



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

26 October 2015

commencing at 7:00pm

TABLE OF CONTENTS

TABLE OF CONTENTS	2
1 PRESENT	5
2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF	5
3 CONFIRMATION OF MINUTES	5
4 APOLOGIES AND LEAVE OF ABSENCE	5
5 PETITIONS	7
5.1 PETITION: CURREY PARK, CHATSWOOD	7
5.2 PETITION: EATON STREET, WILLOUGHBY	8
6 OPEN FORUM	9
7 MAYORAL MINUTE	10
8 GENERAL MANAGER'S LATE REPORT	13
8.1 EASEMENT FOR ENCROACHING STRUCTURE - CHARLOTTE LANE CHATSWOOD.....	13
9 MATTERS FOR DEFERRAL, REFERRAL TO INSPECTION AND/OR PROCEDURAL PRIORITY	14
10 MATTERS BROUGHT FORWARD BY THE PUBLIC	14
11 MATTERS NOT REQUIRING ELABORATION OR DEBATE	14
12 REPORTS FROM COMMITTEES	16
12.1 MINUTES - CULTURAL AND CIVIC COMMITTEE MEETING - 19 OCTOBER 2015.....	16
12.1.1 (10.1) DA 2013/557/AE 1 ANDERSON STREET, CHATSWOOD.....	17
12.1.2 (10.2) EDGAR STREET RESERVE LANDSCAPE IMPROVEMENTS PLAN	19
12.2 23 THE TOR WALK, CASTLECRAG - SAILORS BAY WARD COUNCILLORS INSPECTION COMMITTEE MEETING HELD 30 SEPTEMBER 2015	20
12.3 23 THE TOR WALK, CASTLECRAG - SAILORS BAY WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 14 OCTOBER 2015	21
12.4 5 SHEPHERD ROAD, ARTARMON - NAREMBURN WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 14 OCTOBER 2015	22
12.5 40 LINDEN WAY, CASTLECRAG - SAILORS BAY WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 16 OCTOBER 2015	23
13 DEFERRED MATTERS	24
13.1 NOTICE OF MOTION: LEGAL CHALLENGE TO ANY STATE GOVERNMENT DECISION TO FORCE AMALGAMATION ON WILLOUGHBY CITY COUNCIL.....	24
14 CORRESPONDENCE	25
14.1 COUNCILLORS INFORMATION BOOKLETS - 1, 8, 15 & 22 OCTOBER 2015	25
15 REPORTS FROM OFFICERS - GENERAL MANAGER	26

15.1	FIT FOR THE FUTURE FINDINGS	26
15.2	CHANGES TO COUNCIL MEETING GOVERNANCE	28
15.3	IMPROVING THE USE OF ADVISORY GROUPS IN COUNCIL DECISION MAKING	30
15.4	DELIVERY PROGRAM PROGRESS REPORT JANUARY TO JUNE 2015 & UPDATE ON FUTURE PERFORMANCE MEASUREMENT & REPORTING	32
16	REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE	33
16.1	2014-2015 FINANCIAL STATEMENTS AND AUDITORS REPORTS	33
16.2	REVISED FINANCIAL REPORTING	34
16.3	THE CONCOURSE PRECINCT FINANCIALS - YEAR ENDING 30 JUNE 2015	35
16.4	CROWN RESERVES REPORTING	36
16.5	DISCLOSURE OF INTEREST RETURNS 2014-2015	37
17	REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE	38
18	REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE	39
18.1	ALBERT AVE PUBLIC CAR PARK - SECTION 96 DA 2014/273/B	39
18.2	2A BLAKESLEY STREET, CHATSWOOD - DA 2015/362	41
18.3	102 THE BULWARK, CASTLECRAG - DA 2015/115	57
18.4	SUBMISSION REGARDING THE PRE-GATEWAY PROCESS REVIEW BY THE NSW DEPARTMENT OF PLANNING AND ENVIRONMENT	59
18.5	TENDER 088376 - WILLOUGHBY PARK CENTRE & CLIVE A REID PAVILION - ALTERATIONS & ADDITIONS	61
18.6	APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY - SEPTEMBER 2015	62
18.7	DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT TO 12 OCTOBER 2015	63
19	NOTICE OF MOTION	64
20	CONFIDENTIAL ITEMS	65
20.1	432 VICTORIA AVENUE, CHATSWOOD	65
20.2	ADDITIONAL INFORMATION – TENDER 088376 – WILLOUGHBY PARK CENTRE & CLIVE A REID PAVILION – ALTERATIONS & ADDITIONS	65
21	QUESTIONS	67
21.1	QUESTION ON NOTICE FROM COUNCILLOR L SAVILLE - AFFORDABLE HOUSING	67

THIS PAGE IS INTENTIONALLY LEFT BLANK

1 PRESENT

Councillors

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

Officers

Ms D Just (General Manager), Mr P Conroy (Planning & Infrastructure Director), Ms M Smith (Community, Culture & Leisure Director), Ms H Liossis (Customer & Corporate Director), Mr M McDonald, (Chief Financial Officer), Mr I Arnott (Planning Manager), Ms M Hillman (Governance & Administration Manager) and Ms P Sheldrake (Minute Secretary).

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

NIL

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 28 September 2015, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillors Hooper, Mustaca and Wright requested Leave of Absence for Monday 26 October 2015.
- Councillor Stevens requested Leave of Absence through to Tuesday 3 November 2015.
- Councillor Coppock requested Leave of Absence from 8 to 9 November 2015.
- Councillor Hill requested Leave of Absence on Monday 30 November 2015.
- Councillor Saville requested Leave of Absence from 6 to 12 November 2015.

RESOLUTION**That Council:**

1. Grants Leave of Absence to Councillors Hooper, Mustaca and Wright for Monday 26 October 2015.
2. Grants Leave of Absence to Councillor Stevens through to Tuesday 3 November 2013.
3. Grants Leave of Absence to Councillor Coppock from 8 to 9 November 2015.
4. Grants Leave of Absence to Councillor Hill on Monday 30 November 2015.
5. Grants Leave of Absence to Councillor Saville from 6 to 12 November 2015.

MOVED COUNCILLOR HILL**SECONDED COUNCILLOR ERIKSSON****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hill, Norton, Rozos, Rutherford, Saville and Sloane.**Against:** Nil

5 PETITIONS

5.1 PETITION: CURREY PARK, CHATSWOOD

ATTACHMENTS:	1. PETITION
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	TRISHA DUFFY - SECRETARY ADMINISTRATION
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

Attached is part of an online petition, which currently represents 166 petitioners. A local resident has submitted to Council comments from 67 persons who are opposing a s.96 application for DA 2014/273. The proposal by Scentre Group (Westfield) is for Modified Arborist report for tree removal in relation to the Albert Avenue Car Park.

It should be noted that the assessment report for the s.96 application for DA 2014/273 is also included in the agenda for 26 October 2015, and that the Development Planner is aware of the petition.

RESOLUTION

That Council receives the petition relating to a s.96 application (DA 2014/273) by Scentre Group (Westfield) for the Albert Avenue Car Park, including tree removal in Currey Park.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

5.2 PETITION: EATON STREET, WILLOUGHBY

ATTACHMENTS:	1. PETITION/SURVEY
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	TRISHA DUFFY - SECRETARY ADMINISTRATION
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To present a Petition/Survey from 22 residents of Eaton Street, Willoughby. The residents are requesting that Council consider 3 options to improve traffic conditions and safety in the street.

RESOLUTION**That Council:**

- 1. Receives the Petition/Survey from residents of Eaton Street, Willoughby.**
- 2. Refers the Petition/Survey to the Senior Traffic Engineer for consideration.**

MOVED COUNCILLOR COPPOCK**SECONDED COUNCILLOR SAVILLE****CARRIED****Voting**

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

Against: Nil

6 OPEN FORUM

- Henrietta Metcalfe spoke on the Haven Amphitheatre.

7 MAYORAL MINUTE**MAYOR'S DIARY – COUNCIL MEETING NOTES – 26 October 2015**

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

WEDNESDAY 30 SEPTEMBER			
Mayor	4 pm	Inaugural Willowood Art Show	297 Mowbray Road
FRIDAY 2 OCTOBER			
Cr Saville		Smart Cities Conference	Newcastle City Hall
SATURDAY 3 OCTOBER			
Cr Norton	11 am	Opening of Ms Subin Xu's Art Exhibition & Luncheon	Chinese Cultural Centre & Kam Fook Restaurant
TUESDAY 6 OCTOBER			
Mayor	7 am	Rotary Breakfast Meeting – Minister Berejiklian as Speaker	The Kirribilli Club
Cr Saville		Monday Art Group Exhibition	Dougherty Centre
WEDNESDAY 7 OCTOBER			
Mayor	11.30 am	Citizenship Ceremony	Chambers
Cr Saville		Sydney Hospital Lunch	NSW Parliament House
Deputy Mayor: Cr Sloane Crs Norton, Rutherford	6 pm	Reception: National Day of the Republic of China	Four Seasons Hotel, Sydney
Cr Mustaca	6 pm	Reception: Korean National Day	Consul-General's Residence, Bellevue Hill
Mayor	6.30 pm	Chatswood Rotary Pride of Workmanship Awards	Roseville Memorial Club
THURSDAY 8 OCTOBER			
Cr Eriksson	2.30 pm	Launch of Yearbook of Chinese in Australia press conference	NSW Parliament House
FRIDAY 9 OCTOBER			
Mayor	10.30 am	Opening of 5 th Kagyu Monlan	The Concourse
Mayor Cr Norton	6 pm	Willoughby Shorts Film Festival	The Urban Screen
SATURDAY 10 OCTOBER			
Mayor	9.15 am	Opening of Baseball Season	Bicentennial Reserve

Cr Norton	9.30 am	FPA Meeting	Dougherty Centre
Cr Norton	2 pm	WDHS Meeting	Chatswood Library
Mayor	6 pm	Screening of "Paper Planes" - NBr Rotary Fundraising Event	Northbridge Oval
SUNDAY 11 OCTOBER			
Mayor	3 pm	30 th Anniversary: Rotary Club of Chatswood Sunrise	Chatswood High School Grounds
11 OCTOBER to 13 OCTOBER			
Mayor Crs Eriksson, Hooper, Mustaca, Norton, Rozos, Saville		LGNSW Conference	Rosehill Gardens Racecourse Grand Pavilion
TUESDAY 13 OCTOBER			
Cr Hooper	7 pm	Remembrance Service and prayers for Armenian Genocide & all persecuted Christians	OLOD Catholic Church
WEDNESDAY 14 OCTOBER			
Mayor Cr Rutherford	10.30 am	Festive Flag Competition - Judging	Council Chambers
Mayor	6.30 pm	Taldumande Charity Dinner	Luna Park
Crs Eriksson, Rozos	6.30 pm	NSW Aboriginal Art Awards	NSW Parliament House
THURSDAY 15 OCTOBER			
Clr Rutherford		Joy Ewart Scholarship Finalists Presentation	Workshop Arts Centre
FRIDAY 16 OCTOBER			
Mayor	12.30 pm	Presentations at Golf Day	Chatswood Golf Club
Mayor Crs Norton, Rozos, Rutherford	7 pm	WTC Production: <i>Legally Blonde the Musical (part only)</i>	The Concourse
SATURDAY 17 OCTOBER			
Deputy Mayor: Cr Sloane	11.30 am	Opening of Chinese Art Expo	Chinese Cultural Centre
Mayor	7.15 pm	Willoughby Pre-School Fundraising Dinner	Cammeray Golf Club
SUNDAY 18 OCTOBER			
Mayor	11.00 am	BLIA Good Food Week	IBAA, Spring Street
Mayor	1 pm	Willoughby Shield Presentation	Castlecove Golf Club
MONDAY 19 OCTOBER			

Mayor	1.30 pm	St Pius X Student Investitures	The Concourse
TUESDAY 20 OCTOBER			
Mayor Cr Norton	7.30 pm	WTC Production: <i>Legally Blonde the Musical (complete)</i>	The Concourse
THURSDAY 22 OCTOBER			
Mayor	9.30 am	NSWLG Sustainability Forum	Council Chambers
Mayor Cr Norton	12 noon	Live at Lunch	The Concourse
FRIDAY 23 OCTOBER			
Mayor Deputy Mayor: Cr Sloane Crs Coppock, Hill, Hooper, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Wright	6.30 pm	150 th Anniversary Celebrations	The Concourse Pavilion
SATURDAY 24 OCTOBER			
Mayor	10 am	<i>Garage Sale Trail Event</i>	Beaconsfield Road
Crs Norton, Saville	Evening	<i>WSOC Last Night of the Proms</i>	The Concourse
SUNDAY 25 OCTOBER			
Cr Norton		Fishing Safety for Cantonese & Mandarin Speakers	Garigal National Park
Mayor	3.45 pm	Wby Swim Club Presentations	Willoughby Bowls Club

Councillor Coppock recorded a vote of thanks to Journalist, Nigel Gladstone, reporter for the *North Shore Times* and wished him well for the future.

8 GENERAL MANAGER'S LATE REPORT

8.1 EASEMENT FOR ENCROACHING STRUCTURE - CHARLOTTE LANE CHATSWOOD

RESPONSIBLE OFFICER:	DEBRA JUST - GENERAL MANAGER
AUTHOR:	PETER CONROY - PLANNING AND INFRASTRUCTURE DIRECTOR
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To provide Council with an update regarding negotiations in relation to the Easement for an Encroaching Structure for fire access and stairs at the end of Charlotte Lane, Chatswood.

RESOLUTION

That Council:

1. Endorses a fee of \$32,000 in accordance with a valuer's report for an encroachment for fire access and stairs in Charlotte Lane, Chatswood – as referred to in the relevant Section 88B Instrument; and that the easement will be terminated should the encroaching structure of the abutting building be demolished.
2. Grants delegated authority to the Mayor and General Manager to sign and, if required, affix the Council seal to the Easement for Encroaching Structure for the access stairs in Charlotte Lane.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR ROZOS

CARRIED

Voting

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

Against: Nil

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

- Item 15.2 Changes to Council Meeting Governance
- Item 15.3 Improving the Use of Advisory Groups in Council Decision Making
- Item 18.1 Albert Avenue Public Car Park – Section 96 DA 2014/273/B
- Item 18.3 102 The Bulwark, Castlecrag – DA 2015/115

10 MATTERS BROUGHT FORWARD BY THE PUBLIC

- Item 15.1 Fit for the Future Findings

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 8.1 General Manager's Late Report – Easement for Encroaching Structure – Charlotte Lane, Chatswood
- Item 12.1.2 (10.2) Edgar Street Reserve Landscape Improvements Plan
- Item 13.1 Notice of Motion: Legal Challenge to any State Government Decision to force Amalgamation on Willoughby City Council
- Item 15.4 Delivery Program Progress Report January to June 2015 & Update on Future Performance Measurement & Reporting
- Item 18.4 Submission Regarding the Pre-Gateway Process Review by the NSW Department of Planning & Environment

RESOLUTION

That the remaining items, viz:

- Item 12.1 **Minutes – Cultural and Civic Committee Meeting – 19 October 2015**
- Item 12.1.1 **(10.1) 1 Anderson Street, Chatswood – DA2013.557/AE**
- Item 12.2 **23 The Tor Walk, Castlecrag – Sailors Bay Ward Councillors Inspection Committee Meeting – 30 September 2015**
- Item 12.3 **23 The Tor Walk, Castlecrag, Sailors Bay Ward Councillors Inspection Committee Meeting – 14 October 2015**
- Item 12.4 **5 Shepherd Road, Artarmon – Naremburn Ward Councillors Inspection Committee Meeting – 14 October 2015**
- Item 12.5 **40 Linden Way, Castlecrag – Sailors Bay Ward Councillors Inspection Committee Meeting – 16 October 2015**
- Item 14.1 **Councillors Information Booklets – 1, 8, 15 & 22 October 2015**
- Item 16.1 **2014-2015 Financial Statements and Auditors Reports**
- Item 16.2 **Revised Financial Reporting**
- Item 16.3 **The Concourse Precinct Financials – Year Ending 30 June 2015**
- Item 16.4 **Crown Reserves Reporting**
- Item 16.5 **Disclosure of Interest Returns 2014-2015**
- Item 18.2 **2A Blakesley Street, Chatswood – DA 2015/362**
- Item 18.5 **Tender 088376 – Willoughby Park Centre & Clive A Reid Pavilion – Alterations & Additions**

- Item 18.6 Applications Determined under Delegated Authority – September 2015
- Item 18.7 Development Application and Planning Proposal Report to 12 October 2015

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

12.1 MINUTES - CULTURAL AND CIVIC COMMITTEE MEETING - 19 OCTOBER 2015

ATTACHMENTS: 1. MINUTES

RESPONSIBLE OFFICER: MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR

MEETING DATE: 26 OCTOBER 2015

Purpose of Report

To list on the agenda the minutes of the Cultural and Civic Committee Meeting held 19 October 2015.

RESOLUTION

That Council:

1. **Receives the minutes of the Cultural and Civic Committee Meeting held 19 October 2015.**
2. **Notes the resolutions adopted by the Committee.**
3. **Adopts the Committee's recommendations.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

12.1.1 (10.1) DA 2013/557/AE 1 ANDERSON STREET, CHATSWOOD

ATTACHMENTS:

- 1. A3 PLAN SEPARATELY CIRCULATED**
 - (a) Level 3 of shopping Centre
 - (b) Extract Plan – Charlotte Lane
 - (c) Detail Layout of Stair
 - (d) Section of Stair with dotted line indicating profile if wholly within site.

MEETING DATE: 19 OCTOBER 2015

RECOMMENDATION: APPROVAL

LOCATION: 1 ANDERSON STREET, CHATSWOOD NSW 2067

APPLICANT: SCENTRE DESIGN AND CONSTRUCTION PTY LTD

OWNER: P T LIMITED

PROPOSAL: S96 – PROVISION OF ACCESS STAIRS FROM CHARLOTTE LANE TO WESTFIELD CHATSWOOD DEVELOPMENT.

DATE OF LODGEMENT: 20-AUG-2015

VALID APPLICATION DATE: 20-AUG-2015

REPORTING OFFICER: NONI DE CARVALHO

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

DESCRIPTION OF PROPOSAL

Charlotte Lane abuts the eastern portion of the Westfield Shopping Centre located at 1 Anderson Street. The lane runs off Anderson Street and the Westfield Centre wraps the end of the lane on three sides.

The original development for alterations and additions to 1 Anderson Street was approved with conditions by Sydney East Joint Regional Planning Panel at its meeting of 15 July 2014. Council is the Certifying Authority for the Construction Certificates for the development.

Subsequent to the original approval a Storm Water Study was completed. The study confirmed the need to manage overland flow to ensure it did not enter the centre. The threshold level for the stairs was set to manage stormwater.

The stair entry from Charlotte Lane takes patrons into the Lower Ground Floor of the Shopping Centre as part of the development originally approved. Also provided from the lane separately to the stair entry is lift access for people with disabilities that is located wholly within the Westfield site (refer attachments (a) and (b)).

A modification of Development Consent 2013/557 (2013/557/AE) has been requested by Scentre Group for changes to the approved development at the end of Charlotte Lane.

The modification requests Council agreement to a small access stair and landing on the Council road at the end of the lane that will provide access to the High-Voltage switch room and Westfield Shopping Centre. Refer Attachments (c) and (d).

Ausgrid requires 24-hours access to its High-Voltage Switch Room located on the Westfield site separate to the shopping centre and also located at the threshold level of RL 88.3.

The stairs containing four (4) steps are located at the end of Charlottle Lane below approved the building encroachment that is subject to an air space lease above Charlottle Lane (refer attachment (d)). A width of 1.2m is provided as an upper threshold of which approximately 1 metre is within the Lane. The total area of the encroachment of the access stairs into Charlotte Lane measures in the order of 1.8m by 5.2m which is less 10m² in area.

Council Officers have engaged the services of a qualified valuer to confirm any financial arrangements appropriate to an easement in respect of the area of encroachment by Westfield.

The final designs for upgrade of the Lane are nearing completion and artists have been commissioned to prepare the public art work that is to be incorporated into the building facade at the end of the lane and applied on the north facing wall of existing the Centre. Articles have appeared in the North Shore Times discussing the artists and their proposed designs for the space. Also incorporated will be new lighting and paving in the lane with the lane to function as a share-way. The use of the lane as a share-way is necessary so as to maintain access to the rear of 368 and 374 Victoria Avenue.

RESOLUTION

That Council:

1. **Approves the s.96 application for modification of Development Consent 2013/557 (2013/557/AF) for 1 Anderson Street Chatswood and delegated authority be granted to the General Manager to issue the modified consent notice, subject to the modified conditions.**
2. **Grants delegated authority to the Mayor and General Manager to sign and, if required, affix the Council seal to the easement for encroaching structure for the access stairs in Charlotte Lane, subject to acceptable financial arrangements.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

12.1.2 (10.2) EDGAR STREET RESERVE LANDSCAPE IMPROVEMENTS PLAN

ATTACHMENTS:	1. COMMUNITY CONSULTATION SUMMARY REPORT - EDGAR STREET RESERVE 2. LANDSCAPE IMPROVEMENT PLAN - EDGAR STREET RESERVE
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE SERVICES DIRECTOR
AUTHOR:	AMY BARNES – OPEN SPACE PROJECTS OFFICER
CITY STRATEGY LINK:	1.3.1 ACCESSIBLE OPEN SPACE AND RECREATIONAL FACILITIES FOR THE COMMUNITY ARE PROVIDED
MEETING DATE:	19 OCTOBER 2015

Purpose of Report

To present for adoption by Council the Landscape Improvement Plan for the Edgar Street Reserve, Chatswood and the recommendation of the new name of Les Murray Park.

RESOLUTION**That Council:**

- 1. Endorses the Edgar Street Reserve Landscape Improvement Plan dated September 2015;**
- 2. Requests Officers to consider the installation of a bubbler at Edgar Street Reserve and provide a recommendation as part of their report; and**
- 3. Endorses its policy not to name parks after living persons and as such consideration be given to formally naming the reserve ‘Bartels Park’ in recognition of the Late Greg Bartels, former Mayor of Willoughby and advocate for the local community in consultation with his family and the community.**

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR NORTON****CARRIED****Voting**

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

Against: Nil

**12.2 23 THE TOR WALK, CASTLECRAG - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING HELD 30
SEPTEMBER 2015**

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	ANNIE LEUNG - DEVELOPMENT PLANNER
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To present the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 30 September 2015.

RESOLUTION

That Council:

1. **Receives the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 30 September 2015, dealing with DA 2014/554 for 23 The Tor Walk, Castlecrag.**
2. **Notes the resolution adopted by the Committee:**
 - 1) ***That the matter be deferred for the applicant to prepare an amended proposal addressing issues/recommendations in the Officer's report for further consideration by the Committee.***
 - ***The amended proposal must be provided to the Officer for assessment no later than 7 October 2015.***
 - 2) ***That the meeting be reconvened on 14 October 2015 at 5:00pm at Council.***

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

**12.3 23 THE TOR WALK, CASTLECRAG - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 14 OCTOBER 2015**

ATTACHMENTS: 1. MINUTES

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

AUTHOR: ANNIE LEUNG - DEVELOPMENT PLANNER

MEETING DATE: 26 OCTOBER 2015

Purpose of Report

To list on the agenda the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 14 October 2015.

RESOLUTION

That Council:

1. Receives the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 14 October 2015.
2. Notes the resolution adopted by the Committee:

That the application DA 2014/554, seeking Council's consent for Demolition of existing dwelling and structures and construction of new dwelling and swimming pool, be approved as per the Officer's recommendations, subject to Condition 2 (a) being deleted.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

**12.4 5 SHEPHERD ROAD, ARTARMON - NAREMBURN WARD COUNCILLORS
INSPECTION COMMITTEE MEETING - 14 OCTOBER 2015**

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	PETER CONROY - PLANNING AND INFRASTRUCTURE DIRECTOR
AUTHOR:	BRUCE GAAL - TEAM LEADER/DEVELOPMENT OFFICER (BUILDING SURVEYOR)
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To present the minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 14 October 2015.

RESOLUTION**That Council:**

1. **Receives the Minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 14 October 2015, dealing with BCA 2015/38 for 5 Shepherd Road, Artarmon.**
2. **Notes the resolution adopted by the Committee:**
 1. *That the meeting be deferred pending a further report, incorporating information from the Environment Protection Authority regarding chimney and flue design in residential areas, and Heritage Officer comment addressing flue height extension.*
 2. *That the Committee reconvenes on a Friday after considering the report.*

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

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

Against: Nil

**12.5 40 LINDEN WAY, CASTLECRAG - SAILORS BAY WARD COUNCILLORS
INSPECTION COMMITTEE MEETING - 16 OCTOBER 2015**

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	PETER CONROY - PLANNING AND INFRASTRUCTURE DIRECTOR
AUTHOR:	JULIET STOKES - DEVELOPMENT PLANNER
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To present the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 16 October 2015.

RESOLUTION**That Council:**

- 1. Receives the Minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 16 October 2015, dealing with DA 2015/248 for 40 Linden Way, Castlecrag.**
- 2. Notes the resolution adopted by the Committee:**

That the application DA2015/248, seeking Council's consent for Alterations and additions to existing outbuilding, privacy wall, glazed link between outbuilding and existing dwelling and associated works, be approved as per the Officer's recommendations, subject to an additional condition being imposed incorporating the following:

- a) Double glazing being provided to the skylight of the cabana;*
- b) Sound absorbent underlay being provided for flooring of the cabana;*
- c) Noise attenuation materials such as batts or similar being provided in the ceiling of the cabana.*

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

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

Against: Nil

13 DEFERRED MATTERS

13.1 NOTICE OF MOTION: LEGAL CHALLENGE TO ANY STATE GOVERNMENT DECISION TO FORCE AMALGAMATION ON WILLOUGHBY CITY COUNCIL

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

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

MEETING DATE: 28 SEPTEMBER 2015

Purpose of Report

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

MOTION

That Willoughby City Council resolve to immediately commence a legal challenge (including an application for stay) against any decision by the State Government, including but not limited to any decision or order made by the Minister for Local Government or Chief Executive of Local Government to place Willoughby City Council into administration pending forced amalgamation or implementation of the State Government's Fit for the Future Policy in respect of amalgamation and that Council obtains a report on the potential for a legal challenge.

MOVED COUNCILLOR SAVILLE

The motion lapsed for want of a seconder.

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLETS - 1, 8, 15 & 22 OCTOBER 2015

RESPONSIBLE OFFICER: DEBRA JUST - GENERAL MANAGER

AUTHOR: TRISHA DUFFY - SECRETARY ADMINISTRATION

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

MEETING DATE: 26 OCTOBER 2015

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 1, 8, 15 and 22 October 2015.

RESOLUTION

That Council receives the Councillors Information Booklets circulated to all Councillors on 1, 8, 15 and 22 October 2015.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

15.1 FIT FOR THE FUTURE FINDINGS

ATTACHMENTS:	1. IPART FINDINGS – WILLOUGHBY CITY COUNCIL 2. NSW GOVERNMENT 'NEXT STEPS' FACT SHEET' 3. CORRESPONDENCE FROM THE PREMIER 4. MERGER FUNDING SUMMARY 5. IPART REPORT CARD SUMMARY 6. IPART MEDIA RELEASE 7. WILLOUGHBY CITY COUNCIL FIT FOR THE FUTURE CONSULTATION SUMMARY
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DARIUS TURNER – CORPORATE STRATEGIC PLANNER
DELIVERY PROGRAM ITEM:	6.3.4 COUNCIL WORKS WITH STATE AND REGIONAL ORGANISATIONS
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To update Council on *Fit for the Future*, in particular the Independent Pricing and Regulatory Tribunal's (IPART) findings and the subsequent information provided by the State Government in relation to funding, timeframes and opportunities for Council to respond.

Procedural Motion

That the following people address the meeting.

- Mr David Hulme
- Mr Rob Coote

MOTION

That Council:

1. Receives the relevant sections of the IPART Report.
2. Resolves to provide feedback to the State Government on the findings relating to its *Fit for the Future* submission by 18 November 2015.
3. Endorses the Mayor and General Manager undertaking exploratory conversations with the councils identified in the Independent Local Government Review Panel's Report namely; Hunter's Hill, Lane Cove, Mosman, North Sydney and Ryde regarding their merger intentions and reports back to Council on options.

4. Holds a workshop on or before 4 November with a report back to full Council on 9 November 2015.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Councillors Coppock, Norton and Saville.

AMENDMENT

That Council:

1. Receives the relevant sections of the IPART Report.
2. Resolves to provide feedback to the State Government on the findings relating to its *Fit for the Future* submission by 18 November 2015.
3. Endorses the Mayor and General Manager undertaking exploratory conversations with the councils identified in the Independent Local Government Review Panel's Report namely; Hunter's Hill, Lane Cove, Mosman, North Sydney and Ryde including joint regional authorities and regional organisations of councils.
4. Keeps our stand-alone status.
5. Await the Upper House inquiry due to be released on 29 October 2015.
6. Holds a public meeting to inform the public of Council's position and also to seek their guidance.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

LOST

Voting

For the Amendment: Councillors Saville and Norton.

Against: Councillors Giles-Gidney, Coppock, Eriksson, Hill, Rozos, Rutherford and Sloane.

15.2 CHANGES TO COUNCIL MEETING GOVERNANCE

RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	MARNIE HILLMAN – GOVERNANCE AND ADMINISTRATION MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To seek Council's endorsement for two changes to the Council meeting structure: firstly, to dissolve the two standing Committees and provide an extended period for consideration of agendas before Council meetings, and secondly to introduce General Manager Briefings.

OFFICER'S RECOMMENDATION

That Council:

1. **Dissolves the two current Standing Committees being the:**
 - a) **Transport, Access and Environment Committee; and**
 - b) **Cultural and Civic Committee; and**

adopts the extended notice period whereby Council's meeting agenda and business paper will be publically available from 5:00pm on the Tuesday prior to the Ordinary Council Meeting held on the following Monday night;
2. **Introduces General Manager Briefings to be held on the Monday of the alternate week to the Council meeting;**
3. **Adopts the new meeting cycle which includes the following:**
 - a) **There will be no further Standing Committee meetings for Transport, Access and Environment Committee, and the Cultural and Civic Committee; and**
 - b) **Every alternate Monday, twice a month, there will be either an Ordinary Council Meeting or a General Manager's Briefing.**
4. **Implements the above changes to the Council meeting governance processes effective from January 2016.**
5. **Undertakes any changes required to the Code of Meeting Practice and any other relevant Council policies or procedures to reflect the changes in this report.**

6. Communicates the changes to the Council meeting governance processes to the community in a timely manner.

THIS MATTER WAS DEFERRED TO A COUNCIL MEETING TO BE HELD EARLY IN 2016.

15.3 IMPROVING THE USE OF ADVISORY GROUPS IN COUNCIL DECISION MAKING

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	MARNIE HILLMAN - GOVERNANCE AND POLICY MANAGER
CITY STRATEGY LINK:	1.1.1 THE COMMUNITY CAN PARTICIPATE IN CITY LIFE
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

The purpose of this report is to recommend a variety of community engagement and participation tools in order to assist Council to continue to make decisions that draw upon community sentiment and expertise.

OFFICER'S RECOMMENDATIONS

That Council:

- 1) retains the following advisory committees, appoints at least one Councillor to each and requests revised Terms of References for:**
 - **Multicultural One Stop Assistance and Information Centre (MOSAIC)**
 - **Willoughby Park Centre Committee (until completion)**
 - **Traffic Committee**
 - **Audit Committee;**

- 2) dissolves the following committees and requests a report from Council officers regarding the establishment of a reference group for each:**
 - **Access Steering Committee**
 - **Cultural Events Committee**
 - **Home and Community Care Advisory Committee;**

- 3) dissolves the Citizen of the Year Award Committee and requests Terms of Reference to be developed for the establishment of an award panel consisting of three Councillors;**

- 4) dissolves the following committees, and requests that future reports to Council regarding projects or plans within these particular public policy areas contain an explanation of the community engagement strategy used and the results obtained:**
 - **Natural Heritage and Bushland Advisory Committee**
 - **Griffin Reserve**
 - **Companion Animals Advisory Committee**
 - **Sustainability Reference Group**
 - **Willoughby Symphony Orchestra and Choir Advisory Committee**

- **Bicycle Consultative Committee;**
- 5) **no longer appoints a Councillor to the Joint Consultative Committee as the Council's employer role is delegated to the General Manager and the Committee is operational in nature; and**
 - 6) **receives separate reports in November 2015 on the future advisory options relating to the Global Friendship Committee and the Haven Amphitheatre Committee.**

THIS MATTER WAS DEFERRED TO A COUNCIL MEETING TO BE HELD EARLY IN 2016.

15.4 DELIVERY PROGRAM PROGRESS REPORT JANUARY TO JUNE 2015 & UPDATE ON FUTURE PERFORMANCE MEASUREMENT & REPORTING

ATTACHMENT:	DELIVERY PROGRAM PROGRESS REPORT RESULTS
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DARIUS TURNER – CORPORATE STRATEGIC PLANNER
DELIVERY PROGRAM ITEM:	6.1.1 A COUNCIL THAT IS OPEN AND HONEST AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To update Council on the progress of the Delivery Program 2013 – 2017, in particular the 2014/15 financial year and to provide details of a review of performance measures and reporting systems for 2015/16.

RESOLUTION**That Council:**

- 1. Receives the Delivery Program Progress Report for the period January to June 2015.**
- 2. Endorses officers to finalise a review of the performance measures listed in the Delivery Program and Operational Plan 2015/16, with revised performance measures to be presented to Council for adoption at the completion of the review.**

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR NORTON****CARRIED****Voting**

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

Against: Nil

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 2014-2015 FINANCIAL STATEMENTS AND AUDITORS REPORTS

ATTACHMENTS:

1. AUDITORS REPORTS – GENERAL PURPOSE FINANCIAL REPORTS (INCLUDING REPORT ON THE CONDUCT OF THE AUDIT FOR 14/15)
2. AUDITORS REPORTS – SPECIAL PURPOSE FINANCIAL REPORTS

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

AUTHOR: MARK MCDONALD – CHIEF FINANCIAL OFFICER

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

MEETING DATE: 26 OCTOBER 2015

Purpose of Report

To present the Council's 2014/2015 Financial Statements and PricewaterhouseCoopers Auditor's reports to the public, as required under the *Local Government Act, 1993*.

Procedural Motion

Mr Peter Buchholz, Partner, PwC addressed the meeting and answered questions of the Councillors on the Auditor's Report.

RESOLUTION

That Council notes the presentation to the Public of the 2014/2015 Financial Statements and Auditor's reports.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

The General Manager tabled the 2014/2015 Financial Statements.

16.2 REVISED FINANCIAL REPORTING

RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	MARK MCDONALD - CHIEF FINANCIAL OFFICER
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To provide Council with an update on proposed amended financial reporting measures.

RESOLUTION

That Council notes the report and the other associated reports on this Agenda including those relating to Crown Reserves Reporting and The Concourse Precinct.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

16.3 THE CONCOURSE PRECINCT FINANCIALS - YEAR ENDING 30 JUNE 2015

ATTACHMENTS:	1. OVERVIEW AND COMMENTARY ON FINANCIALS 2. INCOME STATEMENT (CONSOLIDATED) 3. STATEMENT OF FINANCIAL POSITION (CONSOLIDATED) 4. INCOME STATEMENT BY COMPONENT PART 5. COMPARISON WITH ANZARTS ESTIMATED OPERATING RESULT FOR 2015 6. CONCOURSE PRECINCT ACTION PLAN OCTOBER 2015
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	MARK MCDONALD - CHIEF FINANCIAL OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To provide Council with financial information for The Concourse Precinct for the year ended 30 June 2015, (which accords with recommendations contained within the Concourse Project Review Report adopted by Council on 10 August 2015). Approval is also sought from Council to declare The Concourse Precinct as a Category 1 Business Activity which will be included within the Audited Special Purpose Financial Statements on an annual basis effective from 30 June 2016.

RESOLUTION**That Council:**

- 1. Notes the consolidated Income Statement and Statement of Financial Position of The Concourse Precinct for the year ended 30 June 2015.**
- 2. Declares the Concourse Precinct as a Category 1 Business Activity to be formally reported on annually and audited within the Council's Special Purpose Financials.**

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

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

Against: Nil

16.4 CROWN RESERVES REPORTING

ATTACHMENTS:	1. DRAFT CROWN RESERVES RETURN FOR 2014/2015 FINANCIAL YEAR
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	MARK MCDONALD - CHIEF FINANCIAL OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To advise Council that the Crown Reserve Reporting System (CRRS) is an online facility which allows Trusts to lodge their annual reports electronically and in compliance with the prescribed Section 122 of the Crown Lands Act 1989. The Crown Reserve Trust reporting requirements, prescribed in the Crown Lands Regulation 2006, provides important information to support the partnership between the Department of Lands and Trusts in the management of Crown Reserves.

A draft of the Crown Reserves Return for 2014/2015 is presented for Council's information which is due for lodgement on 31 October 2015.

RESOLUTION

That Council notes the draft 2014/2015 Crown Reserves Return which will be submitted to the Department of Lands and Trusts by 31 October 2015 and that an Income Statement summarising Crown Reserve transactions be included in future Quarterly Financial Reviews, the first of which will be presented to the second meeting of Council in November 2015.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

16.5 DISCLOSURE OF INTEREST RETURNS 2014-2015

RESPONSIBLE OFFICER: HELEN LIOSSIS – CUSTOMER AND CORPORATE DIRECTOR

AUTHOR: PATRICIA SHELDRAKE - MINUTE SECRETARY

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

MEETING DATE: 26 OCTOBER 2015

Purpose of Report

To comply with Section 450A of the *Local Government Act 1993* (the Act) requiring Council to table the Disclosures of Interest by Councillors and Designated Officers lodged for the 12 months ending 30 June 2015.

RESOLUTION

That Council acknowledges the tabling of the Disclosures of Interest by Councillors and Designated Officers lodged for the 12 months ending 30 June 2015.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

**17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND
LEISURE DIRECTORATE**

NIL

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 ALBERT AVE PUBLIC CAR PARK - SECTION 96 DA 2014/273/B

ATTACHMENTS:

1. NOTIFICATION MAP
2. SUMMARY OF SUBMISSIONS
3. TREES IN CURREY PARK (REMOVED WITH APPROVAL AND PROPOSED TO BE REMOVED IN S.96) & TREE SURVEYS
4. PROPOSED MODIFIED LANDSCAPE PLAN

MEETING DATE: 26 OCTOBER 2015

RECOMMENDATION: APPROVAL

LOCATION: ALBERT AVENUE (BOUNDED BY VICTOR STREET, CLAUDE STREET, & CURREY PARK)

APPLICANT: SCENTRE GROUP (WESTFIELD)

OWNER: WILLOUGHBY CITY COUNCIL

PROPOSAL: ALTERATIONS AND ADDITIONS TO EXISTING CARPARK

S.96: MODIFY LANDSCAPE PLAN (ADDITIONAL TREE REMOVAL)

DATE OF LODGEMENT: 28 AUG 2015

REPORTING OFFICER: ANNIE LEUNG – DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

DESCRIPTION OF PROPOSAL

The subject s.96 application seeks Council's consent to remove 15 additional trees to facilitate the construction of the approved alterations and additions to the existing Albert Avenue Car Park.

The 15 trees include 5 x Evergreen Ash, 9 x Queensland Pittosporum, and 1 x Broad leaved Paperbark.

The s.96 application as originally submitted in August 2015 has been amended subsequent to discussions between Council officers and the applicant. The amended s96 proposal received by Council on 22 Sept 2015 reduced the number of trees proposed to be removed in this s96 application from 21 to 15. The trees proposed to be removed are located in the pathway area between the car park and Devonshire Street Children's Centre. (Please refer to **Figure 1**).

OFFICER'S RECOMMENDATION

That Council approves the s.96 application seeking Council's consent to modify DA2014/273 issued for alterations and additions to the existing car park and delegated authority be granted to the General Manager to issue the modified consent notice subject to the attached schedule of modified conditions.

THIS MATTER WAS WITHDRAWN BY THE APPLICANT.

18.2 2A BLAKESLEY STREET, CHATSWOOD - DA 2015/362

ATTACHMENTS: 1. NOTIFICATION PLAN
2. ARCHITECTURAL PLANS

MEETING DATE: 26 OCT 2015

RECOMMENDATION: APPROVAL

LOCATION: 2A BLAKESLEY STREET, CHATSWOOD

APPLICANT: SCHUBERT PLANNING PTY LTD

OWNER: A & H MUSTACA FAMILY TRUST

PROPOSAL: CHANGE OF USE AND FITOUT OF EXISTING PREMISES FROM AN ART GALLERY AND FRAMING WORKSHOP AND ASSOCIATED FIRST FLOOR DWELLING INTO A DENTAL SURGERY

DATE OF LODGEMENT: 09-SEP-2015

VALID APPLICATION DATE: 09-SEP-2015

REPORTING OFFICER: CANDICE PON- DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

DESCRIPTION OF PROPOSAL

The Development Application seeks Council consent for the change of use and fitout of the existing premises. It currently consists of a ground floor art gallery and framing workshop and associated first floor dwelling for use as a dental surgery (defined as Medical Centre under WLEP 2012 Dictionary).

The details of the dental surgery are:

- maximum of seven (7) staff consisting of two (2) dentists, one (1) hygienist and four (4) support staff
- two (2) car parking spaces in a tandem arrangement within the northern setback are proposed with one (1) in the garage and one (1) in the carport.
- the proposed hours are Monday to Friday from 9:00am to 6:00pm and Saturdays from 9:00am to 1:00pm
- use of ground floor for surgery rooms, waiting area, reception, laboratory, sterilisation areas, recovery room, OPG (x-ray) room, staff area, office area and ambulatory and accessible WCs
- conversion of the existing first floor two bedroom dwelling to break out/after hours meeting space for staff (no works are proposed and no plans have been provided)

The proposed works include:

- demolition of the existing non-structural partitions
- removal of the entry door at the southern end of the western elevation (front façade)
- removal of the existing ramp between the two internal levels of the ground floor
- removal of the three existing ground floor windows on the western elevation (front façade)
- construction of four (4) surgery rooms, a reception and waiting area, a laboratory, sterilisation areas, a recovery room, an OPG room (x-ray) room, staff area, office area and ambulatory and accessible WCs.
- construction of a new accessible ramp between internal levels of the ground floor
- new entry door and glazing to replace the existing main door
- two new ground floor windows in the place of the three existing windows along the western elevation (front) façade

It is noted that the development application does not propose any signage. In addition the proposal does not include any increase in the floor space or change to the external form of the existing building.

A medical centre is not a permissible land use in the R3 Medium Density Residential zone under WLEP 2012. However, approval for change of use from a commercial premises (art gallery and framing workshop) to a medical centre is permissible in accordance with State Environmental Planning Policy (Infrastructure) 2007 Division 10 Health services facilities Cl 57 Development Permitted with consent.

RESOLUTION

That Council approves Development Application 2015/362 for change of use and fit-out of existing premises from an art gallery and framing workshop and associated two bedroom dwelling into a dental surgery at 2A Blakesley Street, Chatswood and delegates authority to the General Manager to issue the consent notice subject to the attached schedule of conditions.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

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
Site Plan	101	A	01.09.2015	9 Sep 2015	mckibbindesign
GF Demolition Plan	103	-	30.06.2015	9 Sep 2015	mckibbindesign
Proposed GF	104	F	01.09.2015	9 Sep 2015	mckibbindesign
Western elevation	117	B	21.08.2015	9 Sep 2015	mckinndesign

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 \$4,500.00 (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 \$450,000.00 at 17/09/2015 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)

3. Fire Safety Upgrade of Building

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the building is to be upgraded to meet the following performance requirements of the Building Code of Australia – Volume 1;

Section C, D and E.

Details are to be included with the Construction Certificate application.
(Reason: Fire and occupant safety)

4. Damage Deposit

The applicant shall lodge a Damage Deposit of \$3800 (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)

5. Detailed Stormwater Management Plan (SWMP)

Submit for approval by the Principal Certifying Authority, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development.

The total post-developed impervious area of the site is greater than 50% of the site area. As such, according to Part C.5 of Council's WDCP and Technical Standard No. 1 - On Site Detention (OSD), the installation of OSD device is required. However, in order to contribute to environmental sustainability and apply Water Sensitive Urban Design (WSUD) principles, Council will discount the OSD storage capacity requirement by the installation and use of a rainwater tank.

Hence, to ensure compliance the applicant shall submit detailed plans prepared by a suitably qualified and experienced civil engineer showing the installation of a **5m³** rainwater re-use system in accordance with Council's rainwater re-use policy as per Technical Standard No. 2 which is available on Council's website. Runoff from all roof areas shall be directed to the tank(s) and the rainwater shall be used for toilet flushing. Overflow from the rainwater tank shall be directed to the street drainage system by gravity.

The stormwater plans shall include the following details: -

- i. Detailed elevation showing:
 - (height and length and width), type, model and material of the required **5kL** rainwater tank(s).
 - all downpipes (size and invert levels)
 - level of all roof gutters
 - internal details (eg float valve, air gap, etc)
 - overflow drainage details
 - Invert levels of both inlet and overflow pipes
- ii. Detailed specifications to include:
 - pump size and specification
 - proprietary first flush device (location and type). An acceptable type of first-flush device would be a "ball-float system" or any other similar proprietary in-line first-flush system
 - effective storage capacity
 - proposed usage

(Reason: Ensure compliance)

PRIOR TO COMMENCEMENT

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

6. 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)

7. 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)

8. 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)

9. 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)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

10. 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)

11. 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)

12. Demolition Work AS 2601

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

(Reason: Safety)

13. Asbestos Sign to be Erected

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

(Reason: Public Health and safety/Ensure compliance)

14. Neighbour Notification of Asbestos Removal

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

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

(Reason: Public health)

15. 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)

16. 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)

17. 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)

18. 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)

19. 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)

20. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the Principal Certifying Authority.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.

(Reason: Health and amenity)

21. Sweep & Clean Pavement

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

(Reason: Legal requirement)

22. Street Signs

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

(Reason: Protection of public assets)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

23. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to occupation. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at www.sydneywater.com.au or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.
(Reason: Ensure statutory compliance)

24. Street Number Display

The street number at least 100mm high shall be clearly displayed.
(Reason: Information)

25. 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)

26. Fire Safety Upgrade of Building

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the building is to be upgraded to meet the following performance requirements of the Building Code of Australia – Volume 1.

Section C, D and E.

An Occupation Certificate is not to be issued until the upgrading is complete.
(Reason: Fire and occupant safety)

27. Identification of Car Parking Spaces

The two (2) car parking spaces are to be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.
(Reason: Amenity)

28. On-site Water Management System

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

29. Rainwater Re-use – Major

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 5 m³ in accordance with the approved stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use of toilet flushing. 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)

30. Sign for Rainwater Retention and Reuse System

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the Rainwater Reuse Tank(s).

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

(Reason: Prevent unlawful alteration)

31. Confined Space Sign

Securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the Rainwater Reuse Tank.

(Reason: Safe access to tank)

32. Certification of Rainwater Reuse System

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

(Reason: Record or works)

33. Works-As-Executed Plans – Rainwater Reuse

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

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

(Reason: Record of works)

34. S88B/S88E(3) Instrument

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built Rainwater Retention and Reuse System. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the Rainwater Reuse Tank, in relation to the building footprint, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

Documentary evidence of registration of these instruments with the Land and Property Information shall be submitted to the Principal Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

35. Documentary Evidence of Positive Covenant, Engineers Certificate

The following documentary evidence of the completed drainage works shall be submitted to Principal Certifying Authority and Council: -

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.
- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

36. Health - Autoclave Equipment

Autoclave equipment that complies with Australian Standard *AS2182-1998 Sterilizers-Steam-Benchtop*, shall be provided for sterilising equipment that is provided for skin penetration procedures and is not single use.

(Reason: Health and compliance)

37. Health – Hand Wash Basins

The handwash basins are to be provided with a supply of hot and cold water under pressure thereto through an approved mixing device, which can be adjusted to enable the hands to be washed under hot running water. A supply of liquid soap and paper towels is to be provided adjacent to the handwash basin.

(Reason: Public health)

38. Health – Washing Facilities

Separate washing facilities shall be provided for:

- (a) Cleaning of equipment;
- (b) Cleaning of mops and the like.

(Reason: Health)

39. Health – Sharps Waste Disposal

All sharps shall be disposed into an approved sharps container that complies with Australian Standard AS4031. The operator shall ensure that there is a contract with a licensed contractor for the removal of the sharps containers.

(Reason: Health and compliance)

40. X-Ray Equipment – Assessment, Certification and Licensing

A Environment Protection Authority (EPA) accredited Consulting Radiation Expert shall assess appropriate radiation shielding provided for the doors, walls, floor and ceiling of the rooms in which the apparatus is installed and for any protective barrier intended for use as a shield by the apparatus operators, to ensure that the health and safety of persons within the premises and in any adjoining premises is protected from harmful radiation. Any diagnostic imaging radiation apparatus shall be licensed with the EPA.

A EPA accredited Consulting Radiation Expert shall provide a Certificate of Compliance to certify that the installation complies with the regulatory requirements of the Radiation Control Act and the Radiation Control Regulation 2013.

NOTE: A Consulting Radiation Expert is defined in the Radiation Control Act.
(Reason: Health protection)

41. Medical Imaging – Premises Design & Construction

All rooms proposed to be used for use of x-rays or mammograms shall be constructed and equipment used shall be installed and maintained in accordance with the Radiation Control Act and the Radiation Control Regulation 2013 and the Environment Protection Authority (EPA) "Radiation Guideline" - Registration requirements and industry best practice for ionising radiation apparatus used in diagnostic imaging.

(Reason: Health protection)

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. Use of Garage

The garage shall be used for the housing of motor vehicles and domestic storage. It is not to be used for the purpose of any trade, industry, manufacture or habitable purpose.

(Reason: Preserve amenity)

43. Separate Development Consent – Division of Premises

The premises shall not be sub-let or otherwise divided into separate section and used for additional purposes without the prior consent of Council.

(Reason: Ensure compliance)

44. 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)

45. Hours of Operation

The hours of operation of the use are to be restricted to those times listed below, i.e.:

Weekdays	9:00am to 6:00pm
Saturdays	9:00am to 1:00pm

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

46. Signs

A separate Development Application shall be submitted to Council for approval in respect of any proposed advertising sign which will be visible from a public place to be designed to comply with Willoughby Development Control Plan. Please note that a separate DA is not required for signs which are "Exempt Development" as defined under S76(2) of the Environmental Planning and Assessment Act 1979.

(Reason: Ensure compliance)

47. Appointments

The premise is to operate only on an appointment basis.
(Reason: Limited Off-Street Car Parking)

48. Limited Off-street Parking

Having regard to the limited off-street parking provided on site, the maximum number of staff present on the premises at any one time is to be restricted to seven (7), as detailed in the Development Application supporting documentation.

(Reason: Ensure compliance)

49. Loading and Unloading

All loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Blakesley Street or from any appurtenant right of way.

(Reason: Access and amenity)

50. First Floor

The first floor is to be used in conjunction with the ground floor for commercial purposes.

(Reason: Parking and Amenity)

51. 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)

52. 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)

53. 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)

54. Health – Storage and Disposal of Special Waste

Contaminated, clinical or pathological waste shall be stored within the premises, handled, transported, stored and disposed of in accordance with the NSW Department of Health requirements, Waste Management Guidelines for Health Care Facilities.

(Reason: Compliance)

55. Health – Storage of All Waste

All waste including medical waste and sharps containers shall be stored in a secure area which is not accessible to the general public.

(Reason: Compliance and Safety)

56. Health – Walls, Floors and Ceilings

All walls, floors and ceilings are to be surfaced with a smooth impervious material capable of being easily cleaned.

(Reason: Health and Amenity)

PRESCRIBED CONDITIONS

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

57. 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

58. 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)

59. 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)

60. 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)

18.3 102 THE BULWARK, CASTLECRAG - DA 2015/115

ATTACHMENTS:

1. NOTIFICATION PLAN
2. APPLICANT'S RESPONSES TO PUBLIC SUBMISSIONS
3. A3 PLANS OF THE PROPOSED DEVELOPMENT
4. HERITAGE ASSESSMENT BY DAVID LOGAN, GML

MEETING DATE: 26 OCTOBER 2015

RECOMMENDATION: REFUSAL

LOCATION: 102 THE BULWARK, CASTLECRAG

APPLICANT: ARCHITECTURAL PROJECTS PTY LTD

OWNER: FRANCES MARINOVIC

PROPOSAL: CONSTRUCTION OF CAR LIFT, DRIVEWAY, TURNTABLE, PARTIALLY ELEVATED PEDESTRIAN STEP RAMP AND PASSENGER LIFT AND DELETION OF PREVIOUSLY APPROVED CAR PORT AND INCLINATOR, NEW AWNING OVER TERRACE AND FIREPLACE FLUE

DATE OF LODGEMENT: 8 APRIL 2015

VALID APPLICATION DATE: 8 APRIL 2015

REPORTING OFFICER: DESIGN COLLABORATIVE

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

DESCRIPTION OF PROPOSAL

Development application 2015/115 seeks Council's consent for the provision of new vehicular access, parking and pedestrian access arrangements at 102 The Bulwark, Castlecrag. Also proposed is a new powder coated steel framed awning over a NE terrace at Level 2 and a new fireplace flue to an existing non-operational fireplace in the living room.

OFFICER'S RECOMMENDATION

That Council:

- A. Refuse Development Application 2015/115 for construction of a car lift, driveway, step ramp, awning and fireplace flue at 102 The Bulwark, Castlecrag and delegated authority be granted to the General Manager to issue the refusal notice for the following reasons:
 1. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with

the Clause 4.4A of WLEP 2012 exceeding the 0.32:1 FSR. No Clause 4.6 variation has been submitted with the application addressing this breach and therefore Council cannot approve the application.

2. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is contrary to the objectives of the E4 Environmental Living zone under WLEP 2012.
3. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is contrary to the objectives of Clause 5.10 – Heritage under WLEP 2012 as it will not conserve the environmental heritage of Willoughby or the heritage significance of the Griffin Conservation Area.
4. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is contrary to the objective of Clause 6.2 – Earthworks under WLEP 2012 as it will have a detrimental impact on the features of the site and surrounding land.
5. Pursuant to Section 79C(1)(a)(iii) and 1(b) of the Environmental Planning and Assessment Act 1979, the development proposal is contrary to the intent of the provisions of Willoughby Development Control Plan (WDCP) being inconsistent with the Desired Future Character for Castlecrag specified in D.1.2 and with the objectives and performance criteria of D.1.4, D.1.8, D.1.11 and D.1.16.
6. Pursuant to Section 79C(1)(a)(iii) and 1(b) of the Environmental Planning and Assessment Act 1979, the development proposal is contrary to the intent of the provisions of Willoughby Development Control Plan (WDCP) being inconsistent with the general development guidelines in relation to sustainable development (C.3), transport requirements for development (C.4) and water management (C.5).
7. Pursuant to Section 79C(1)(a)(iii) and 1(b) of the Environmental Planning and Assessment Act 1979, the development proposal is contrary to the intent of the provisions of Willoughby Development Control Plan (WDCP) being inconsistent with the Griffin Conservation Area Development Controls and Management Policies specified in Part H.3.5 of WDCP.
8. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development will result in adverse impacts on the amenity of the neighbouring properties in terms of loss of visual and aural privacy and loss of outlook and adverse visual impact.
9. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development would not be in the public interest in the circumstances of the case.

THIS MATTER WAS DEFERRED TO THE NEXT COUNCIL MEETING.

18.4 SUBMISSION REGARDING THE PRE-GATEWAY PROCESS REVIEW BY THE NSW DEPARTMENT OF PLANNING AND ENVIRONMENT

ATTACHMENTS:	1. SUMMARY OF EXISTING PRE-GATEWAY PROCESS FLOW CHART 2. NSW DEPARTMENT OF PLANNING AND ENVIRONMENTAL PRE-GATEWAY REVIEW FINDINGS RECOMMENDATIONS REPORT, SEPTEMBER 2015 3. PRE-GATEWAY REVIEW FREQUENTLY ASKED QUESTIONS FACT SHEET, SEPTEMBER 2015 4. SUMMARY OF PROPOSED PRE-GATEWAY PROCESS FLOW CHART 5. SUBMISSION
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	CRAIG O'BRIEN – STRATEGIC PLANNER
CITY STRATEGY LINK:	6.2.1 A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

The purpose of this report is to advise Council of:

- the NSW Department of Planning and Environment's (the Department) review of the pre-Gateway process;
- the submission forwarded to the Department on behalf of Willoughby Council prior to the closure date for comments on 14 October 2015.

RESOLUTION

That Council:

- 1) Notes the submission forwarded to the Department of Planning and Environment on behalf of Council in respect to the review of the Pre-Gateway process.**
- 2) Notes the difficulty of accessing the information on-line.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

**18.5 TENDER 088376 - WILLOUGHBY PARK CENTRE & CLIVE A REID
PAVILION - ALTERATIONS & ADDITIONS**

RESPONSIBLE OFFICER:	PETER CONROY – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID DI BIASE – PROPERTY & CONSTRUCTION SERVICES MANAGER
CITY STRATEGY LINK:	4.1.1 EFFICIENT ASSET MANAGEMENT
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

This report seeks Council's approval for the engagement of a contractor to carry out alterations and additions to the Willoughby Park Centre and the Clive A Reid Pavilion.

RESOLUTION**That Council:**

- 1. Accepts the tender from Bermagui Constructions Pty Ltd for the construction of the alterations and additions to the Willoughby Park Centre and the Clive A. Reid Pavilion.**
- 2. Funds the works from the 2015/2016 Priority Improvement Program budget allocations.**
- 3. Provides the General Manager and Mayor with delegated authority to execute the contract documents under the Common Seal of Council.**

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

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

Against: Nil

**18.6 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY -
SEPTEMBER 2015**

ATTACHMENTS:	1. LIST OF DETERMINED APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	BUILDING SURVEYORS, DEVELOPMENT PLANNERS
MEETING DATE:	14 SEPTEMBER 2015

Purpose of Report

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

RESOLUTION

That Council notes the Applications Determined under Delegated Authority for the month of September 2015.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

**18.7 DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT TO
12 OCTOBER 2015**

ATTACHMENTS:	1. LIST OF APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT –PLANNING MANAGER
AUTHOR:	DEVELOPMENT PLANNERS, BUILDING SURVEYORS
MEETING DATE:	26 OCTOBER 2015

Purpose of Report

To provide Councillors with details of all current Development Applications and Planning Proposals as at 12 October 2015.

RESOLUTION

That Council notes the information on Development Applications (including those to be determined by the Joint Regional Planning Panel) and Planning Proposals Report to 12 October 2015.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

19 NOTICE OF MOTION

NIL

20 CONFIDENTIAL ITEMS

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

20.1 432 VICTORIA AVENUE, CHATSWOOD

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

20.1 432 VICTORIA AVENUE, CHATSWOOD

Recommendation Summary

That Council maintains confidentiality of this item pending finalisation of commercially sensitive actions authorised by the Council.

20.2 ADDITIONAL INFORMATION – TENDER 088376 – WILLOUGHBY PARK CENTRE & CLIVE A REID PAVILION – ALTERATIONS & ADDITIONS

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

20.2 ADDITIONAL INFORMATION – TENDER 088376 – WILLOUGHBY PARK CENTRE & CLIVE A REID PAVILION – ALTERATIONS & ADDITIONS**Recommendation Summary**

That Council:

1. Accepts the tender from Bermagui Constructions Pty Ltd for the construction of the alterations and additions to the Willoughby Park Centre and the Clive A. Reid Pavilion.
2. Funds the works from the 2015/2016 Priority Improvement Program budget allocations.
3. Provides the General Manager and Mayor with delegated authority to execute the contract documents under the Common Seal of Council.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

RESOLUTION

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

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

21 QUESTIONS

21.1 QUESTION ON NOTICE FROM COUNCILLOR L SAVILLE - AFFORDABLE HOUSING

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

MEETING DATE: 26 OCTOBER 2015

Question

In the last Council papers on 28 September, a specified amount allocated for Affordable Housing was noted.

Can you please clarify Council's plan for expending the money allocated for Affordable housing in WCC, in accordance with the intended purpose. Where, when and how will this money be spent?

This question recognises the critical need for Affordable Housing on the lower north shore targeting those in essential services, including nurses, teachers, paramedics, police and emergency services workers.

Answer

Within Item 16.4 2014-2015 Annual Financial Statements adopted by Council on 28 September 2015, it was stated that *Council's cash position has increased from \$71.436M in 2014 to \$90.112M in 2015 (\$18.676M). Affordable Housing contributions totalling \$5.848M provided 30% of the increase.*

Council's audited 2014/2015 Annual Financial Statements included an externally restricted Affordable Housing Cash Reserve (AFR) of \$7.279M.

In accordance with a Council Resolution of 11 November 2013, Council officers are currently progressing a design for the redevelopment of the 2 Elizabeth Street, Artarmon site to development stage. The current design, which will be presented to Council by March 2016, includes residential units, a portion of which will be dedicated for affordable housing.

It is anticipated that the design to development application stage will be completed by June 2016, and, subject to Council approval, construction is anticipated to begin in 2016/2017.

As a result of the above, the 2015/2016 budget and forward estimates provides significant funding (approximately \$6.620M sourced from the AFR) for the development of the property at 2 Elizabeth Street, Artarmon.

The balance of the funds can be used to develop other affordable housing opportunities for Council owned sites such as in Barton Road.

The meeting closed at 8:34pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 26 October 2015. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.