



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chambers, 31 Victor Street, Chatswood

9 March 2015

Council Chamber, 31 Victor Street, Chatswood

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, T Mustaca, 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), 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

- Councillor S Coppock declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 16.3 – Establishing a Reserve Trust Manager Meeting Structure.  
*(Nature of Interest - As a trustee of Talus Street Reserve Trust, I am conflicted as the Agenda has the Manager of the Trust directing the Trust what to do).*
- Councillor N Wright declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 16.3 – Establishing a Reserve Trust Manager Meeting Structure.  
*(Nature of Interest – Managers of a reserve trust meeting under the auspices of a local government meeting).*
- Councillor L Saville declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 16.3 – Establishing a Reserve Trust Manager Meeting Structure.  
*(Nature of Interest – As Managers of a Trust / Crown land, we have perceived responsibilities).*
- Councillor J Rutherford declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 16.3 – Establishing a Reserve Trust Manager Meeting Structure.  
*(Nature of Interest – Managers of Reserve Trust on Crown Land meeting in the context of local government).*
- Councillor J Hooper declared , via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 16.4 – Attendance at Local government Managers Association’s National Congress and Business Expos at Darwin 29 April to 1 May 2015  
*(Nature of Interest – Motion and affected by the Outcome.)*
- Councillor W Norton declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 16.5 – Barton Road, Artarmon – Granting of Lease to Department of Education and Communities.  
*(Nature of Interest – I am an employee of DEC but not in the decision involved in this application)*

- Councillor G Giles-Gidney declared, via a Disclosure of Interest form, a Substantial interest in Item 18.1 126 Greville Street, Chatswood DA 2014/430) (*Nature of Interest – Member of Joint Regional Planning Panel who will be considering this matter*).
- Councillor T Mustaca declared, via a Disclosure of Interest form, a Substantial interest in Item 18.1 126 Greville Street, Chatswood DA 2014/430) (*Nature of Interest – Member of Joint Regional Planning Panel who will be considering this matter*).

### **3 CONFIRMATION OF MINUTES**

***That the Minutes of the Ordinary Meeting of Council held 23 February 2015, copies of which have been circulated to each member of Council, be confirmed subject to the following amendments.***

- Councillor Saville clarified that her Disclosure of Interest referred to North Sydney Girls High School.
- That the Amendment in Item 12.3 – 131 Sailors Bay Road, Northbridge – Sailors Bay Ward Councillors Inspection Committee Meeting – 6 February 2015 be amended to read:

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

### **4 APOLOGIES AND LEAVE OF ABSENCE**

- Councillor R Hill requested Leave of Absence from 4 April 2015 to 15 April 2015.
- Councillor J Hooper requested Leave of Absence from 21 May 2015 to 25 June 2015
- Councillor G Giles-Gidney requested Leave of Absence from 29 March 2015 to 2 April 2015.
- Councillor L Saville requested Leave of Absence from 4 April 2015 to 8 April 2015.

### **RESOLUTION**

**That:**

- 1. Council grant Leave of Absence to Councillor Hill from 4 April 2015 to 15 April 2015.**
- 2. Council grant Leave of Absence to Councillor Hooper from 22 May 2015 to 25 June 2015.**
- 3. Council grant Leave of Absence to Councillor Giles-Gidney from 29 March 2015 to 2 April 2015.**

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4. Council grant Leave of Absence to Councillor Saville from 4 April 2015 to 8 April 2015.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR HILL**

**CARRIED**

**Voting**

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

**Against:** Nil

## **5 PETITIONS**

### **5.1 PETITION - OPPOSITION TO THE PROPOSED LEASE TO LIQUORLAND IN WESTFIELD SHOPPING CENTRE**

#### **Purpose of Report**

To present a petition sent to Council regarding the proposed lease to Liquorland in the Westfield Shopping Centre, Chatswood.

#### **RESOLUTION**

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

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR RUTHERFORD**

**CARRIED**

#### **Voting**

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

**Against:** Nil



**6 OPEN FORUM**

John Owens spoke on Talus Street Reserve Trust.

**7 MAYORAL MINUTE****7.1 ITEM 16.3 ESTABLISHING A RESERVE TRUST MANAGER MEETING STRUCTURE****MEETING DATE: 9 MARCH 2015**

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**MOTION**

That Item 16.3 - Establishing a Reserve Trust Manager Meeting Structure be deferred to a workshop to be held in March 2015.

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

**For the Motion:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Sloane and Stevens.

**Against:** Councillors Coppock, Hooper, Rutherford, Saville and Wright

**Councillors Coppock, Rutherford and Wright formally requested that it be noted in the minutes that they formally resign as members of the Trust and request that Crown Lands be informed of their resignation.**

**7.2 MAYOR'S DIARY- COUNCIL MEETING NOTES – 9 MARCH 2015**

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

<b>TUESDAY 24 FEBRUARY</b>			
Mayor Cr Norton	11.30 am	Launch of <i>Better Business Partnership Guide</i>	The Concourse
Crs Norton, Rutherford	Evening	Castle Cove Progress Assn Mtg	Castle Cove Library
<b>WEDNESDAY 25 FEBRUARY</b>			
Mayor Crs Norton, Rutherford	11 am	Lunar New Year Celebration: MOSAIC Korean Social Group	MOSAIC Centre
Cr Saville	6.30 pm	Launch of Alliance Française Film Festival	Cremorne Orpheum
<b>SUNDAY 1 MARCH</b>			
Mayor	10.30 am	Official Opening of Nan Tien Institute	Wollongong
<b>TUESDAY 3 MARCH</b>			
Crs Norton, Rozos	Evening	Public Meeting	Willoughby Public School
<b>WEDNESDAY 4 MARCH</b>			
Mayor Crs Norton, Rozos, Rutherford	6 pm	Official Opening of <i>The Art of Architects</i>	The Incinerator
<b>THURSDAY 5 MARCH</b>			
Mayor Cr Rutherford	5.30 pm	Chinese New Year Reception	Sofitel, Sydney
Mayor Cr Eriksson	7.45 pm	Northbridge Progress Association Meeting	Northbridge Golf Club
<b>SATURDAY 7 MARCH</b>			
Cr Rutherford	Afternoon	Opening of <i>Fibre Arts Workshop</i>	Workshop Arts Centre Laurel Street
<b>SUNDAY 8 MARCH</b>			
Mayor	morning	Visit by Blacktown Bushcarers	Retreat Reserve

Mayor	6 pm	Launch of Australian Fujian Ningde Association	Kam Fook Restaurant, Chatswood
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**RESOLUTION**

That the Mayoral report be received.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

**CARRIED**

**Voting**

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

**Against:** Nil

**8 GENERAL MANAGER'S LATE REPORT**

NIL

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

Item 18.2 131 Sailors Bay Road, Northbridge – DA 2014/241: deferral

Item 13.1 Notice of Motion: Local Government Amendment (Red Tape Reduction Bill 2014): deferral

Item 13.2 Notice of Motion: Community Charter for Good Planning in NSW: deferral

**10 MATTERS BROUGHT FORWARD BY THE PUBLIC**

Item 16.1 Fit for the Future Councillor Workshop Outcomes

Item 16.7 Proposal to Install Free Standing Advertising Bollards

Item 18.1 126 Greville Street, Chatswood DA-2014/430

Item 18.4 35 Centennial Avenue, Chatswood – BC 2013/117

## 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 16.2 Rescission of Resolution – Item 20.5 23 February 2015
- Item 16.4 Attendance at Local Government Managers Associations National Congress and Business Expo at Darwin 29 April to 1 May 2015.
- Item 16.5 Barton Road, Artarmon – Granting of Lease to Department of Education and Communities
- Item 16.6 2 Elizabeth Street, Artarmon – Granting of Short Term Lease

### RESOLUTION

**That the remaining items, viz:**

- Item 12.1 Road Reserve Sailors Bay Road, Northbridge – DA 2014/467 – Sailors Bay Ward Councillors Inspection Committee – 20 February 2015.
- Item 12.2 28 Chatswood Avenue, Chatswood – Middle Harbour Ward Councillors Inspection Committee Meeting – 26 February 2015.
- Item 12.3 262 Edinburgh Road, Castlecrag – Sailors Bay Ward Councillors Inspection Committee Meeting – 23 February 2015.
- Item 14.1 Councillors Information Booklet – 26 February and 5 March 2015
- Item 18.3 191 Penshurst Street, North Willoughby – DA 2014/540
- Item 18.5 Variations to Development Standards (Use of SEPP 1) Quarter 2 – October to December 2014
- Item 18.6 Applications Determined under Delegated Authority for the Month of January 2015
- Item 18.7 Development Application Report to 2 March 2015.
- Item 19.1 Tender Summary – Tender 085056 – Supply and Installation of CCTV Equipment – Albert Avenue and the Concourse Carparks
- Item 19.2 Tender Summary – Beauchamp Park and Castle Cove Park Sportsground Floodlighting installation and upgrade works – Tender No. 084705
- Item 19.3 Tender Summary – Tender 082400 – Grass Mowing

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

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

## 12 REPORTS FROM COMMITTEES

### 12.1 ROAD RESERVE SAILORS BAY ROAD, NORTHBRIDGE - DA 2014/467 - SAILORS BAY WARD COUNCILLORS INSPECTION COMMITTEE - 20 FEBRUARY 2015

<b>ATTACHMENTS:</b>	<b>1. MINUTES &amp; WARD REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - DEVELOPMENT PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>CANDICE PON - DEVELOPMENT PLANNER</b>
<b>MEETING DATE:</b>	<b>9 MARCH 2015</b>

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#### **Purpose of Report**

The attached minutes were adopted at the Council Meeting of 23 February 2015. The matter has to be determined at a Council Meeting, as the proposal is located on Council land. Accordingly, the Ward Committee report is also attached to enable determination of the application.

#### **RESOLUTION**

- 1. That delegated authority be granted to the General Manager to issue the consent notice subject to the attached conditions.**
- 2. Following the period for advertising under the Roads Act 1993 for the proposal, and subject to no objections being received Council may enter into a lease agreement for a term of five years.**
- 3. The Mayor and the General Manager be authorised to execute the lease agreement under the Common Seal of Council.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

## 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
Signage Details	-	-	-	30 Oct 2014	-
Signage Support Details	-	-	-	30 Oct 2014	-

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)

### 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.

#### 2. Tree Protection

- i) 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.
- ii) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites.  
(Reason: Tree management)

**3. Illuminated Advertising Signs**

Illumination of the advertising structure is to be time clocked to switch off no later than 8:00 pm each night. In this regard, the time clock is required to be reset to address changes due to daylight saving.

(Reason: Amenity)

**4. Portable A Frame Sign**

Under no circumstances are portable or A-frame signs to be erected outside the site for the purposes of advertising, without the prior consent of Council.

(Reason: Amenity and access)

**5. Sign content**

The content/text of the signage is to relate only to the existing permissible uses of the Golf Course and the clubhouse. The text on the sign is to be contained to one slide with the text on the slide changing at a minimum of every 15 seconds in a sliding motion and the features such as jump flash, snow and random are not to be used.

(Reason: Ensure Compliance)

**6. Only illumination of the southern elevation**

At all times only the southern elevation of the sign is to be illuminated.

(Reason: Amenity)

**7. Bunting/Flags**

No bunting, flags (other than National) or other moving or wind disturbed displays being erected or maintained on the site, except as may be approved by Council for an opening celebration and one or two of the immediately following weeks.

(Reason: Visual amenity)

**8. Lease Arrangement**

A lease is required to be entered into with Council under the Roads Act 1993 prior to the erection of the sign. Subject to the requirements of the Roads Act 1993 a lease is offered for a maximum term of five years with a rent at commencement \$250.00 per annum plus GST. All costs associated with the lease agreement will be borne by the applicant.

(Reason: Ensure Compliance)



**12.2 28 CHATSWOOD AVENUE, CHATSWOOD - MIDDLE HARBOUR WARD  
COUNCILLORS INSPECTION COMMITTEE MEETING - 26 FEBRUARY  
2015**

<b>ATTACHMENTS:</b>	<b>1. MINUTES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - DEVELOPMENT PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>CANDICE PON – DEVELOPMENT PLANNER</b>
<b>MEETING DATE:</b>	<b>9 MARCH 2015</b>

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**Purpose of Report**

To present the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 26 February 2015.

**RESOLUTION**

**That:**

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

**“RESOLVED UNDER DELEGATED AUTHORITY:****Moved by Councillor Norton**

That the application be approved in accordance with the Officer's recommendation, with amendment to Condition 10 to read as follows:

**Acoustic Fence & Relocation of Play Equipment**

To minimise the impact of additional noise onto residential receivers, a minimum 2.4 metre high lapped and capped timber fence is to be constructed at the applicant/developer's expense along the northern boundary from the south western corner of 24 Nicholson Street to the south eastern corner of 16 Nicholson Street. After the fence has been constructed consultation with the owners of 14, 16 & 18 Nicholson Street is to take place to determine the most suitable location for play equipment to minimise noise intrusion to surrounding residents whilst still ensuring a practical and safe environment for staff and children of the child care centre. If the play equipment is to be relocated following consultation, such relocation is to occur at the applicant/developer's expense and is to take place within six (6) months of the construction of the fence.

(Reason: Acoustic Amenity)

**Seconded by Councillor Rutherford**

*Note: Following the approval of the Section 96 advice was obtained from Council's Building Services regarding the increase in the height of the lapped and capped timber fence from 2 metres to 2.4 metres. Council's Building Services advised that the 0.4metres increase in the height of the fence required the following building conditions:*

A. Condition 11 is to be added:

### **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)

B. Condition 12 is to be added:

### **Demolition Work AS 2601**

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".  
(Reason: Safety)

C. Condition 13 is to be added:

### **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)

D. Condition 14 is to be added:

### **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)

Condition 15 is to be added:

### **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)

F. Condition 16 is to be added:

**Dividing Fences Act 1991**

This consent does not override the rights of the adjoining owners' property under the provisions of the Dividing Fences Act 1991.

(Reason: Ensure compliance) “

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**12.3 262 EDINBURGH ROAD, CASTLECRAG - SAILORS BAY WARD  
COUNCILLORS INSPECTION COMMITTEE MEETING - 23 FEBRUARY  
2015**

**ATTACHMENTS: 1. MINUTES**

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

**AUTHOR: ANNIE LEUNG – DEVELOPMENT PLANNER**

**MEETING DATE: 9 MARCH 2015**

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**Purpose of Report**

To present the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 23 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 additional conditions addressing the following matters:**

- The approved privacy screen along the eastern and southern elevation of the first floor balcony must be louvered screens fixed at 45 degrees angle to direct views from the balcony away from the private open space of the adjoining properties at Nos. 70 and 72 Linden Way, Castlecrag.**
- The approved privacy screen along the southern elevation of the first floor balcony must extend from the south-east corner of the balcony for 50% of the total length of the balcony (i.e. approximately 3m).”**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

## 13 DEFERRED MATTERS

### 13.1 NOTICE OF MOTION: LOCAL GOVERNMENT AMENDMENT (RED TAPE REDUCTION) BILL 2014

**RESPONSIBLE OFFICER:** DEBRA JUST - GENERAL MANAGER

**AUTHOR:** DEBRA JUST - GENERAL MANAGER

**MEETING DATE:** 9 MARCH 2015

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#### **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 COUNCIL MEETING.**

**13.2 NOTICE OF MOTION: COMMUNITY CHARTER FOR GOOD PLANNING IN NSW****RESPONSIBLE OFFICER: DEBRA JUST - GENERAL MANAGER****AUTHOR: DEBRA JUST - GENERAL MANAGER****MEETING DATE: 9 MARCH 2015**

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**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 COUNCIL MEETING.**

## 14 CORRESPONDENCE

### 14.1 COUNCILLORS INFORMATION BOOKLET - 26 FEBRUARY & 5 MARCH 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:** 9 MARCH 2015

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#### **Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 26 February and 5 March 2015.

#### **RESOLUTION**

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

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**15 REPORTS FROM OFFICERS - GENERAL MANAGER**

NIL



## **16 REPORTS FROM OFFICERS - CORPORATE SERVICES DIRECTOR**

### **16.1 FIT FOR THE FUTURE COUNCILLOR WORKSHOP OUTCOMES**

**RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER**

**AUTHOR: DARIUS TURNER - CORPORATE PLANNING AND GOVERNANCE CO-ORDINATOR**

**CITY STRATEGY LINK: 6.3.4 COUNCIL WORKS WITH STATE AND REGIONAL ORGANISATIONS**

**MEETING DATE: 9 MARCH 2015**

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#### **Purpose of Report**

To resolve Council's response to, and community engagement on, the State Government's Fit for the Future proposal and responses to other council's requests regarding this matter.

#### **Procedural Motion**

**That the following people address the meeting:**

- 1. Mr E.J. Wilson of the Federation of Willoughby Progress Associations**

**Mr Wilson addressed the meeting and answered questions of the Councillors.**

#### **MOTION**

**That**

- 1. Council acknowledges that it is required to prepare a response to the State Government's Fit for the Future initiative by 30 June 2015 that achieves scale and capacity which is consistent with the Independent Local Government Review Panel report's preferred option of a proposed merger of Hunter's Hill, Lane Cove, Mosman, North Sydney, Willoughby and the eastern part of Ryde Councils, or offer an alternative merger plan which is broadly consistent with the Panel's recommendation.**
- 2. Council notes that the intent of the Independent Local Government Review Panel's report was to strengthen 'strategic capacity' to ensure the long term sustainability and effectiveness of democratic local governance.**
- 3. Council notes that the merger process is voluntary and that, at this time, Hunter's Hill, Lane Cove and Ryde are not supportive of merging with other Councils and that Mosman will be conducting consultation on a range of options including the Independent Local Government Review Panel's six Council proposal indicated in 1 above.**
- 4. Council notes that Hunter's Hill, Lane Cove and Ryde are proposing to investigate a modified joint organisation structure that is not currently**

envisaged as an option for metropolitan Sydney in the State Government's Fit for the Future proposals.

5. Council resolves to decline to be part of the proposed investigations into, and regional communications on, a modified joint organisation given its potential for significant duplication with other initiatives such as the North Shore Region of Councils and the State Government's sub regional planning process.
6. Council resolves not to progress potential merger conversations with Ku-ring-gai Council at this time.
7. Council notes that North Sydney has resolved to prepare a business improvement case for that Council but has also written to Willoughby and the four other Councils listed in the Independent Local Government Review Panel's preferred option, to ascertain interest in having discussions with a view to creating a new entity to satisfy the Fit for the Future criteria.
8. Council resolves to consult with its communities on options for response to the State Government's Fit for the Future proposal using a telephone survey, the Citizen's Panel and community meetings informed by the distribution of relevant materials.
9. Council resolves to include the following options in its consultation with residents on the State Government's Fit for the Future:
  - Willoughby City Council stand alone
  - Willoughby and North Sydney Councils merger
  - Willoughby, North Sydney and Lane Cove Councils merger
  - Willoughby, Lane Cove, Hunter's Hill, Mosman, North Sydney and the eastern two-thirds of Ryde Councils merger.
10. Council delegates to the Mayor and General Manager the authority to discuss with North Sydney Council the prospects of creating a new entity which satisfies the Fit for the Future criteria, including an alternative merger plan, to further inform Council's deliberations on its preferred option.
11. Council delegates to the Mayor and General Manager the authority to communicate Council's resolutions to Lane Cove, Hunter's Hill, Mosman, Ryde and Ku-ring-gai Councils.
12. Council declines to be part of a shared community engagement strategy that explores modified Joint Organisations as proposed by Ryde, Hunter's Hill Council and Lane Cove Council.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR HILL**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Eriksson, Hooper, Hill, Mustaca, Rutherford, Rozos and Sloane.

**Against:** Councillors Coppock, Norton, Saville, Stevens and Wright.

**AMENDMENT 1**

Council delegates to the Mayor and General Manager the authority to discuss with North Sydney, Mosman and Lane Cove Councils the prospects of creating a new entity which satisfies the Fit for the Future criteria, including an alternative merger plan, to further inform Council's deliberations on its preferred option.

**MOVED COUNCILLOR ROZOS**

**SECONDED COUNCILLOR ERIKSSON**

**LOST**

**Voting**

**For the Amendment:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Rozos and Sloane.

**Against:** Councillors Coppock, Hooper, Norton, Rutherford, Saville, Stevens and Wright.

**AMENDMENT 2**

Council resolves to include the following options in its consultation with residents on the State Government's Fit for the Future:

- Willoughby City Council
- Willoughby and North Sydney Councils merger
- Willoughby, North Sydney and Lane Cove Councils merger
- Willoughby, Lane Cove, Hunter's Hill, Mosman, North Sydney and the eastern two-thirds of Ryde Councils merger.
- Willoughby, North Sydney and City of Sydney Councils merger.

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR HILL**

**LOST**

**Voting**

**For the Amendment:** Councillors Eriksson, Hill, Hooper and Mustaca.

**Against:** Councillors Giles-Gidney, Coppock, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

**AMENDMENT 3**

1. That council supports voluntary amalgamations only.
2. Willoughby City Council investigates likely effects of a super Lower North Shore Council on our residents including the loss of representation democracy, rates, library services.
3. Statement regarding amalgamations should be on the front of our web page including a statement that Willoughby city Council only supports voluntary amalgamations.

4. Council resolves to consult with its community on options for response to the State Government's Fit for the Future proposal using a telephone survey, the Citizen's Panel and community meetings informed by the distribution of relevant materials.
5. Council resolves to include the following options in its consultation with residents on the State Government's Fit for the Future:
  - Willoughby City Council
  - Willoughby and North Sydney Councils merger
  - Willoughby, North Sydney and Lane Cove Councils merger
  - Willoughby, Lane Cove, Hunter's Hill, Mosman, North Sydney and the eastern two-thirds of Ryde Councils merger.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR ERIKSSON**

**LOST**

**Voting**

**For the Amendment:** Councillors Eriksson, Hooper, Hill, Norton, Saville and Stevens.

**Against:** Councillors Giles-Gidney, Coppock, Mustaca, Rutherford, Rozos, Sloane and Wright.

**16.2 RESCISSION OF RESOLUTION - ITEM 20.5 23 FEBRUARY 2015****RESPONSIBLE OFFICER: TONY PIZZUTO FINANCIAL SERVICES DIRECTOR****AUTHOR: TONY PIZZUTO FINANCIAL SERVICES DIRECTOR****MEETING DATE: 9 MARCH 2015**

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**Purpose of Report**

To rescind the resolution of Council in respect to Item 20.5 - Notion of Motion - King Wood Mallesons.

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

**MOTION**

**That Council rescinds the motion adopted in Item 20.5 of the meeting held on 23 February 2015 as follows:**

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

**MOVED COUNCILLOR SLOANE****SECONDED COUNCILLOR NORTON****CARRIED****Voting**

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

**Against:** Councillor Hooper.

**16.3 ESTABLISHING A RESERVE TRUST MANAGER MEETING STRUCTURE**

<b>ATTACHMENTS:</b>	<b>1. EXTRACT FROM “TRUST HANDBOOK” 2. RESERVE TRUST INVENTORY</b>
<b>RESPONSIBLE OFFICER:</b>	<b>EXECUTIVE LEADERSHIP TEAM</b>
<b>AUTHOR:</b>	<b>VLADIMIR GREPL - ACTING ADMINISTRATIVE SERVICES MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>9 MARCH 2015</b>

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**Purpose of Report**

To provide Council with the means to establish a Reserve Trust Manager meeting structure that is separate from ordinary Council meetings.

**RESOLUTION**

**That Council:**

- 1. Resolves to meet, in its reserve trust manager role, in meetings held separately from Ordinary Council meetings;**
- 2. Meets as reserve trust manager when required with at least one meeting a year to coincide with the Crown Reserve reporting system requirements;**
- 3. Receives a briefing on the “Trust Handbook” (a handbook for trusts managing Crown land reserves) and the Crown Reserves reporting framework at its first Reserve Trust Manager meeting; and**
- 4. Acknowledges that the preferred time for Reserve Trust Manager meetings is on a date at which other Council or Council Committee meetings are held and that the first meeting will be scheduled for March 2015.**

**THIS ITEM WAS DEFERRED TO A WORKSHOP OF COUNCILLORS AS RESOLVED IN ITEM 7.1 OF THE MAYORAL MINUTE.**

**16.4 ATTENDANCE AT LOCAL GOVERNMENT MANAGERS ASSOCIATION'S NATIONAL CONGRESS AND BUSINESS EXPO AT DARWIN 29 APRIL-1 MAY 2015**

<b>ATTACHMENTS:</b>	<b>1. CONGRESS 2015 PROGRAM 2. POLICY 3. APPLICATION SUBMISSION</b>
<b>RESPONSIBLE OFFICER:</b>	<b>TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>9 MARCH 2015</b>

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**Purpose of Report**

To obtain approval for Councillors Eriksson, Hooper and Rozos to attend the LGMA National Congress and Business Expo in Darwin from 29 April to 1 May 2015.

**MOTION**

**That:**

- 1. Councillors Eriksson, Hooper and Rozos be authorised to attend the LGMA National Congress in Darwin from 29 April to 1 May 2015.**
- 2. Other Councillors interested in attending be considered.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR ROZOS**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Rozos, Rutherford and Saville.

**Against:** Councillor Coppock, Norton, Sloane and Wright.

**16.5 BARTON ROAD, ARTARMON - GRANTING OF LEASE TO DEPARTMENT OF EDUCATION AND COMMUNITIES**

<b>ATTACHMENTS:</b>	<b>1. AERIAL MAP 2. SURVEY MARK-UP</b>
<b>RESPONSIBLE OFFICER:</b>	<b>JEFF ELLIS - ECONOMIC AND PROPERTY DEVELOPMENT PROJECT DIRECTOR</b>
<b>AUTHOR:</b>	<b>GARY PARSONS - MAJOR PROJECTS DELIVERY MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>9 MARCH 2015</b>

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**Purpose of Report**

To obtain Council's consent to the granting a lease to NSW Department of Education & Communities (DEC) for Council owned property located at Barton Rd, Artarmon.

**MOTION**

That:

- 1. That the General Manager be granted delegation to finalise the terms of the Heads of Consideration and the Lease with NSW Department of Education & Communities for Lot 11 DP 805818 and Lot 15 DP4639.**
- 2. The Mayor and the General Manager be granted authority to execute and affix the Council's seal to the Lease.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Councillor Wright.



**16.6 2 ELIZABETH STREET, ARTARMON - GRANTING OF SHORT TERM LEASE**

<b>RESPONSIBLE OFFICER:</b>	<b>JEFF ELLIS - ECONOMIC AND PROPERTY DEVELOPMENT DIRECTOR</b>
<b>AUTHOR:</b>	<b>GARY PARSONS - MAJOR PROJECTS DELIVERY MANAGER</b>
<b>CITY STRATEGY LINK</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>9 MARCH 2015</b>

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**Purpose of Report**

To obtain Council's consent to the granting a short-term lease to Gartner Rose for Council owned property located at 2 Elizabeth St Artarmon, formerly the site of Artarmon Library.

**RESOLUTION**

**That:**

- 1. That the General Manager be granted delegation to finalise the Lease to Gartner Rose Pty Ltd for 2 Elizabeth Street, Artarmon.**
- 2. That the Mayor and General Manager be granted authority to execute and affix the Council's seal to the Lease.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Councillor Wright

**16.7 PROPOSAL TO INSTALL FREE-STANDING ADVERTISING BOLLARDS**

<b>RESPONSIBLE OFFICER:</b>	<b>JEFF ELLIS - ECONOMIC AND PROPERTY DEVELOPMENT PROJECT DIRECTOR</b>
<b>AUTHOR:</b>	<b>GARY PARSONS (MAJOR PROJECTS DELIVERY MANAGER) &amp; ANDREW GIANNASCA PROJECT MANAGER-SUSTAINABLE BUILDING &amp; PROPERTY</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>9 MARCH 2015</b>

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**Purpose of Report**

To report to Council the results of the public consultation conducted in relation to the installation of free-standing advertising bollards proposed for specific locations within the Willoughby LGA.

**Procedural Motion**

That the following people address the meeting:

- Mr David Grover

Mr Grover addressed the meeting and answered questions of the Councillors.

**RESOLUTION**

That Council rejects the proposal to supply and install free-standing advertising bollards.

**MOVED COUNCILLOR ROZOS**

**SECONDED COUNCILLOR HILL**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hill, Hooper, Mustaca, 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

### 18.1 126 GREVILLE STREET, CHATSWOOD DA-2014/430

**ATTACHMENTS:**

1. JRPP ASSESSMENT REPORT
2. SCHEDULE OF CONDITIONS
3. NOTIFICATION MAP
4. ARCHITECTURAL PLANS

**MEETING DATE:** 27-FEB-2015

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**RECOMMENDATION:** THAT COUNCIL NOTE THE REPORT

**LOCATION:** 126 GREVILLE STREET, CHATSWOOD NSW 2067 & 23-25 MILLWOOD AVENUE, CHATSWOOD WEST NSW 2067

**APPLICANT:** CHURCH OF SCIENTOLOGY AUSTRALIA

**OWNER:** CHURCH OF SCIENTOLOGY AUSTRALIA

**PROPOSAL:** ALTERATIONS AND ADAPTIVE RE-USE OF AN EXISTING BUILDING FOR THE PURPOSES OF ECCLESIASTICAL MANAGEMENT, THEOLOGICAL STUDIES AND CHURCH ACTIVITIES, AND ASSOCIATED WORKS/USES INCLUDING: DEMOLITION OF AN EXISTING DWELLING; CONSTRUCTION OF A PEDESTRIAN BRIDGE, BUS LAYOVER, PASSENGER WAITING AREA AND NEW LIFT ENCLOSURE; AND, USE OF AN ADJOINING DWELLING AS A CARETAKER'S COTTAGE.

**DATE OF LODGEMENT:** 08-OCT-2014

**VALID APPLICATION DATE:** 08-OCT-2014

**REPORTING OFFICER:** ARTHUR TSEMBIS (DEVELOPMENT PLANNER)

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

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#### Procedural Motion

That the following people address the meeting:

- Mr Tim Blythe (Applicant's representative)

Mr Blythe addressed the meeting and answered questions of the Councillors.

## DESCRIPTION OF PROPOSAL

Council received DA 2014/430 for alterations and adaptive re-use of an existing building previously used by the National Acoustic Laboratory (NAL) for the purposes of ecclesiastical management, theological studies, church activities and associated works.

The proposed uses come within the definition of an 'office premises' and 'place of public worship' under the provisions of WLEP 2012.

The capital investment value exceeds \$5 million for a 'place of public worship' and therefore the Joint Regional Planning Panel (JRPP) is the consent authority pursuant to Clause 23(G)(2A) and Schedule 4A of the *Environmental Planning & Assessment Act 1979*.

The JRPP assessment report recommends approval subject to the conditions included in the attached 'Schedule of Conditions'.

The purpose of this report is to brief Council on the proposal and decide if it wants to make a submission to the JRPP.

The primary functions of the proposed development include use of the existing building as an administrative centre for a maximum of 290 staff and a place of public worship, theological teachings and studies, counselling and a chapel for up to 170 parishioners. The proposed hours of operation are 8.30am to 9.30pm, seven day a week.

Associated works/uses include: demolition of a dwelling; construction of a pedestrian bridge, bus layover, covered passenger waiting area, new lift and enclosure; and, use of an adjoining dwelling as a caretaker's cottage.

## MOTION

1. **The Assessment Report to Sydney East JRPP for DA 2014/430 was received and noted.**
2. **That Council make a submission to the JRPP with regard to proposed Condition 69 and request consideration to the following amendment:**
  69. **The hours of operation of the "business premises" and 'place of public worship' are restricted to 8.30am to 8.30pm between Sunday and Thursday and are restricted to 8.30am to 9.30pm on Fridays and Saturdays.**

**Except for security staff and/or cleaners, all staff, parishioners and visitors shall vacate the premises no later than 10.00pm.**

**The above hours are for trial period only and are to be reviewed after 6 months and 12 months from the commencement of the use in consultation with Council.**

**Any variation to these hours is to be subject to the prior consent of Council.**

**(Reason: Amenity)**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR STEVENS**

**NOT PUT TO THE VOTE**

**AMENDMENT**

1. The Assessment Report to Sydney East JRPP for DA 2014/430 was received and noted.
2. That Council make a submission to the JRPP with regard to proposed Condition 69 and request consideration to the following amendment:
  69. The hours of operation of the “business premises” and ‘place of public worship” are restricted to 8.30am to 8.30pm, 7 days a week.

Except for security staff and/or cleaners, all staff, parishioners and visitors shall vacate the premises no later than 9.30pm.

The above hours are for trial period only and are to be reviewed after 6 months and 12 months from the commencement of the use in consultation with Council.

Any variation to these hours is to be subject to the prior consent of Council.  
(Reason: Amenity)

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

**Voting**

**For the Amendment:** Councillors Coppock, Eriksson, Hill, Hooper, Mustaca, Norton, Rutherford, Sloane, and Wright.

**Against:** Councillors Rozos, Saville and Stevens.

**THE AMENDMENT BECAME THE MOTION AND WAS CARRIED**

**Voting**

**For the Motion:** Councillors Coppock, Eriksson, Hooper, Norton, Rutherford, Sloane and Wright.

**Against:** Councillors Hill, Rozos, Saville and Stevens.

The Mayor, Councillor Giles-Gidney and the Deputy Mayor, Councillor Mustaca declared a significant non-pecuniary interest in the above matter and vacated the Chambers. The Former Deputy Mayor, Councillor Coppock, assumed the Chair.

**18.2 131 SAILORS BAY ROAD, NORTHBRIDGE - DA 2014/241**

**ATTACHMENTS:**

- 1. PREVIOUS WARD COUNCIL REPORT – DATED 15 DECEMBER 2014**
- 2. SITE PHOTOS**
- 3. AMENDED PLANS**

**MEETING DATE:** 9 MARCH 2015

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**RECOMMENDATION:** APPROVAL SUBJECT TO CONDITIONS

**LOCATION:** 131 SAILORS BAY ROAD, NORTHBRIDGE

**APPLICANT:** A W EDWARDS PTY LIMITED

**OWNER:** A W EDWARDS PTY LIMITED

**PROPOSAL:** SUPPLEMENTARY REPORT – PROPOSED ADDITIONAL LEVEL OF OFFICE SPACE TO AN EXISTING COMMERCIAL BUILDING AND ASSOCIATED WORKS

**DATE OF LODGEMENT:** 18 JUNE 2014

**VALID APPLICATION DATE:** 12 DECEMBER 2014

**REPORTING OFFICER:** SIMON SMITH (DEVELOPMENT PLANNER)

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

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**DESCRIPTION OF PROPOSAL**

The purpose of this report is to advise on the sketch plans submitted to Council on 23<sup>rd</sup> of February for an amended proposal at 131 Sailors Bay Road Northbridge. Due to the late submission of this new information the item was deferred by Council.

Council's Resolution on 23<sup>rd</sup> of February is as follows:

- *That the item be deferred in order to consult with the applicant and correspondent to consider the new information.*

**THIS ITEM WAS DEFERRED.**

**18.3 191 PENSURST STREET, NORTH WILLOUGHBY - DA 2014/540**

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

**MEETING DATE:** 9 MARCH 2015

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**RECOMMENDATION:** APPROVAL

**LOCATION:** 191 PENSURST STREET, NORTH WILLOUGHBY  
NSW 2068

**APPLICANT:** WILLOUGHBY CITY COUNCIL

**OWNER:** WILLOUGHBY CITY COUNCIL

**PROPOSAL:** CHANGE OF USE TO A BUSINESS PREMISES,  
CARPARKING AND ASSOCIATED WORKS.

**DATE OF LODGEMENT:** 8 DECEMBER 2014

**VALID APPLICATION DATE:** 21-JAN-2015 (APPLICANT PROVIDED DETAILS WITH  
REGARD TO CAR STAND AREA FINISHED LEVELS)

**REPORTING OFFICER:** ANA VISSARION (DEVELOPMENT PLANNER)

**RESPONSIBLE OFFICER:** IAN ARNOTT (DEVELOPMENT PLANNING  
MANAGER)

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**DESCRIPTION OF PROPOSAL**

The development application proposes a change of use of the premises into a business premises and new double hardstand at rear of the existing building at 191 Penshurst Street. The proposal also includes a new rear fence with sliding gates and a new vehicular crossing into Legion Way.

The subject site is identified under WLEP 2012 as a local heritage item. It was formally a Baby Health Centre designed by Eric Nicholls, a renowned local architect. No building alterations and no signage are proposed with this application.

The application is reported to Council as Willoughby Council is both owner of the land and the applicant for the development.

**RESOLUTION**

1. That the application be APPROVED and delegated authority be granted to the General Manager to issue the consent notice subject to the attached conditions.
2. That a report be brought back to Council on the sale or lease of the property.



**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

## SCHEDULE OF CONDITIONS

### CONDITIONS OF CONSENT:

**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
Arch	01_A01 - 1 of 5, 01_A02 - 2 of 5, 01_A03 - 3 of 5, 01_A04 - 4 of 5, 01_A05 - 1 of 5  All project 114234	A	13 Nov 2014	8 Dec 2014	Geolyse Architecture
arch	01_A02, project 114234	B	21 Jan 2015	22 Jan 2015	Geolyse Architecture

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

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

### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

#### 2. 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)

### 3. Revised Architectural Plans

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the Accredited Certifier, revised architectural plans showing the following:

1. The proposed double parking spaces shall be setback 1 metre from the property boundary in Legion Way.
2. The overall height of the proposed sliding gates shall not be greater than 1 metre. The gates shall match in design and scale the existing perimeter fencing.

(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.**

### 4. 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)

### 5. 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)

#### **6. Application for Vehicle crossing**

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

(Reason: Protection of public asset)

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

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

#### **7. 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)

#### **8. 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)

#### **9. 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)

#### **10. 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)

#### **11. Excess or Waste Concrete**

Excess or waste concrete from mobile concrete agitators or concrete pumping equipment shall not be washed down, spilled or disposed of onto the road reserve, Council's stormwater system, road, pavement, reserves or Council land.

(Reason: Environmental protection)

#### **12. Access to Site**

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

**13. 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)

**14. 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)

**15. 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)

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

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

**16. 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)

**17. Registration of Plan of Consolidation**

All individual allotments involved in the development site being consolidated into a single allotment and evidence of the registration of the plan of consolidation to be submitted to Council.  
(Reason: Ensure compliance)

**18. Rainwater Re-use – Minor**

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 3m<sup>3</sup> in accordance with Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse tank system shall be connected to supply non-potable use including landscape irrigation and car washing. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.  
(Reason: Ensure compliance and conserve natural resources)

**19. Vehicular Access**

Construct a new vehicular access including the replacement of the existing kerb and gutter and associated 1.5 metres road restoration as directed by Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections.

A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The new vehicular access is to be 4.8 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The edge of the new access shall be located at least 6 metres from the kerb return and no closer than 1 metre from the adjoining property boundary.

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

- At back of layback – 100 mm above and parallel to the gutter invert.
- At property boundary – 120 mm above and parallel to the gutter invert.

The existing kerb and gutter and associated 1.5 metres wide road pavement on both sides of the new vehicular access shall be adjusted for a minimum distance of 2 metres. 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)

**20. 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)

## 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.

### 21. Hours of Operation

The hours of operation as a business premises are restricted to the followings:

Weekdays & Saturdays	8.00am to 6.00pm
Sundays & Public Holidays	closed

Any variation to these hours is to be subject to the prior consent of Council.  
(Reason: Amenity)

### 22. Conservation Management Plan

Any works to the building (including property maintenance) must be undertaken adopting the provision of the Conservation Management Plan prepared by Clive Lucas, Stapleton and Partners Pty. Ltd.

Noting the current provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, any works to the building shall be subject to a separate application.  
(Reason: Heritage Conservation)

### 23. Stormwater Kerb Outlet

New stormwater connection outlets at street kerb shall be made using 125x75x4 galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 600mm x 600mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.  
(Reason: Protection of public asset)

### 24. 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)

### 25. 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)

#### **26. 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)

#### **27. 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.**

#### **28. 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.

Taking into account the change of use, fire safety requirements in the *BCA apply and shall be incorporated by the Accredited Certifier.*

(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**

#### **29. 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)

**30. 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)

**31. 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 35 CENTENNIAL AVENUE, CHATSWOOD - BC 2013/117**

**ATTACHMENTS:**

- 1. ORIGINAL WARD COUNCIL REPORT – DATED 3 JUNE 2014**
- 2. SUBMISSION FROM ADJOINING PROPERTY OWNER**

**MEETING DATE:** 9 MARCH 2015

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**RECOMMENDATION:** PART APPROVAL (SUBJECT TO AMENDED CONDITIONS)

**LOCATION:** 35 CENTENNIAL AVNEUE, CHATSWOOD

**APPLICANT:** MS SHYAN FANG

**OWNER:** MS A C D LAW AND MR Y H LEUNG

**PROPOSAL:** UNAUTHORISED BUILDING WORKS - RETAINING WALLS AND FILL, EXCLUDING MASONRY SHED ADJACENT EAST BOUNDARY AND TIMBER FRAMING.

**DATE OF LODGEMENT:** 14 NOVEMBER 2013

**VALID APPLICATION DATE:** 14 NOVEMBER 2013

**REPORTING OFFICER:** DIPAK RAM – DEVELOPMENT OFFICER / BUILDING SURVEYOR

**RESPONSIBLE OFFICER:** peter rowan – building services manager

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**DESCRIPTION OF PROPOSAL**

To consider a request by the applicant to amend the Conditions of Council's Resolution from the meeting of 25 August 2014.

**Procedural Motion**

**That the following people address the meeting:**

- **Mr Brian Kirk (Correspondent's Representative)**
- **Mr David Watt (Applicant's representative)**

**Mr Kirk and Mr Watt addressed the meeting and answered questions of the Councillors.**

**MOTION**

That Council advise the applicant that it would be prepared to issue a Building Certificate in respect of the unauthorised building work subject to the following being satisfactorily completed.

**Condition 1a:**

Remove all retaining works to a distance of 1.5m along the western boundary commencing from the northern most point of the landscaped area adjoining the rear of the existing dwelling to the northern boundary. This area is to be returned to natural ground level generally matching the level of the adjoining properties and is to be soft landscaped.

The proposed retaining wall will need to be stepped to accommodate the change in levels of the existing ground. The retaining wall is to finish 100mm above the adjoining ground level. In this regards submit Engineering Plans to Council for approval prior to construction.

**Condition 1b:**

Remove all retaining works to a distance of 1.5m along the entire northern boundary. This area is to be returned to natural ground level generally matching the level of the adjoining properties and is to be soft landscaped.

The proposed retaining wall is to finish 100mm above the adjoining ground level. In this regards submit Engineering Plans to Council for approval prior to construction.

**Condition 1c:**

Provide a 100mm hob along the western boundary within the subject property. The hob is to commence from the southern most point of the front of the dwelling to the northern most point of the lawn area adjoining the rear of the dwelling and returned to match the setback of the retaining wall.

Refer to the location of the hob which is identified in blue in *Figure 1.0 of Council's Report dated 2 March 2015*.

Submit engineering details to Council for approval prior to commencement of works.

**Condition 2:**

Along the western boundary, install a solid timber paling privacy screen approximately 1m from the northern most point of the existing rainwater tank adjoining the rear of the dwelling to the northern boundary. This privacy screen is to have a minimum height of 1.8m measured from the concrete pathways stepping down at each interval to the rear of the property. The privacy screen is to terminate at the top most level of the existing western boundary fence and is to be setback a minimum distance of 450mm from the western boundary. The applicant is to submit Engineering details and specifications to Council for approval prior to the erection of the screens.

**Condition 3:**

Install a solid timber paling privacy screen along the entire extent of the northern boundary. This privacy screen is to have a minimum height of 1.8m measured from the northern most concrete pathway. The privacy screen is to terminate at the top most level of the existing northern boundary fence and is to be setback a minimum distance of 450mm from the northern boundary. In this regard the applicant is to submit Engineering details and specifications to Council for approval prior to the erection of the screens.

**Condition 4a.**

A site plan shall be submitted to Council to show the removal of impervious areas to approximately 40% of the total site area.

**Condition 4b.**

Stormwater management plans prepared by a suitably qualified hydraulic engineer shall be submitted to Council for approval prior to commencement of work addressing the following criteria:

- i. Runoff from all roof areas shall be collected and directed to the existing 2kL rainwater tank where the overflow from the tank will be discharged to an absorption system. The on-site absorption system shall be designed so that the trench is 1 lineal metre long for every 10m<sup>2</sup> of the impervious area draining to it. The system shall consist of the use of Evertrench Jumbo 410 or similar product with 20mm river gravel wrapped with geofabric. The system shall be positioned at least 5 metres from the downstream property boundaries, at least 3 metres from the footings of any structure, and the system shall not be located where it could have an adverse impact on any existing or proposed trees. Supporting calculations shall be provided on the plans.
- ii. Surface runoff from hard paved areas shall be collected via a filtration device prior to discharging into the absorption trenches system to prevent blockage by silt and/or debris to comply with Part C5 of Council's DCP.
- iii. Solid lid cover shall be provided for the absorption trenches system to prevent debris entering the system.

**Condition 4c:**

Submit to Council certification from a suitably qualified and experienced structural engineer certifying the proposed absorption trenches located at least 3 metres upstream of the proposed retaining wall is considered acceptable and has no adverse impacts to the structural integrity of the wall. Otherwise, the structural engineer shall specify the minimum distance for the location of the absorption system.

**Condition 5:**

Provide weep holes in accordance with engineering specifications. The weep holes are to be along the entire extent of the retaining walls closest to the western and

northern boundary. Plans prepared by a suitably qualified practising Civil Engineer are to be provided and approved by Council prior to the works being undertaken.

**Condition 6:**

Any concreting under the two turfed areas will need to be removed. In this regard the two areas are to be excavated to a sufficient depth under the supervision of Council's Building Surveyor. Any concreting found, will need to be demolished and replaced with clean fill.

**Condition 7:**

Provide a Structural Engineer's certificate at completion, certifying structural adequacy of the installation of the privacy screening, all retaining walls and installation of weep holes.

Furthermore a Structural Engineer's certificate certifying the structural adequacy of the existing slab supporting the existing 2000Ltr rainwater tank is required. Should the existing slab be inadequate, additional engineering details shall be submitted to Council and approved prior to a new slab being poured.

**Condition 8a:**

A time period of 21 days from the date of Council's formal notice of determination is granted for the satisfactory submission and approval of all the additional information requested by the Amended Officer's Recommendation. It is noted that the owners may start works that do not require further submission to Council within this time period.

**Condition 8b:**

A further time period of 60 days will be granted upon approval of the additional information by Council. The owners are required to complete all works satisfactorily, otherwise Council will have no alternative but to issue an Order to seek demolition of the unauthorised works under the provisions of the Environmental Planning and Assessment Act 1979.

**Condition 9:**

Delegated Authority being given to the General Manager to issue the Building Certificate upon satisfactory completion of the works.

**Condition 10:**

That the Officers be given delegated authority to explore stormwater management in Option 4b as printed and other options that would achieve the same objective.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Rozos, Rutherford, Saville and Stevens.

**Against:** Councillors Coppock, Norton, Sloane and Wright.

**AMENDMENT**

**The matter be deferred to allow review of the plans for the charged stormwater system, have the plans assessed and a report be brought back to a meeting of Council.**

**MOVED COUNCILLOR SAVILLE****SECONDED COUNCILLOR COPPOCK****LOST****Voting**

**For the Amendment:** Councillors Coppock, Norton, Saville, Sloane, Stevens and Wright.

**Against:** Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Rutherford and Rozos.

**18.5 VARIATIONS TO DEVELOPMENT STANDARDS (USE OF SEPP 1)  
QUARTER 2 - OCTOBER TO DECEMBER 2014**

**ATTACHMENTS:** 1. LIST OF APPLICATIONS WITH VARIATIONS TO  
DEVELOPMENT STANDARDS QUARTER 2 –  
OCTOBER 2014 TO DECEMBER 2014

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

**AUTHOR:** JUDY MUIR - ADMINISTRATION MANAGER

**MEETING DATE:** 9 MARCH 2015

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**Purpose of Report**

The attached schedule lists all development applications determined during the 2nd Quarter (October 2014 to December 2014) with variations in development standards as reported to the Department of Planning and Infrastructure.

**RESOLUTION**

That the information be noted.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil



**18.6 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY FOR THE MONTH OF JANUARY 2015**

<b>ATTACHMENTS:</b>	<b>1. LIST OF DETERMINED APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - DEVELOPMENT PLANNING MANAGER, PETER ROWAN - BUILDING SERVICES MANAGER</b>
<b>AUTHOR:</b>	<b>BUILDING SURVEYORS, DEVELOPMENT PLANNERS</b>
<b>MEETING DATE:</b>	<b>9 MARCH 2015</b>

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**Purpose of Report**

The attached schedule lists all applications determined under delegated authority for the month of January 2015.

**RESOLUTION**

**That the information be noted.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.7 DEVELOPMENT APPLICATION REPORT TO 2 MARCH 2015**

<b>ATTACHMENTS:</b>	<b>1. LIST OF APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT – DEVELOPMENT PLANNING MANAGER, PETER ROWAN – BUILDING SERVICES MANAGER</b>
<b>AUTHOR:</b>	<b>DEVELOPMENT PLANNERS, BUILDING SURVEYORS</b>
<b>MEETING DATE:</b>	<b>9 MARCH 2015</b>

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**Purpose of Report**

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

**RESOLUTION**

That the information be noted.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

## 19 REPORTS FROM OFFICERS - INFRASTRUCTURE SERVICES DIRECTOR

### 19.1 TENDER SUMMARY - TENDER 085056 - SUPPLY AND INSTALLATION OF CCTV EQUIPMENT - ALBERT AVENUE AND THE CONCOURSE CARPARKS

**RESPONSIBLE OFFICER:** PAUL COLLINGS – ACTING INFRASTRUCTURE SERVICES DIRECTOR

**AUTHOR:** DAVID DI BIASE – PROPERTY MAINTENANCE AND CONSTRUCTION MANAGER

**CITY STRATEGY LINK:** 4.1.1 EFFICIENT ASSET MANAGEMENT

**MEETING DATE:** 9 MARCH 2015

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#### **Purpose of Report**

This report seeks Council's approval for the engagement of a contractor to carry out the supply, installation and commissioning of CCTV equipment to the new Albert Avenue and The Concourse car parks.

#### **RESOLUTION**

**That:**

1. Council accept the tender from Constant Technology PTY Ltd for the supply, installation and commissioning of CCTV Equipment to the Albert Ave and The Concourse Car Parks.
2. The works be funded from the 2014/2015 PIP budget allocations.
3. The General Manager and Mayor be authorised to execute the contract documents under the Common Seal of Council.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**19.2 TENDER SUMMARY - BEAUCHAMP PARK AND CASTLE COVE PARK SPORTSGROUND FLOODLIGHTING INSTALLATION AND UPGRADE WORKS - TENDER NO. 084705**

**RESPONSIBLE OFFICER:** paul collings – acting INFRASTRUCTURE SERVICES DIRECTOR  
**AUTHOR:** MELANIE COWLES – RECREATION PROJECTS OFFICER  
**CITY STRATEGY LINK:** 1.3.2 HEALTHY LIVING AND WELLBEING ARE ENCOURAGED  
**MEETING DATE:** 9 MARCH 2015

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**Purpose of Report**

To seek Council's approval to appoint a tenderer to carry out the sportsground floodlighting installation and upgrade works at Beauchamp Park, Chatswood and Castle Cove Park, Castle Cove.

**RESOLUTION**

**That:**

- 1. Council accept Havencord Pty Ltd trading as Floodlighting Australia as the preferred tenderer for Beauchamp Park and Castle Cove Park Sportsground Floodlighting Installation and Upgrade Works.**
- 2. Havencord Pty Ltd trading as Floodlighting Australia be given authorisation to complete the design and construction of the tendered works.**
- 3. The Mayor and General Manager be authorised to sign and execute the contract documents.**
- 4. Tenderers be informed of Council's decision.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**19.3 TENDER SUMMARY - TENDER 082400 - GRASS MOWING**

<b>RESPONSIBLE OFFICER:</b>	<b>Paul Collings – Acting INFRASTRUCTURE SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD - OPEN SPACE MANAGER JASON BAKER – RECREATION ASSETS OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.3.1 ACCESSIBLE OPEN SPACE AND RECREATIONAL FACILITIES FOR THE COMMUNITY ARE PROVIDED</b>
<b>MEETING DATE:</b>	<b>9 MARCH 2015</b>

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**Purpose of Report**

To seek Council's approval to appoint a preferred tenderer to carry out the grass mowing of Council's Open Space areas.

**RESOLUTION**

**That:**

- 1. Council accept the tender from Urban Maintenance Systems for the grass mowing of Open Space areas, for a period of two (2) years with an option for a further two (2) years.**
- 2. The Mayor and General Manager be authorised to affix the Common Seal of Council to the successful tender documents.**
- 3. Tenderers be informed of Council's decision.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**20 NOTICE OF MOTION**

NIL

## 21 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.

### 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 – TENDER 085056 – SUPPLY AND INSTALLATION OF CCTV EQUIPMENT – ALBERT AVENUE AND THE CONCOUSE CARPARKS

#### 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

### 21.2 ADDITIONAL INFORMATION: BEAUCHAMP PARK AND CASTLE COVE PARK SPORTSGROUND FLOODLIGHTING INSTALLATION AND UPGRADE WORKS - TENDER NO. 084705

#### 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:
  - (i) prejudice the commercial position of the person who supplied it

### 21.3 ADDITIONAL INFORMATION – TENDER 082400 – GRASS MOWING

#### 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:
  - (i) prejudice the commercial position of the person who supplied it

**21.1 ADDITIONAL INFORMATION – TENDER 085056 – SUPPLY AND INSTALLATION OF CCTV EQUIPMENT – ALBERT AVENUE AND THE CONCOUSE CARPARKS****Recommendation Summary**

1. Council accept the tender from Constant Technology PTY Ltd for the supply, installation and commissioning of CCTV Equipment to the Albert Avenue and The Concourse Car Parks.
2. The works be funded from the 2014/2015 PIP budget allocations.
3. The General Manager and Mayor be authorised to execute the contract documents under the Common Seal of Council.

**21.2 ADDITIONAL INFORMATION: BEAUCHAMP PARK AND CASTLE COVE PARK SPORTSGROUND FLOODLIGHTING INSTALLATION AND UPGRADE WORKS - TENDER NO. 084705****Recommendation Summary****That:**

1. Council accept Havencord Pty Ltd trading as Floodlighting Australia as the preferred tenderer for Beauchamp Park and Castle Cove Park Sportsground Floodlighting Installation and Upgrade Works.
2. Havencord Pty Ltd trading as Floodlighting Australia be given authorisation to complete the design and construction of the tendered works.
3. The Mayor and General Manager be authorised to sign and execute the contract documents.
4. Tenderers be informed of Council's decision.

**21.3 ADDITIONAL INFORMATION – TENDER 082400 – GRASS MOWING****Recommendation Summary****That:**

1. Council accept the tender from Urban Maintenance Systems for the grass mowing of Open Space areas, for a period of two (2) years with an option for a further two (2) years.
2. The Mayor and General Manager be authorised to affix the Common Seal of Council to the successful tender documents.
3. Tenderers be informed of Council's decision.



**RESOLUTION**

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

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

## 22 QUESTIONS

### 22.1 QUESTIONS ON NOTICE: CHATSWOOD HIGH SCHOOL OVAL

**RESPONSIBLE OFFICER:** DEBRA JUST - GENERAL MANAGER

**AUTHOR:** DEBRA JUST - GENERAL MANAGER

**MEETING DATE:** 9 MARCH 2015

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#### Questions

- a) was any sampling undertaken previously?
- b) is the asbestos throughout the fill or is it in locations that can be isolated from current use?
- c) can the asbestos be stabilised or consolidated to prevent dispersal and/or fibres becoming airborne as soon as possible?
- d) how safe is the oval for use with or without the synthetic grass cover?

**Answers to the Questions on Notice regarding Chatswood High School Oval are detailed below.**

- a) **Council carried out sampling in May and September 2014.**
- b) **Sample boreholes taken across the existing sportsfield reveal that asbestos contaminated material is located in centralised area of the field.**
- c) **The asbestos contaminated material is contained underground within the solid sub-base and unlikely to become airborne unless it is disturbed. In addition, the field is turfed and irrigated.**
- d) **The Department of Education as the owners of the land are arranging for further independent soil testing. However, as they consider the asbestos contaminated material encapsulated i.e. underground, the site is considered safe to use for sport by the primary and high school students.**

- Councillor N Wright called a Point of Order at approximately 10.35pm to ask that the meeting be finished. The meeting Chair at that point (former Deputy Mayor Councillor Coppock) closed the meeting. Members of the public left the Chambers. Upon returning to the Chambers (having declared an interest in the previous item), the Mayor moved a motion that the meeting re-open. The motion was carried and the meeting was re-opened at approximately 10.37pm.
- Councillor M Stevens departed the meeting at 10.35 pm.

The meeting concluded at 11.05 pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council held on 9 March 2015. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.