



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

27 July 2015

commencing at 7:00pm

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1 PRESENT

Councillors

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

Officers

Ms D Just (General Manager), Ms M Smith (Director Community Culture & Leisure), Mr D Johnson (Acting Director Planning & Infrastructure) Mr M McDonald, (Acting Director Customer & Corporate), Mr I Arnott (Manager Planning), Ms L McClure (Strategic Planning Manager), Mr D Sung (Manager Design Services), Ms M Hillman (Governance and Administration Manager) Ms K Probert, (Pikes & Verekers Lawyers) and Ms P Sheldrake (Minute Secretary)

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a substantial, non-pecuniary interest in Item 12.1.4 (9.3 Overview – Community Small Grants Program 2015/16
(Nature of Interest: Relationship to Cancer Council NSW who has applied for a grant.)
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 19.1 Concession Application from Rotary Club of Northbridge Inc.
(Nature of Interest: I am an Honorary member of Northbridge Rotary Club.)
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a substantial, non-pecuniary interest in Item 21.3 Talus Street Reserve Trust – Draft Sub-lease for Submission to Judicial Advice and Item 22.1 Questions on Notice from Councillor S Coppock.
(Nature of Interest: Relationship to Steve Healy, formerly of NSTA.)
- Councillor N Wright declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 21.3 Talus Street Reserve Trust – Draft Sub-lease for Submission to Judicial Advice.
(Nature of Interest: A reserve trust meeting being held under auspices of a local government meeting (as per previous declarations.)
- Councillor J Rutherford declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 21.3 Talus Street Reserve Trust – Draft Sub-lease for Submission to Judicial Advice.
(Nature of Interest: Meeting in the context of Local Grant rather than a separate Reserve Trust Meeting.)

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 13 July 2015, copies of which have been circulated to each member of Council, be confirmed with the following amendment:

- Item 18.3 – 1 Westbourne Street, St Leonards – DA2015/67 Matters not called through were moved by Councillor Mustaca and Seconded by Councillor Sloane. As a member of the JRPP Councillor Mustaca was absent for the voting and therefore not able to move this item. This item should show Councillor Hooper moving and Councillor Sloane seconding.

The Minutes of the Council Meeting held on 25 May 2015 should acknowledge that Councillor Norton was not present for the vote on the adoption of the recommendations from the Committee of the Whole held in confidential session (Item 21.2 on Page 60).

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor M Stevens is on leave previously granted.
- Councillor S Coppock submitted an apology for non-attendance and requested leave of absence.

RESOLUTION

That Council:

1. Notes Councillor Stevens on leave previously granted.
2. Notes the absence of Councillor Coppock and grant Leave of Absence.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

5 PETITIONS

NIL

6 OPEN FORUM

NIL

7 MAYORAL MINUTE

7.1 MAYOR'S DIARY – COUNCIL MEETING NOTES – 27 JULY 2015

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

TUESDAY 14 JULY			
Cr Norton	7 pm	Presentation: <i>Going Solar</i>	Council Chambers
FRIDAY 17 JULY			
Mayor	10.15 am	Visit by students from Timor Leste	Mayor's Office & Council Chambers
SATURDAY 18 JULY			
Mayor	6 pm	BLIA – Fundraising Dinner: Nan Tien Bridge	Kam Fook Restaurant
SUNDAY 19 JULY			
Mayor Cr Norton, Saville	10.30 am – 2 pm	100 th Anniversary of Women in Policing & Baton Relay	Chatswood Mall & precincts
Cr Norton	Afternoon	Willoughby City Band Concert	Zenith Theatre
TUESDAY 21 JULY			
Mayor	12 noon	Sydney Metropolitan Mayors Meeting	Sydney Town Hall
WEDNESDAY 22 JULY			
Mayor Cr Rutherford	11.30 am	Citizenship Ceremony	Council Chambers
SATURDAY 25 JULY			
Cr Norton	9.30 am	FPA Meeting & AGM	Dougherty Centre
Cr Saville	10 am	Sydney Water Wet-weather consultation	Chatswood Library
SUNDAY 26 JULY			
Mayor Cr Norton, Rutherford, Saville	10.00 am – 2 pm	National Tree Day Events	Barambah Reserve and Rotary Athletic Field, Mowbray Road

8 GENERAL MANAGER'S LATE REPORT

NIL

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

Item 21.2 56 Fourth Avenue, Willoughby East – DA2014/538 & DA2014/539

10 MATTERS BROUGHT FORWARD BY THE PUBLIC

Item 18.3 Northbridge Car Park Improvement Master Plan – Report on Consultation Process

Item 21.3 Talus Street Reserve Trust – Draft Sub-Lease for Submission to Judicial Review

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 12.1.4 (9.3) Overview Community Small Grants Program 2015/16

Item 14.1 Councillors Information Booklet – 16 and 23 July 2015

Item 18.1 1 Frederick Street, Artarmon – DA2014/578

Item 18.2 94 & 94A Archer Street, Chatswood – Our Lady of Delours Church – DA 2015/97/A

RESOLUTION

That the remaining items, viz:

Item 12.1 **Cultural & Civic Committee Meeting Minutes – 20 July 2015**Item 12.1.1 **(8.1) Access Advisory Committee Meeting – 17 June 2015**Item 12.1.2 **(8.2) Home and Community Care (HACC) Services Advisory Committee Meeting – 12 May 2015**Item 12.1.3 **(8.3) Global Friendship Committee Meeting – 21 May 2015**Item 12.1.5 **(9.4) Investment and Loan Borrowings as at May 2015**Item 12.2 **13 Rutland Avenue, Castlecrag – Sailors Bay Ward Councillors Inspection Committee Meeting – 16 July 2015**Item 12.3 **59 The Bulwark, Castlecrag – Sailors Bay Ward Councillors Inspection Committee Meeting – 24 July 2015**Item 12.4 **Companion Animals Advisory Committee Meeting – 16 June 2015 - Minutes**Item 19.1 **Concession Application from Rotary Club of Northbridge Inc.**

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

12.1 CULTURAL AND CIVIC COMMITTEE MEETING - 20 JULY 2015

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY SERVICES DIRECTOR
AUTHOR:	MELANIE SMITH - COMMUNITY SERVICES DIRECTOR
MEETING DATE:	27 JULY 2015

Purpose of Report

To present the minutes of the Cultural and Civic Committee Meeting held on 20 July 2015.

RESOLUTION

That Council:

- 1. Receives the Minutes of the Cultural and Civic Committee Meeting held 20 July 2015.**
- 2. Notes the resolutions adopted by the Committee.**
- 3. Adopts the Committee's recommendations with the exception of.**
 - Item 12.1.4 (9.3) Overview Community Small Grants Program 2015/16**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

12.1.4 (9.3) OVERVIEW - COMMUNITY SMALL GRANTS PROGRAM 2015/16

ATTACHMENTS:	1. SUMMARY-2015/16 COMMUNITY DEVELOPMENT, ARTS AND CULTURAL, THE CONCOURSE PERFORMING ARTS SUBSIDY & INDIVIDUAL SPORTS – UNSUCCESSFUL
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	ANGELA CASEY – COMMUNITY DEVELOPMENT MANAGER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE TO THE COMMUNITY
MEETING DATE:	20 JULY 2015

Purpose of Report

To seek Council's endorsement of the Officer's Recommendations for the distribution of grants through Council's 2015/16 Community Small Grants Program - Community Development, Individual Sports, Arts and Cultural and The Concourse Performing Arts Subsidy program.

RESOLUTION

- 1. Council endorses the Officer's recommendations for the distribution of grant funds through the 2015/16 Community Small Grants Program - Arts and Cultural, Community Development and Individual / Sports Funding streams**

Recommended applicants:**Arts and Cultural**

- a. Lucy East (a solo Exhibition at the Incinerator): \$1,390**
- b. Kay Elizabeth Donovan (Imagining 'The Haven'): \$3,000**

Community Development

- a. Apples And Honey Preschool (Technology Kids): \$3,620.00**
- b. Chatswood Occasional Childcare Centre Incorporated (General Refurbishment – Furniture and Educational/Science Play): \$3,146.00**
- c. Castlecrag Montessori School Inc (CMS Garden Rejuvenation): \$4,000**
- d. Lane Cove & North Side Community Services (Espresso yourself program for adults with disability):\$1,800**
- e. The Shepherd Centre - For Deaf Children (Deaf Children from Willoughby to Talk, Sing and Grow): \$4,000**
- f. KYDS Youth Development Service Incorporated (Mental health support and counselling for young people and families in Willoughby LGA): \$4,000**
- g. Action Foundation For Mental Health Incorporated: \$2,500**
- h. The Benevolent Society (Aboriginal Supported Playgroup): \$4,000**

- i. Willoughby Community Mens Shed Incorporated (Special Needs Member Support): \$2,000
- j. The Combined Probus Club of Northbridge Inc (Wireless presenter with controls & a red laser pointer): \$85

Individual /Sports

- a. Mathew Farmer (Balmoral Triathlon Club): \$400
2. The unallocated grant funds of \$33,469 will remain in the Community Small Grants program for allocation to "Out-of-term" funding applications received by Council within the 2015/16 financial year and which comply with the Grant Program Guidelines.
3. Council endorses the Officer's recommendations for the distribution of grant funds through the 2015/16 Round 2 - Concourse Performing Arts Subsidy program.

Recommended applicants:

- a. Cancer Council NSW (Stars of North Shore – Dance for Cancer): \$3,000.
- b. Northern Sydney Symphonic Wind Ensemble (NSSWE Spring Music Festival): \$3,000.
4. The unallocated grant funds of \$91,000 will remain in Concourse Performing Arts Subsidy program for allocation to "Out-of-term" funding applications received by Council before the December 2015 funding round and which comply with the Grant Program Guidelines.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Giles-Gidney

AMENDMENT

1. Council endorses the Officer's recommendations for the distribution of grant funds through the 2015/16 Community Small Grants Program - Arts and Cultural, Community Development and Individual / Sports Funding streams

Recommended applicants:

Arts and Cultural

- a. Lucy East (a solo Exhibition at the Incinerator): \$1,390
- b. Kay Elizabeth Donovan (Imagining 'The Haven'): \$3,000

Community Development

- a. Apples And Honey Preschool (Technology Kids): \$3,620.00
- b. East Willoughby Park Preschool: \$2,700.00
- c. Chatswood Occasional Childcare Centre Incorporated (General Refurbishment – Furniture and Educational/Science Play): \$3,146.00
- d. Castlecrag Montessori School Inc (CMS Garden Rejuvenation): \$4,000
- e. Lane Cove & North Side Community Services (Espresso yourself program for adults with disability):\$1,800
- f. The Shepherd Centre - For Deaf Children (Deaf Children from Willoughby to Talk, Sing and Grow): \$4,000
- g. KYDS Youth Development Service Incorporated (Mental health support and counselling for young people and families in Willoughby LGA): \$4,000
- h. Action Foundation For Mental Health Incorporated: \$2,500
- i. The Benevolent Society (Aboriginal Supported Playgroup): \$4,000
- j. Willoughby Community Men's Shed Incorporated (Special Needs Member Support): \$2,000
- k. The Combined Probus Club of Northbridge Inc (Wireless presenter with controls & a red laser pointer): \$85

Individual /Sports

- a. Mathew Farmer (Balmoral Triathlon Club): \$400
2. The unallocated grant funds of \$33,469 will remain in the Community Small Grants program for allocation to "Out-of-term" funding applications received by Council within the 2015/16 financial year and which comply with the Grant Program Guidelines.
3. Council endorses the Officer's recommendations for the distribution of grant funds through the 2015/16 Round 2 - Concourse Performing Arts Subsidy program.

Recommended applicants:

- a. Cancer Council NSW (Stars of North Shore – Dance for Cancer): \$3,000.
- b. Northern Sydney Symphonic Wind Ensemble (NSSWE Spring Music Festival): \$3,000.
4. The unallocated grant funds of \$91,000 will remain in Concourse Performing Arts Subsidy program for allocation to "Out-of-term" funding applications received by Council before the December 2015 funding round and which comply with the Grant Program Guidelines.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

LOST

Voting

For the Amendment: Councillors Mustaca, Norton and Saville

Against: Councillors Eriksson, Hill, Hooper, Rozos, Rutherford, Sloane and Wright.

Absent: Councillor Giles-Gidney

**12.2 13 RUTLAND AVENUE, CASTLECRAG - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 16 JULY 2015**

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	PETER ROWAN - BUILDING SERVICES MANAGER
AUTHOR:	LAWRENCE BENTLEY - DEVELOPMENT OFFICER (BUILDING SURVEYOR)
MEETING DATE:	27 JULY 2015

Purpose of Report

To list on the agenda the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 16 July 2015.

RESOLUTION**That Council:**

- 1. Receives the Minutes of the Sailors Bay Ward Councillors Meeting held 16 July 2015, dealing with DA 2014/553 for 13 Rutland Avenue, Castlecrag.**
- 2. Notes the resolution adopted by the Committee:**

“That the application be approved in accordance with the Officer's recommendation, subject to the modification of the deferred commencement condition to exclude the stairwell being required to be setback 1 metre.”

MOVED COUNCILLOR MUSTACA**SECONDED COUNCILLOR SAVILLE****CARRIED****Voting**

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

Against: Nil

**12.3 59 THE BULWARK, CASTLECRAG - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 24 JULY 2015**

ATTACHMENTS:	1. NIL
RESPONSIBLE OFFICER:	IAN ARNOTT - DEVELOPMENT PLANNING MANAGER
AUTHOR:	ANNIE LEUNG - DEVELOPMENT PLANNER
MEETING DATE:	10 AUGUST 2015

Purpose of Report

To list on the agenda the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 24 July 2015.

RESOLUTION

That Council:

- 1. Receives the Minutes of the Sailors Bay Ward Councillors Meeting held 24 July 2015, dealing with DA 2014/187 for 59 The Bulwark, Castlecrag.**
- 2. Notes the resolution adopted by the Committee:**

“That delegated authority be granted to the General Manager to issue the "Deferred Commencement" consent notice, subject to the conditions contained in Schedule 1 and Schedule 2, as amended.”

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

12.4 COMPANION ANIMALS ADVISORY COMMITTEE MEETING - 16 JUNE 2015 - MINUTES

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	MARNIE HILLMAN - GOVERNANCE AND ADMINISTRATION MANAGER
AUTHOR:	DARIUS TURNER - CORPORATE PLANNING CO-ORDINATOR
MEETING DATE:	27 JULY 2015

Purpose of Report

To list on the agenda the minutes of the Companion Animals Advisory Committee Meeting held 16 June 2015.

RESOLUTION

That Council:

- 1. Receives the Minutes of the Companion Animals Advisory Committee Meeting held 16 June 2015.**
- 2. Adopts the Committee's recommendations.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLET - 16 AND 23 JULY 2015

RESPONSIBLE OFFICER:	DEBRA JUST - GENERAL MANAGER
AUTHOR:	TRISHA DUFFY - SECRETARY GOVERNANCE AND POLICY
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	27 JULY 2015

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 16 and 23 July 2015.

RESOLUTION

That Council receives the Councillors Information Booklets circulated to all Councillors on 16 and 23 July 2015.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, 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**

NIL

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

NIL

18 REPORTS FROM OFFICERS - ENVIRONMENTAL SERVICES DIRECTOR

18.1 1 FREDERICK STREET, ARTARMON - DA 2014/578

ATTACHMENTS: 1. NOTIFICATION MAP
2. PLANS AND ELEVATIONS

MEETING DATE: 27 JULY 2015

RECOMMENDATION: APPROVAL

LOCATION: CORNER OF FREDERICK STREET AND RESERVE ROAD

APPLICANT: NIXANDERSON

OWNER: WILLOUGHBY CITY COUNCIL (ON 99 YEARS TO VALAD GROUP)

PROPOSAL: ALTERATIONS AND ADDITIONS TO BULKY GOODS RETAIL CENTRE, AND ASSOCIATED SIGNAGE

DATE OF LODGEMENT: 23 DEC 2014

REPORTING OFFICER: ANNIE LEUNG – DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

DESCRIPTION OF PROPOSAL

Development Application 2014/578 seeks Council's consent for alterations and additions to the existing bulky goods retail centre at 1 Frederick Street Artarmon. The proposed works involve:

Alterations and additions:

- Construction of a new 897m² addition (ground floor) within the existing car parking area fronting Reserve Road (western elevation). This would require minor alterations to the existing building fabric of the façade of the heritage listed building.
- Addition of an outdoor dining area of approx. 133m² to the north of the proposed addition and 71m² to the south.
- Replacement of the existing at grade car parking area fronting Reserve Road with landscaped forecourt and outdoor recreation area, including children play area and communal seating areas.

- Reconfigure ramps and basement car parking to provide 446 car parking bays and 19 motorcycle bays (a reduction of 61 car and 2 motorcycle bays from that currently provided).
- Internal alterations to ground floor tenancies (G2, G3, G4 & G5) and additions of a kiosk.

Changes to signage:

- Removal of the signage structure at northern boundary to make way for the new vehicular entry from Reserve Road along the northern boundary.
- Replacement of the existing pylon signage on the corner of Reserve Road and Frederick Street with a new brick-concrete-timber pylon, with size and height to match existing pylon sign. The sign (Sign B) will include:
 - i. a suspended 1.5m x 4.0m LED digital panel,
 - ii. a non-reflective, fixed Alucobond clad "home HQ" sign with internal illumination, and;
 - iii. a concrete plinth with exposed concrete finish embedded with "82 Reserve road" street address to the front surface.
- Replacement and relocation of the existing two red home HQ signs at the entry points to the building from Reserve Road, with one being relocated to the new entry on the proposed new additions, and a second one relocated at the ground level within the site facing Frederick Street. (Sign A & Sign C).

Future change of use (ground floor)

- Change of use of approximately 2,020m² of ground floor space from bulky goods retail to shops for the purpose of a food fusion zone. It is proposed that the maximum size of a tenancy be restricted to 1400m² to exclude the unintended opportunity for a supermarket. The applicant notes that "Approval of the food retail tenants would be the subject of a future DA, once the land use change is approved".

The above description reflects the amended proposal received by Council on 7 May 2015.

RESOLUTION

That Council:

- 1. Approves Development Application 2014/578 for alterations and additions to the existing bulky goods retail centre and associated signage at 1 Frederick Street, Artarmon and delegates authority to the General Manager to issue the consent notice subject to the attached conditions.**
- 2. Does not grant consent as part of the Development Application 2014/578 for any change of use of the existing bulky goods retail centre as altered by the proposed development. Any use of the proposed additions or the altered area of the existing building as proposed shall be the subject of a separate application.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Recommended Conditions of Consent**SCHEDULE OF CONDITIONS****CONDITIONS OF CONSENT:** (including reasons for 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	DA06 – DA 12 (inclusive)	B	05.05.2015 & 06.05.2015	07 May 2015	Saunders Global
Landscape	DA01- DA010 (inclusive)	D	21.04.2015		Arcadia Landscape Architecture
Landscape Details	DA101, 501 & 502	D			

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. Section 94A Contributions**

A monetary contribution of \$42,086 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 1% of the estimated development cost of \$4,208,600 at 23 Dec 2014 and the adopted Section 94A Contributions Plan.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Building Price Index (Enterprise Bargaining Agreement) [BPI(EBA)] between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$NL = \$Lo + \$Lo \times \frac{[\text{current index} - \text{base index}]}{\text{base index}}$$

Where:

NL is the new section 94A levy

Lo is the original levy

Current index [BPI(EBA)] is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works available at the time of review of the contribution rate

Base index [BPI(EBA)] is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works at the date of the proposed cost of development as above

In the event that the current BPI(EBA) is less than the previous BPI(EBA), the current BPI(EBA) shall be taken as not less than the previous BPI(EBA).

Prior to payment Council can provide the value of the indexed levy.

Copies of the S94A Contributions Plan are available for inspection online at www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

3. **Roof Material – Reflectivity**

The external finish to the roof shall be painted or treated in a neutral, recessive non reflective colour range to minimise the effects of glare to neighbouring properties. Roof colour details being submitted with the construction certificate application for approval.
(Reason: Amenity)

4. **LED sign and Luminance Levels**

In order to ensure that road safety is not affected, the content of the sign, dwell time and luminance level of the approved LED sign must comply with the following conditions:

1. *Any image must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (4) below.*
2. *Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.*
3. *The image must not be capable of being mistaken for the following:*
 - *a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device, or*
 - *as text providing driving instructions to drivers.*
4. *The dwell time for image display must allow for a minimum of 5 minutes between each image and the next image.*
5. *The transition time between messages must be no longer than 0.1 seconds.*
6. *The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.*
7. *The amount of text and information supplied on a sign should be kept to a minimum (for example no more than a driver can read at a short glance). Text should preferably be displayed in the same font and size. Table 5 in Section 3 of Transport Corridor Outdoor Advertising Guidelines provides further guidance.*
8. *At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety grounds post installation of the digital sign, the relevant road authority reserves the right to re-assess the sign which may result in a change to the dwell time or removal of the sign.*
9. *An electronic log of a signs activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or Roads and Maritime to allow a review of the signs activity in case of a complaint.*
10. *A road safety check which focuses on the effects of the placement and operation of the sign must be carried out in accordance with Part 3 of the Roads and Maritime Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs installation. The road safety check must be carried out by an independent Roads and Maritime accredited road safety auditor. A copy of the report is to be provided to relevant road authority and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant.*
11. *Luminance levels must comply with the requirements in Table below:*

Table: LUMINANCE LEVELS FOR DIGITAL SIGNS
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LUMINANCE LEVELS - Luminance means the objective brightness of a surface as measured by a photometer, expressed in candelas per square meter (cd/m²). Levels differ as digital signs will appear brighter when light levels in the area are low. Luminance levels should comply with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting which recommends the following levels:

Lighting Condition	Zone 1	Zones 2 and 3	Zone 4
<i>Full Sun on face of Signage</i>	<i>No limit</i>	<i>Maximum Output</i>	<i>Maximum Output</i>
<i>Day Time Luminance</i>		<i>6000 cd/m²</i>	<i>6000 cd/m²</i>
<i>Morning and Evening Twilight and Inclement Weather</i>		<i>700 cd/m²</i>	<i>500 cd/m²</i>
<i>Night Time</i>		<i>350 cd/m²</i>	

- *Zone 1 covers areas with generally very high off-street ambient lighting, e.g. display centres similar to Kings Cross, central city locations.*
- *Zone 2 covers areas with generally high off-street ambient lighting e.g. some major shopping/commercial centres with a significant number of off-street illuminated advertising devices and lights.*
- *Zone 3 covers areas with generally medium off-street ambient lighting e.g. small to medium shopping/commercial centres.*
- *Zone 4 covers areas with generally low levels of off-street ambient lighting e.g. most rural areas, many residential areas.”*

Details demonstrating strict compliance with the above are to be submitted to the certifying authority for approval together with the Construction Certificate application.
(Reason: Compliance and Legal requirements)

5. Sydney Water ‘Quick Check’ Certificate

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

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

(Reason: Ensure compliance)

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. Heritage - Photographic Survey

A photographic survey is to be submitted to the accredited certifier and a copy lodged with Willoughby City Council for its historical archives. The photographic survey is to be submitted in a report format, and shall include:

- a) A front cover marked with:
 - the name/location of the property;
 - the date of the survey;
 - the name of the company or persons responsible for the survey.
- b) A layout plan of the existing building and site; identifying rooms and features shown in the photographs.
- c) Photographs of the interior, exterior, grounds and a streetscape view of the building, labelled to indicate their location in relation to the layout plan. Photographic records of each elevation and each room and any architectural/ decorative features or finishes are to be included. Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs are to be included in the photographic survey report.
(Reason: Heritage conservation)

8. 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:

- (a) a schedule of these colours and textures shall be submitted to the Principal Certifying Authority.
(Reason: Visual amenity)

9. Damage Deposit

The applicant shall lodge a Damage Deposit of \$10,000 (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 \$100 (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)

10. 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 showing that stormwater runoff from the proposed driveway and roof areas is collected and directed to the existing on-site detention 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)

11. Revised Architectural Plans

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the Accredited Certifier, revised architectural plans showing that the existing entry crossing in Reserve Road is to be removed and reinstated with kerb and gutter with turfing on the nature strip. All works shall be carried out to Council's Specification.
(Reason: Public amenity)

12. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- a) The Building Code of Australia:
 - i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
 - ii) Alternative solution using an appropriate assessment method

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be submitted to the Principal Certifying Authority.
(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.

13. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Principal Certifying Authority.

NB: Should changes be made for the carrying out of the work the Principal Certifying Authority must be immediately informed.

(Reason: Information)

14. Building Site Hoarding

Provision of a hoarding, complying with WorkCover NSW requirements which is to be erected to restrict public access to the site (including demolition and/or excavation site) and building works, materials or equipment. A separate application is to be made to Council's Infrastructure Services Division for this purpose should the hoarding be located on Council property.

(Reason: Safety)

15. 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)

16. 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)

17. 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.

18. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, 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 for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 96 of the Environmental Planning and Assessment Act 1979 must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and 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. 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)

21. Demolition Work AS 2601

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

(Reason: Safety)

22. Asbestos Removal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Commission 2012 (1994)).

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

(Reason: Public health and safety/Ensure compliance)

23. Asbestos Disposal

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

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

(Reason: Environmental protection/Public health and safety)

24. 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)

25. No Storage on Foot/Roadway

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

(Reason: Safety)

26. Skips and Bins

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

(Reason: Safety)

27. 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)

28. 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)

29. Waste Classification – Excavation Materials

All materials excavated and removed from the site (fill or natural) shall be classified in accordance with the Environment Protection Authority (EPA) Waste Classification Guidelines prior to being disposed of to a NSW approved landfill or to a recipient site.

(Reason: Environment and health protection)

30. Hazardous Materials – Clearance Certificate

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately qualified occupational hygienist and submitted to the Principal Certifying Authority. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Health and safety)

31. Unexpected Finds Protocol

An unexpected finds contingency plan should be incorporated into site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination.

(Reason: Environment & Health Protection)

32. Dust Control

The following measures must be taken to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity)

33. Construction Noise

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

34. 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)

35. 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)

36. On-site Water Management System

The stormwater runoff from the proposed driveway and development shall be collected and directed to the existing on-site detention system in accordance with 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)

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.

(Reason: Record of works)

38. Vehicular Crossing

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

The crossing is to be 3.6 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from the adjoining property boundary and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the internal driveway.

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

- At back of layback – 100 mm above and parallel to the gutter invert.
- At property boundary – 200 mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted for a minimum distance of 3 metres on both sides of the crossing to suit the new levels.

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

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

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

39. Removal of the Existing Entry Crossing in Reserve Road

Remove the existing entry crossing in Reserve Road 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)

40. Certification – Ventilation

Certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.
(Reason: Compliance)

41. Completion of Landscape Works

The approved landscape works are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.
(Reason: Landscape 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.

42. Separate Development Consent – Change of use

Any use of the approved additions or the altered area of the existing building identified as “food fusion zone” on the approved plans shall be the subject of a separate application. No approval is granted as part of this development consent for any change of use of any part of the subject land.

(Reason: Ensure compliance)

43. Annual Fire Safety Statement

Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

44. Car Parking Management

The following improvements and amendments to the existing basement car parking must be implemented prior to the issues of any occupation certificate:

- a) Parking guidance system including pavement markings/signage to inform visitors of the parking locations for better distribution of parking across all levels. Installation certificate or similar issued by the installer must be submitted to the PCA for approval together with the occupation certificate.
- b) Relocation of any disabled car spaces and parcel pick-up spaces from the existing Reserve Road car park to the basement car park including but not limited to any changes to line marking and signage. All revised car spaces must be provided in accordance with the submitted plan numbered DA06A Issue A dated 09/06/2015 and date stamped by Council on 10 June 2015.

(Reason: Car parking)

45. Active security monitoring & site lighting

Active security patrol and/or monitoring system together with adequate site lighting must be provided for the approved landscaped forecourt area of the site fronting Reserve Road. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

(Reason: Safety/security)

46. Signs – Nuisance to Traffic

Should the Council, the NSW Police Service or the Roads and Traffic Authority find any signage on the site causes a nuisance or danger to traffic or persons in the vicinity, the offending signage will be required to be removed at full cost to the property owner of the sign.

(Reason: Safety and amenity)

47. Illuminated Advertising Signs

Illumination of the advertising structure is to be time clocked to switch off no later than 10.00 pm each night. In this regard, the time clock is required to be reset to address changes due to daylight saving.

(Reason: Amenity)

48. Business Identification Signs

All of the approved signs must be for business identification purposes only (including the approved LED sign), and must relate to businesses located on the land. No advertising content or third party advertising is approved by this development consent. The approved LED sign must be set as a static display, and its illumination level must be set to automatically adjust to any change in ambient lighting to ensure its display will not cause glare or nuisance to passing pedestrians or motorists or any surrounding properties in accordance with the requirements of this development consent.

(Reason: Visual amenity & Ensure Compliance)

49. 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)

50. 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)

51. 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)

52. 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)

53. Noise Control – Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.

(Reason: Amenity)

54. Mechanical Ventilation – Provisions for Future Use of Commercial/Retail Tenancy

The base building design shall include provisions for the installation of mechanical ventilation to any commercial/retail tenancy where it may be approved to be used as a food premises or any other use which requires mechanical ventilation. The provisions shall allow any mechanical ventilation system installed to discharge vertically and comply with the requirements of the Building Code of Australia and any relevant Australian Standard.

(Reason: Amenity/Ensure compliance)

PRESCRIBED CONDITIONS

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

55. 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

56. 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)

57. 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)

58. 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)

18.2 94 & 94A ARCHER STREET CHATSWOOD - OUR LADY OF DOLOURS CHURCH - DA 2015/97/A

ATTACHMENTS: 1. APPENDIX C ITEMISED SCHEDULE FOR SECTION 94A EXEMPTION REQUEST

MEETING DATE: 27 JULY 2015

RECOMMENDATION: APPROVAL

LOCATION: 94 AND 94A ARCHER STREET, CHATSWOOD (OUR LADY OF DOLOURS CHURCH)

APPLICANT: PAYNTER DIXON

OWNER: TRUSTEES ROMAN CATHOLIC CHURCH-DIOCESE BROKEN BAY

PROPOSAL: TO DELETE CONDITION 2 SECTION 94A CONTRIBUTIONS

DATE OF LODGEMENT: 10-JUL-2015

VALID APPLICATION DATE: N/A

REPORTING OFFICER: CANDICE PON – DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

DESCRIPTION OF PROPOSAL

The Section 96 Modification Application by Our Lady of Dolours Church, Chatswood, seeks Council's consent to delete Condition 2 - Section 94A Contributions. Condition 2 currently reads:

2. Section 94A Contributions

A monetary contribution of \$20,212.50 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 3% of the estimated development cost of \$ 673,750.00 at 10/4/2015 and the adopted Section 94A Contributions Plan.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Building Price Index (Enterprise Bargaining Agreement) [BPI(EBA)] between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$NL = \$Lo + \$Lo \times \frac{[\text{current index} - \text{base index}]}{\text{base index}}$$

Where:

NL	is the new section 94A levy
Lo	is the original levy
Current index [BPI(EBA)]	is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works available at the time of review of the contribution rate
Base index [BPI(EBA)]	is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works at the date of the proposed cost of development as above

In the event that the current BPI(EBA) is less than the previous BPI(EBA), the current BPI(EBA) shall be taken as not less than the previous BPI(EBA).

Prior to payment Council can provide the value of the indexed levy.

Copies of the S94A Contributions Plan are available for inspection online at www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

MOTION

That Council:

- 1. Exercises its discretion to waive the requirements of the Willoughby City Section 94A Development Contributions Plan 2011 of \$20,212.50 for Section 96 Modification Application 2015/97/A, 94 and 94A Archer Street, Chatswood, pursuant to Clause 3.3.2 of the plan having regard to Our Lady of Dolours Church Chatswood being a registered charity with the Australian Charities and Not-for-profits Commission and Australian Business Register.**

2. Approves Section 96 Modification Application 2015/97/A to delete Condition 2 – Section 94A Developer’s Contributions for 94 and 94A Archer Street, Chatswood and grants delegated authority to the General Manager to issue the consent notice subject to the attached condition.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Councillors Wright and Saville

Schedule of Conditions

Conditions of Consent:

Development Consent 2015/97 is modified as follows:

- A. Condition 2 is deleted.
- B. Compliance with other conditions of the Development Consent.

18.3 NORTHBRIDGE CAR PARK IMPROVEMENT MASTERPLAN REPORT ON CONSULTATION PROCESS

ATTACHMENTS:	<ol style="list-style-type: none">1. SUMMARY OF EVENTS FROM 2007 TO DATE2. PREVIOUS REPORT TO COUNCIL 25 AUGUST 20143. SUMMARY OF SUBMISSIONS AUGUST – SEPTEMBER 2014 CONSULTATION4. SUPREME COURT JUDGMENT SUMMARY5. OWNERSHIP MAP OF THE NORTHBRIDGE CAR PARK6. AUDIT OF SIGNIFICANT TREES ON NORTHBRIDGE CAR PARK7. OPTION B - REDESIGN PLAN
RESPONSIBLE OFFICER:	LINDA MCCLURE – STRATEGIC PLANNING MANAGER DAVID SUNG – DESIGN SERVICES MANAGER
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY LINK:	5.1.2 SUPPORT OUR CENTRES
MEETING DATE:	27 JULY 2015

Purpose of Report

To report on consultation outcomes regarding the redevelopment options for the Northbridge Plaza and Council Car Park improvements that were explored in 2014 and to discuss proposed future action to improve and fund the physical condition of the car park.

The report recommends that Council consider 2 Options:

A – continue the existing programme of remedial works as and when required. (No change to the existing layout)

B- Redesign and resurface to improve size and layout of spaces and pedestrian safety.

Procedural Motion

That the following people address the meeting:

- Mr Robert Coote (Northbridge Progress Assn)

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

MOTION

That:

1. Council notes the community response to the redevelopment options explored under the consultation process during 2014.
2. Detailed design works for Option B as contained at Attachment 7 be prepared.
3. Alternative options for funding the Northbridge Car Park upgrade and maintenance, including the introduction of a levy on beneficiary properties, sale and leasing of land identified under the Northbridge Property Plan and paid parking, including a funding plan to be explored and reported back to Council.
4. Council advises Northbridge Plaza managers AMP and Woolworths of Council's decision and request they consider a proportional payment to Council for an initial upgrade of the car park and an annual payment for ongoing maintenance.
5. Council advises all submitters during the first and second stage of consultation in 2014 of the Council decision.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Councillor Saville

AMENDMENT

That:

1. Council notes the community response to the redevelopment options explored under the consultation process during 2014.
2. Council continues maintenance works as per Option A.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

LOST

Voting

For the Amendment: Councillors Mustaca, Rozos and Saville.

Against: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Norton, Rutherford, Sloane and Wright.

AMENDMENT

That:

1. Council notes the community response to the redevelopment options explored under the consultation process during 2014.
2. Council continues maintenance works as per Option A.
3. Alternative options for funding the Northbridge Car Park upgrade and maintenance, including the introduction of a levy on beneficiary properties, leasing of land identified under the Northbridge Property Plan and paid parking, including a funding plan to be explored and reported back to Council.
4. Council advises Northbridge Plaza managers AMP and Woolworths of Council's decision and request they consider a proportional payment to Council for an initial upgrade of the car park and an annual payment for ongoing maintenance and explore alternative options, including the possibility of redevelopment of the car park and including seniors' living.
5. Council advises all submitters during the first and second stage of consultation in 2014 of the Council decision.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

LOST

Voting

For the Amendment: Councillors Mustaca, Rozos, Rutherford and Saville

Against: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Norton, Sloane and Wright.

AMENDMENT

That:

1. Council notes the community response to the redevelopment options explored under the consultation process during 2014.
2. Council continues maintenance works as per Option A.
3. Alternative options for funding the Northbridge Car Park upgrade and maintenance, including the introduction of a levy on beneficiary properties, sale and leasing of land identified under the Northbridge Property Plan and paid parking, including a funding plan to be explored and reported back to Council.
4. Council advises Northbridge Plaza managers AMP and Woolworths of Council's decision and request they consider a proportional payment to Council for an initial upgrade of the car park and an annual payment for ongoing maintenance.
5. Council advises all submitters during the first and second stage of consultation in 2014 of the Council decision.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

WITHDRAWN

19 REPORTS FROM OFFICERS - INFRASTRUCTURE SERVICES DIRECTOR

19.1 CONCESSION APPLICATION FROM ROTARY CLUB OF NORTHBRIDGE INC.

ATTACHMENT:	LETTER FROM ROTARY CLUB OF NORTHBRIDGE
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD - OPEN SPACE MANAGER
CITY STRATEGY LINK:	1.2.2 PROVIDE AND ADVOCATE FOR APPROPRIATE FACILITIES AND SERVICES FOR ALL AGES
MEETING DATE:	27 JULY 2015

Purpose of Report

To seek Council approval for a fee waiver of 100% for the Rotary Club of Northbridge Inc. to use Northbridge Oval, Sailors Bay Road, Northbridge on Saturday 10 October 2015 from 4.30 pm to 10.30 pm for a community Outdoor Cinema and BBQ Fundraising Event.

RESOLUTION

That the Rotary Club of Northbridge Inc receives a full concession on the hire of Northbridge Oval for the provision of a community event, being an Outdoor Cinema and BBQ Fundraising Event, to raise funds which will be donated to local and overseas health and education projects by Rotary.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Giles-Gidney

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 8 BRYSON STREET CHATSWOOD - DA 2014/335 - LEGAL PROSPECTS

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 56 FOURTH AVENUE, WILLOUGHBY EAST - DA 2014/538 & DA 2014/539

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 TALUS STREET RESERVE TRUST - DRAFT SUB-LEASE FOR SUBMISSION TO JUDICIAL ADVICE

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.

21.1 8 BRYSON STREET CHATSWOOD - DA 2014/335 - LEGAL PROSPECTS**Recommendation Summary**

That Council maintains confidentiality of this item pending legal process.

21.2 56 FOURTH AVENUE, WILLOUGHBY EAST - DA 2014/538 & DA 2014/539**Recommendation Summary**

That Council defers this item pending further legal instruction.

21.3 TALUS STREET RESERVE TRUST - DRAFT SUB-LEASE FOR SUBMISSION TO JUDICIAL ADVICE**Recommendation Summary**

That Council maintains confidentiality of this item pending legal process.

- Ms E Brooks-Maher
- Mr J B Owens
- Ms Suzie Gold

The above people addressed the meeting.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Saville and Sloane.

Against: Nil

Absent: Councillors Giles-Gidney, Hooper and Wright.

RESOLUTION

That Council adopts the recommendations from the Committee of the Whole.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Saville and Sloane.

Against: Councillor Rutherford

Absent: Councillors Giles-Gidney, Hooper and Wright.

22 QUESTIONS

22.1 QUESTIONS ON NOTICE FROM COUNCILLOR S COPPOCK

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	27 JULY 2015

Question 1

In Supreme Court proceedings 2015/46210 is it correct that Council's Solicitors have failed to comply with the Orders made by the Chief Judge in Equity on two occasions, namely 24 February 2015 and 17 April 2015?

Answer

No.

Proceedings 2015/46210 first came before the Court for directions on 24 February 2015. There were no prior orders or directions in those proceedings.

On 24 February Bergin CJ in Equity made orders which included:

- “2. Plaintiffs (the Council) to file and serve on the Minister any additional evidence in support of the application for judicial advice by no later than 10 April 2015.
3. List the matter for directions before Bergin CJ in Equity on 17 April 2015 at 9:45am.”

The “evidence” in the proceedings is to be a short affidavit attaching the final form of the sublease and licence agreement.

The documents had not been finalised by 10 April 2015 and on 17 April 2015 an affidavit explaining the reason for noncompliance with Order 2 was handed up and accepted by Bergin CJ.

Question 2

Is it correct that Council's Counsel on the 4 June advised the Chief Judge in Equity that Council was to hold a public meeting regarding the Talus Street Reserve on 23 June 2015?

Answer

No.

Question 3

Is it correct that the proposed meeting of the Talus Street Reserve on 23 June 2015 was referred to in the affidavit dated 3 June 2015 and sworn by David Patrick Baxter in paragraph 16?

Answer

No. The reference in paragraph 16 was to a potential meeting of Council on 23 June 2015. Bergin CJ in Equity made reference to a “public meeting” of the Council and was corrected that the reference was to a “meeting” of the Council.

Question 4

Is it correct that this affidavit was read into the Court proceedings on 4 June 2015?

Answer

Yes.

Question 5

Is it correct that the transcript of the proceedings of 2015/46210 has the Chief Judge in Equity referring to the date of the 23 June 2015?

Answer

Yes.

Question 6

Was the public meeting of the Talus Street Reserve held on 23 June 2015?

Answer

There was no intended “public meeting” on 23 June 2015. The reference to a “public meeting” was an error by Bergin CJ in Equity arising from the reference to a “meeting” of the Council.

Question 7

If not, why not?

Answer

See the response to 6.

Question 8

Is it correct that at page 33 of the affidavit of David Patrick Baxter sworn 3 June 2015 annexes an email from Terry Stewart President of Northern Suburbs Tennis Association (NSTA) dated 19 May 2015?

Answer

Yes.

Question 9

Is it correct that in paragraph numbered “1” of the email there is a statement that Jeff Ellis, (now a former Willoughby City Officer) is stated as advising NSTA that Willoughby City Council considers NSTA to be in breach of the head lease as a result of the management Agreement existing between NSTA and Love N Deuce?

Answer

There is no reference to Jeff Ellis in point 1 of the email of 19 May 2015. The first sentence states:

“According to WCC NSTA is in breach as a result of the management agreement existing between NSTA and Love N Deuce (LnD).”

Question 10

The email states that Willoughby City Council asserts the breach occurred in 2011. Is this correct?

Answer

Yes, at point 2.

Question 11

Did Willoughby City Council ever obtain written or verbal advice in respect to the breach of the head lease as a result of the management Agreement existing between NSTA and Love N Deuce?

Answer

Yes.

Question 12

If so when was this advice obtained, who gave this advice and to whom was it given?

Answer

Advice dated 2 March 2013.
Peter Tomasetti SC.
Willoughby City Council.

Question 13

The email on page 33 of the affidavit of David Patrick Baxter sworn 3 June 2015 refers to an Aboriginal Land Claim dated October 2013 on the Talus Reserve. Is Council aware of this Claim?

Answer

Council is not aware of any reference to the Aboriginal Land Claim in the email at page 33 of the Affidavit of David Patrick Baxter sworn 3 June 2015. However, the Council is aware of the Land Claim.

Question 14

If Council is aware of the Aboriginal Land Claim dated October 2013 in what form and manner is Council aware of this Claim?

Answer

Individuals within Council are aware of the land claim through community feedback and media reporting.

Question 15

Is Council aware that in the material on the Court file is a reference to Council's Resolution dated 3 February 2014 moved by Councillor John Hooper?

Answer

Yes. The resolution from the 3 February 2014 is also available in the public meeting papers.

Question 16

When is the Report in that Council Resolution going to be presented to Council?

Answer

The report was presented to Council on the 14 July 2014 and is available in the public meeting papers.

Question 17

Why has the Report not been finalised and presented to Council over 18 months since the Resolution was passed?

Answer

See point 16.

- **Councillor Giles-Gidney left the meeting at 8:47pm during debate on Item 12.1.4 (9.3) Overview Community Small Grants Program 2015/16.**
- **Councillor Giles-Gidney returned to the meeting at 9:15pm.**
- **Councillor Giles-Gidney left the meeting at 9:24pm and the Deputy Mayor took the Chair for Item 21.3 Talus Street Reserve Trust – Draft Sub-Lease for Submission to Judicial Advice.**
- **Councillor Hooper left the meeting at 9:24pm.**
- **Councillor Wright left the meeting at 10:20pm.**
- **Ms K Probert, Partner, Pikes & Verekers Lawyers was present during the Closed Session to answer questions of Councillors.**
- **Councillor L Saville informed Council that she had been appointed to the Northern Sydney Local Health District Board.**
- **At 10:30pm Council resolved, via a procedural motion, to extend its meeting time.**

The meeting closed at 10:46pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council held on 27 July 2015. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.