included the following advice:

'If no noise or other complaints associated with the use of the rear patio area are received by Council or the New South Wales Police within twelve (12) months of the issue of an Occupation Certificate, the permitted hours of use of the rear patio area may be extended to 12:00 midnight subject to a Section 96 application being submitted to Council for consideration no sooner than nine (9) months after the trial period has commenced.'

If development consent is granted, it is considered that similar conditions would apply to limit the hours of operation of the wine bar/restaurant and the courtyard area.

The amended car parking area incorporates a 2 x 3 level car stacker (in lieu of a 2 x 2 level car stacker originally proposed) and a 2 x 2 level car stacker (in lieu of 2 at grade car spaces). The layout of the ground, first and second floor levels have been altered to provide pedestrian access to the dwelling units from both the Hampden Road and Hampden Lane street frontages.

It should be noted that the applicant lodged an appeal with the Land and Environment Court (L&EC) on 28 November 2014 for a deemed refusal. The matter has been stood over for further mention on 27 February 2015. This provides Council with an opportunity to determine the application before it proceeds to the L&EC. If Council resolve to refuse the application it is likely that the L&EC will require the parties to enter into a conciliation conference in accordance with the provisions of Clause 34 of the Land and Environment Court Act 1979.

RESOLUTION

That the application be refused and delegated authority granted to the General Manager to issue the Refusal Notice of Determination on the following grounds:

- 1. Pursuant to section 79C(1)(a)(i) of the EP&A Act 1979, the proposed development does not satisfy the aims of WLEP 2012 relating to 'urban design' due to the poor external appearance of the proposed building and the unacceptable layout of the residential apartments.**
- 2 Pursuant to section 79C(1)(a)(i) of the EP&A Act 1979, the proposed development does not comply with the maximum FSR under Clause 4.4 of WLEP 2012, resulting in an overdevelopment of the site.**
- 3 Pursuant to section 79C(1)(a)(ii) EP&A Act 1979, the proposed development does not satisfy the 'intent' of the 20m building depth control under Part E1.5 of WDCP to 'provide adequate amenity for building occupants in terms of sun access and natural ventilation'.**

- 4 Pursuant to section 79C(1)(a)(ii) EP&A Act 1979, the proposed development does not comply with the open space requirements in respect to recreational areas, private open space and communal areas in accordance with Part E1.7 of WDCP.
- 5 Pursuant to sections 79C(1)(a)(i) and 79C(1)(b) of the Environmental Planning and Assessment Act, it is considered that due to the bulk and scale of the residential component of the proposed development it fails to satisfy the aims of WLEP 2012 to *'allow development at a scale that is sensitive to environmental constraints'*.
- 6 Pursuant to sections 79C(1)(a)(i) and 79C(1)(b) of the Environmental Planning and Assessment Act, it is considered that due to the external appearance of the proposed building the proposed development fails to satisfy the aims of WLEP 2012 to *'ensure development design contributes positively to, and wherever possible facilitates improvements to, the public domain'*
- 7 Pursuant to sections 79C(1)(a)(i) and 79C(1)(c) of the Environmental Planning and Assessment Act, it is considered that the proposed development fails to satisfy the design quality principles under the provisions of SEPP 65 (Design Quality of Residential Flat Buildings).
- 8 Pursuant to sections 79C(1)(d) and 79C(1)(e) of the EP&A Act 1979, it is considered that approval of the proposed development is not in the public interest.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

18.2 JRPP REPORT - 28, 32, 36 ANDERSON STREET, 1 HELP STREET & 2A MCINTOSH STREET, CHATSWOOD NSW 2067

ATTACHMENTS:

1. JRPP ASSESSMENT REPORT
2. NOTIFICATION PLAN
3. PLANS (SEPARATELY CIRCULATED)

MEETING DATE: 23 FEBRUARY 2015

RECOMMENDATION: APPROVAL

LOCATION: 28, 32, 36 ANDERSON STREET, 1 HELP STREET & 2A MCINTOSH STREET, CHATSWOOD NSW 2067

APPLICANT: TOGA BUILDING COMPANY PTY LTD AND REYHODA PTY LIMITED AND OWNERS CORP STRATA PLAN 211 AND OWNERS CORP STRATA PLAN 57732 AND MR A YORTIS AND MRS A A YORTIS

OWNER: LESTER WU HOLDINGS PTY LTD AND REYHODA PTY LIMITED AND OWNERS CORP STRATA PLAN 211 AND OWNERS CORP STRATA PLAN 57732 AND MR A YORTIS AND MRS A A YORTIS

PROPOSAL: S96(2) APPLICATION TO MODIFY THE APPROVED PROPOSAL TO INCLUDE CHANGES TO INTERNAL LAYOUT, NUMBER OF APARTMENTS, REDUCTION IN HEIGHT, LAYOUT OF EXTERNAL COMMUNAL AREAS AND ASSOCIATED WORKS.

DATE OF LODGEMENT: 13-OCT-2014

VALID APPLICATION DATE: 13-OCT-2014

REPORTING OFFICER: NONI DE CARVALHO

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING MANAGER

DESCRIPTION OF PROPOSAL

The Modification 2013/309/B (JRPP Ref: 2014/SYE126) to Development Consent 2013/309 is the second modification of the mixed use development originally approved on 12 December 2013 by the Sydney East Joint Regional Planning Panel. A modification was approved on 23 July 2014 in 2013/309/A by Sydney East Joint Regional Planning Panel (JRPP Ref: 2014SYE049). This further modification proposes additional changes to the development following the involvement of the Toga Group in the development.

No change is proposed to the overall approved floor space ratio or the floor space ratio component proposed in the shop top housing part of the development.

Within the approved shop top housing floor space it is proposed to increase the number of dwellings from the original 136 units to 156 units. It is noted that the previous modification approved an increase to 145 units within the floor space. The increase in the number of units is a consequence of adjustment to the unit mix reducing the number of large units and increasing the number of 1 bedroom and 1 bedroom plus study units. The retail/restaurant/business floor space and layout is similar to the current approved layout with minor adjustments.

There is proposed a varying degree of reduction in the height of the development compared with the approved development. The most noticeable reduction in height is the McIntosh Street elevation where in some locations the reduction is 6 metres compared with the approved height. The consequence is that the McIntosh Street elevation no longer provides a section of reduced height towards the eastern side of the elevation separating the above upper part of the Anderson Street elevation from the McIntosh Street elevation.

A number of external and internal detailed design changes to the development are proposed and are summarised and discussed in the attached report prepared for the JRPP.

The application also includes a report addressing there be no change from the currently approved arrangements for meeting the requirements for affordable housing pursuant to WLEP 2012. The original application was approved allowing for the obligation to be met by way of a monetary contribution rather than dedication to Council of 4% of residential GFA in residential units. The decision in the original application to accept the contribution was based on the design of the development, the multiple lift cores, courtyard and roof top landscaping and the like that were considered would generate higher maintenance costs and strata fees so making the cost to maintain any units in the complex unlikely to be within an affordable range for Council to pass on to Link Housing to manage on its behalf.

RESOLUTION

The Assessment Report to Sydney East JRPP for DA 2013/309/B was received and noted.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

For the Resolution: Councillors Coppock, Eriksson, Hill, Hooper, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

Against: Nil

Not voting (declared an interest in the Item): Councillor Giles-Gidney

18.3 WILLOUGHBY PARK CENTRE - DA 2014/490

ATTACHMENTS: 1. NOTIFICATION MAP
2. PLANS AND ELEVATIONS

MEETING DATE: 23 FEBRUARY 2015

RECOMMENDATION: APPROVAL WITH CONDITIONS

LOCATION: WILLOUGHBY PARK, FOURTH AVENUE AND WARRANE ROAD, WILLOUGHBY EAST 2068

APPLICANT: WILLOUGHBY CITY COUNCIL

OWNER: WILLOUGHBY CITY COUNCIL

PROPOSAL: ALTERATIONS AND ADDITIONS TO EXISTING WILLOUGHBY PARK ART AND RECREATION CENTRE AND DEMOLITION AND CONSTRUCTION OF NEW AMENITIES BLOCK, ROOF TO EXISTING COURTYARD AREA OF WILLOUGHBY EAST PRE-SCHOOL AND ASSOCIATED WORKS.

DATE OF LODGEMENT: 12 NOVEMBER, 2014

VALID APPLICATION DATE: 12 NOVEMBER, 2014

REPORTING OFFICER: JOHN BRUNTON (INDEPENDENT PLANNING CONSULTANT).

RESPONSIBLE OFFICER: IAN ARNOTT – DEVELOPMENT PLANNING MANAGER

DESCRIPTION OF PROPOSAL

This application seeks approval to upgrade community facilities within Willoughby Park. The works are within and adjacent to the Albert Chowne VC Memorial Hall which is scheduled as a local heritage item within Willoughby LEP 2012. This hall forms part of the Willoughby Park Centre located in the north-west corner of Willoughby Park, adjacent to the intersection of Warrane Road and McClelland Street, East Willoughby.

The applicant seeks to upgrade the facilities associated with the Albert Chowne VC Memorial Hall by providing amenities of a contemporary standard. Demolition of the rear section of the hall will be required to allow construction of new community rooms, kitchen and storage areas. As a result the building will increase in size and extend further to the south towards the playing field. While these building works affect the Albert Chowne Memorial Hall they are limited to that section of the building that was not part of the original building designed by Sir Eric Nicholls and constructed in 1954. Demolition of original timber sliding doors is also proposed within the Hall. New aluminium sliding doors are proposed. This work adversely affects the heritage item and has not been justified.

Immediately to the south of the Hall the existing amenities building is to be demolished and replaced. This is known as the Clive E Reid Building. This building provides public toilets and change rooms for people utilising the playing field. As the existing facilities are dated and inadequate it was deemed necessary by the owner to replace the building. In the process the building has doubled in size. To minimise the potential for existing trees to be damaged the building has been extended to the north and west bringing it closer to Warrane Road and the Memorial Hall. As a result only one unhealthy tree must be removed.

Concurrently the roof over the courtyard area of the Willoughby East Pre-School will be replaced and other minor improvements undertaken.

Generally the works are in accordance with a Conservation Management Plan prepared by Clive Lucas, Stapleton & Partners Pty Ltd and dated September, 2013.

The assessment of this development application has been undertaken by John Brunton who is a planning consultant (John Brunton Planning Pty Ltd) experienced in the assessment of development applications. In this instance the applicant is Willoughby City Council and a resident has made a submission objecting to the proposed development. To assure Council and the community that the application has been assessed in an impartial and independent manner the consultant has been engaged to prepare this report. Council and the community can be assured that the consultant is not a resident or property owner with the City of Willoughby and has no personal interest in this proposed development.

RESOLUTION

That the application be approved and delegated authority be granted to the General Manager to issue the Consent Notice in accordance with the attached Conditions.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

Schedule of Conditions

CONDITIONS OF CONSENT:

SCHEDULE

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
Architectural Plans	DA01	Issue A	25.09.14	11.11.14	BDT Design
	DA02	Issue A	25.09.14	11.11.14	BDT Design
	DA03	Issue A	25.09.14	11.11.14	BDT Design
	DA04	Issue A	25.09.14	11.11.14	BDT Design
	DA05	Issue A	25.09.14	11.11.14	BDT Design
	DA06	Issue A	25.09.14	11.11.14	BDT Design
	DA07	Issue A	25.09.14	11.11.14	BDT Design
	DA08	Issue A	25.09.14	11.11.14	BDT Design
	DA09	Issue A	25.09.14	11.11.14	BDT Design
	DA10	Issue A	25.09.14	11.11.14	BDT Design
	DA11	Issue A	25.09.14	11.11.14	BDT Design
Civil Works – Drawing list and general notes	12627.00 -C01	Issue B	02.12.14	05.12.14	Costin Roe Consulting Pty Ltd
Erosion and Sediment Control Plan	12627.00 -C02	Issue B	02.12.14	05.12.14	Costin Roe Consulting Pty Ltd
Storm Water Drainage Plan	12627.00 -C03	Issue B	02.12.14	05.12.14	Costin Roe Consulting Pty Ltd
Storm Water	12627.00	Issue B	02.12.14	05.12.14	Costin Roe Consulting

Drainage Details	-C04				Pty Ltd
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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 MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with before any Construction Certificate Application is made to the Certifying Authority.

2. Conservation of Heritage Item

The applicant must submit amended plans to Council's Heritage Architect detailing the proposed new glazed sliding doors to the east elevation of the Albert Chowne VC Memorial Hall. The plans must ensure that the proposed doors will provide a practical solution and illustrate how the original timber sliding doors will be conserved.
(Reason: Conservation of heritage item)

3. Provision of Equitable Access

The applicant must submit amended plans to Council incorporating alterations to the design to,

- (a) convert the two toilets on the first floor level into one unisex toilet, and
- (b) reconfigure the design of Store Room 4 and possibly Community Room 1 to create unimpeded internal on grade access from the Albert Chowne VC Memorial Hall to the lift for the first floor.

(Reason: Ensure compliance with access standard)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

4. Amended Plans

The principal certifying authority must be satisfied that Council's Heritage Architect has confirmed that the amended plans appropriately retain and conserve the existing original timber sliding doors to the east elevation of the Albert Chowne VC Memorial Hall.
(Reason: Compliance)

5. Additional Details and/or Information for Construction Certificate

Any requirements outlined by conditions of this consent requiring changes to be noted on plans and/or information to be submitted including compliance with the Building Code of Australia are to be incorporated within the Construction Certificate plans and/or documentation.

(Reason: Ensure compliance)

6. Fire Safety Schedule

Submission of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

(Reason: Compliance)

7. External Finishes – Heritage Character

All external building material shall be in colours and textures, which are compatible with the heritage character of the locality. In this regard the Schedule of Colours and Finishes submitted with the application satisfies this requirement.

(Reason: Visual amenity)

8. 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)

9. 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)

10. Analysis of Outlet Condition

The capacity of the existing Council stormwater drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that no stormwater will be able to surcharge from Council's system to the proposed drainage system. Full engineering details of the hydraulic

evaluations prepared and signed by a practising Civil Engineer shall be submitted to Council for consideration.

(Reason: Prevent property damage)

11. Detailed Stormwater Management Plan (SWMP)

Submit for approval by the Accredited Certifier, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer with the following amendments:

1. A maximum of 25% discount for the required on-site detention (OSD) storage volume will be permitted by installing a 15m³ of rainwater retention and reuse system. As such, the OSD system shall be designed to have a minimum storage capacity of 31m³.
2. A HGL analysis shall be carried out demonstrating that backwater effect to the OSD system will not occur. Alternatively, the invert level of the OSD system shall be set at least 200mm above the finished level of the receiving pit in the Council's system.

All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and BCA.

(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.

12. Waste Management Plan

A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used and unused demolition and construction materials shall be submitted to the Principal Certifying Authority.

(Reason: Environment protection/waste reduction)

13. 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)

14. 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)

15. Dilapidation Report of Public Open Space

Submit a dilapidation report including photographic record of the Public Open Space adjoining the development, detailing the physical condition of items such as, but not exclusively to, trees, bushland, rock outcrops and physical improvements such as paths, furniture and play equipment.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Principal Certifying Authority prior to commencement of works.

(Reason: Protection of Council's infrastructure)

16. Removal of Trees in Public Areas

Written notification is to be provided to Council giving a minimum of 7 days warning prior to undertaking the removal of any trees approved for removal in public areas.
(Reason: Management of Public Land)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

17. Heritage – Maintain Portion of Heritage Building

Should damage occur to any portion of the existing building which is indicated on the approved plans to be retained, all works on-site are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CONDITION OF CONSENT WILL RESULT IN THE CONSENT BECOMING VOID.
(Reason: Heritage conservation and ensure compliance)

18. 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)

19. 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)

20. Demolition Work AS 2601

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

(Reason: Safety)

21. 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)

22. 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)

23. 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 prior to commencement of works 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)

24. Tree Removal

Approval is given for the removal of the following trees:

Tree Species	Location
1 x <i>Lophostemon conferta</i> (Brush Box Tree) (Reason: Site development)	Western side of existing Clive Reid Bldg. (Ref. Dwg. DA11A by BDT Design)

25. Public Tree Protection

Unless identified 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)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

26. External Finishes

The principal certifying authority must be satisfied that the exterior finishes of the proposed additions are of colour, texture and materials that match the existing heritage building, in order to ensure a properly integrated overall appearance.
(Reason: Conservation of heritage item and visual amenity)

27. External Finishes

Exterior finishes of the proposed additions shall be of colour, texture and materials to match the existing heritage building, in order to ensure a properly integrated overall appearance.
(Reason: Visual amenity)

28. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.
(Reason: Access and egress)

29. Access for the Disabled - Finished Floor at Front Door

The finished floor at the front door is to be flush with and on the same grade as the existing footpath to facilitate access for people with disabilities.
(Reason: Access and egress)

30. Access for the Disabled - Step at Front Door

The step at the front door is to be eliminated by the provision of a ramp to facilitate access for people with disabilities.
(Reason: Access and egress)

31. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Upon completion of the building work a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the Environmental Planning and Assessment Regulation 2000 in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.
(Reason: Safety)

32. On-site Water Management System

The stormwater runoff from the site shall be collected and disposed of via an approved 31m³ on-site detention (OSD) system and 15m³ rainwater retention and reuse system in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).
(Reason: Prevent nuisance flooding)

33. Rainwater Re-use – Major

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 15m³ in accordance with the approved stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to toilet flushing and landscape irrigation.
(Reason: Ensure compliance and conserve natural resources)

34. Sign for Stormwater Management System

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD system and Rainwater Tanks.

The wording for the plaque shall state "*This is the On-site Detention System and Rainwater Retention and Reuse System required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris*".

(Reason: Prevent unlawful alteration)

35. Certification of OSD

A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.1.
(Reason: Legal requirement)

36. Certification of Rainwater Reuse System

Upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify on Council's standard certification form that the rainwater retention and reuse system has been constructed in accordance with the approved stormwater management plans and that the as-built system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW". Council's Standard Certification form is available in the appendix of Council's Technical Standard No. 2. (Reason: Record or works)

37. Works-As-Executed Plans - OSD

Upon completion of the OSD System, the following shall be submitted to the Principal Certifying Authority:

- Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

38. Works-As-Executed Plans – Rainwater Reuse

Upon completion of the Rainwater Re-use System, the following shall be submitted to the Principal Certifying Authority:

- Work-as-executed plans based on the approved stormwater plans from a registered surveyor to verify that the volume of storage, invert levels of inlet, overflow pipes and discharge outlet are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- Plumber's certification that the Rainwater Re-use system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All works completed shall comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Record of works)

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.

39. Heritage – Maintain Portion of Existing Building

Should any portion of the existing building which is indicated on the approved plans to be retained be damaged, all the works on-site are to cease and written notification given to Council. No work is to resume until the written approval of Council is

obtained. **FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CONDITION OF CONSENT WILL RESULT IN THE CONSENT BECOMING VOID.**

(Reason: Heritage conservation and Ensure compliance)

40. 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)

41. 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)

42. 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.

43. 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

44. 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)

45. Notify Council of Intention to Commence Works

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall appoint a Principal Certifying Authority and give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building.
(Reason: Information and ensure compliance)

46. 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)

18.4 DEVELOPMENT APPLICATION REPORT TO 16 FEBRUARY 2015

ATTACHMENTS:	1. LIST OF APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT – DEVELOPMENT PLANNING MANAGER, PETER ROWAN – BUILDING SERVICES MANAGER
AUTHOR:	DEVELOPMENT PLANNERS, BUILDING SURVEYORS
MEETING DATE:	23 FEBRUARY 2015

Purpose of Report

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

RESOLUTION

That the information be noted.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

19 REPORTS FROM OFFICERS - INFRASTRUCTURE SERVICES DIRECTOR

19.1 TENDER SUMMARY - ASSESSMENT OF TENDER FOR THE SUPPLY AND DELIVERY OF A REAR LOAD GARBAGE COMPACTOR - TENDER NO 1511/0905

RESPONSIBLE OFFICER: PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR

AUTHOR: SUNIL GAMAGE - ACTING WORKS MANAGER

CITY STRATEGY LINK: 2.1.1 CONSERVE AND MAINTAIN WILLOUGHBY'S NATURAL ECOSYSTEMS

MEETING DATE: 23 FEBRUARY 2015

Purpose of Report

To inform Council of the tenders that were submitted as part of the Procurement Australia tender undertaken on behalf of Council for the supply and delivery of a Rear Load Garbage Compactor and to recommend a successful supplier.

RESOLUTION

That:

1. The tender for the Supply and Delivery of a Rear Loaded Compactor on a Isuzu FRR600 truck from Garwood International Pty Ltd be accepted.
2. The Mayor and the General Manager be authorised to affix the Common Seal of Council to the successful tender documents.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

19.2 TENDER SUMMARY - ASSESSMENT OF TENDER FOR THE SUPPLY AND DELIVERY OF A 2000GVM RIDE ON SCRUBBER - TENDER NO 1511/0905

RESPONSIBLE OFFICER:	PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR
AUTHOR:	SUNIL GAMAGE - ACTING WORKS MANAGER
CITY STRATEGY LINK:	2.1.1 CONSERVE AND MAINTAIN WILLOUGHBY'S NATURAL ECOSYSTEMS
MEETING DATE:	23 FEBRUARY 2015

Purpose of Report

To inform Council of the tenders that were submitted as part of the Procurement Australia tender undertaken on behalf of Council for the supply and delivery of a 2000GVM Ride on Footpath Scrubber and to recommend a successful supplier.

RESOLUTION

That:

- 1. The tender for the Supply and Delivery of a 2000GVM Ride on Scrubber from Tennant Australia Pty Ltd be accepted.**
- 2. The Mayor and the General Manager be authorised to affix the Common Seal of Council to the successful tender documents.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

19.3 MEMORIAL SEAT REQUEST - WALLACE PARK RESERVE**RESPONSIBLE OFFICER: PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR****AUTHOR: JULIE WHITFIELD - OPEN SPACE MANAGER****CITY STRATEGY LINK: 3.1.3 LOCAL CHARACTER****MEETING DATE: 23 FEBRUARY 2015**

Purpose of Report

To approve the placing of a memorial seat at Wallace Park Reserve commemorating the participation of Wallace Park and other Chatswood community members lost in the battle for Lone Pine Gallipoli.

RESOLUTION

That Council approve the placing of a memorial seat at Wallace Park Reserve.

MOVED COUNCILLOR SLOANE**SECONDED COUNCILLOR STEVENS****CARRIED****Voting**

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

Against: Nil

20 NOTICE OF MOTION

20.1 NOTICE OF MOTION: COMMUNITY CHARTER FOR GOOD PLANNING IN NSW

RESPONSIBLE OFFICER: DEBRA JUST - GENERAL MANAGER

AUTHOR: DEBRA JUST - GENERAL MANAGER

MEETING DATE: 1 DECEMBER 2014

Purpose of Report

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

That Willoughby City Council:

- a. Formally endorses the Community Charter for Good Planning in NSW and its five key principles.
- b. Ensures that all future planning decisions made are consistent with the five key principles of the Community Charter for Good Planning in NSW.
- c. Creates an open, transparent and accountable public consultation system, which goes further than the current system in relation to planning.
- d. Engage with members of the public about positive and negative impacts on the local community before decisions are made and that the minutes from these meeting are publicly available.
- e. Requests the Mayor to write to the Premier, Minister for Planning, Shadow Minister for Planning and the parliamentary representatives from the Greens, the Shooters and the Christian Democrats Parties, advising them of Council's resolution to formally endorse the charter.

THIS ITEM WAS DEFERRED TO THE NEXT MEETING OF COUNCIL.

20.2 NOTICE OF MOTION: LOCAL GOVERNMENT AMENDMENT (RED TAPE REDUCTION) BILL 2014**RESPONSIBLE OFFICER: DEBRA JUST - GENERAL MANAGER****AUTHOR: DEBRA JUST - GENERAL MANAGER****MEETING DATE: 23 FEBRUARY 2015**

Purpose of Report

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

That Willoughby City Council:

- (a) Notes that the NSW Government is proposing legislation, the Local Government Amendment (Red Tape Reduction) Bill 2014, that will remove key anti-corruption provisions from local government tendering processes.
- (b) Opposes the Local Government Amendment (Red Tape Reduction) Bill 2014 which proposes to allow councils to remove council oversight of all tenders, whether for hundreds of thousands or millions of dollars in value, and allow for these decisions to be delegated to a single council official or even to private firms
- (c) Notes that ICAC has found that inconsistent tendering processes create corruption risks, by increasing complexity and entrenching a lack of consistency and accountability in tendering.
- (d) Requests the Mayor to write to the Premier, Minister for Local Government, Shadow Minister for Local Government and the parliamentary representatives from the Greens, the Shooters and the Christian Democrats Parties, advising them of this resolution and Council's concerns.

THIS ITEM WAS DEFERRED TO THE NEXT MEETING OF COUNCIL.

20.3 NOTICE OF MOTION: ELECTRIC CARS**RESPONSIBLE OFFICER: DEBRA JUST - GENERAL MANAGER****AUTHOR: DEBRA JUST - GENERAL MANAGER****MEETING DATE: 23 FEBRUARY 2015**

Purpose of Report

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

“That WCC officers prepare a report outlining the potential for WCC to purchase one electric car, with view to buying more electric plug in cars for the use by WCC officers in their council duties.”

MOTION

That Council notes that the purchase of an electric vehicle is in progress.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Coppock, Norton, Saville, Sloane and Wright.

Against: Councillors Hill, Hooper, Eriksson, Rozos, Rutherford and Stevens.

AS THE VOTE WAS EQUAL, THE MAYOR EXERCISED HER CASTING VOTE IN FAVOUR OF THE MOTION.

**20.4 NOTICE OF MOTION - SUPREME COURT OF NEW SOUTH WALES
PROCEEDINGS NO 2015/208925****RESPONSIBLE OFFICER: DEBRA JUST - GENERAL MANAGER****AUTHOR: DEBRA JUST - GENERAL MANAGER****MEETING DATE: 23 FEBRUARY 2015**

Purpose of Report

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

“That Council defer any deliberation of any planning application to Willoughby City Council or any Development application lodged by either Mr Victor Lahoud, Castle Constructions Pty Limited and Castlenorth Pty Limited, or any person or company associated with Mr Victor Lahoud or these two companies, until the Supreme Court of New South Wales Proceedings No 2015/208925 has been finalised, which finalisation is to include any right of appeal that might arise out of these proceedings.

In the event that Mr Victor Lahoud, Castle Constructions Pty Limited and Castlenorth Pty Limited, or any person or company associated with Mr Victor Lahoud or these two companies, might take up any statutory right to have a court determine any development application, then the Council Officers are to submit to the respective court the argument of the impact that Supreme Court of New South Wales Proceedings No 2015/208925 has placed on the Council to make a decision in the matter in the ordinary manner of listening to correspondents against any such development application.

That the Council write to the Attorney General of NSW and the Minister for Local Government and the Local NSW State Member of Parliament advising them of the Supreme Court of New South Wales Proceedings No 2015/208925 and, in the event, that Council in an open meeting of Council, resolves in a positive form, the wording of that resolution.”

THE NOTICE OF MOTION HAS BEEN WITHDRAWN.

20.5 NOTICE OF MOTION - KING WOOD MALLESONS**RESPONSIBLE OFFICER: DEBRA JUST - GENERAL MANAGER****AUTHOR: DEBRA JUST - GENERAL MANAGER****MEETING DATE: 23 FEBRUARY 2015**

Purpose of Report

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

“That King Wood Mallesons be invited to submit a proposal to be placed on Council’s panel of solicitors.”

MOTION

That King Wood Mallesons be invited to submit a proposal to be placed on Council’s panel of solicitors.

MOVED COUNCILLOR COPPOCK**SECONDED COUNCILLOR WRIGHT****CARRIED****Voting**

For the Motion: Councillors Coppock, Hooper, Rutherford, Saville, Sloane, Stevens and Wright.

Against: Councillor Giles-Gidney, Eriksson, Hill, Norton and Rozos.

20.6 NOTICE OF MOTION: PROGRESS OF WORKS AT ROYAL NORTH SHORE HOSPITAL**RESPONSIBLE OFFICER: DEBRA JUST - GENERAL MANAGER****AUTHOR: DEBRA JUST - GENERAL MANAGER****MEETING DATE: 23 FEBRUARY 2015**

Purpose of Report

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

“That Council obtain a briefing for Councillors as early as is possible of the progress of plans and works at the Royal North Shore Hospital from the relevant Government Departments, and in particular, seek to secure information on part of the site being utilised for residential development.

That Council write to the Local NSW State Government members, The Hon Gladys Berejiklian and The Hon Anthony Roberts advising them of this Council’s request for information and eliciting their support and assistance for same.”

General Manager’s Comments

A meeting will be scheduled and Councillors will be advised of the likely dates.

A presentation on the progress of works at the Royal North Shore Hospital will be held at the Cultural and Civic Committee Meeting on the 16 March 2015.

21 CONFIDENTIAL ITEMS

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.

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.

21.1 ADDITIONAL INFORMATION – COUNCILLORS’ LEGAL EXPENSES AND OBLIGATIONS

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

21.2 TALUS STREET RESERVE TRUST – DETAILS OF JUDICIAL ADVICE APPLICATION TO THE SUPREME COURT AND TERMS OF PROPOSED DRAFT SUB-LEASE AND LICENCE

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

21.3 LEGAL PROSPECTS DA 2014/391 – 93-102 HAMPDEN ROAD, ARTARMON

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

21.4 ADDITIONAL INFORMATION – ASSESSMENT OF TENDER FOR THE SUPPLY AND DELIVERY OF A REAR LOAD GARBAGE COMPACTOR – TENDER NO 1511/0905**Reason for Confidentiality**

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (ii) confer a commercial advantage on a competitor of the council

21.5 ADDITIONAL INFORMATION – ASSESSMENT OF TENDER FOR THE SUPPLY AND DELIVERY OF A 2000GVM RIDE ON SCRUBBER – TENDER NO 1511/0905**Reason for Confidentiality**

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (ii) confer a commercial advantage on a competitor of the council

21.1 ADDITIONAL INFORMATION – COUNCILLORS LEGAL EXPENSES AND OBLIGATIONS**Recommendation Summary**

1. Council notes the advice from the lawyers with respect to Council's Insurance Policy.
2. Council's Payment of Expenses and Provision of Facilities to Councillors Policy and Legal Assistance for Councillors Policy and the way they interact with Councils Insurance Policies be revised to aid clarity.
3. That Council writes to the Minister for Local Government and the Attorney General to notify them of these proceedings.

21.2 TALUS STREET RESERVE TRUST – DETAILS OF JUDICIAL ADVICE APPLICATION TO THE SUPREME COURT AND TERMS OF PROPOSED DRAFT SUB-LEASE AND LICENCE**Recommendation Summary**

THIS ITEM WAS DEFERRED TO A FUTURE RESERVE TRUST MANAGER MEETING.

**21.3 LEGAL PROSPECTS DA 2014/391 – 98-102 HAMPDEN ROAD,
ARTARMON****Recommendation Summary**

That Council resolve to:

1. Defend the appeal; and
2. Grant delegated authority to the General Manager to participate at any s34 Conciliation conference for this matter and seeks changes to the DA that will resolve Council's contentions.

**21.4 ADDITIONAL INFORMATION – ASSESSMENT OF TENDER FOR THE
SUPPLY AND DELIVERY OF A REAR LOAD GARBAGE COMPACTOR –
TENDER NO 1511/0905****Recommendation Summary**

That:

1. The tender for the Supply and Delivery of a Rear Loaded Compactor on a Isuzu FRR600 truck from Garwood International Pty Ltd be accepted.
2. The Mayor and the General Manager be authorised to affix the Common Seal of Council to the successful tender documents.

**21.5 ADDITIONAL INFORMATION – ASSESSMENT OF TENDER FOR THE
SUPPLY AND DELIVERY OF A 2000GVM RIDE ON SCRUBBER –
TENDER NO 1511/0905****Recommendation Summary**

That:

1. The tender for the Supply and Delivery of a 2000GVM Ride on Scrubber from Tennant Australia Pty Ltd be accepted.
2. The Mayor and the General Manager be authorised to affix the Common Seal of Council to the successful tender documents.

RESOLUTION

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

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil.

Absent: Councillor Hooper.

22 QUESTIONS

22.1 QUESTIONS ON NOTICE FROM COUNCILLOR S COPPOCK

RESPONSIBLE OFFICER: DEBRA JUST - GENERAL MANAGER

AUTHOR: DEBRA JUST - GENERAL MANAGER

MEETING DATE: 23 FEBRUARY 2015

Question 1

On 10 December 2014 in Supreme Court proceedings 2013/299553, Willoughby City Council & Ors vs Owens & Ors - the Court made in part the following orders:

1. First and Second Defendants to file any application for judicial advice pursuant to section 63 Trustee Act 1925 by 13 February 2015.

Did the First and Second Defendants file any application on or before 13 February, 2015?

If not, why not?

Question 2

Willoughby City Council has contracted out maintenance and gardening works. Please advise on the following:

1. The nature and extent and to whom such contracts have been entered?
2. What performance standards are in these contracts?
3. How frequently are the performance standards reviewed for compliance?
4. If compliance reviews have been conducted, what was the standard reported for each contract?
5. Of the contracts entered into for maintenance and gardening works, were all these operations previously conducted by employees in Council's works depot?

Comment:

A response to these questions will be provided at a future Council meeting.

- Councillor J Hooper left the meeting at 8.25 pm.

The meeting concluded at 9.40 pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council held on 23 February 2015. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.