



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chamber, 31 Victor Street, Chatswood

23 November 2015

commencing at 7:00pm

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## 1 PRESENT

### Councillors

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

### Officers

Ms D Just (General Manager), Mr P Conroy (Planning & Infrastructure Director), Ms M Smith (Community, Culture & Leisure Director), Ms H Liossis (Customer & Corporate Director), Ms S Connor (Acting Media, Marketing & Events Manager), 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

- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a pecuniary interest in Item 19.1 Notice of Motion: Haven Amphitheatre Stage Replacement.  
(Nature of Interest: I reside in very close proximity to the Haven)
- Councillor T Mustaca declared, via a Disclosures of Interest form, a pecuniary interest in Item 18.2 31 Robinson Street, Chatswood – DA 2013/361.  
(Nature of Interest: The property is my daughter's home and I am one of two trustees)

## 3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 9 November 2015, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SLOANE

**CARRIED**

### Voting

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

**Against:** Nil

## 4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Mustaca tendered an apology for Councillor Stevens.

### RESOLUTION

That Council notes Councillor Stevens' apology.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SAVILLE

**CARRIED**

**Voting**

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

**Against:** Nil

**Councillor Stevens arrived at 7:08pm and the motion was withdrawn.**

**RESOLUTION**

**That Council withdraws Councillor Stevens' apology.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

**Voting**

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

**Against:** Nil

## 5 PETITIONS

### 5.1 PETITION: HAVEN AMPHITHEATRE STAGE

<b>ATTACHMENTS:</b>	<b>1. PETITION</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HELEN LIOSSIS - CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TRISHA DUFFY - SECRETARY ADMINISTRATION</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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#### **Purpose of Report**

The attached petition, containing 37 signatures, has been sent to Council requesting that there be a commitment by Council to rebuild the stage.

#### **RESOLUTION**

**That Council receives the petition relating to the Haven Amphitheatre stage and it be referred to the Community, Culture and Leisure Director.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

#### **Voting**

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

**Against:** Nil

Councillor Hooper tabled a petition relating to the Haven Amphitheatre from The Friends of the Haven.

Councillor Wright tabled two petitions relating to the Parking Restrictions at Naremburn Shopping Precinct from Naremburn Residents and the Naremburn Business Community.

Councillor Norton tabled a petition relating to No 1 Oval Willoughby Park being named "The Pat Reilly Oval".

**6 OPEN FORUM**

NIL



**7 MAYORAL MINUTE****7.1 MAYOR'S DIARY – COUNCIL MEETING NOTES – 9 NOVEMBER 2015**

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

<b>TUESDAY 10 NOVEMBER</b>			
Mayor Cr Eriksson	1 pm	Chatswood Chamber Lunch	The Chatswood Club
Mayor Cr Hooper	8 pm	AGM Wby South Prog. Assn	2 Artarmon Road
Cr Rutherford		Parking Strategy: Middle Harbour Ward	Willoughby Council
<b>WEDNESDAY 11 NOVEMBER</b>			
Mayor	10.30 am	Remembrance Day	Club Willoughby
Deputy Mayor: Cr Sloane	10.30 am	Remembrance Day	Garden of Remembrance
Mayor	7.30 pm	Local Business Awards Night	Kirribilli Club
Crs Hooper, Hill, Eriksson, Rutherford, Norton	7.30 pm	Haven Amphitheatre – Community Briefing	Willoughby Council
<b>THURSDAY 12 NOVEMBER</b>			
Mayor	10 am	Pearl Grants Launch	Chatswood Public School
Mayor Crs Eriksson, Norton	6 pm	NSROC Meeting	Lane Cove Council
Crs Hooper, Hill	6 pm	Parking Strategy: Sailors Bay Ward	Willoughby Council
<b>SATURDAY 14 NOVEMBER</b>			
Mayor Deputy Mayor: Cr Sloane	11 am	Community Celebration	Village Green, Artarmon
Cr Norton	2.30 pm	AGM: Walter Burley Griffin Soc.	C/Cove Community Centre
<b>SUNDAY 15 NOVEMBER</b>			
Mayor	10 am	St Cuthbert's Big Birthday	St Cuthbert's Church, Naremburn
<b>MONDAY 16 NOVEMBER</b>			
Mayor	9 am	Launch of Tech Savvy Seniors Program	Chatswood Library

<b>TUESDAY 17 NOVEMBER</b>			
Mayor	6.30 pm	Australian Events Awards	Doltone House
Cr Saville	6.00 pm	Haven Amphitheatre Committee Meeting	Depot
Cr Saville	7.00 pm	Exhibition Opening	Artarmon Gallery
<b>WEDNESDAY 18 NOVEMBER</b>			
Mayor Cr Rutherford	11.30 am	Citizenship Ceremony	Chambers
Mayor	12.30 pm	Judging Road Safety Posters	Willoughby Council
Cr Saville	12.00 pm	Rally Against Forced Council Amalgamations	Martin Place
<b>THURSDAY 19 NOVEMBER</b>			
Mayor Deputy Mayor: Cr Sloane Crs Eriksson, Norton, Rutherford	6.15 pm	“Light Up Chatswood”	The Concourse
Cr Saville	5.00 pm	Presentation re proposed 33kv cabling	Willoughby Council
Cr Saville	7.30 pm	Chatswood West Ward Progress Association	
<b>FRIDAY 20 NOVEMBER</b>			
Mayor	11 am	K-Mart Wishing Tree Launch	K-Mart, Chatswood Chase
<b>SATURDAY 21 NOVEMBER</b>			
Mayor	3.30 pm	Athletics Grass Games	Chatswood Oval
Mayor	7 pm	“Jingdance” School Concert	The Concourse
<b>SATURDAY 22 NOVEMBER</b>			
Cr Norton	2 pm	Willoughby Band Concert	Zenith Theatre
Mayor	6 pm	Huaxing Arts Festival	The Concourse

**8 GENERAL MANAGER'S LATE REPORT**

NIL

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

NIL

## 10 MATTERS BROUGHT FORWARD BY THE PUBLIC

- Item 18.3 36A Parks Road, Naremburn – DA 2015/190
- Item 19.1 Notice of Motion: Haven Amphitheatre Stage Replacement
- Item 19.2 Notice of Motion: Naming of Oval 1 at Willoughby Park

## 11 MATTERS NOT REQUIRING ELABORATION OR DEBATE

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

- Item 16.1 Operational Plan and Financial Performance Report – September 2015
- Item 18.1 28 Archer Street, Chatswood
- Item 18.2 31 Robinson Street, Chatswood – DA 2013/361
- Item 18.8 Tender Summary – Sportground Building Works – Tender No 094613

## RESOLUTION

That the remaining items, viz:

- Item 12.1 Home and Community Care (HACC) Services Advisory Committee Meeting – 11 August 2015
- Item 12.2 Willoughby Park Centre Advisory Committee Meeting – 26 August 2015
- Item 12.3 Access Advisory Committee Meeting – 14 October 2015
- Item 12.4 Willoughby Symphony Advisory Committee Meeting – 20 October 2015
- Item 12.5 Minutes of Willoughby Heritage Advisory Committee Meetings of 24 February 2015 and 26 May 2015
- Item 14.1 Councillors Information Booklets – 12 and 19 November 2015
- Item 16.2 Adoption of Payment of Expenses and the Provision of Facilities for the Mayor and Councillors Policy
- Item 16.3 Petitions Update
- Item 17.1 CBD Event – Vivid Sydney at Chatswood 2015
- Item 17.2 Sponsorship Update – Vivid Sydney at Chatswood 2016
- Item 17.3 Vivid Sydney at Chatswood – Tender Summary 094615
- Item 17.4 Concession Application from the Salvation Army
- Item 18.4 Delegations for Local Environmental Plans
- Item 18.5 Applications Determined under Delegated Authority for the Month of October 2015
- Item 18.6 Development Application and Planning Proposal Report to 9 November 2015
- Item 18.7 Tender Summary – Rehabilitation, Relining & Repair of Stormwater Assets & Associated Works – Tender No 093960

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR SLOANE

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Hooper, Hill, Eriksson and Norton.

## 12 REPORTS FROM COMMITTEES

### 12.1 HOME AND COMMUNITY CARE (HACC) SERVICES ADVISORY COMMITTEE MEETING - 11 AUGUST 2015

<b>ATTACHMENTS:</b>	<b>1. MINUTES - HOME AND COMMUNITY CARE SERVICES ADVISORY COMMITTEE - 11 AUGUST 2015</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.2 THE VULNERABLE ARE INVOLVED IN OUR COMMUNITY AND SUPPORTED WITH RESPECT AND INTEGRITY</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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#### **Purpose of Report**

To provide Council with the minutes of the Willoughby City Council HACC Services Advisory Committee meeting held 11 August 2015.

#### **RESOLUTION**

**That Council notes the minutes of the Willoughby City Council HACC Services Advisory Committee meeting held 11 August 2015.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

**12.2 WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING - 26 AUGUST 2015**

<b>ATTACHMENTS:</b>	<b>1. MINUTES - WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING - 26 AUGUST 2015</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>CHRISTINE WAYGOOD - WILLOUGHBY PARK CENTRE MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

To provide Council with the minutes of the Willoughby Park Centre Advisory Committee meeting held 26 August 2015.

**RESOLUTION**

**That Council notes the minutes of the Willoughby Park Centre Advisory Committee meeting held 26 August 2015.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.



**12.3 ACCESS ADVISORY COMMITTEE MEETING - 14 OCTOBER 2015**

<b>ATTACHMENTS:</b>	<b>1. MINUTES - ACCESS ADVISORY COMMITTEE - WEDNESDAY 14 OCTOBER 2015</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

To provide Council with the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 14 October 2015.

**RESOLUTION**

**That Council notes the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 14 October 2015.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

**12.4 WILLOUGHBY SYMPHONY ADVISORY COMMITTEE MEETING - 20 OCTOBER 2015**

<b>ATTACHMENTS:</b>	<b>1. MINUTES - WILLOUGHBY SYMPHONY ADVISORY COMMITTEE - 20 OCTOBER 2015</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANNETTE BROWN - OPERATIONS COORDINATOR - WILLOUGHBY SYMPHONY ORCHESTRA</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.4 ART AND CULTURAL ACTIVITIES PROVIDE ENRICHING OPPORTUNITIES FOR PEOPLE</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

To provide Council with the minutes of the Willoughby Symphony Advisory Committee meeting held Thursday 20 October 2015.

**RESOLUTION**

**That Council notes the minutes of the Willoughby Symphony Advisory Committee meeting held Thursday 20 October 2015.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

**12.5 MINUTES OF WILLOUGHBY HERITAGE ADVISORY COMMITTEE MEETINGS OF 24 FEBRUARY 2015 AND 26 MAY 2015**

<b>ATTACHMENTS:</b>	<b>1. MINUTES OF WHAC 24 FEBRUARY 2015 2. MINUTES OF WHAC 26 MAY 2015</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - INFRASTRUCTURE &amp; PLANNING DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT PLANNING MANAGER JANE GIBSON – STRATEGIC PLANNER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

To advise Council of the 24 February and 26 May 2015 Meetings of the Willoughby Heritage Advisory Committee (see Attachments 1 and 2).

**RESOLUTION**

**That Council notes the Minutes of the Willoughby Heritage Advisory Committee Meetings held on 24 February and 26 May 2015.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

**13 DEFERRED MATTERS**

NIL

## 14 CORRESPONDENCE

### 14.1 COUNCILLORS INFORMATION BOOKLETS - 12 AND 19 NOVEMBER 2015

<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST - GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>TRISHA DUFFY - SECRETARY ADMINISTRATION</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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#### **Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 12 and 19 November 2015.

#### **RESOLUTION**

**That Council receives the Councillors Information Booklets circulated to all Councillors on 12 and 19 November 2015.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

**15 REPORTS FROM OFFICERS - GENERAL MANAGER**

NIL

## 16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

### 16.1 OPERATIONAL PLAN AND FINANCIAL PERFORMANCE REPORT - SEPTEMBER 2015

<b>ATTACHMENTS:</b>	<b>1. BUDGET VARIANCES 2. PIP STATUS REPORT 3. LEGAL EXPENSES 4. E.RESTORE 5. QUARTERLY BUDGET REVIEW STATEMENT 6. THE CONCOURSE FINANCIAL REPORT 7. CROWN RESERVES FINANCIAL REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HELEN LIOSSIS - CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MARK MCDONALD - CHIEF FINANCIAL OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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#### **Purpose of Report**

To review Council's process in attaining Operational Plan targets for the period 1 July 2015 to 30 June 2016 and to review the financial performance of Council to 30 September 2015.

#### **RESOLUTION**

**That Council:**

- 1. Notes the Report; and**
- 2. Votes the decrease in expenditure of \$1,751,600 and the decrease in income of \$1,076,900 (a surplus of \$674,700).**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**16.2 ADOPTION OF PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR THE MAYOR AND COUNCILLORS POLICY**

<b>ATTACHMENT:</b>	<b>COUNCILLORS' EXPENSES AND FACILITIES POLICY</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HELEN LIOSSIS – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>VLADIMIR GREPL – GOVERNANCE AND CORPORATE PLANNING OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

To adopt the revised *Payment of Expenses and the Provision of Facilities for the Mayor and Councillors* policy following its public exhibition.

**RESOLUTION**

That Council:

1. Adopts the *Payment of Expenses and the Provision of Facilities for the Mayor and Councillors* policy following its public exhibition; and
2. Retires the existing *Legal Assistance to Councillors and Conference Attendance by Councillors* policies as the provisions of these policies have been incorporated into the revised *Payment of Expenses and the Provision of Facilities for the Mayor and Councillors* policy.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.



**16.3 PETITIONS UPDATE**

<b>ATTACHMENTS:</b>	<b>1. LISTING OF PETITIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HELEN LIOSSIS - CUSTOMER AND CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TRISHA DUFFY - SECRETARY ADMINISTRATION</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

To present the updated list of petitions received. Two petitions have been added following the Council Meeting of 26 October 2015.

**RESOLUTION**

**That Council receives and notes the updated listing of petitions.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

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

### 17.1 CBD EVENT - VIVID SYDNEY AT CHATSWOOD 2015

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

**AUTHOR:** SAMANTHA CONNOR – MEDIA MARKETING & EVENTS MANAGER

**CITY STRATEGY LINK:** 1.1.4 ART AND CULTURAL ACTIVITIES PROVIDE ENRICHING OPPORTUNITIES FOR PEOPLE

**MEETING DATE:** 23 NOVEMBER 2015

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#### **Purpose of Report**

To provide Council with information on the outcomes achieved at *Vivid Sydney at Chatswood 2015* in relation to visitation and economic impact.

#### **RESOLUTION**

**That Council receives the information on the outcomes achieved at *Vivid Sydney at Chatswood 2015* in relation to visitation and economic impact.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

**17.2 SPONSORSHIP UPDATE - VIVID SYDNEY AT CHATSWOOD 2016**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CONNOR – MEDIA MARKETING &amp; EVENTS MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.4 ART AND CULTURAL ACTIVITIES PROVIDE ENRICHING OPPORTUNITIES FOR PEOPLE</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

To provide Council with an update on confirmed sponsorships and targets for additional sponsorships for *Vivid Sydney at Chatswood 2016*.

**RESOLUTION**

That Council:

1. Receives the information on the sponsorship update for *Vivid Sydney at Chatswood 2016*;
2. Gives approval for Vivid Sydney at Chatswood 2016 to proceed; and
3. Approves a budget variation of \$280,000 to enable expansion of Vivid Sydney at Chatswood 2016, dependent on the level of additional sponsorship income secured.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

**17.3 VIVID SYDNEY AT CHATSWOOD - TENDER SUMMARY 094615****RESPONSIBLE OFFICER:** MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR**AUTHOR:** SAMANTHA CONNOR – ACTING MANAGER – MARKETING, MEDIA AND EVENTS**CITY STRATEGY LINK:** 1.1.4 ART AND CULTURAL ACTIVITIES PROVIDE ENRICHING OPPORTUNITIES FOR PEOPLE**MEETING DATE:** 23 NOVEMBER 2015

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**Purpose of Report**

To seek Council's approval for the engagement of suitably qualified and experienced contractors to develop and deliver artistic content for the *Vivid Sydney at Chatswood 2016* including an application of artistic concepts to Destination NSW (DNSW).

**RESOLUTION**

**That Council accepts tender number three from PM Production Management T/A Electric Canvas to develop and deliver artistic content for the 2016 Vivid Sydney in Chatswood for a period of seven months commencing December 2015.**

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

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

**17.4 CONCESSION APPLICATION FROM THE SALVATION ARMY**

<b>ATTACHMENT:</b>	<b>LETTER OF REQUEST FROM THE SALVATION ARMY - CAROLS IN THE PARK</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD - OPEN SPACE COORDINATOR</b>
<b>CITY STRATEGY LINK:</b>	<b>1.2.2 PROVIDE AND ADVOCATE FOR APPROPRIATE FACILITIES AND SERVICES FOR ALL AGES</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

To seek Council approval for a fee waiver of 100% for the Salvation Army of Chatswood to use Beauchamp Oval, Nicholson Street, Chatswood on Sunday 13 December 2015 from 1.00 pm to 10.00 pm for a community Carols in the Park Fundraising Event.

**RESOLUTION**

**That Council provides a full concession (Category D) to the Salvation Army of Chatswood on the hire of Beauchamp Oval for the provision of a community event, being a Carols in the Park Fundraising Event.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

## 18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

### 18.1 28 ARCHER STREET, CHATSWOOD

**DA NO.** DA-2014/566

**ATTACHMENTS:**  
1. PLANS  
2. NOTIFICATION PLAN

**MEETING DATE:** 23 NOVEMBER 2015

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**RECOMMENDATION:** REFUSAL

**LOCATION:** 28 ARCHER STREET CHATSWOOD NSW 2067

**APPLICANT:** BENSON MCCORMACK ARCHITECTS

**OWNER:** BENSON MCCORMACK ARCHITECTS

**PROPOSAL:** INTERNAL RECONFIGURATION AND CHANGE OF USE OF THE EXISTING BUILDING INTO A BOARDING HOUSE, COMPRISING 12 ROOMS WITH 17 LODGERS, PARKING AND ASSOCIATED WORKS

**DATE OF LODGEMENT:** 3 SEPTEMBER 2014

**VALID APPLICATION DATE:** 3 SEPTEMBER 2014 (APPLICANT SUBMITTED A BUILDING CERTIFICATE AND PLANS SHOWING THE EXTENT OF THE UNAUTHORISED WORKS)

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

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

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### DESCRIPTION OF PROPOSAL

The application is lodged pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposal seeks development approval for reconfiguration of the existing building to allow for a change of use into a boarding house comprising of 12 rooms for a maximum of 17 lodgers.

Vehicular access to the parking area is proposed to remain from Claude Street, via a combined entry/exit driveway.

On 18 September 2015 the owner commenced Class 1 proceedings in the Land & Environment Court of New South Wales appealing against the Council's deemed refusal (s97(1) Environmental Planning and Assessment Act 1979). The application is reported to

Council for determination along with the Statement of Facts and Contentions filled with the Land and Environment Court on 12 November.

## RESOLUTION

That Council:

1. Refuses Development Application 2014/566 for '*Internal reconfiguration and change of use of the existing building into a boarding house, comprising 12 rooms with 17 lodgers, parking and associated works*' at 28 Archer Street Chatswood NSW 2067; and
2. Grants delegated authority to the General Manager to issue the refusal notice with the attached reasons.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

**CARRIED**

### Voting

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

**Against:** Nil

**Absent:** Councillor Hooper

## REASONS FOR REFUSAL

The reasons for **REFUSAL** are:

1. The proposed development seeks approval for unauthorised works and Council cannot legally grant development consent for retrospective works.
2. Pursuant to *S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979*, the proposed development fails to adequately demonstrate that it maintains and enhances existing amenity for future lodgers and/or preserves the amenity of the local community, disregarding *Part 2, Division 3, Clause 29(2)(c) of State Environmental Planning Policy (Affordable Rental Housing) (AHSEPP) 2009* and contrary to the *Aims of the Plan in Part 1 Clause 1.2 (e) of Willoughby Local Environmental Plan 2012 (WLEP 2012)*.
3. Pursuant to *S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979*, the proposed development fails to satisfactorily demonstrate that the parking arrangement is adequate, contrary to the *Aims of the Plan in Part 1 Clause 1.2 (i) of WLEP 2012*.



**18.2 31 ROBINSON STREET, CHATSWOOD - DA 2013/361**

**ATTACHMENTS:** 1. NOTIFICATION PLAN  
2. ARCHITECTURAL PLANS

**MEETING DATE:** 23 NOVEMBER 2015

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**RECOMMENDATION:** APPROVAL

**LOCATION:** 31 ROBINSON STREET, CHATSWOOD NSW 2067.

**APPLICANT:** MR ALEXANDER POLITANO

**OWNER:** MR A MUSTACA AND MRS H A MUSTACA

**PROPOSAL:** S96 – AMEND AND DELETE CONDITIONS RELATING TO VEHICULAR CROSSINGS AND THE VOLUME OF RAINWATER RE-USE TANKS

**DATE OF LODGEMENT:** 01-SEP-2015

**VALID APPLICATION DATE:** 01-SEP-2015

**REPORTING OFFICER:** NICHOLAS KAMOLS

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

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**DESCRIPTION OF PROPOSAL**

The application to subdivide one lot into two was approved in accordance with the Notice of Determination DA 2013/361(C) dated 11 February 2014.

The Section 96 Modification Application is to:

- Relocate the vehicular crossing on proposed Lot 1 from Albert Avenue to Robinson Street.
- Amend the condition relating to the construction of a new vehicle crossing.
- Retain the existing vehicular crossing on proposed Lot 2 off Septimus Street.
- Delete the requirement for long sections of a vehicle crossing on proposed Lot 1.
- Amend the condition relating to the volume of the rainwater tanks from 6m<sup>3</sup> to 5m<sup>3</sup>.

The proposed modifications require the deletion of condition 5 and modification of conditions 1, 32, 33, and 34.

**MOTION**

**That Council:**

1. Approves the Section 96 Modification Application 2013/361/A to relocate the vehicular crossing on proposed Lot 1, retain the vehicular crossing on proposed Lot 2, and reduce the volume of rainwater re-use tanks at 31 Robinson Street, Chatswood;

**2. Amends Condition 4A to read:**

- a. The driveway and hard stand area shall be a minimum of 600mm from the southern side boundary and incorporate dense screen planting between the adjoining property;
- b. The driveway materials for proposed Lot 1 shall be constructed with “wheel strips” in brick paving or gravel.

**3. Delegates authority to the General Manager to issue the modified development consent notice in accordance with the attached schedule of conditions.****MOVED COUNCILLOR NORTON****SECONDED COUNCILLOR SAVILLE****LOST****Voting****For the Motion:** Councillors Giles-Gidney, Hill, Norton, Saville and Stevens**Against:** Coppock, Eriksson, Rozos, Rutherford, Sloane and Wright**Absent:** Councillors Hooper and Mustaca**AMENDMENT****That Council:**

1. Approves the Section 96 Modification Application 2013/361/A to relocate the vehicular crossing on proposed Lot 1, retain the vehicular crossing on proposed Lot 2, and reduce the volume of rainwater re-use tanks at 31 Robinson Street, Chatswood;
2. Approves the construction of the driveway in hard stand rather than “wheel strips” in brick paving by deleting condition 4A subclause (b) of the recommended conditions; and
3. Delegates authority to the General Manager to issue the modified development consent notice in accordance with the attached schedule of conditions; and

**MOVED COUNCILLOR COPPOCK****SECONDED COUNCILLOR ROZOS****CARRIED****Voting****For the Amendment:** Councillors Giles-Gidney, Coppock, Eriksson, Hill, , Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.**Against:** Councillor Saville**Absent:** Councillors Hooper and Mustaca.

## SCHEDULE OF CONDITIONS

### CONDITIONS OF CONSENT:

#### Development Consent 2013/361 is modified as follows:

A. Condition 1 is modified to read as follows:

#### 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	5619 Section 96	INITIAL	25/08/2015	1 September 2015	Usher & Company
Sediment & Erosion Control Plan & Details	079-13G Z01 (00) - 01	N/A	29/08/2013	29 August 2013	Craig and Rhodes
Detail Survey	079-13G T01 (01) - 01	N/A	29/06/2013	29 August 2013	Craig and Rhodes

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)

B. Condition 32 is modified to read as follows:

#### 32. Rainwater Re-use – Minor

Prior to issue of the Subdivision Certificate/release of the linen plan, the applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 5m<sup>3</sup> in accordance with Sydney Water’s requirements and Council’s DCP and Technical Standards. The rainwater reuse tank system shall be connected to supply non-potable use including landscape irrigation and car washing. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and conserve natural resources)

C. Condition 33 is modified to read as follows:

### **33. Vehicular Crossing**

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

The crossing is to be 3 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

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

At back of layback – 100 mm above and parallel to the gutter invert.

At 1.65m from face of kerb (back edge of footpath) – 150 mm above and parallel to the gutter invert.

At property boundary – 340 mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 4%. The nature strip and footpath is to be adjusted for a minimum distance of 6 metres on both sides of the crossing to suit the new levels.

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

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

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate/release of the linen plan.

(Reason: Public amenity)

D. Condition 34 is modified to read as follows:

### **34. Removal of Redundant Crossings**

Prior to issue of the Subdivision Certificate/release of linen plan, the applicant shall lodge a security bond with Council of \$2,200. The bond will be returned upon either:

a) Replacement and upgrading the vehicle crossing in Septimus Street by the applicant in accordance with Council's specification, or

b) The removal of redundant crossing in Septimus Street together with any necessary works and restoration of the footpath, nature strip and kerb and gutter accordingly in accordance with Council's specification.

If after a period of two (2) years from the issue of consent, neither of the above is satisfied, Council will undertake the works outlined in item 'b' and the bond will be forfeited.

(Reason: Public amenity)

E. The following condition is added.

#### **4A Amendments**

The proposal is to be amended in the following manner:

- (a) The driveway and hard stand area shall be a minimum of 600mm from the southern side boundary and incorporate dense screen planting between the adjoining property.
- (b) ~~The driveway materials for proposed Lot 1 shall be constructed with 'wheel strips' in brick paving.~~

Plans detailing these amendments are required to be shown on the Construction Certificate plans.

(Reason: Ensure compliance)

F. Condition 5 is deleted.

G. Compliance with all other conditions of the Development Consent DA 2013/361.

**18.3 36A PARK ROAD, NAREMBURN - DA 2015/190**

**ATTACHMENTS:**

- 1.. NEIGHBOUR NOTIFICATION ISSUES
2. WILLOUGHBY LEP 2012 HEIGHT VARIATION
3. WILLOUGHBY LEP 2012 FLOOR SPACE RATIO VARIATION
4. WILLOUGHBY LEP 2012 LOT SIZE VARIATION
5. SEPP 65 QUALITY DESIGN PRINCIPLES
6. NOTIFICATION MAP
7. PLANS AND ELEVATIONS

**MEETING DATE:** 23 NOVEMBER 2015

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**RECOMMENDATION:** REFUSAL

**LOCATION:** 36A PARK ROAD NAREMBURN

**APPLICANT:** JOSEPH LAHOUD & ASSOCIATES PTY LTD

**OWNER:** DRAGOSLAV PETROVIC, SNJEZANA PETROVIC,  
ROBERT PETROVIC, DAMIAN PETROVIC, MICHAEL  
PETROVIC

**PROPOSAL:** DEMOLITION OF EXISTING STRUCTURES,  
CONSTRUCTION OF A RESIDENTIAL FLAT  
BUILDING COMPRISING 8 UNITS WITH TEN CAR  
PARKING SPACES, STRATA SUBDIVISION AND  
ASSOCIATED WORKS

**DATE OF LODGEMENT:** 25 MAY 2015

**REPORTING OFFICER:** CONSULTANT PLANNERS – PLANNING INGENUITY

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

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**DESCRIPTION OF PROPOSAL**

Development Application 2015/190 seeks development approval to:

- Demolish the existing single storey detached dwelling and garage;
- Construct two (2) x three (3) storey residential flat buildings over basement car parking comprising:-
  - A total of four (4) x one (1) bedroom units on the ground floor;
  - A total of four (4) x two (2) bedroom units on Level 1 and Level 2;
  - Basement parking comprising ten (10) car parking spaces including 8 residential and 2 visitor spaces with vehicular access to the basement parking level from Burke Lane at the rear of the subject site;
- Carry out associated stormwater and landscaping works.

- Strata subdivide for completed development.

## RESOLUTION

That Council:

Refuses Development Application 2015/190 for demolition of existing structures and the construction of a residential flat development at 36A Park Road, Naremburn and delegates authority 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 proposal fails to satisfy Clause 4.3 of the Willoughby Local Environmental Plan 2012 as the proposed building height of 10.45m exceeds the maximum permitted height of 9m by 1.45m or 13.9%. The submitted request to vary the development standard pursuant to Clause 4.6 does not satisfy the statutory test that allows for flexibility in application of the development standard and it is therefore not considered to be well founded.
2. Pursuant to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposal fails to satisfy Clause 4.4 of the Willoughby Local Environmental Plan 2012 as the proposed floor space ratio of 0.74:1 exceeds the maximum permitted floor space ratio of 0.7:1 and results in a variation of 6% from the development standard. The submitted request to vary the development standard pursuant to Clause 4.6 does not satisfy the statutory test that allows for flexibility in application of the development standard and it is therefore not considered to be well founded.
3. Pursuant to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposal fails to satisfy the objectives of the R3 – Medium Density zone under the Willoughby Local Environmental Plan 2012 as the proposal results in a scale and form of development that is beyond the height and allowable floor area for the site and fails to provide a development that appropriately responds to the desired built form context of the surrounding area.
4. Pursuant to the provisions of Sections 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development is inconsistent with the provisions of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
  - i. Part 2 of the Policy sets out design quality principles for residential flat development. These must be considered in the assessment of the proposal pursuant to clause 30(2)(b) of the Policy. The proposed development is not consistent with the design principles to achieve a good design for the subject property.

- ii. Clause 30(2)(c) of the SEPP 65 requires that consideration be given to the Residential Flat Design Code. Specifically the following matters:
  - a. Building Separation
  - b. Side and Rear Setbacks
  - c. Deep soil zones
  - d. Visual Privacy
  - e. Acoustic Privacy
5. Pursuant to the provisions of Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development does not have regard to the provisions of Willoughby City Council's Development Control Plan 2012 with respect to the following matters:
  - a) Section C.4 – Transport Requirements for development
  - b) Section C.5 – Water Management
  - c) Section C.6 - Access and Mobility
  - d) Section D.2.5 – Density and Height
  - e) Section D.2.6 – Design and Streetscape quality
  - f) Section D.2.7 – Site Coverage
  - g) Section D.2.8 - Side Setbacks
  - h) Section D.2.9 – Open Space
  - i) Section D-2.10 - Landscaping
  - j) Section D-2.13 - Solar Access
6. Pursuant to the provisions of Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979* the proposed development results in a number of departures from the relevant Environmental Planning Instruments and Development Control Plans, results in a development that is contextually inappropriate with resultant unacceptable amenity impacts on adjoining properties and less than desirable amenity for future occupants, and as such the likely impacts are unacceptable.
7. Pursuant to the provisions of Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, the items listed above are considered to be significant non-compliances and variations to such extent cannot be supported by Council. The non-compliances indicate that the proposed development is too large for the subject site and therefore considered to be an over development of the site. In view of the non-compliances outlined in (a) above the site is deemed to be unsuitable for the development proposed
8. Pursuant to the provisions of Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979* it is considered that in the circumstances of the case, approval of the development is not in the public interest.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SLOANE

CARRIED



**Voting**

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

**Against:** Nil

**18.4 DELEGATIONS FOR LOCAL ENVIRONMENTAL PLANS**

<b>ATTACHMENTS:</b>	<b>1. COUNCIL REPORT OF 12 NOVEMBER 2014 2. COUNCIL REPORT OF 13 JULY 2015</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - INFRASTRUCTURE &amp; PLANNING DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT PLANNING MANAGER JANE GIBSON – STRATEGIC PLANNER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

This report is to nominate the new Planning & Infrastructure Director to be a delegate to process and finalise Draft Local Environmental Plans.

**RESOLUTION**

**That Council writes to the Department of Planning & Environment to nominate Council's Planning & Infrastructure Director, Mr Peter Conroy, and Planning Manager, Mr Ian Arnott to be delegate and sub-delegate to process and finalise Draft Local Environmental Plans where Council has considered submissions and determined the outcome of a Draft Local Environmental Plan.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

**18.5 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY FOR THE MONTH OF OCTOBER 2015**

<b>ATTACHMENTS:</b>	<b>1. LIST OF DETERMINED APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - INFRASTRUCTURE &amp; PLANNING DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

To provide Councillors with a list all applications determined under delegated authority for the month of October 2015.

**RESOLUTION**

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

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

**18.6 DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT TO  
9 NOVEMBER 2015**

<b>ATTACHMENTS:</b>	<b>1. LIST OF APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - INFRASTRUCTURE &amp; PLANNING DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

To provide Councillors with details of all current Development Applications and Planning Proposals as at 9 November 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 9 November 2015.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton.

**18.7 TENDER SUMMARY - REHABILITATION, RELINING & REPAIR OF STORMWATER ASSETS & ASSOCIATED WORKS - TENDER NO 093960**

<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - INFRASTRUCTURE &amp; PLANNING DIRECTOR</b>
<b>AUTHOR:</b>	<b>SUNIL GAMAGE - WORKS ENGINEER</b>
<b>CITY STRATEGY LINK:</b>	<b>4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

The purpose of this report is to inform Council of the prices submitted for the tender for the Rehabilitation, Relining and Repair of Stormwater Assets and Associated Works and to seek Council's approval for the engagement of a contractor to carry out these pipe relining works.

**RESOLUTION****That Council:**

1. **Accepts the tenders for the supply of the following services subject to compliance with Council's specification.**
  - a. **Package 1 - 2015/16 Financial Year, defined scope of works for the Rehabilitation, Relining and Repair of Stormwater Assets and Associated Works:**
    - **Insituform Pacific Pty Ltd.**
  - b. **Package 2 and 3 - 2016/17 and 2017/18 financial years, Schedule of Rates for the Rehabilitation, Relining and Repair of Stormwater Assets and Associated Works:**
    - **Insituform Pacific Pty Ltd**
    - **Interflow Pty Ltd**
    - **Abergeldie Watertech; and**
2. **Authorises the Mayor and the General Manager to execute the contract documents under the Common Seal of Council.**

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

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hill, Hooper and Norton/.

**18.8 TENDER SUMMARY - SPORTSGROUND BUILDING WORKS - TENDER NO. 094613**

<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TOBY COATES – PROPERTY OPERATIONS AND ASSETS COORDINATOR</b>
<b>CITY STRATEGY LINK:</b>	<b>4.1.1 EFFICIENT ASSET MANAGEMENT</b>
<b>MEETING DATE:</b>	<b>23 NOVEMBER 2015</b>

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**Purpose of Report**

This report seeks Council's approval for the engagement of a contractor to carry out works to Artarmon Reserve Pavilion, Beauchamp Park Pavilion, Chatswood Oval buildings Trumper Pavilion, Paul Harrison Pavilion & Northern Toilet Block, Naremburn Park Pavilion, Northbridge Oval Pavilion, and Rotary Athletic Field public toilet block.

**RESOLUTION****That Council:**

- 1. Accepts the tender from The Almar Group Pty Ltd, T/As API Commercial for the design and construction of Sportsground Building Works;**
- 2. Funds the works from the 2015/2016 Buildings Infrastructure Levy budget allocations; and**
- 3. Provides delegated authority to the General Manager and Mayor to execute the contract documents under the Common Seal of Council.**

**MOVED COUNCILLOR ROZOS****SECONDED COUNCILLOR NORTON****CARRIED****Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

## 19 NOTICE OF MOTION

### 19.1 NOTICE OF MOTION: HAVEN AMPHITHEATRE STAGE REPLACEMENT

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	23 NOVEMBER 2015

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#### Purpose of Report

Councillor J Hooper has indicated his intention of moving the following Notice of Motion.

#### Procedural Motion

That the following people address the meeting:

- John Steel (Castlecrag Progress Assn)
- Suzie Gold
- Marlene Vaughan
- Lorraine Cairnes
- Jack Metcalfe
- Glen Gulliver
- Andrew Hill (Glенаeon)

#### MOTION

That Council resolves to:

- A. Prepare drawings, technical reports, submit a Development Application (DA) and conduct a community consultation for the replacement of The Haven Amphitheatre stage using sketch plan 1A.
- B. Allocate appropriate funds from The Haven Amphitheatre stage budget for the cost of the DA, reports and community consultation.
- C. Act on any proposed Development Application replacement of The Haven Amphitheatre stage if funds are available noting that the Castlecrag Community has made an offer to raise funds to contribute to the replacement costs.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR STEVENS

**THE MOTION WAS NOT PUT**

**AMENDMENT**

That Council:

1. Acknowledges the historical and environmental sensitivity of the Haven Amphitheatre site and the need to develop a proposal broadly supported by the community prior to future implementation;
2. Receives a report on 14 December 2015 which will contain concept plans for Options 1A and 2, including total costings for the development of the stage area, landscaping and repair to stonework and consider the offer of community contributions and fundraising;
3. Subsequent to the adoption of a preferred option, initiates broad community consultation to ascertain a preferred proposal which should form the basis of a future Development Application; and
4. That the costings, community fundraising initiatives and community consultation results inform the 2016/17 budget deliberations regarding funding for the implementation of the preferred design for the Haven Amphitheatre.

**MOVED COUNCILLOR HILL**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

**For the Amendment:** Councillors Coppock, Eriksson, Hill, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Councillors Hooper, Mustaca Norton and Saville,

**Absent:** Councillor Giles-Gidney

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

**MOVED COUNCILLOR HILL**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

**For the Motion:** Councillors Coppock, Eriksson, Hill, Mustaca, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

**Against:** Councillors Hooper and Norton.

**Absent:** Councillor Giles-Gidney



**19.2 NOTICE OF MOTION: NAMING OF OVAL 1 AT WILLOUGHBY PARK****RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER****CITY STRATEGY LINK: 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE  
AND REPRESENTS ITS CONSTITUENTS****MEETING DATE: 23 NOVEMBER 2015**

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**Purpose of Report**

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

**Procedural Motion**

That the following people address the meeting:

- Kate Westoby
- Richard Newton
- Jill Newton
- David Hulme

**MOTION**

That Council approves the naming of Oval 1 at Willoughby Park as the Pat Reilly Memorial Oval:

**MOVED COUNCILLOR NORTON****SECONDED COUNCILLOR SAVILLE****LOST****Voting**

**For the Motion:** Councillors Norton, Saville, Sloane and Wright.

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

## 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 VIVID SYDNEY AT CHATSWOOD - TENDER 094615

#### 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 28 ARCHER STREET, CHATSWOOD - DA 2014/566 - LEGAL PROSPECTS

#### Reason for confidentiality

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

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

### 20.3 ADDITIONAL INFORMATION - 36A PARK ROAD, NAREMBURN - DA 2015/190

#### 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

## **20.4 ADDITIONAL INFORMATION - REHABILITATION, RELINING & REPAIR OF STORMWATER ASSETS & ASSOCIATED WORKS - TENDER NO 093960**

### **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

## **20.5 ADDITIONAL INFORMATION SPORTSGROUND BUILDING WORKS TENDER NO. 094613**

### **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)

## **20.6 CENTURY VENUES THE CONCOURSE UPDATED REPORTS**

### **Reason for confidentiality**

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

- (d) commercial information of a confidential nature that would if disclosed:
  - (i) prejudice the commercial position of the person who supplied it

## **20.1 VIVID SYDNEY AT CHATSWOOD - TENDER 094615**

### **Recommendation Summary**

**That Council accepts tender number three from PM Production Management T/A Electric Canvas to develop and deliver artistic content for the 2016 Vivid Sydney in Chatswood for a period of seven months commencing December 2015.**

**20.2 28 ARCHER STREET, CHATSWOOD - DA 2014/566 - LEGAL PROSPECTS****Recommendation Summary**

That Council maintains confidentiality of this item pending legal process.

**20.3 ADDITIONAL INFORMATION - 36A PARK ROAD, NAREMBURN - DA 2015/190****Recommendation Summary**

That Council maintains confidentiality of this item pending legal process.

**20.4 ADDITIONAL INFORMATION - REHABILITATION, RELINING & REPAIR OF STORMWATER ASSETS & ASSOCIATED WORKS - TENDER NO 093960****Recommendation Summary**

That Council:

1. **Accepts the tenders for the supply of the following services subject to compliance with Council's specification.**
  - a. **Package 1 - 2015/16 Financial Year, defined scope of works for the Rehabilitation, Relining and Repair of Stormwater Assets and Associated Works:**
    - **Insituform Pacific Pty Ltd.**
  - b. **Packages 2 & 3 - 2016/17 and 2017/18 financial years, Schedule of Rates for the Rehabilitation, Relining and Repair of Stormwater Assets and Associated Works:**
    - **Insituform Pacific Pty Ltd**
    - **Interflow Pty Ltd**
    - **Abergeldie Watertech; and**
2. **Authorises the Mayor and the General Manager to execute the contract documents under the Common Seal of Council.**

**20.5 ADDITIONAL INFORMATION SPORTSGROUND BUILDING WORKS  
TENDER NO. 094613****Recommendation Summary**

That Council:

1. **Accepts the tender from the Almar Group Pty Ltd, T/As API Commercial for the design and construction of Sportsground Building Works.**
2. **Funds the works from the 2015/2016 Building Infrastructure Levy Budget allocations.**
3. **Provides delegated authority to the General Manager and Mayor to execute the contract documents under the Common Seal of Council.**

**20.6 CENTURY VENUES THE CONCOURSE UPDATED REPORTS****Recommendation Summary**

That Council notes the reports.

**RESOLUTION**

That the meeting reverts to Open Council.

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Hooper, Rozos and Stevens.

**RESOLUTION**

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

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Hooper, Rozos and Stevens.

**21 QUESTIONS**

NIL

- Her Worship the Mayor Councillor G Giles-Gidney left the meeting at 7:43pm during debate on Item 19.1 Notice of Motion: Haven Amphitheatre Stage Replacement and returned at 9:16pm.
- Councillor Mustaca left the meeting at 9:30pm during debate on Item 18.2 31 Robinson Street, Chatswood – DA 2013/361 and returned at 9:54pm.
- Councillor Hooper left the meeting at 9:16pm.
- Councillor Stevens left the meeting at 9:54pm.
- Councillor Rozos left the meeting at 9:59pm

The meeting closed at 10:08pm

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