



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chamber, 31 Victor Street, Chatswood

11 April 2016

commencing at 7:00pm

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## 1 PRESENT

### Councillors

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

### Officers

**Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Ms H Liossis (Customer and Corporate Director), Mr P Conroy (Planning & Infrastructure Director), Mr I Arnott (Planning Manager), Ms M Hillman (Governance and Policy 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 18.1: JRPP Report for Noting – 5 Abbott Road, Artarmon NSW 2064 – DA-2015/431 and Item 18.3 Planning Proposal 688-692 Pacific Highway, Chatswood  
*(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 18.1: JRPP Report for Noting – 5 Abbott Road, Artarmon NSW 2064 – DA-2015/431 and Item 18.3 Planning Proposal 688-692 Pacific Highway, Chatswood  
*(Nature of Interest: As Deputy Mayor I am a member of JRPP)*
- Councillor A Mustaca declared, via a Disclosures of Interest form, a non-pecuniary, less than substantial interest in Item 18.3 Planning Proposal 688-692 Pacific Highway, Chatswood  
*(Nature of Interest: I worked with the two council officers who are involved in the development)*
- Councillor J Hooper declared, via a Disclosures of Interest form, a less than substantial interest in Item 18.3 Planning Proposal 688-692 Pacific Highway, Chatswood  
*(Nature of Interest: Mr Tobin and Mr Woodhams worked at Willoughby Council with me for approx. 7 year (since 2008))*
- Councillor W Norton declared, via a Disclosures of Interest form, a less than substantial interest in Item 18.1: JRPP Report for Noting – 5 Abbott Road, Artarmon NSW 2064 – DA-2015/431 and Item 18.3 Planning Proposal 688-692 Pacific Highway, Chatswood  
*(Nature of Interest: I am employed by the Department of Education. However, my employment is not related to property issues and my interest is thus less than substantially significant)*

- Councillor W Norton declared, via a Disclosures of Interest form, a less than substantial interest in Item 18.3 Planning Proposal 688-692 Pacific Highway, Chatswood  
*(Nature of Interest: I worked for the Department of Education. Not in the properties area and therefore have no substantial interest. I have been on Willoughby City Council since 2004 and have worked with Mr Tobin and Mr Woodhams for all of that time)*
- Councillor L Saville declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.3 Planning Proposal 688-692 Pacific Highway, Chatswood  
*(Nature of Interest: In my role as councillor on WCC I worked with Mr Greg Woodhams and Mr Nick Tobin when they held senior executive positions on council. I do not believe I will be influence by this in any way)*

### 3 CONFIRMATION OF MINUTES

#### RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 29 March 2016, copies of which have been circulated to each member of Council, be confirmed noting that:

- Dissent motions are to be recorded in the minutes; and
- Where a Councillor is required to chair an item, this should be recorded in the body of the item rather than noted on the last page of the minutes.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR HOOPER

**CARRIED**

#### Voting

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

**Against:** Nil

### 4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Saville requested Leave of Absence on Friday 15 April 2016.
- Councillor Sloane requested Leave of Absence on Monday 25 April 2016

#### RESOLUTION

That Council:

1. Grants Councillor Saville Leave of Absence on Friday 15 April 2016; and
2. Grants Councillor Sloane Leave of Absence on Monday 25 April 2016;

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Stevens

**5 PETITIONS**

NIL

**6 OPEN FORUM**

NIL

## 7 MAYORAL MINUTE

### 7.1 MAYOR'S DIARY – COUNCIL MEETING NOTES – 11 APRIL 2016

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

THURSDAY 31 MARCH			
Mayor Crs Norton, Saville	11 am	Harmony Day	Dougherty Centre
Mayor	2 pm	Launch of "Stars of the North Dance for Cancer"	The Concourse
Mayor Cr Norton	5 pm	Residents' Monthly Get-together	Dougherty Apartments
FRIDAY 1 APRIL			
Mayor	5 pm	Stronger Communities Program	North Sydney
SATURDAY 2 APRIL			
Mayor Crs Hooper, Norton, Rutherford, Saville	9.30 am	FPA Meeting	Willoughby Room at the Library
Mayor	11.30 am	Bridge Club AGM	Club Willoughby
Mayor	4.30 pm	North Shore Netball Association	Leisure Centre
SUNDAY 3 APRIL			
Cr Saville	2-4 pm	Protection for Sydney Water Catchment	Greenwich Community Hall
Mayor	6 pm	Inaugural Primate's Dinner: Third Anniversary of Bishop Najarian's Office in Willoughby	Cockle Bay
TUESDAY 5 APRIL			
Mayor	9.30 AM	JRPP Meetings 2016SYE039 The proposal seeks to amend Willoughby Local Environmental Plan 2012 - 815 Pacific Highway, C'wood	Christies Convention Centre
WEDNESDAY 6 APRIL			
Cr Norton	8.45 M	Link Housing Conference: Creating Housing Options on the North Shore	North Shore Conference Centre
Mayor Cr Rutherford	11.30 am	Citizenship Ceremony	Council Chambers
THURSDAY 7 APRIL			
Mayor	10 am	ANZAC Service	Willoughby Public School
Mayor	2 pm	Knitting Group Open Day	Dougherty Centre
Mayor	6.30 pm	Opening of Seminar: Living Chemical Free	Council Chambers
FRIDAY 8 APRIL			



<b>SATURDAY 9 APRIL</b>			
<b>Mayor</b>	<b>12 noon</b>	<b>Buddha's Birthday Celebrations</b>	<b>Westfield, Chatswood</b>
<b>Cr Saville</b>	<b>2 pm</b>	<b>Meeting: Willoughby District Historical Society</b>	<b>Chatswood Library</b>
<b>Cr Hooper</b>	<b>12 noon</b>	<b>Feast for Farmers</b>	<b>Heifer Station, Calare, Nr Orange, NSW</b>
<b>SUNDAY 10 APRIL</b>			

**8 GENERAL MANAGER'S LATE REPORT**

NIL

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

NIL

**10 MATTERS BROUGHT FORWARD BY THE PUBLIC**

Item 18.3 Planning Proposal 688-692 Pacific Highway, Chatswood

**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 18.1 JRPP Report for Noting – 5 Abbott Road, Artarmon NSW 2064 – DA-2015/431

**RESOLUTION**

That the remaining items, viz:

- Item 12.1 Sailors Bay Ward Councillors Inspection Committee Meeting – 46 Calbina Road, Northbridge
- Item 12.2 Naremburn Ward Councillors Inspection Committee Meeting – 31 Hampden Road, Artarmon
- Item 12.3 Sailors Bay Ward Councillors Inspection Committee Meeting – 6 Tarakan Crescent, Northbridge
- Item 12.4 Shorelink Library Committee Meeting Held 24 February 2016
- Item 14.1 Councillors Information Booklet – 29 March and 5 April 2016
- Item 17.1 Concession Application from the Rotary Club of Northbridge
- Item 18.2 8 Waltham Street, Artarmon – DA 2016/63
- Item 18.4 Development Application and Planning Proposal Report to 28 March 2016

be adopted in accordance with the recommendations in the reports.

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

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

**Against:** Nil

## 12 REPORTS FROM COMMITTEES

### 12.1 SAILORS BAY WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 46 CALBINA ROAD, NORTHBRIDGE

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	MARK GRACZYK - CERTIFICATION OFFICER
MEETING DATE:	11 APRIL 2016

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#### Purpose of Report

To list on the agenda the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 23 March 2016, dealing with 46 Calbina Road, Northbridge.

#### RESOLUTION

That Council:

1. Receives the Minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 23 March 2016, dealing with DA 2014/307/A for 46 Calbina Road, Northbridge.
2. Notes the resolution adopted by the Committee:

That the Officer's recommendation be adopted:

*"That the application be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the attached conditions."*

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

**CARRIED**

#### Voting

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

**Against:** Nil

## 12.2 NAREMBURN WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 31 HAMPDEN ROAD, ARTARMON

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	ARTHUR TSEMBIS - DEVELOPMENT PLANNER
MEETING DATE:	11 APRIL 2016

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### Purpose of Report

To present the minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 23 March 2016, dealing with DA 2015/196 for 31 Hampden Road, Artarmon.

### RESOLUTION

That Council:

1. Receives the Minutes of the Naremburn Ward Councillors Inspection Committee held 23 March 2016, dealing with DA 2015/196 for 31 Hampden Road, Artarmon.
2. Notes the resolution adopted by the Committee:

*"That Council approves the Development Application 2015/196 for construction of a Residential Flat Building containing ten (10) units at 31 Hampden Road, Artarmon subject to the following changes to the 'Schedule of Conditions':*

1. *Amend condition 3 to include the following items:*

*Submit the following information to Willoughby City Council  
An amended landscape plan shall be submitted to Council for approval prior to lodgement of an application for a construction certificate. The design principle of the landscape plan is to maximise privacy between the proposed development and the western adjoining residential flat building. The landscape plan shall be prepared by a suitably qualified landscape design professional and include the following details:*

- i) The area between the western boundary and the basement car parking area shall be a deep soil zone comprising screen planting to achieve maximum coverage and height of trees within the shortest period of time.*
- ii) Incorporate at least two trees along the western boundary capable of attaining a minimum height of 10 metres at maturity from a minimum pot size of 200 litres.*
- iii) Incorporate at least one tree in the front landscape setback area capable of attaining a minimum height of 10 metres at maturity from a minimum pot size of 200 litres.*

- iv) Not include environmental weed species and trees listed as undesirable in the Willoughby Development Control Plan.*
- v) Details of an automatic irrigation system for the entire landscaped area shall be submitted with the landscape plans.  
(Reason: Residential and landscape amenity)*

**2. Amend condition 17 to read:**

***Detailed Landscape Design***

***Submit to the accredited certifier the landscape plan approved by Council in accordance with Condition 3 prior to the issue of a Construction Certificate.***

***(Reason: Landscape amenity)***

**3. Amend condition 36 to reduce the 'Hours of Work' during construction to 8.00am on Saturdays.**

**4. Include a new condition to read:**

***Amendments***

***To prevent overlooking into the western adjoining residential flat building the proposal is to be amended to show fixed privacy screens with louvred blades along the western side of the balconies of Units 4, 7 & 10. Louvres within the screens are to be angled to enable solar access to the balconies but prevent overlooking of the adjoining property to the north.***

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

***(Reason: Ensure privacy)"***

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

### 12.3 SAILORS BAY WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 6 TARAKAN CRESCENT, NORTHBRIDGE

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	MARK GRACZYK - CERTIFICATION OFFICER
MEETING DATE:	11 APRIL 2016

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#### Purpose of Report

To present the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 23 March 2016, dealing with DA 2015/2/B for 6 Tarakan Crescent, Northbridge.

#### RESOLUTION

That Council:

1. Receives the Minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 23 March 2016, dealing with DA 2015/2/B for 6 Tarakan Crescent, Northbridge.
2. Notes the resolution adopted by the Committee:
  1. That the Officer's recommendation be adopted:

*"That the s96 modified application be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the attached conditions."*
  2. That Council's Compliance Unit investigates the conduct of the appointed Private Certifier for this application, to ascertain whether his conduct, in his role as the Principal Certifying Authority, warrants referral to the Building Professionals Board for their investigation.

*Should the conduct warrant referral then the matter will be forwarded to the Board for their action.*

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

**CARRIED**

#### Voting

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

**Against:** Nil

**12.4 SHORELINK LIBRARY COMMITTEE MEETING HELD 24 FEBRUARY 2016**

<b>ATTACHMENTS:</b>	<b>1. MINUTES - SHORELINK LIBRARY NETWORK COMMITTEE MEETING - WEDNESDAY 24 FEBRUARY 2016</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANGELA CASEY – CULTURE AND LEISURE MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.2.3 QUALITY, ACCESSIBLE PUBLIC LIBRARY AND COMMUNITY LEARNING SERVICES ARE AVAILABLE</b>
<b>MEETING DATE:</b>	<b>11 APRIL 2016</b>

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**Purpose of Report**

To provide Council with the minutes of the 167<sup>th</sup> Shorelink Library Network Committee meeting held Wednesday, 24 February 2016.

**RESOLUTION**

**That Council receives and notes the minutes of the 167<sup>th</sup> Shorelink Library Network Committee meeting held on Wednesday, 24 February 2016.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**13 DEFERRED MATTERS**

NIL



## 14 CORRESPONDENCE

### 14.1 COUNCILLORS INFORMATION BOOKLET - 29 MARCH AND 5 APRIL 2016

<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST - GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>TRISHA DUFFY - SECRETARY ADMINISTRATION</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>11 APRIL 2016</b>

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#### **Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 29 March and 5 April 2016.

#### **RESOLUTION**

**That Council receives the Councillors Information Booklet, circulated to all Councillors on 29 March and 5 April 2016.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**15 REPORTS FROM OFFICERS - GENERAL MANAGER**

NIL

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

NIL

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

### 17.1 CONCESSION APPLICATION FROM THE ROTARY CLUB OF NORTHBRIDGE

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	ANGELA CASEY – CULTURE AND LEISURE MANAGER
CITY STRATEGY LINK:	1.2.2 PROVIDE AND ADVOCATE FOR APPROPRIATE FACILITIES AND SERVICES FOR ALL AGES
MEETING DATE:	11 APRIL 2016

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#### Purpose of Report

To seek approval for an out of term Category D (full concession) rate for the Rotary Club of Northbridge to use Northbridge Oval, Sailors Bay Road, Northbridge on Saturday, 7 May 2016 from 12.00pm to 10.00pm for a community Fireworks Event.

#### RESOLUTION

That Council provides an out of term Category D (full concession) rate to the Rotary Club of Northbridge for the hire of Northbridge Oval on Saturday, 7 May 2016 for a community Fireworks Event.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

**CARRIED**

#### Voting

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

**Against:** Nil

## 18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

### 18.1 JRPP REPORT FOR NOTING - 5 ABBOTT ROAD, ARTARMON NSW 2064 - DA-2015/431

<b>ATTACHMENTS:</b>	<b>1. JRPP ASSESSMENT REPORT – DA 2015/431 2. NOTIFICATION MAP 3. PLANS – A3 (CIRCULATED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - INFRASTRUCTURE &amp; PLANNING DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANA VISSARION</b>
<b>MEETING DATE:</b>	<b>11 APRIL 2016</b>

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#### **Purpose of Report**

To inform Council that Development Application DA-2015/431 for *Redevelopment of Artarmon Public School - including demolition and replacement of the school buildings to cater for up to 1200 students* will be considered by the Sydney East Joint Regional Planning Panel (JRPP) on 14 April, 2016.

#### **MOTION**

**That Council:**

- 1. Members of the JRPP retire from the Council Chambers for the consideration of the application.**
- 2. Receives and notes the Assessment Report to JRPP for DA-2015/431 for *Redevelopment of Artarmon Public School – including demolition and replacement of the school buildings to cater for up to 1200 students.***
- 3. Requests the State Government fulfils the requirement of s94A Development Contribution Plan 2011 for this development. This contribution should be earmarked and used to improve the traffic issues, which pose a significant threat to student safety and pedestrian thoroughfare between Abbott & Barton Roads.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillors Giles-Gidney and Sloane.

**AMENDMENT**

That Council:

1. **Members of the JRPP retire from the Council Chambers for the consideration of the application.**
2. **Receives and notes the Assessment Report to JRPP for DA-2015/431 for *Redevelopment of Artarmon Public School – including demolition and replacement of the school buildings to cater for up to 1200 students.***
3. **Exercises its discretion to waive the requirements of s94A development contribution plan 2011 for this development pursuant to Clause 3.3.2 of the Willoughby City Section 94A Development Contributions Plan 2011.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR SAVILLE**

**LOST**

**Voting**

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

**Against:** Councillors Coppock, Hill, Norton, Rozos, Rutherford, Saville and Wright.

**Absent:** Councillors Giles-Gidney and Sloane.

Due to Item 18.1 being a JRPP Matter, Councillors Giles-Gidney and Sloane declared a non-pecuniary substantial interest as members of the JRPP Panel and withdrew from the meeting taking no part in the discussion or voting.

Councillor Mustaca assumed the Chair in the Mayor's and Deputy Mayor's absence for this item.

**18.2 8 WALTHAM STREET, ARTARMON - DA 2016/63**

**ATTACHMENTS:** 1. ARCHITECTURAL PLANS (CIRCULATED SEPARATELY)  
2. EPA LETTER

**MEETING DATE:** 11 APRIL 2016

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**RECOMMENDATION:** APPROVAL

**APPLICANT:** NORTH SYDNEY COUNCIL

**OWNER:** MS Y GUO

**PROPOSAL:** CHANGE OF USE OF EXISTING INDUSTRIAL BUILDING AS A COMMUNITY WASTE TRANSFER STATION WITH EXTERNAL SIGNAGE AND ASSOCIATED WORKS

**DATE OF LODGEMENT:** 3 MARCH 2016

**REPORTING OFFICER:** CANDICE PON – DEVELOPMENT PLANNER

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

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**DESCRIPTION OF PROPOSAL**

Development Application 2016/63 seeks Council's consent for the change of use of an existing industrial building as a community waste transfer station with external signage at 8 Waltham Street, Artarmon.

It is noted that there are no proposed construction works and waste will not be processed at the subject site. The facility is primarily proposed to safely dispose of material commonly found in households that can be hazardous to the environment or public health. It will primarily replace the current annual Chemical Clean Out events held by Councils for household drop offs.

**RESOLUTION**

**That Council:**

- 1. Approves Development Application 2016/63 for change of use of the existing industrial building as a community waste transfer facility with external signage at 8 Waltham Street, Artarmon; and**
- 2. Delegates authority to the General Manager to issue the consent notice subject to the attached schedule of conditions.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

## SCHEDULE OF CONDITIONS

### CONDITIONS OF CONSENT:

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 Received by Council	Prepared by
Existing GF & 1 <sup>st</sup> F	DA-2A	A	01.2016	3 Mar 2016	Robert Lee Architects Pty Ltd
Existing Roof & 2 <sup>nd</sup> F	DA-3A	A	01.2016	3 Mar 2016	Robert Lee Architects Pty Ltd
Proposed GF	DA-4B	B	03.2016	3 Mar 2016	Robert Lee Architects Pty Ltd
Elevations & Sections	DA-5A	A	01.2016	3 Mar 2016	Robert Lee Architects Pty Ltd

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)

#### 2. Approved Development and Operation

The maximum processing capacity, staff numbers, types of waste transfers, and associated operational matters of the waste transfer facility must be consistent with the details contained in the submitted Operation Management Plan and the Dangerous Goods Assessment prepared by the Australian Sustainable Business Group submitted to Council on 3 March 2016, except for otherwise provided by the conditions of this consent.

The Operation Management Plan is to be implemented at all times to ensure site specific issues are appropriately managed throughout the life of this development.



The Operation Management Plan must be updated to include, but not limited to:

- a) Procedures in place to address any illegal disposing of waste,
- b) Details and Management of the quantity of waste to ensure that a licence from the Environment Protection Authority is not required,
- c) Any security measures for waste that is required to be stored externally, and
- d) Responses to any reasonable directions from the NSW Police and Willoughby City Council to ensure safety of staff and customers attending the premises.

A copy must be kept at the premises at all times and made available to Council upon request.

(Reason: Operation Management, Amenity)

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

#### **3. Additional Details for Signage**

Submit additional information showing fixing details of the proposed signage. All information submitted shall show compliance with the National Construction Code and are to be incorporated on the Construction Certificate plans.

(Reason: Ensure compliance)

#### **4. Fire Safety Upgrade of Premises prior to Change of Use**

The fire safety measures within the premises are to achieve an adequate level of fire safety in accordance with the provisions of clause 93 of the *Environmental Planning and Assessment Regulation 2000*. In this regard a report prepared by an appropriately accredited certifier (accredited by the NSW Building Professionals Board) is to be submitted to and approved by Council in accordance with Section 80A(2) of the *Environmental Planning and Assessment Act 1979* prior to the change of use of the building.

The fire safety report must include the following:

- a) A National Construction Code audit and identification of the relevant deemed to satisfy provisions which are not being complied with;
- b) A list of detailed fire safety upgrading works including alternative solutions considered appropriate to satisfy the relevant deemed to satisfy provisions and/or the performance requirements of the National Construction Code, to protect persons using the building, to facilitate their egress from the building in the event of fire and to restrict the spread of fire;
- c) A list of existing and proposed Essential Fire Safety Measures.

Should upgrading works be required, then the applicant shall show all relevant details on the Construction Certificate plans.

(Reason: Occupant Safety)

## 5. Damage Deposit

The applicant shall lodge a Damage Deposit of \$5,500.00 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$100.00 (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)

## PRIOR TO COMMENCEMENT

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

## 6. Licensee Details

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

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

(Reason: Information)

## 7. Report Existing Damages on Council's Property

Prior to commencement of any works on site, the applicant shall notify Council in writing with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

(Reasons: Protection of Council's Infrastructure)

## 8. Permits and Approvals Required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that

the issue of such permits may also involve approval from the NSW Police Force and the RTA. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

(Reason: Legal requirements)

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

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

### **9. 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)

#### **10. 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)

#### **11. 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)

**12. Demolition Work AS 2601**

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

(Reason: Safety)

**13. Sweep & Clean Pavement**

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

(Reason: Legal requirement)

**14. Street Signs**

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

(Reason: Protection of public assets)

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

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

**15. 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](http://www.sydneywater.com.au) or telephone 13 20 92.

The Section 73 Certificate must be submitted to Council.

(Reason: Ensure statutory compliance)

**16. Fire Safety Certificate before Change of Use to NSW Fire and Rescue**

Before a change of use for an existing building occurs, 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.

An Occupation Certificate will need to be issued prior to the change of use and occupation of the building. This is to ensure that all fire safety upgrading works are carried out satisfactorily as required by Council.

(Reason: Safety)

**18. Marked Parking Bays**

All parking bays and/or truck docks and the direction of traffic movement being permanently marked in accordance with the approved parking and driveway layout to the satisfaction of the Certifying Authority.

(Reason: Ensure compliance)

**19. Security of external flammable waste area**

A secure cage is to be provided around the external flammable waste area.

(Reason: Safety)

**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.**

**20. Single tenancy**

The premises is to be used in the one occupation and is not to be subleased.

(Reason: Ensure Compliance)

**21. Annual Fire Safety Statement**

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

(Reason: Safety)

**21. Staff Parking**

Employees are not to be denied the right to use a parking space provided for staff parking purposes in accordance with the Willoughby Development Control Plan Part C.4 subject to such parking space not having been otherwise allocated to another staff member.

(Reason: Ensure compliance)

**23. Loading and Unloading**

All loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Waltham Street, Hesky Lane or from any appurtenant right of way.

(Reason: Access and amenity)

**24. Hours of Operation**

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

Weekdays & Weekends                      7:00am to 7:00pm

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

**25. Industrial - Office/Showroom Use**

Office/showroom use areas being strictly confined to the area/s designated on the approved plan and under no circumstances is it to be used or let independently or, additional office or showroom space to be allocated elsewhere within the building without the prior consent of Council.  
(Reason: Ensure compliance)

**26. Signs**

The approved business identification signs are not to be illuminated.  
(Reason: Amenity)

**27. 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)

**28. 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)

**29. Marked Parking Bays**

All parking bays and/or truck docks and the direction of traffic movement being permanently marked in accordance with the approved parking and driveway layout to the satisfaction of the Certifying Authority.  
(Reason: Ensure compliance)

**30. Pollution Prevention – Water**

The site shall be operated and maintained to ensure all environmental risks are minimised and managed to prevent pollution of the stormwater system in accordance with the Protection of the Environment Operations Act 1997 and any current Environment Protection Authority (EPA) requirements or guidelines.

(Reason: Environment Protection)

**31. Spill Prevention and Control**

In order to ensure spill prevention and control, a ready supply of spill control and clean-up materials must be maintained and easily accessible at all times at the premise.

(Reason: Environmental protection)

**32. Stormwater Drainage Management**

Ensure that stormwater drains in or near the property carry clean rainwater only. Any other liquids or solids are considered a pollutant. Do not allow any wash water, food stuffs, grease, litter or other pollutants from business operations to get into the stormwater drains. Drains must be free of litter, leaves or any other foreign matter at all times.

(Reason: Environmental protection)

**PRESCRIBED CONDITIONS**

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

**33. 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)

**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**

**34. 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)

**35. 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)



**36. Occupation Certificate**

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

(Reason: Safety)

**18.3 PLANNING PROPOSAL 688-692 PACIFIC HIGHWAY, CHATSWOOD**

<b>ATTACHMENTS:</b>	<b>1. REPORT TO COUNCIL OF 14 DECEMBER 2015 2. NOTIFICATION MAP 3. SUMMARY OF SUBMISSIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - INFRASTRUCTURE &amp; PLANNING DIRECTOR</b>
<b>AUTHOR:</b>	<b>JANE GIBSON – STRATEGIC PLANNER</b>
<b>CITY STRATEGY LINK:</b>	<b>3.1.1 PLAN FOR HOUSING CHOICE</b>
<b>MEETING DATE:</b>	<b>11 APRIL 2016</b>

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**Purpose of Report**

To inform Councillors of the outcomes of community consultation regarding the Planning Proposal at 688-692 Pacific Highway, Chatswood.

**Procedural Motion**

That the following people address the meeting:

- **Andrea Austin (Secretary, Chatswood Public P&C)**
- **Marina Ilic**
- **Sue Gibson-Swalwell**
- **David Grover**
- **Jennifer Lee**
- **Peter Goudie**
- **Tony Pizzolato (Aqualand)**

**RESOLUTION**

That Council, in accordance with community consultation it undertook, the number of submissions and petitions received, and issues raised in the urban design review carried out by Kennedy and Associates in 2015:

- 1. Does not support the Planning Proposal for 688-692 Pacific Highway to increase heights and FSR, because the proposal to increase the building height to 40.2 metres is not compliant with the WLEP 2012;**
- 2. Resolves to uphold the current zoning for this site, which is B5 Business Development. This zoning identifies these sites along the western side of Pacific Highway as being different to sites on the eastern side of the highway, where zoning is generally B3. It also identifies that the subject site is part of a line of existing and anticipated commercial development along the highway that was intended to form a transition between the town centre and adjoining low scale residential development to the west;**

3. Resolves to maintain the permissible height of not greater than 18 metres, again identifying that this strip of development was intended to form a transition between the town centre and the adjoining low level residential development to the west. A development of this height would potentially physically block in Victoria Avenue West, creating visual intrusion in what is at present a relatively open vista enjoyed by pedestrians and workers in the CBD; and
4. Resolves to maintain the current FSR for development along the western perimeter of the highway to not exceed 2:1. However, because this site is located in Area 12, an FSR of 3.7:1 is permissible if the area is not less than 1140m<sup>2</sup>.
5. Council notifies all correspondents of progress of the planning proposal and if it goes to pre-determination by the Department of Planning and referral to the JRPP.

For the following reasons:

- a) **Strategic Planning:** The outcome of Council's strategic planning suggest this site is part of a considered, existing and clearly defined urban strategy, where it was intended to establish the Pacific Highway as the symbolic and physical demarcation between the Chatswood Town centre and adjoining areas. This strategy has been maintained successfully, and is visually identifiable and understood;
- b) **Urban Design:** The larger urban design issue must be considered and properly addressed which is not clear in the proposal. This is the question of:
  - whether it is an appropriate strategy to permit high rise development on the western side of the highway;
  - whether permitting a development of this type in this location will establish precedent that will 'open the doors' for other similar developments on the western side of the highway; and
  - whether allowing this will deliver a strategically valuable and appropriate long term urban outcome.

Key issues:

- the visual and physical containment of the CBD provided by the Pacific Highway;
  - the topographical characteristics; and
  - the interface issues which will result from allowing development of this type to cross the highway.
- c) **Traffic Management:** The site is located in one of the most congested parts of the Pacific Highway. It is also adjacent to a school where safe access for children is a critical factor for consideration. There is potential for increased traffic generated from the site, and potential traffic safety issues for the students; and

- d) The DET should provide adequate school facilities for its schools. The Council LEP should not be compromised to cater for lack of planning and infrastructure.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR STEVENS**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Giles-Gidney and Sloane.

Due to their understanding that Item 18.3 was a JRPP Matter, Councillors Giles-Gidney and Sloane declared a non-pecuniary substantial interest as members of the JRPP Panel and withdrew from the meeting taking no part in the discussion or voting.

Councillor Mustaca assumed the Chair in the Mayor's and Deputy Mayor's absence for this item.

**18.4 DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT TO  
28 MARCH 2016**

<b>ATTACHMENTS:</b>	<b>1. LIST OF APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>DEVELOPMENT PLANNERS, BUILDING SURVEYORS</b>
<b>CITY STRATEGY LINK:</b>	<b>3.1.3 LOCAL CHARACTER</b>
<b>MEETING DATE:</b>	<b>11 APRIL 2016</b>

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**Purpose of Report**

To provide Councillors with details of all current Development Applications and Planning Proposals as at 28 March 2016.

**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 28 March 2016.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**19 NOTICE OF MOTION**

NIL

**20 CONFIDENTIAL ITEMS**

NIL

**21 QUESTIONS**

NIL

- Her Worship the Mayor Councillor G Giles-Gidney and Deputy Mayor Councillor Sloane left the meeting at 7:12pm.

**The meeting concluded at 8:34pm**

**I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 11 April 2016. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.**