



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

14 December 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	6
4 APOLOGIES AND LEAVE OF ABSENCE	6
5 PETITIONS	8
5.1 PETITION: HAVEN AMPHITHEATRE STAGE	8
6 OPEN FORUM	9
7 MAYORAL MINUTE	10
7.1 MAYORAL MINUTE - TO PRESENT COUNCILLOR RUTHERFORD WITH AN OUTSTANDING SERVICE AWARD	10
8 GENERAL MANAGER'S LATE REPORT	15
9 MATTERS FOR DEFERRAL, REFERRAL TO INSPECTION AND/OR PROCEDURAL PRIORITY	15
10 MATTERS BROUGHT FORWARD BY THE PUBLIC	16
11 MATTERS NOT REQUIRING ELABORATION OR DEBATE	16
12 REPORTS FROM COMMITTEES	18
12.1 NAREMBURN WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 23 NOVEMBER 2015 - 43 DICKSON AVENUE, ARTARMON.....	18
12.2 MIDDLE HARBOUR WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 3 DECEMBER 2015 - 35 LAMETTE STREET, CHATSWOOD.....	19
12.3 MINUTES OF THE BICYCLE CONSULTATIVE COMMITTEE MEETING - 17 NOVEMBER 2015	20
12.4 TRAFFIC COMMITTEE MINUTES - 25 NOVEMBER 2015	21
12.5 WILLOUGHBY HERITAGE ADVISORY COMMITTEE - MINUTES OF MEETING OF 25 AUGUST 2015.....	22
12.6 SUSTAINABILITY REFERENCE GROUP NOTES FOR MEETING - 8 SEPTEMBER 2015	23
13 DEFERRED MATTERS	24
14 CORRESPONDENCE	25
14.1 COUNCILLORS INFORMATION BOOKLET - 26 NOVEMBER, 3 AND 10 DECEMBER 2015	25
15 REPORTS FROM OFFICERS - GENERAL MANAGER	26
16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE	27
16.1 DRAFT LONG TERM FINANCIAL PLAN.....	27
16.2 BANK BALANCES AND INVESTMENTS AS AT 31 OCTOBER 2015.....	28
16.3 TENDER - PROVISION OF WEB SERVICES	29
16.4 MODEL CODE OF CONDUCT COMPLAINT STATISTICS 2014-2015	30
17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE	31

17.1	HAVEN AMPHITHEATRE - DESIGN OPTIONS FOR NEW STAGE	31
17.2	TENDER SUMMARY - THE CONCOURSE THEATRE FLYING SYSTEM REPLACEMENT - TENDER NO. 092427	33
17.3	TENDER 093065 - TYNESIDE TENNIS COURTS	34
17.4	2016-2017 REGISTRATION OF INTEREST (ROI) - COMMUNITY FACILITIES HIRE	35
18	REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE	37
18.1	3 ABBOTT ROAD, ARTARMON - DA 2015/339	37
18.2	12 PLUNKETT STREET, NAREMBURN - DA 2014/352/A	62
18.3	10 MCLACHLAN AVENUE, ARTARMON - JRPP REPORT FOR NOTING - DA 2015/264.....	64
18.4	409 VICTORIA AVENUE AND 88 ARCHER STREET, CHATSWOOD - AFFIX COUNCIL SEAL SUBDIVISION - DA 2015/441	65
18.5	688-692 PACIFIC HIGHWAY, CHATSWOOD - PLANNING PROPOSAL 2015/3	66
18.6	COUNCILLOR UPDATE - ST LEONARDS COMMERCIAL CENTRE, GREATER SYDNEY COMMISSION, CHATSWOOD TO SYDENHAM METRO LINE, VOLUNTARY PLANNING AGREEMENTS AND DESIGN EXCELLENCE	67
18.7	SUBMISSION REGARDING PROPOSED STANDARD INSTRUMENT (LOCAL ENVIRONMENTAL PLANS) AMENDMENT ORDER 2015	69
18.8	IMPROVED PLANNING PROCEDURES AND PROCESSES	70
18.9	INTERIM REPORT COUNCIL CAB & ARTARMON LOOP SERVICES	71
18.10	INTERIM REPORT - REVIEW OF E.RESTORE PROGRAM	72
18.11	WILLOUGHBY CITY COUNCIL S SUBMISSION FOR THE 33KV ROUTE; AND INFORMATION ABOUT THE CHATSWOOD TO SYDENHAM SYDNEY METRO	73
18.12	SCOTTS CRESCENT RESERVE LANDSCAPE IMPROVEMENTS PLAN	75
18.13	APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY FOR THE MONTH OF NOVEMBER 2015	76
18.14	DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT TO 30 NOVEMBER 2015	77
19	NOTICE OF MOTION	78
19.1	NOTICE OF MOTION: DEVELOPMENT CONSENTS - CORPORATE OWNERS	78
19.2	NOTICE OF MOTION: SERVICES REPORT	79
19.3	NOTICE OF MOTION: 258 SAILORS BAY ROAD, NORTHBRIDGE	80
20	CONFIDENTIAL ITEMS	81
20.1	CLASS ACTION - COMMONWEALTH BANK - SETTLEMENT - DEED OF COVENANT	81
20.2	ADDITIONAL INFORMATION - THE CONCOURSE THEATRE FLYING SYSTEM REPLACEMENT - TENDER NO. 092427	81
20.3	TENDER 093065 - TYNESIDE TENNIS COURTS	82
20.4	NOTICE OF MOTION: TALUS TRUSTEE	82
21	QUESTIONS	84

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, T Mustaca, W Norton, 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), Mr M McDonald (Chief Financial Officer), Mr I Arnott (Planning Manager), Mr Michael Cashin (Community Life 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 non-pecuniary substantial interest in Item 17.1 Haven Amphitheatre – Design Options for New Stage
(Nature of Interest: My home is located next door to the Haven)
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 20.4 Talus Reserve
(Nature of Interest: Relationship to Steve Healy)
- Councillor J Hooper declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.5 688-692 Pacific Highway, Chatswood – Planning Proposal 2015/3
(Nature of Interest: I worked with Mr Tobin and Mr Woodhams between 2008 and 2014 when they were employees of WCC)
- Councillor L Saville declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.5 688-692 Pacific Highway, Chatswood – Planning Proposal 2015/3
(Nature of Interest: On each term I have been elected to serve on WCC, I have worked with two now former council employees, Mr Greg Woodhams and Mr Nick Tobin. I understand each of these former Council employees is now working with the applicant, Australand Pty Ltd)
- Councillor S Coppock declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.5 688-692 Pacific Highway, Chatswood – Planning Proposal 2015/3
(Nature of Interest: Two former Council officers are employed by the applicant)
- Councillor W Norton declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.5 688-692 Pacific Highway, Chatswood – Planning Proposal 2015/3
(Nature of Interest: I work for the Department of Education and I worked with Mr Tobin and Mr Woodhams)

- Councillor J Rutherford declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.5 688-692 Pacific Highway, Chatswood – Planning Proposal 2015/3
(*Nature of Interest: I worked on Council with Messrs Tobin and Woodhams*)
- Councillor T Mustaca declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.5 688-692 Pacific Highway, Chatswood – Planning Proposal 2015/3
(*Nature of Interest: I worked with a former General Manager and Director of Planning who now apparently work for the developer of this site*)
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 18.3: 10 McLachlan Avenue, Artarmon – JRPP Report for Noting – DA 2015/264
(*Nature of Interest: I am a member of the JRPP panel*)
- Councillor M Sloane declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 18.3: 10 McLachlan Avenue, Artarmon – JRPP Report for Noting – DA 2015/264
(*Nature of Interest: As Deputy Mayor I am a member of JRPP*)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 23 November 2015, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Rozos tendered an apology for tonight's meeting and requested Leave of Absence.
 - Councillor Eriksson requested Leave of Absence from 26 January – 18 February 2016
 - Councillor Giles-Gidney requested Leave of Absence from 23 December 2015 – 10 January 2016 and from 14 January – 19 January 2016
-

RESOLUTION**That Council:**

1. Notes the apology from Councillor Rozos for Monday 14 December 2015 and grants Leave of Absence.
2. Grants Councillor Eriksson Leave of Absence from 26 January – 18 February 2016
3. Grants Councillor Giles-Gidney Leave of Absence from 23 December 2015 – 10 January 2016 and from 14 January – 19 January 2016

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

5 PETITIONS

5.1 PETITION: HAVEN AMPHITHEATRE STAGE

ATTACHMENTS:	1. PETITION
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	TRISHA DUFFY - SECRETARY ADMINISTRATION
MEETING DATE:	14 DECEMBER 2015

PURPOSE OF REPORT

The attached petition, containing 142 signatures, has been sent to Council requesting that a commitment be given by Council to rebuild the Haven Amphitheatre stage.

RESOLUTION

That Council:

1. Receives the petition relating to the Haven Amphitheatre stage and it be referred to the Community, Culture and Leisure Director.
2. Receives a further petition tabled by Councillor Hooper containing 47 signatures and refer it to the Community, Culture & Leisure Director.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

6 OPEN FORUM

- Ms Suzie Gold spoke about transparency and the democratic process.

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - TO PRESENT COUNCILLOR RUTHERFORD WITH AN OUTSTANDING SERVICE AWARD

MEETING DATE: 14 DECEMBER 2015

Purpose of Report

To present Councillor Judith Rutherford with an Outstanding Service Award to recognise her service through Local Government NSW covering a period of 20 years as a member of Willoughby City Council.

Motion

On behalf of fellow Councillors and the staff of Willoughby Council it gives me great pleasure to present an Outstanding Service Award to Councillor Rutherford in appreciation of services to the people through Local Government NSW covering a period of 20 years as a member of Willoughby City Council.

Councillor Rutherford was elected to Willoughby Council in 1995 and served as Deputy Mayor from 1997 to 1999. Prior to her election she was President of the Federation of Willoughby Progress Associations. In 2000 she was awarded a Community Service Award by the Premier of NSW for "outstanding service to the community".

Councillor Rutherford is an active member of the Board of VisAsia, the Australian Institute of Asian Culture and Visual Arts, established to promote the appreciation of Asian visual arts and culture through exhibitions, events and education. Additionally, she has taken an active civic leadership role in cultural events in Willoughby including the Emerge Spring Festival.

Councillor Rutherford has been actively involved with Nordoff-Robbins Music Therapy Association, an allied health profession that systematically applies the elements of music to impact positive health outcomes.

In the 2010 Australian Day Honours she was awarded a Member of the Order of Australia for services to the community through the promotion of Asian arts and culture, the advancement of clinical music therapy and through local government.

Our community is indeed fortunate to have people such as Councillor Rutherford who are willing to give up their time and energy to contribute to and improve our society. It is pleasing to know that Councillor Rutherford's commitment to providing leadership, guidance and facilitating communication between the Middle Harbour community and Council has been acknowledged.

On behalf of everyone at Willoughby City Council, I would like to present the certificate and medal to Councillor Rutherford with congratulations on receiving this Award.

RESOLUTION

That Council congratulates Councillor Rutherford on receiving the Outstanding Service Award covering a period of 20 years as a member of Willoughby City Council.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Councillor Coppock offered his personal congratulations.

Councillor Rutherford spoke in reply to thank her fellow Councillors and Council officers.

7.2 MAYOR'S DIARY – COUNCIL MEETING NOTES – 14 DECEMBER 2015

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

TUESDAY 24 NOVEMBER			
Crs Norton, Saville	10 am	Memorial Service for Former Mosman Mayor, Patricia Harvey	Mosman Art Gallery
Mayor	3.30 pm	Opening of new Training Facility	Chatswood Oval
Cr Saville	6 pm	City Switch Awards	Cockle Bay Wharf
WEDNESDAY 25 NOVEMBER			
Mayor	10 am	Willoughby Fire Station Centenary	53 Laurel Street
Mayor Cr Norton	12 noon	Live at Lunch	The Concourse
Mayor Crs Eriksson, Hill	7.45 pm	Northbridge Progress Association	Northbridge Golf Club
THURSDAY 26 NOVEMBER			
Mayor	9.45 am	Launch of New Westfield Precinct	Westfield Chatswood
Mayor	11 am	Launch of "Lamb & Cumin" Shop	Westfield Chatswood
Mayor Crs Norton, Rutherford	12.15 pm	MOSAIC Christmas Party	The Concourse Pavilion
Cr Saville	7 pm	Meet the Candidates (N.Sydney By-Election)	Dougherty Centre
FRIDAY 27 NOVEMBER			
Mayor	6.30 pm	Chatswood Golf Club 80 th Anniversary	Chatswood Golf Club
Cr Saville		Accreditation Report	RNSH
Crs Norton, Rutherford	Evening	Workshop Arts Christmas Event	Laurel Street
SATURDAY 28 NOVEMBER			
Mayor	11 am	Opening of Art Exhibition	Chinese Cultural Centre
Mayor	12 noon	Club Willoughby AGM	Club Willoughby
Mayor	5 pm	Award Presentation Dinner: Australian Chinese Cultural Associations	King Fook, Chatswood
Mayor Cr Saville	7 pm	Farewell Concert for Gavin Staines	The Concourse
Crs Hooper, Norton	7 pm	Streetwork Christmas Event	Uniting Church, Willoughby
MONDAY 30 NOVEMBER			
Mayor	5.15 pm	Opening of Art Expo: "Escaped" A White Ribbon Day Event	Blend Café, Dougherty Centre
TUESDAY 1 DECEMBER			
Crs Eriksson, Hill	6 pm	Reception: Japanese Emperor's 82 nd Birthday	Japanese Consulate, Bellevue Hill
Crs Norton, Saville	6.30 pm	"All the World's a Stage": International Disability Day Event	The Concourse

WEDNESDAY 2 DECEMBER			
Cr Saville	12.30 pm	Greater Sydney Local Land Services Meeting	Dougherty Centre
Mayor	7 pm	North Shore Orchid Society Annual Christmas Party	Dougherty Centre
THURSDAY 3 DECEMBER			
Mayor Crs Mustaca, Rozos, Rutherford	6.30 pm	Opening of "Centrium" Building	81-86 Albert Avenue
FRIDAY 4 DECEMBER			
Mayor Cr Coppock	Evening	Naremburn Community Party	Artarmon Piazza
SATURDAY 5 DECEMBER			
Mayor	10.15 am	Northbridge Baths Open Day	Northbridge Baths
Crs Norton, Rutherford	11 am	OpenDoor Church Presentation Day & Art Exhibition	362 Eastern Valley Way
Mayor Cr Norton	5 pm	Bushcare Christmas Party	Warners Park
Mayor Crs Eriksson, Norton, Rozos, Rutherford	7 pm	Carols in the Park	Willoughby Park
Clr Hooper	7pm	Carols in the Park	Northbridge Park
SUNDAY 6 DECEMBER			
Crs Norton, Saville	2 pm	WDHS Christmas Event	Museum: 58 Johnson Street
Clr Hooper	11am	Community Consultation	Northbridge Bowling Club
MONDAY 7 DECEMBER			
Mayor	12 noon	Chatswood Bowling Club Christmas Event	Chatswood Bowling Club
TUESDAY 8 DECEMBER			
Mayor	9 am	Willoughby Public School Presentation Day	WGHS Hall
Cr Norton	12 noon	Italian Ladies Group Christmas Lunch	Beauchamp Park
Mayor	12.30 pm	Mock Parliament with Chatswood High School Students	Council Chambers
Mayor	6.30 pm	Mowbray Public School Presentation Night	Mowbray School
WEDNESDAY 9 DECEMBER			
Mayor	12 noon	Italian Group Christmas Party	St John's Church, Mowbray Park
Mayor	12.50 pm	Meals on Wheels Christmas Party	Dougherty Centre
THURSDAY 10 DECEMBER			
Cr Saville	7.30 am	Urban Taskforce Presentation	Sydney City
Mayor Crs Rutherford, Saville, Hooper	1.30 pm	Volunteer Appreciation Day	Dougherty Centre
Mayor	4.15 pm	Chatswood High School Presentation Evening	24 Centennial Avenue
Mayor Crs Norton, Rutherford	6 pm	Opening of Art Exhibition - for Hamish Graham	Ground Floor Foyer at WCC
Cr Norton	7.30 pm	Middle Harbour Ward Prog Assn Mtg	Club Willoughby

ORDINARY COUNCIL MEETING**14 DECEMBER 2015**

Cr Saville	7.30 pm	Chatswood West Ward Prog Assn Mtg	Dougherty Centre
FRIDAY 11 DECEMBER			
Mayor	9 am	Presentation of Safety Poster Awards	Willoughby Public School
Mayor	10.30 am	Launch of Rotary Tree of Joy	Chatswood Chase
Mayor	12.15 pm	WGHS Presentation Day	The Concourse Concert Hall
Cr Norton	Evening	Dance to the Nines	Dougherty Centre
SATURDAY 12 DECEMBER			
Mayor	Morning	Artarmon Village Party	
Crs Norton Saville	12 noon	Sydney Coastal Council Group Mtg	City of Sydney
SUNDAY 13 DECEMBER			
Cr Norton	2 pm	WSOC Christmas Concert	The Concourse
Mayor Clr Hooper	7.30 pm	Carols in the Park: Salvation Army	Beauchamp Park

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 17.1 Haven Amphitheatre – Design Options for New Stage
- Item 18.2 12 Plunkett Street, Naremburn – DA 2014/352/A
- Item 18.5 688-692 Pacific Highway, Chatswood – Planning Proposal 2015/3
- Item 19.3 Notice of Motion: 258 Sailors Bay Road, Northbridge

11 MATTERS NOT REQUIRING ELABORATION OR DEBATE

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

- Item 12.4 Traffic Committee Minutes – 25 November 2015
- Item 16.1 Draft Long Term Financial Plan
- Item 16.2 Bank Balances and Investments as at 31 October 2015
- Item 16.4 Model Code of Conduct Complaint Statistics 2014-2015
- Item 17.2 Tender Summary – The Concourse Theatre Flying Systems Replacement – Tender No 092427
- Item 17.3 Tender 093065 – Tyneside Tennis Courts
- Item 17.4 2016-2017 Registration of Interest (ROI) – Community Facilities Hire
- Item 18.3 10 McLachlan Avenue, Artarmon – JRPP Report for Noting – DA 2015/264
- Item 18.6 Councillor Update – St Leonards Commercial Centre, Greater Sydney Commission, Chatswood to Sydenham Metro Line, Voluntary Planning Agreements and Design Excellence
- Item 18.7 Submission regarding Proposed Standard Instrument (Local Environmental Plans) Amendment Order 2015
- Item 18.8 Improved Planning Procedures and Processes
- Item 18.9 Interim Report – Council Cab & Artarmon Loop Services
- Item 18.10 Interim Report – Review of E.Restore Program
- Item 18.11 Willoughby City Council's submission for the 33kV Route; and Information about the Chatswood to Sydenham Sydney Metro

RESOLUTION

That the remaining items, viz:

- Item 12.1 **Naremburn Ward Councillors Inspection Committee Meeting – 23 November 2015 – 43 Dickson Avenue, Artarmon**
- Item 12.2 **Middle Harbour Ward Councillors Inspection Committee Meeting – 3 December 2015 – 35 Lamette Street, Chatswood**
- Item 12.3 **Minutes of Bicycle Consultative Committee Meeting – 17 November 2015**
- Item 12.5 **Willoughby Heritage Advisory Committee – Minutes of Meeting of 25 August 2015**
- Item 12.6 **Sustainability Reference Group Notes for Meeting – 8 September 2015**
- Item 14.1 **Councillors Information Booklet – 26 November, 3 and 10 December 2015**
- Item 16.3 **Tender – Provision of Web Services**
- Item 18.1 **3 Abbott Road, Artarmon – DA 2015/339**

- Item 18.4 409 Victoria Avenue and 88 Archer Street, Chatswood – Affix Council Seal Subdivision – DA 2015/441
- Item 18.12 Scotts Crescent Reserve Landscape Improvements Plan
- Item 18.13 Applications Determined under Delegated Authority
- Item 18.14 Development Applications and Planning Proposal Report to k30 November 2015
- Item 19.1 Notice of Motion: Development Consents – Corporate Owners
- Item 19.2 Notice of Motion: Services Report

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

12.1 NAREMBURN WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 23 NOVEMBER 2015 - 43 DICKSON AVENUE, ARTARMON

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	ANA VISSARION - DEVELOPMENT PLANNER
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To present the minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 23 November 2015.

RESOLUTION

That Council:

1. Receives the Minutes of the Naremburn Ward Councillors Inspection Committee held 23 November 2015, dealing with DA 2015/68 for 43 Dickson Avenue, Artarmon.
2. Notes the resolution adopted by the Committee:

That the application be approved as per the Officer's recommendation, subject to the deletion of Condition 41 regarding a Basix Certificate.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

12.2 MIDDLE HARBOUR WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 3 DECEMBER 2015 - 35 LAMETTE STREET, CHATSWOOD

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	MICHAEL LEE-JOE - BUILDING SURVEYOR
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To present the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 3 December 2015.

Note: The Ward Inspection Committee Report included a section titled "non-compliance with legislative process". The officer's comments in this section highlighted a number of communication and customer service issues in relation to this application. Ward Councillor resolutions 2 and 3 are reflective of the officer's comments and the resulting discussion on site.

RESOLUTION

That Council:

- 1. Receives the Minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 3 December 2015, dealing with BCA 2015/15 for 35 Lamette Street, Chatswood.**
- 2. Notes the resolution adopted by the Committee:**
 - 1) *That the Officer's recommendation for refusal of the Building Certificate be carried.***
 - 2) *That, when the applicant lodges a Development Application for a new car port, the fees be waived in view of the information discussed at the Ward Meeting.***
 - 3) *That the concerns raised by Councillors regarding the response to emails be noted. The Councillors were satisfied that a process and procedure is currently being developed to address this issue.***

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

12.3 MINUTES OF THE BICYCLE CONSULTATIVE COMMITTEE MEETING - 17 NOVEMBER 2015

ATTACHMENTS:	1. MINUTES OF THE MEETING OF 17 NOVEMBER 2015
RESPONSIBLE OFFICER:	PETER CONROY – DIRECTOR INFRASTRUCTURE AND PLANNING
AUTHOR:	JOSEPHINE GORRING – SUSTAINABLE TRANSPORT PLANNER, TRAFFIC AND TRANSPORT
CITY STRATEGY LINK:	4.2.2 BALANCE TRAFFIC MANAGEMENT
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To present Council with the minutes of the Bicycle Consultative Committee meeting held on Tuesday 17 November, 2015.

RESOLUTION

That Council notes the minutes of the Bicycle Consultative Committee meeting of 17 November 2015.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

12.4 TRAFFIC COMMITTEE MINUTES - 25 NOVEMBER 2015

ATTACHMENTS:	1. TRAFFIC COMMITTEE MINUTES OF 25 NOVEMBER 2015
RESPONSIBLE OFFICER:	PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR
AUTHOR:	MICHAEL FOSKETT – ACTING GROUP LEADER TRAFFIC & TRANSPORT
CITY STRATEGY LINK:	4.2.2 BALANCE TRAFFIC MANAGEMENT
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To advise Council of the latest Traffic Committee Meeting held on 25 November 2015.

RESOLUTION

That Council:

- 1. Adopts the recommendations of the Traffic Committee Meeting held on 25 November 2015; and**
- 2. Immediately changes the parking restrictions on the north side of Rowan Street adjacent to 284 Willoughby Road to 15 minute parking on a six month trial between the hours of 8:00am-6:00pm Monday to Friday.**

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

12.5 WILLOUGHBY HERITAGE ADVISORY COMMITTEE - MINUTES OF MEETING OF 25 AUGUST 2015

ATTACHMENTS:	1. MINUTES OF MEETING OF 25 AUGUST 2015
RESPONSIBLE OFFICER:	PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR
AUTHOR:	IAN ARNOTT PLANNING MANAGER JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY LINK:	1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To advise Council of the 25 August 2015 Meeting of the Willoughby Heritage Advisory Committee.

RESOLUTION

That Council notes the Minutes of the Willoughby Heritage Advisory Committee Meeting held on 25 August 2015.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

**12.6 SUSTAINABILITY REFERENCE GROUP NOTES FOR MEETING - 8
SEPTEMBER 2015**

ATTACHMENTS:	1. SUSTAINABILITY REFERENCE GROUP NOTES FOR MEETING HELD 8 SEPTEMBER 2015
RESPONSIBLE OFFICER:	SALLY HAMILTON, ENVIRONMENT MANAGER
AUTHOR:	NICOLA FAITH, CLIMATE CHANGE PROJECT OFFICER
CITY STRATEGY LINK:	2.1.2 THE COMMUNITY VALUES THE NATURAL ENVIRONMENT
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To inform Council of the suggested actions put forward by the Sustainability Reference Group ("SRG") at its meeting on 8 September 2015.

RESOLUTION

That Council notes the Minutes of the Sustainability Reference Group meeting held on 8 September 2015.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLET - 26 NOVEMBER, 3 AND 10 DECEMBER 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: 14 DECEMBER 2015

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 26 November, 3 and 10 December 2015.

RESOLUTION

That Council receives the Councillors Information Booklets circulated to all Councillors on 26 November, 3 and 10 December 2015.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 DRAFT LONG TERM FINANCIAL PLAN

ATTACHMENTS:	1. DRAFT INCOME STATEMENT 2. DRAFT BALANCE SHEET 3. DRAFT CASH FLOW STATEMENT 4. DRAFT ASSUMPTIONS
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:	14 DECEMBER 2015

Purpose of Report

To provide Council with an update on the adopted Willoughby City Council (WCC) Long Term Financial Plan. This paper provides a first Draft of the Long Term Financial Plan.

RESOLUTION

That Council:

- 1. Notes the information detailed in the Report and Attachments which highlight the strong projected financial position of the Council over the next 10 years within the Draft Long Term Financial Plan; and**
- 2. Notes that a detailed Long Term Financial Plan will be reported to Council in February 2016.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Wright

16.2 BANK BALANCES AND INVESTMENTS AS AT 31 OCTOBER 2015

ATTACHMENTS:	1. COUNCIL'S INVESTMENT HOLDINGS 2. COUNTERPARTY CHART
RESPONSIBLE OFFICER:	MARK MCDONALD -CHIEF FINANCIAL OFFICER
AUTHOR:	BILL LOFTHOUSE - FINANCIAL ACCOUNTANT
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To detail the Council Bank balances and Investment portfolio performance as at 31 October 2015.

RESOLUTION

That Council receives the Statement of Bank Balances and Investment Holdings for October 2015.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Wright

16.3 TENDER - PROVISION OF WEB SERVICES

RESPONSIBLE OFFICER: HELEN LIOSSIS - CUSTOMER & CORPORATE DIRECTOR

AUTHOR: AMANDA JANSSENS – INFORMATION MANAGEMENT CONSULTANT

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: 14 DECEMBER 2015

Purpose of Report

To update Council on the engagement of a suitably qualified contractor to provide web services, including content management software, hosting and professional services for Council's website.

RESOLUTION

That Council:

1. Resolves to decline all tenders under Clause 178(3) of the Local Government (General) Regulation 2005; and
2. Invites fresh tenders, either open or selective, based on the same or different details once the decision regarding amalgamations is finalised.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16.4 MODEL CODE OF CONDUCT COMPLAINT STATISTICS 2014-2015

ATTACHMENTS:	1. CODE OF CONDUCT COMPLAINT STATISTICS FOR OFFICE OF LOCAL GOVERNMENT
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	MARNIE HILLMAN - GOVERNANCE AND POLICY MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To report on the Code of Conduct complaints statistics to Council and the Office of Local Government.

RESOLUTION

That Council notes the 2014-2015 report on Code of Conduct complaint statistics relating to Councillors and the General Manager as required under the Model Code of Conduct Procedures.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 HAVEN AMPHITHEATRE - DESIGN OPTIONS FOR NEW STAGE

ATTACHMENTS:	1. OPTION 1- THRUST STAGE 2. OPTION 2- PROSCENIUM STAGE 3. OPTION 1A- AMENDED THRUST STAGE
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ANGELA CASEY – CULTURE AND LEISURE MANAGER
CITY STRATEGY LINK:	1.1.4 ART AND CULTURAL ACTIVITIES PROVIDE ENRICHING OPPORTUNITIES FOR PEOPLE
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To provide a progress report on the development of design options for the new stage at the Haven Amphitheatre.

Procedural Motion

That Margaret Petrykowski address the meeting and answer questions of the Councillors.

MOTION

- 1. Notes the estimated costs of the Haven Amphitheatre options as follows:**
 - **Baseline Costs \$178,000 (including demolition of existing stage, creek and stone step restoration, with \$30,000 for site studies)**
 - **Option 1 \$1,500,000**
 - **Option 2 \$1,100,000**
 - **Option 1A \$1,220,000**
 - **Additional costs of \$140,000 for Options 1,2 and 1A comprising \$70,000 for DA and site studies and \$70,000 for creek and stone restoration.**
- 2. Endorses public exhibition of the preferred Option 1A for the new stage at the Haven Amphitheatre be commenced, with an extended exhibition period to encompass January and February 2016.**
- 3. Endorses the preparation of preliminary background reports to support a full documentary record for the site and Development Application be initiated in December 2015.**

4. Requests a further report be brought to Council after the public exhibition period for Option 1A, that:
 - Presents the community's feedback, with a modified design if required,
 - Considers the development of a draft budget bid to be presented as part of the 2016/17 budget deliberations together with a funding model, and
 - Seeks approval to lodge a Development Application (subject to Council concurrence with the funding model).
5. Officers continue to explore the available options in seeking endorsement of the Haven Amphitheatre as a Deductible Gift recipient.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Councillors Hooper and Saville

Absent: Councillor Giles-Gidney

**17.2 TENDER SUMMARY - THE CONCOURSE THEATRE FLYING SYSTEM
REPLACEMENT - TENDER NO. 092427**

RESPONSIBLE OFFICER:	PETER CONROY – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID DI BIASE – PROPERTY & CONSTRUCTION SERVICES MANAGER
CITY STRATEGY LINK:	4.1.1 PLAN MAIN OPS INFRASTRUCT
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

This report seeks Council's approval for the engagement of a contractor to replace the stage flying system at the Concourse Theatre.

MOTION

That:

- 1. Council accepts the tender from Jands Pty Ltd for the replacement of the flying system at the Concourse Theatre.**
- 2. The works be funded from the existing 2015/2016 Priority Improvement Program budget allocations and that the budget shortfall be funded by transfers from the Concourse Reserve.**
- 3. The General Manager and Mayor be provided with delegated authority to execute the contract documents under the Common Seal of Council.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR ERIKSSON

REFERRED TO CLOSED COUNCIL

17.3 TENDER 093065 - TYNESIDE TENNIS COURTS

ATTACHMENTS:	1. AERIAL PHOTOGRAPH OF SITE
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	ANGELA CASEY - CULTURE AND LEISURE MANAGER
CITY STRATEGY LINK:	14.1.1 EFFICIENT ASSET MANAGEMENT
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

The purpose of this report is to inform Council of options for the management of Tyneside Tennis Courts (12 A Tyneside Ave), including tender prices submitted for the management of the courts for the period January 2016 - December 2017.

RESOLUTION

That Council:

- 1. Under Clause 178(3) of the Local Government (General) Regulation 2005 resolves to reject all tenders and cancel the proposal for the contract.**
- 2. Offers Love'n Deuce an extension of the current quarter by quarter management arrangements for the Tyneside tennis courts, on the existing terms.**
- 3. Receives a further report on the options for future uses of the Tyneside tennis courts in June 2016.**

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

17.4 2016-2017 REGISTRATION OF INTEREST (ROI) - COMMUNITY FACILITIES HIRE

ATTACHMENTS:	1. ASSESSMENT REVIEW ROI 2016/17 CATEGORY D - RECOMMENDATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	ANGELA CASEY, CULTURE AND LEISURE MANAGER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To advise Council of the completion of the 2016-17 Registration of Interest (ROI) process and to seek Council endorsement of those groups assessed as being eligible to receive a 100% concession (Category D) on the hire of Council facilities as per Council's *Community Facilities Hire Policy*.

RESOLUTION

That Council:

Endorses the following groups as eligible to receive a 100% concession (Category D) for the 2016 – 2017 ROI period, on the hire of Council facilities as per Council's *Community Facilities Hire Policy*.

- **Alcoholics Anonymous**
- **Alcoholics Anonymous Chatswood Sunday Breakfast**
- **Artarmon Progress Association**
- **Castle Cove Progress Association**
- **Chatswood Scrabble Club**
- **Federation of Willoughby Progress Associations**
- **Italian Sr Citizens Group of Willoughby**
- **Lifeline Harbour to Hawkesbury**
- **Lower North Shore Branch, NSW Justices Association**
- **Naremburn Progress Association**
- **Northbridge Progress Association**
- **Older Women's Network - Northside Wellness**
- **Rotary Club of Chatswood Sunrise Inc**
- **Saturday Afternoon Music Group**
- **Sydney Metropolitan Wildlife Services**
- **West Chatswood Progress Association**
- **Willoughby District Historical Society Inc.**
- **Willoughby Senior Citizens**

- Willoughby Senior Citizens Knitting Group
- Willoughby Swim Club Inc.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

Councillor Mustaca offered to contact Marianna La Grassa from Beauchamp Park to determine whether her organisation intends to make an application.

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 3 ABBOTT ROAD, ARTARMON - DA 2015/339

ATTACHMENTS:

1. NOTIFICATION MAP
2. ARCHITECTURAL PLANS
3. TRAFFIC REPORT PREPARED BY TRAFFIC ENGINEERING CENTRE

MEETING DATE: 14 DECEMBER 2015

RECOMMENDATION: APPROVAL

LOCATION: 3 ABBOTT ROAD, ARTARMON

APPLICANT: WILLOUGHBY CITY COUNCIL

OWNER: WILLOUGHBY CITY COUNCIL

PROPOSAL: DEMOLITION OF EXISTING CHILD CARE CENTRE AND CONSTRUCTION OF NEW 78 PLACE CHILD CARE CENTRE

DATE OF LODGEMENT: 28 AUGUST 2015

VALID APPLICATION DATE: 1 SEPTEMBER 2015

REPORTING OFFICER: LEONE DERWENT, INGHAM PLANNING (CONSULTANT)

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

DESCRIPTION OF PROPOSAL

Development Application 2015/339 proposes:

- Demolition of the existing 30 place child care centre and the erection of a new purpose built child care centre to accommodate 78 children (0-6 year olds),
- the employment of 19 staff (13 full-time and 6 part-time),
- basement parking for four (4) vehicles and at grade parking for six (6) vehicles plus one-way drive through,
- Landscaping of the site and the provision of stormwater and onsite detention facilities.

RESOLUTION

That Council approves Development Application 2015/339 for demolition of existing structures and construction of a new 78 place childcare centre at 3 Abbott Road, Artarmon and grants delegated authority to the General Manager to issue the consent notice subject to the attached conditions.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

RECOMMENDED CONDITIONS**DA-2015/339 - 3 Abbott Road, ARTARMON NSW 2064.****SCHEDULE****Conditions of Consent:** (Including reasons for such conditions)**CONSENT IDENTIFICATION****The following condition provides information on what forms part of the Consent.****1. Approved Plan/Details**

The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural	DA001	5	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA002	6	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA003	8	1/10/2015	2/12/2015	Jackson Architecture
Architectural	DA004	7	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA005	7	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA006	10	1/10/2015	2/12/2015	Jackson Architecture
Architectural	DA007	6	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA008	6	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA009	3	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA010	3	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA011	4	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA012	4	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA013	3	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA014	1	26/6/2015	28/8/2015	Jackson Architecture
Architectural	DA015	1	26/6/2015	28/8/2015	Jackson Architecture

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

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

2. Section 94A Contributions

A monetary contribution of \$40560.15 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 1% of the estimated development cost of \$4,056,015 at 28 August 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. Sydney Water 'Quick Check' Certificate

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

Plans will be appropriately stamped and the Certifying Authority must ensure the plans are stamped by Sydney Water prior to release of the Construction Certificate. (Reason: Ensure compliance)

4. Damage Deposit

The applicant shall lodge a Damage Deposit of \$40,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$200 (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 Certifying Authority, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with the stormwater management plans. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

6. Construction Management Plan (CMP)

Submit, for approval by the Certifying Authority, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)

7. Traffic Management Plan

A detailed Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- a) Be prepared by a RTA accredited consultant.
- b) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- c) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- d) Temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

8. Design of Works in Public Road (Roads Act Approval)

Prior to issue of any Construction Certificate, the Applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- a. The construction of a new 1.5 metres footpath off the property boundary for the full frontage of the development site plus 3 metres over the frontage of the neighbouring property in Abbott Road.

For design finished levels, the new footpath shall have maximum crossfall of 2.5% from the boundary alignment and fall towards the top of kerb. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- b. The existing kerb and gutter associated with half road pavement in Abbott Road and full road pavement Hampden Lane shall be reconstructed. Council's standard design traffic for this pavement is 1×10^6 HVAG. Detailed long section and cross sections at 5 metres interval shall be provided.
- c. The construction of two 3.5 metres wide vehicular crossing in Abbott Road. The design levels at the property boundary shall be 180mm above and parallel to the gutter invert. Council's standard layback and gutter shall be provided in accordance with Council's specification and standard drawing SD105.
- d. The construction of 5 metres wide vehicular crossing in Hampden Lane. The design levels at the property boundary shall be 100mm above and parallel to the gutter invert. Council's standard layback and gutter shall be provided in accordance with Council's specification and standard drawing SD105.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current *Fees and Charges Schedule* are payable to Council prior to issue of the approved plans.

Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road prior to the issue of any Construction Certificate.

(Reason: Ensure compliance)

9. Vehicle Access – Engineer's Certification

Prior to issue of any Construction Certificate, the Applicant shall submit, for approval by the Accredited Certifier, certification from a suitably qualified and experienced traffic engineer. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- a) That driveways and vehicular access ramps have been designed to provide adequate ground clearance to the underside of B99 vehicles.
- b) That all driveway gradients and transitions will not result in the scraping of the underside of cars.
- c) That a maximum gradient of 5% is provided for the first 6 metres for the driveway from the property boundary to the property.
- d) That the proposed vehicular path and parking arrangements comply in full with AS2890 in terms of minimum dimensions provided,

(Reason: Ensure Compliance)

10. Tree Management Plan

Submit to the accredited certifier a Tree Management Plan drawing for approval prior to issue of a construction certificate. Tree Management Plan drawing shall address tree protection and management of all trees (including those on adjoining properties) in accordance with the recommendations of the Arboricultural Impact Assessment dated May 2015 prepared by Urban Forestry Australia and AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures and fencing.

(Reason: Tree protection)

11. Building Ventilation

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

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

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

(Reason: Ensure compliance)

12. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifying Authority for approval. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials. (Reason: Environmental protection/public health and safety)

13. Internal Noise Levels - Childcare

The noise levels with the childcare centre must comply with the following:

- Internal noise levels within indoor play or sleeping areas of the centre, when the childcare centre is in operation shall not exceed LAeq1hr e0dB(A).
- Intrusive noise onto any outdoor play or activity area, when the childcare centre is in operation shall not exceed LAeq1hr 40db(A).

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet this criteria shall be submitted to the Principal Certifying authority prior to issue of the Construction Certificate. (Reason: Amenity)

14. Childcare Kitchen Fitout Details

The fitout of the food preparation kitchen areas of the childcare centre must comply with Australian Standard *AS4674-2004 Design, Construction and Fitout of Food Premises* and with the requirements of the Food Safety Standards. Detailed plans shall be submitted to the Principal Certifying Authority together with certification from a suitably qualified person that the fitout complies with the standards prior to a Construction Certificate being issued.

The plans are specifically required to show compliance with the following:

- a) A dedicated hand wash basin/s shall be located in each area where contamination of the hands is likely to occur and must be within 5m from any place where food handlers are handling food. The hand wash basin/s shall be of a suitable size (500mm x 400mm), fixed to the wall at bench height and accessible at all times.
 - b) All floor and wall finishes to the kitchen area must be of an approved material that is impervious to moisture.
 - c) Floors in the kitchen shall drain to a floor waste and be coved at the intersection of the walls.
 - d) All walls must be solid construction with no voids or gaps.
 - e) All fixtures and equipment must be sealed to the wall and a solid plinth. Cupboards must be vermin proofed and shall not consist of voids. As an alternative, fixtures and equipment can be of an open design on legs with a minimum clearance of 150mm to the floor.
 - f) A double bowl washup sink and dishwasher shall be provided.
 - g) The cooking equipment shall be provided with mechanical ventilation.
- (Reason: Health and 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.

15. 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 Certifying Authority.

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

(Reason: Information)

16. Dilapidation Report of Adjoining Properties

Submit a photographic survey and report of the adjoining properties 3-11 Mcmillan Road, Artarmon and 2-4 Jersey Road Artarmon, to the Certifying Authority and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the Certifying Authority, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.

(Reason: Protection of adjoining owners)

17. Dilapidation Report of Council's Property

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

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

This dilapidation report shall be submitted to Council and the Certifying Authority.
(Reason: Protection of Council's infrastructure)

18. 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)

19. Application for Vehicle crossing

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

(Reason: Protection of public asset)

20. Spoil Route Plan

Submit a "to and from" spoil removal route plan to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.

(Reason: Public amenity)

21. Project Arborist

A Project Arborist is to be appointed to oversee tree protection and management during all phases of the approved works.

The Project Arborist is to have a minimum qualification equivalent to AQF Level 5 in arboriculture.

The Project Arborist is to oversee works in accordance with Section 5 of the Arboricultural Impact Assessment dated May 2015 prepared by Urban Forestry Australia and the approved Tree management Plan.

Reason : Protection of existing trees

22. Garbage Storage Area

The garbage storage area must be large enough to store the generated waste from the approved childcare centre uses and allowance should be made for separation of putrescible waste from waste suitable for recycling. Based on the approved intensity of use, this area should be no less than 10m². The design of this garbage storage area must not compromise the efficient use of the approved car parking area. Plans and details demonstrating compliance are to be shown on Construction Certificate plans and approved by the certifying authority.

(Reason: Ensure compliance)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

23. 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)

24. 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 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)

25. Building Site Fencing

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

26. Provide Erosion and Sediment Control

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

27. Suitable Screens

Suitable screens and/or barricades shall be erected during demolition and building work and where required by the Certifying Authority to reduce the emission of noise, dust, water effluent or other matter from the site.

(Reason: Maintain amenity to adjoining properties)

28. Suitable Barricades

Suitable barricades shall be erected during building works on Councils footpath and where directed by the Certifying Authority and/or Council to protect pedestrians using the footpath.

(Reason: Public safety)

29. Demolition Work AS 2601

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

(Reason: Safety)

30. Suitable Footpath Crossing Provided

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area at all times.

(Reason: Protection of public safety)

31. 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)

32. 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)

33. 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)

34. 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 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)

35. Survey Certificate

Certification of the following shall be submitted to the Certifying Authority by a registered surveyor:

- a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- b) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

36. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.
(Reason: Safety)

37. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the 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)

38. 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)

39. 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)

40. Tree Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans.
- ii) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- iii) Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified arborist on site. All structures are to bridge roots unless directed by a qualified arborist on site.
- iv) Tree protection measures must comply with the recommendations of the Arboricultural Impact Assessment dated May 2015 prepared by Urban Forestry Australia and AS 4970-2009 Protection of trees on development sites.

(Reason: Tree management)

41. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

42. Hazardous Materials – Clearance Certificate

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

(Reason: Health and safety)

43. Dust Control

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

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

(Reason: Amenity)

44. Construction Noise

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

(Reason: Amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

45. 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 Certifying Authority.

(Reason: Ensure statutory compliance)

46. Surface Water Runoff

Surface water runoff from paved areas shall be directed away from neighbouring properties and disposed of to the satisfaction of the Certifying Authority.

(Reason: Health and amenity)

47. Fire Safety Certificate Forwarded to NSW Fire and Rescue

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

48. Marked Parking Bays

All parking bays, being clearly identified for staff and drop-off, and the direction of traffic movement being permanently marked on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the Certifying Authority.
(Reason: Ensure compliance)

49. Emergency Evacuation Plan

Prior to occupation of the development, a detailed Emergency Evacuation Plan must be prepared and adopted by the development, and maintained at all times. The Plan must be updated to current industrial practice and relevant Australian Standards at every two years interval from the date of the Plan, and generally consistent with the submitted Statement of Environmental Effects, supporting documents, and drawing numbered DA014 Rev 1 prepared by Jackson Architecture. A copy of the plan must be submitted to Council if Council is not the PCA.
(Reason: Safety)

50. On-site Water Management System

The stormwater runoff from the site shall be collected and disposed of via an approved 74m³ on-site detention 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)

51. Sign for On-site Detention System

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the on-site detention system.

The wording for the plaque shall state "*This is the On-Site Detention 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)

52. Certification of OSD

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

(Reason: Legal requirement)

53. Works-As-Executed Plans - OSD

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

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

(Reason: Record of works)

54. 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 on-site detention 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 on-site detention system, in relation to the building footprint, must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The 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 Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

55. Documentary Evidence of Positive Covenant, Engineers Certificate

The following documentary evidence of the completed drainage works shall be submitted to 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)

56. Sight Lines

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, a 2m x 2.5m splay shall be provided on both sides of each driveway exit to comply with Fig 3.3 of AS2890.1
(Reason: Pedestrian safety)

57. Construction of Kerb & Gutter

Construct new kerb and gutter together with half road reconstruction for the full frontage of the development site in Abbott Road and Hampden Lane. All works shall be carried out in accordance with Council's specification and the approved civil works drawings.
(Reason: Public amenity)

58. Reconstruct Pavement to Specific Loading

Prior to issue of any Occupation Certificate, the applicant shall reconstruct half road pavement for the full frontage of the development in Abbott Road and full road pavement for the full frontage of the development in Hampden Lane in accordance with Council's standard and specification (AUS-SPEC) and the approved civil works drawings. Council's standard design traffic for this pavement is 1×10^6 HVAG.
(Reason: Public amenity)

59. Concrete Footpath

Prior to issue of any Occupation Certificate, the applicant shall construct a 1.5m wide concrete footpath off the property boundary for the full frontage of the development site plus 3 metres over the frontage of the adjoining properties in Abbott Road. For design finished levels, the new footpath shall have a maximum crossfall of 2.5% from the boundary alignment and fall towards the top of kerb.

60. Vehicular Crossing

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

Each crossing is to be 3.5 metres wide and shall be constructed at right angles to the street kerb in plain concrete. The new crossings 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 internal driveway.

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

- At back of layback – 100 mm above and parallel to the gutter invert.
- At property boundary – 180 mm above and parallel to the gutter invert.

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

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

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

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

61. Vehicular Crossing

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

Each crossing is to be 5 metres wide and shall be constructed at right angles to the street kerb in plain concrete. The new crossings 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 internal driveway.

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

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

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 Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

62. Removal of Redundant Crossings

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

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

63. Inspection of Civil Works on Road Reserves

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority.
(Reason: Ensure compliance)

64. Performance Bond

The Applicant shall lodge with the Council a performance bond of \$20,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.
(Reason: Ensure compliance and specification)

65. Vehicle Access - Construction & Certification

Prior to issue of any Occupation Certificate, the Applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed carpark complies with the approved Construction Certificate plans,
- b) That a maximum gradient of 5% has been provided for the first 6 metres from the property boundary to the property.
- c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.

- d) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
(Reason: Ensure Compliance)

66. Tree Planting

Trees are to be planted in accordance with the following table:

No. Required	Species	Location	Min Pot Size
All trees	As indicated on the approved Landscape Plans prepared by Arcadia Landscape Architecture	As indicated on the Landscape Plans	As indicated on the Landscape Plans

(Reason: Landscape Amenity)

67. Completion of Landscape Works

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

68. Public Tree Planting

- a) Plant the following trees on Council land forward of the property:

1 x *Angophora costata*

- b) The trees shall:

- i. Have a minimum container size of 75 litres and grown to NATSPEC 2 “Guide Specifying Trees”, (2003).
- ii. Be planted in accordance with WCC Landscape Specification 08/2007 “Street Tree Planting”.
- iii. Be planted generally in alignment with other street trees.

(Reason: Landscape amenity, tree canopy recruitment)

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.

69. Erection Wholly within the Boundaries

All works (with the exception of any works approved under S138 of the Roads Act 1993) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

70. Loading and Unloading

All deliveries to the site and unloading of goods are to be conducted wholly within the site and outside the hours between 7:30am – 9:00am and between 4:30pm and 6:00pm. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside along the street frontages of the site or from any appurtenant right of way.

(Reason: Access and amenity)

71. Hours of Operation

The hours of operation of the approved childcare centre are to be restricted to those times listed below:

Monday to Friday	7:30am to 6:00pm
Saturdays	Closed.
Sundays & Public Holidays	Closed.

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

(Reason: Amenity)

72. Capacity of the Child Care Centre

The child care centre must have a maximum capacity of 78 children, between the ages of 0-6, and a maximum of 16 employees.

Any increase in children or employees is to be subject to prior consent of Council. It is the responsibility of the operator to meet any licensing or other regulatory requirements of the childcare centre within the limits of this condition.

(Reason: Ensure compliance)

73. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank shall be above the 1 in 100 year ARI level.
(Reason: Maintain designed discharge)

74. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification.

(Reason: Vehicular access)

75. 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)

76. 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)

77. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on neighbouring private land, unless in accordance with the approved Arboricultural Impact Assessment dated May 2015 prepared by Urban Forestry Australia.

(Reason: Environmental protection)

78. Noise Control – Offensive Noise

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

(Reason: Amenity)

79. Noise Control – Operation

To minimise the impact of noise of the development on the amenity of the adjoining properties, the business shall be operated in accordance with the recommendations of the acoustic report Rp 001 r01 2014457SY dated 26 June 2015 by Marshall Day Acoustics. Such plan must include instruction to staff to calm children immediately when they are crying or screaming in the outdoor play areas and should remove these children within a reasonable period of time if the crying or screaming does not stop. Further the centre must actively encourage diversity of play within the outdoor play areas which is recognised method of reducing noise within play area.

(Reason: Amenity)

PRESCRIBED CONDITIONS

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

80. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.

(Reason: Compliance)

81. Support for Neighbouring Buildings

- (1) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible

- b) damage from the excavation, and if necessary, underpin and support the building, structure or work to prevent any such damage, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, "allotment of land" includes a public road and any other public place.
- (Reason: Safety)

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

82. 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)

83. 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 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)

84. Occupation Certificate

The building/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

18.2 12 PLUNKETT STREET, NAREMBURN - DA 2014/352/A

ATTACHMENTS: 1. NOTIFICATION PLAN
2. ARCHITECTURAL PLANS

MEETING DATE: 14 DECEMBER 2015

RECOMMENDATION: REFUSAL

LOCATION: 12 PLUNKETT STREET, NAREMBURN

APPLICANT: DBCF PTY LTD

OWNER: PHILIP JORGENSEN & JACQUELINE VILARDI

PROPOSAL: MODIFICATION OF APPROVED DEVELOPMENT INCLUDING CONDITIONS 2A, 2B, 2C AND 2F.

DATE OF LODGEMENT: 20 OCTOBER 2015

VALID APPLICATION DATE: 20 OCTOBER 2015

REPORTING OFFICER: CHI WAI KONG – DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

DESCRIPTION OF PROPOSAL

The current Section 96 application seeks to amend Condition 2 of Development Consent 2014/352 which required (inter-alia):

- reduction of the bulk of the proposed upper level by increasing the setback of the rear (west) wall and changing the roof form;
- reduction in the depth of the awning over the rear deck area;
- installation of a skylight in the living room of the adjoining property (No.10 Plunkett Street).

Procedural Motion

That the following people address the meeting.

- Nicky Coroneo
- Vivienne Albin
- P Jorgensen (owner)

MOTION

That Council defer this item to a future meeting.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR HOOPER

LOST

Voting

For the Motion: Councillors Giles-Gidney, Hooper, Mustaca, Norton,

Against: Councillors Coppock, Eriksson, Hill, Rutherford, Saville, Sloane, Stevens and Wright.

MOTION

That Council refuses Section 96 modification Application 2014/352/A seeking Council's consent for modification of the original approval at No. 12 Plunkett Street, Naremburn and delegates authority to the General Manager to issue the Refusal notice on the following grounds:

1. Pursuant to section 79C(1)(iii) of the Environmental Planning and Assessment Act, 1979, the modification of the approved development does not comply with Part D.1.4 Character, Design and Streetscape, Part D.1.7 Building Envelopes and setbacks and Part D.1.12 Solar Access of WDCP for Dwelling Houses, Dual Occupancies and Secondary Dwellings in residential area.
2. Pursuant to section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, the form, bulk and scale of the proposed development will impact on the amenity of No. 10 Plunkett Street to the south in respect of overshadowing, bulk and open view.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Councillors Giles-Gidney and Hooper.

18.3 10 MCLACHLAN AVENUE, ARTARMON - JRPP REPORT FOR NOTING - DA 2015/264**ATTACHMENTS: 1. JRPP ASSESSMENT REPORT****MEETING DATE: 14 DECEMBER 2015**

RECOMMENDATION: APPROVAL**LOCATION: CORNER OF MCLACHLAN AVE AND MARDEN STREET****OWNER: DAKALA PTY LIMITED****APPLICANT: STIMSON & BAKER PLANNING****PROPOSAL: DESIGNATED DEVELOPMENT - DEMOLITION OF THE EXISTING STRUCTURES AND CONSTRUCTION OF A MATERIALS RECOVERY AND WASTE TRANSFER FACILITY AND ASSOCIATED WORKS.****DATE OF LODGEMENT: 3 JULY 2015****REPORTING OFFICER: ANNIE LEUNG – DEVELOPMENT PLANNER**

Purpose of report

To inform Council that Development Application 2015/264 for demolition of the existing structures and construction of a materials recovery and waste transfer facility will be determined by the Sydney East Joint Regional Planning Panel (JRPP) via electronic communication.

RESOLUTION

That Council notes the Assessment report to JRPP for DA2015/264 for the demolition of the existing structures and construction of a materials recovery and waste transfer facility.

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

**18.4 409 VICTORIA AVENUE AND 88 ARCHER STREET, CHATSWOOD -
AFFIX COUNCIL SEAL SUBDIVISION - DA 2015/441**

RESPONSIBLE OFFICER:	IAN ARNOTT – PLANNING MANAGER
AUTHOR:	NONI DE CARVALHO
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To seek Council delegation to affix Council seal to the plans and 88b Instrument for the re-subdivision of 409 Victoria Avenue and 88 Archer Street Chatswood.

RESOLUTION

That Council authorises the Mayor and General Manager to sign and affix Council Seal to the two lot subdivision and associated 88b Instruments for 409 Victoria Avenue and 88 Archer Street, Chatswood.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

**18.5 688-692 PACIFIC HIGHWAY, CHATSWOOD - PLANNING PROPOSAL
2015/3**

ATTACHMENTS:	1. ASSESSMENT REPORT WITH RECOMMENDATIONS PREPARED BY INGHAM PLANNING
RESPONSIBLE OFFICER:	IAN ARNOTT – PLANNING MANAGER
AUTHOR:	NONI DE CARVALHO
CITY STRATEGY LINK:	3.1.1. PLAN FOR HOUSING CHOICE
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

To advise Council on the assessment of the Planning Proposal 2015/3 lodged on 3 July 2015 by Aqualand Pty Ltd. The land is in the ownership of Sheng Long No.201 Property Trust.

Procedural Motion

That the following people address the meeting.

- David Grover
- Gordon Kirkby (JBA)

RESOLUTION

That community consultation occurs in line with what occurred with St Leonard's Central in respect of:

1. Increasing the permissible building height from 18 metres to 40.2 metres.
2. Increasing the permissible floor space ratio from 3.7:1 to 4.74:1; and
3. Provide a report back to Council.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

18.6 COUNCILLOR UPDATE - ST LEONARDS COMMERCIAL CENTRE, GREATER SYDNEY COMMISSION, CHATSWOOD TO SYDENHAM METRO LINE, VOLUNTARY PLANNING AGREEMENTS AND DESIGN EXCELLENCE

RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JANE GIBSON - STRATEGIC PLANNER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

The purpose of this report is to update Council in relation to a number of matters that involve the future planning and development of St Leonards Commercial Centre, in particular:

- Discussions with the NSW Department of Planning and adjoining Councils
- Greater Sydney Commission
- Development Proposals and Voluntary Planning Agreements
- Chatswood to Sydenham Metro Line
- Design Excellence.

RESOLUTION

That Council:

- 1. Notes the contents of this report;**
- 2. Continues to work collaboratively with the Greater Sydney Commission, the NSW Department of Planning & Environment, North Sydney and Lane Cove Councils and other relevant stakeholders;**
- 3. Refines its current practices in relation to Voluntary Planning Agreements, in particular in relation to:**
 - a. determining and sharing the value of any uplift**
 - b. introducing stronger internal governance arrangements**
 - c. engaging the services of expert consultants to advise it regarding the various legal, land use and commercial issues associated with Voluntary Planning Agreements and future planning proposals; and**
- 4. Establishes a Design Review Panel to assist Council and councillors with Planning Proposals with relevant DAs.**

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Councillor Norton

Absent: Councillor Stevens

**18.7 SUBMISSION REGARDING PROPOSED STANDARD INSTRUMENT
(LOCAL ENVIRONMENTAL PLANS) AMENDMENT ORDER 2015**

ATTACHMENTS:	1. DEPARTMENT OF PLANNING & ENVIRONMENT EXPLANATORY MATERIAL 2. COUNCIL'S SUBMISSION
RESPONSIBLE OFFICER:	PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR
AUTHOR:	IAN ARNOTT - PLANNING MANAGER JANE GIBSON - STRATEGIC PLANNER
CITY STRATEGY LINK:	5.1.1 LOCAL BUSINESS
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

The purpose of this report is to advise Council of:

- the NSW Department of Planning & Environment's proposed amendments to the Standard Instrument Principal Local Environmental Plan;
- the details contained in a submission forwarded to the Department of Planning & Environment (the Department) on behalf of Willoughby Council prior to the closure date for comments (18 November 2015).

RESOLUTION

That Council notes the submission forwarded to the Department of Planning & Environment on behalf of Council on the Proposed Standard Instrument (Local Environmental Plans) Amendment Order 2015.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

18.8 IMPROVED PLANNING PROCEDURES AND PROCESSES**RESPONSIBLE OFFICER:** PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR**AUTHOR:** IAN ARNOTT**CITY STRATEGY LINK:** 6.3.2 COUNCIL SERVICES ARE DELIVERED TO A QUALITY STANDARD, ARE SUSTAINABLE AND RESPONSIVE TO COMMUNITY NEEDS**MEETING DATE:** 14 DECEMBER 2015

Purpose of Report

To provide Council with details of the review of the Development Application process which is to include methods to improve turn-around times and ensure consistency of assessments.

RESOLUTION

That Council notes the report providing an update on initiatives being undertaken to improve planning procedures and processes including reducing DA turn-around times and improving consistency in assessment.

MOVED COUNCILLOR NORTON**SECONDED COUNCILLOR WRIGHT****CARRIED****Voting**

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

Against: Nil

Absent: Councillor Stevens

18.9 INTERIM REPORT COUNCIL CAB & ARTARMON LOOP SERVICES

RESPONSIBLE OFFICER: PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR

AUTHOR: SALLY HAMILTON – ENVIRONMENT MANAGER

CITY STRATEGY LINK: 2.1.2 THE COMMUNITY VALUES THE NATURAL ENVIRONMENT

MEETING DATE: 14 DECEMBER 2015

Purpose of Report

The purpose of this report is to provide Council with an interim report in relation to information sought from the 1 June 2015 Traffic, Access and Environment Committee in respect of the Council Cab and The Loop services.

RESOLUTION

That Council:

1. Notes this report and that the Council Cab service will be required to cease in December 2015;
2. Receives a further report in early 2016 advising of:
 - a. Options to address the withdrawal of the Council Cab Services; and
 - b. The outcome of the review of the "Loop" Services and Council Cab.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

18.10 INTERIM REPORT - REVIEW OF E.RESTORE PROGRAM

RESPONSIBLE OFFICER: PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR

AUTHOR: SALLY HAMILTON – ENVIRONMENT MANAGER

CITY STRATEGY LINK: 2.1.2 THE COMMUNITY VALUES THE NATURAL ENVIRONMENT

MEETING DATE: 14 DECEMBER 2015

Purpose of Report

The purpose of this report is to provide Council with an interim report in relation to information sought from the 1 June 2015 Traffic, Access and Environment Committee in respect of the e.restore program.

RESOLUTION

That Council:

1. Notes the e-restore interim report; and
2. Receives a report in early 2016 with further detail relating to an action plan for the e.restore review and recommended program improvements.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

**18.11 WILLOUGHBY CITY COUNCIL'S SUBMISSION FOR THE 33KV ROUTE;
AND INFORMATION ABOUT THE CHATSWOOD TO SYDENHAM SYDNEY
METRO**

ATTACHMENTS:	1. TfNSW SYDNEY METRO NORTHWEST WILLOUGHBY TO NORTH CHATSWOOD 33 KV UNDERGROUND FEEDER POWER LINE - REVIEW OF ENVIRONMENTAL FACTORS 2. WILLOUGHBY CITY COUNCIL 33 KV FEED ROUTE OPTION REVIEW BY ADVISIAN
RESPONSIBLE OFFICER:	PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR
AUTHOR:	DAVID SUNG - MANAGER DESIGN SERVICES DANIEL SUI - SENIOR TRANSPORT ENGINEER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	14 DECEMBER 2015

Purpose of Report

The purpose of this report is to advise Council of:

- Transport for NSW's (TfNSW) Review of Environmental Factors report for the Sydney Metro Northwest, Willoughby to North Chatswood 33kV underground feeder power line;
- A review by Council's consultant of TfNSW's Review of Environmental Factors;
- Council's submission to the TfNSW;
- Information provided to Council about the Sydney Metro Southwest from Chatswood to Sydenham.

RESOLUTION

That Council:

- 1. Notes the Report.**
- 2. Endorses Council's submission to Transport for NSW regarding the 33kV power supply route, which recommends that the following options be adopted as Council's preferred options. Option 2 (Railway Corridor), Option 3 (Rail Corridor & Pacific Highway) and Option 4 (Pacific Highway).**
- 3. Rejects Option 5.**
- 4. Notes the additional information regarding the proposed Sydney Metro South West (Chatswood to Sydenham); and**
- 5. Endorses the submission for the Chatswood to Sydenham Metro Line proposal.**

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

18.12 SCOTTS CRESCENT RESERVE LANDSCAPE IMPROVEMENTS PLAN

ATTACHMENTS:	1. SCOTTS CRESCENT RESERVE PUBLIC EXHIBITION SUMMARY REPORT 2. SCOTTS CRESCENT RESERVE DRAFT LANDSCAPE IMPROVEMENTS PLAN
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE 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:	14 DECEMBER 2015

Purpose of Report

For Council to adopt the Landscape Improvements Plan for the Scotts Crescent Reserve, Roseville, and to adopt the new name of Scotts Park.

RESOLUTION

That Council:

- 1. Adopts the Scotts Crescent Reserve Landscape Improvements Plan dated November 2015; and**
- 2. Formally names the reserve as Scotts Park.**

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

18.13 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY FOR THE MONTH OF NOVEMBER 2015

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

Purpose of Report

To provide Councillors with details of all applications determined under delegated authority for the month of November 2015.

RESOLUTION

That Council notes the information on Development Applications determined under delegated authority in November 2015.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

**18.14 DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT TO
30 NOVEMBER 2015**

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

Purpose of Report

To provide Councillors with details of all current Development Applications and Planning Proposals as at 30 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 30 November 2015.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION: DEVELOPMENT CONSENTS - CORPORATE OWNERS

RESPONSIBLE OFFICER: PETER CONROY - PLANNING AND INFRASTRUCTURE DIRECTOR

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

MEETING DATE: 14 DECEMBER 2015

Purpose of Report

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

That all corporate owners for Development Consent must lodge a current ASIC Corporate Report with their Application for Development Consent showing all Directors and Shareholders of that corporate applicant. If any Shareholder is a corporate entity a Corporate report for that entity must be provided identifying the natural persons being the Directors and beneficial Shareholders associated with the Applicant. If a shareholder is a listed Corporate entity on a stock exchange those Shareholders need not be reported to Council.

RESOLUTION

That Council considers the motion by Councillor Hooper.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

19.2 NOTICE OF MOTION: SERVICES REPORT**RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER****CITY STRATEGY LINK: 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE
AND REPRESENTS ITS CONSTITUENTS****MEETING DATE: 14 DECEMBER 2015**

Purpose of Report

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

That an urgent comprehensive report be prepared listing all of the Services provided by Willoughby City Council and the cost of providing each service.

RESOLUTION

That Council considers the motion by Councillor Hooper.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

19.3 NOTICE OF MOTION: 258 SAILORS BAY ROAD, NORTHBRIDGE**RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER****CITY STRATEGY LINK: 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE
AND REPRESENTS ITS CONSTITUENTS****MEETING DATE: 14 DECEMBER 2015**

Purpose of Report

Councillor Hill has indicated her intention to move the following Notice of Motion:

MOTION

That Council amends its current position in respect of 258 Sailors Bay Road to:

1. seek expressions of interest from community orientated organisations to lease the portion of the site originally identified for use by Constant Companion; and
2. seek expressions of interest from organisations to lease the balance of the space on a commercial basis.

MOVED COUNCILLOR HILL**SECONDED COUNCILLOR ERIKSSON****WITHDRAWN**

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 CLASS ACTION - SETTLEMENT - DEED OF COVENANT

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.

20.2 ADDITIONAL INFORMATION - THE CONCOURSE THEATRE FLYING SYSTEM REPLACEMENT - TENDER NO. 092427

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

20.3 TENDER 093065 - TYNESIDE TENNIS COURTS

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

20.4 NOTICE OF MOTION: TALUS TRUSTEE

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 CLASS ACTION - SETTLEMENT - DEED OF COVENANT

Recommendation Summary

That Council authorises the Mayor and the General Manager to affix Council's Seal to the Deed of Covenant on the distribution of settlement funds to the Council.

20.2 ADDITIONAL INFORMATION - THE CONCOURSE THEATRE FLYING SYSTEM REPLACEMENT - TENDER NO. 092427

Recommendation Summary

That:

- 1. Council accepts the tender from Jands Pty Ltd for the replacement of the flying system at the Concourse Theatre.**
- 2. The works be funded from the existing 2015/2016 Priority Improvement Program Budget allocations and that the budget shortfall be funded by transfers from the Concourse Reserve.**
- 3. The General Manager and Mayor be provided with delegated authority to execute the contract documents under the Common Seal of Council.**

20.3 TENDER 093065 - TYNESIDE TENNIS COURTS

Recommendation Summary

That Council:

1. Under Clause 178(3) of the *Local Government (General) Regulation 2005* resolves to reject all tenders and cancel the proposal for the contract.
2. Offers Love'n Deuce an extension of the current quarter by quarter management arrangement for the Tyneside tennis courts, on the existing terms.
3. Receives a further report on the options for future uses of the Tyneside tennis courts in June 2016.

20.4 NOTICE OF MOTION: TALUS TRUSTEE

Recommendation Summary

That Council maintains confidentiality of this item pending legal process.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney and Stevens.

RESOLUTION

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

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney and Stevens

21 QUESTIONS

NIL

- **Councillor Stevens left the meeting at 9:00pm**
- **Her Worship the Mayor Councillor G Giles-Gidney and the Deputy Mayor Councillor Sloane left the meeting at 9:26pm during debate on Item 18.3: 10 McLachlan Avenue, Artarmon – JRPP Report for Noting – DA 2015/264 and returned after the vote at 9:28pm.**
- **Councillor Mustaca took the chair during the vote on Item 18.3: 10 McLachlan Avenue, Artarmon – JRPP Report for Noting – DA 2015/264**
- **Her Worship the Mayor Councillor G Giles-Gidney left the meeting at 9:52pm during debate on Item 20.4: Notice of Motion: Talus Trustee and returned at 10:27pm.**

The meeting closed at 10:28pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 14 December 2015. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.