



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

27 June 2016

commencing at 7:00pm

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1 PRESENT

Councillors

Her Worship the Mayor Councillor G Giles-Gidney, Councillors S Coppock, H Eriksson, R Hill, T Mustaca, W Norton, J Rutherford and L Saville

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr P Conroy (Planning & Infrastructure Director), Ms H Liopsis (Customer and Corporate Director), Mr M McDonald (Chief Financial Officer), Mr I Arnott (Planning Manager), Ms M Hillman (Governance 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 18.3: Planning Proposal for 12 Frederick Street, St Leonards
(Nature of Interest: Close relationship to Dexus CEO)
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 18.4: 65 Albert Avenue, Chatswood (Mandarin Centre) – Planning Proposal 2016/1
(Nature of Interest: Member of JRPP)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 14 June 2016, copies of which have been circulated to each member of Council, be confirmed noting that Councillor Giles-Gidney's name should be removed from voting for Item 12.3 Haven Amphitheatre Committee Meeting – 9 February 2016.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillors Hooper, Rozos and Sloane are on leave previously granted.
- Councillors Stevens and Wright tendered an apology for Monday 27 June 2016.

RESOLUTION

That Council:

- 1. Note Councillors Hooper, Rozos and Sloane on leave previously granted.**
- 2. Grant Leave of Absence to Councillors Stevens and Wright for Monday 27 June 2016.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

5 PETITIONS

NIL

6 OPEN FORUM

NIL

7 MAYORAL MINUTE

7.1 MAYOR'S DIARY – COUNCIL MEETING NOTES – 27 JUNE 2016

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

| WEDNESDAY 15 JUNE | | | |
|--|-----------------|--|---------------------------------|
| Mayor | 10.30 am | Official Launch of <i>Ready for Life, Ready for Success</i> | Luna Park, Sydney |
| Mayor | 4.45 pm | Visit to Apples & Honey Pre-School - <i>Vivid</i> Event | 28 Chatswood Avenue |
| Mayor | 8 pm | CPA Meeting | Glenaeon School |
| THURSDAY 16 JUNE | | | |
| Mayor Deputy Mayor: Cr Sloane Crs Coppock, Norton, Rutherford, Saville, Stevens | 4 pm | Unveiling of Bas Relief in memory of former Mayor Pat Reilly | The Concourse |
| FRIDAY 17 JUNE | | | |
| | | | |
| SATURDAY 18 JUNE | | | |
| Mayor | 10 am | Radio Program | 2NSB FM |
| Crs Norton, Saville | 12-4.30 pm | SCCG Meeting | City of Sydney Council Chambers |
| Cr Norton | 7 pm | WSO Performance: <i>Brilliance</i> | The Concourse |
| SUNDAY 19 JUNE | | | |
| | | | |
| MONDAY 20 JUNE | | | |
| | | | |
| TUESDAY 21 JUNE | | | |
| Mayor | 10 am | Police Community Safety Meeting | Chatswood Police Station |
| Mayor Cr Norton | Part of the day | <i>Have Fun, Be Active</i> Event | The Concourse Pavilion |
| Mayor | 12 noon | NSW Budget Address | Parliament House, Sydney |
| Crs Norton, Rutherford | 6.30 pm | Chatswood East PA Meeting | Dougherty Centre |
| Mayor Crs Eriksson, Norton, Saville | 7 pm | FPA: Meet the Candidates Forum | Dougherty Centre |
| WEDNESDAY 22 JUNE | | | |
| Mayor | 10 am | Visit to E.Willoughby Pre-School <i>gp.1</i> | Bales Park |
| Mayor | 3.30 pm | Meeting with Year 11 Students | Willoughby Girls High School |
| Mayor Cr Sloane | 7.45 pm | Artarmon PA Meeting | 139 Artarmon Road |
| THURSDAY 23 JUNE | | | |
| Cr Norton | 12 noon | <i>Live at Lunch</i> Concert | The Concourse |
| Mayor Deputy Mayor: Cr Sloane | 7 pm | Dinner with Consul General of Japan | The Consulate, Bellevue Hill |

| FRIDAY 24 JUNE | | | |
|--|----------|--|--------------------------------------|
| Mayor | 10 am | Visit to E.Willoughby Pre-School <i>gp.2</i> | Bales Park |
| | | | |
| SATURDAY 25 JUNE | | | |
| Mayor Crs Norton, Rutherford, Saville | 10.30 am | Naming of Park in memory of former Mayor Greg Bartels | Edgar Street Reserve |
| Mayor | 12.30 pm | Opening Ceremony: IBAA Event | The Concourse Pavilion |
| Mayor | 6.30 pm | ACETCA Annual Dinner | The Star Event Centre, Pymont |
| SUNDAY 26 JUNE | | | |
| Cr Saville | 3.30 pm | Meet the Candidates Forum | All Saints Church Hall, Hunters Hill |

8 GENERAL MANAGER'S LATE REPORT

NIL

9 MATTERS FOR DEFERRAL, REFERRAL TO INSPECTION AND/OR PROCEDURAL PRIORITY**10 MATTERS BROUGHT FORWARD BY THE PUBLIC**

- Item 13.1 272-274 Willoughby Road, Naremburn – DA 2015/427 and BC 2015/74
- Item 17.3 Options for Future uses of Tyneside Tennis Courts
- Item 18.1 Bicentennial Reserve, Small Street, Willoughby – DA 2016/92
- Item 18.3 Planning Proposal for 12 Frederick Street, St Leonards

11 MATTERS NOT REQUIRING ELABORATION OR DEBATE

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

- Item 16.1 Operational Plan – June 2016
- Item 17.4 Chatswood CBD Recreation Needs Study 2016
- Item 18.6 Review of E.Restore Program
- Item 18.7 Sydney Metro (Chatswood to Sydenham) EIS Submission

RESOLUTION

That the remaining items, viz:

- Item 12.1 Inspection Committee Meeting – 25 June 2016 – 52-54 Eastern Valley Way, Northbridge – DA 2015/368
- Item 12.2 Middle Harbour Ward Councillors Inspection Committee Meeting – 315 Victoria Avenue, Chatswood – DA 2015/548
- Item 14.1 Councillor Information Booklet – 14 and 21 June 2016
- Item 16.2 Bank Balances and Investments as at 31 May 2016
- Item 16.3 Customer Service Charter
- Item 16.4 Disclosure of Interest Returns
- Item 17.1 Tender 098875 – Bicentennial Reserve Sealed Courts – Floodlighting Upgrade
- Item 17.2 Tender 098856 – Hallstrom Park Playground Upgrade
- Item 18.2 S96 – DA 2014/273/D Albert Ave Car Park
- Item 18.4 65 Albert Avenue, Chatswood (Mandarin Centre) – Planning Proposal 2016/1
- Item 18.5 Willoughby Development Control Plan Part G.5 “Advertisements and Advertising Structures”

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

12.1 INSPECTION COMMITTEE MEETING - 25 JUNE 2016 - 52-54 EASTERN VALLEY WAY, NORTHBRIDGE - DA 2015/368

| | |
|----------------------|---|
| ATTACHMENTS: | NIL |
| RESPONSIBLE OFFICER: | PETER CONROY – PLANNING & INFRASTRUCTURE DIRECTOR |
| AUTHOR: | PETER CONROY – PLANNING & INFRASTRUCTURE DIRECTOR |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

To list on the agenda the minutes of the Inspection Committee Meeting held 25 June 2016, dealing with DA 2015/368 for 52-54 Eastern Valley Way, Northbridge.

RESOLUTION

That Council:

1. Receive the Minutes of the Inspection Committee Meeting held 25 June 2016, dealing with DA 2015/368 for 52-54 Eastern Valley Way, Northbridge.
2. Note the resolution adopted by the Committee:

That the application be approved in accordance with the Officer's recommendation:

“That Council approve Development Application 2015/368 seeking Council's consent for the demolition of the existing structures and construction of a residential flat building comprising of 33 units at 52 – 54 Eastern Valley Way, Northbridge and delegated authority be granted to the General Manager to issue the consent notice subject to the attached schedule of recommended conditions.”

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

12.2 MIDDLE HARBOUR WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 315 VICTORIA AVENUE, CHATSWOOD - DA 2015/548

| | |
|-----------------------------|---|
| ATTACHMENTS: | 1. MINUTES |
| RESPONSIBLE OFFICER: | IAN ARNOTT - PLANNING MANAGER |
| AUTHOR: | JULIET STOKES – DEVELOPMENT ASSESSMENT OFFICER |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

To present the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 9 June 2016

RESOLUTION**That Council:**

- 1. Receive the Minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 9 June 2016, dealing with DA 2015/548 for 315 Victoria Avenue, Chatswood.**
- 2. Note the resolution adopted by the Committee:**

That the development application, DA 2015/548, seeking consent for Demountable structure, within the Crystal carwash site for the purpose of dog washing, be approved in accordance with the Officer's recommendations, subject to the following amendments/additional requirement being incorporated in the conditions of consent:

- a) A timer device is to be installed to the power supply of the self-service dog wash machine to automatically turn off the machine outside the approved hours of operation.*
- b) Hours of operation of the dog wash on Sunday are to be amended to 8:00am - 7:00pm.*
- c) Prior to the commencement of use of the approved dog wash machine, a list detailing the chemical ingredients of shampoo, conditioners and disinfectants used are to be provided to Council's Environmental Health Officer for approval. Should there be changes to the chemical used, an updated list shall be provided to Council for approval prior to use.*
- d) At the end of each day, the dog wash machine, and its surrounds must be thoroughly cleaned by staff, including the removal of any dog hair or residuals from the use of the dog wash.*

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

13.1 272 - 274 WILLOUGHBY ROAD, NAREMBURN - DA 2015/427 & BC 2015/74

ATTACHMENTS: 1. NOTIFICATION PLAN
2. PLANS AS LODGED

MEETING DATE: 27 JUNE 2016

RECOMMENDATION: DA – DEFERRED COMMENCEMENT APPROVAL

BC – CAPABLE OF APPROVAL PENDING SATISFACTORY LODGEMENT OF REQUIRED DOCUMENTATION

LOCATION: 272-274 WILLOUGHBY ROAD, NAREMBURN

APPLICANT: ES ENGINEERING AND DESIGN

OWNER: MR G BASMAJIAN

PROPOSAL DA: EXTENSION OF RESTAURANT SEATING INTO REAR GARDEN INVOLVING PROVISION OF ADDITIONAL TABLES AND SEATS, ERECTION OF 2.2M HIGH ACOUSTIC FENCES, RETENTION OF CUBBY HOUSE AND LANDSCAPING WORKS

PROPOSAL BC: RETENTION OF UNAUTHORISED AWNING OVER REAR DECK

DATE OF LODGEMENT: 14 OCTOBER 2015

REPORTING OFFICER: NONI DE CARVALHO (SPECIALIST PLANNER)
GREG PATTEN (BUILDING SURVEYOR)

RESPONSIBLE OFFICER: IAN ARNOTT (PLANNING MANAGER)

DESCRIPTION OF PROPOSAL

This report deals with two applications. These are Development Application 2015/427 and Building Certificate Application 2015/74 for 272-274 Willoughby Road Naremburn. The premises is currently occupied by Sprout Café and Wholefood Groceries.

1. Development Application 2015/427 seeks consent for alterations to the layout of the rear garden involving the erection of a 2.2m high timber fence, relocation of a cubby house, and the provision of an additional 46 café seats to be located in the garden area. There are also proposed changes to the landscaping of the rear garden and the relocation of a garbage enclosure.

2. Building Certificate Application 2015/74 requests authorisation to retain the existing awning over the full width of the rear deck and side passage, being works constructed without Council approval.

Procedural Motion

That the following people address the meeting and answer questions of the Councillors:

- Stuart Clare
- Patricia Gemmell
- Charmayne O'Regan
- Sarah Whittington
- Roger Promnitz (Sec. Naremburn Progress Assn)
- Elie Sleiman (Applicant's representative)
- Joe Melhem (Sprout Retail Group)

MOTION

That Council:

1. Defer determination of Building Certificate Application BC2015/74 for an awning constructed over the rear deck and side passage way at 272 – 274 Willoughby Road, Naremburn; and
2. Delegate authority to the General Manager to issue the Building Certificate BC2015/74 subject to the matters contained in Schedule 1 being satisfied.
3. Approve Development Application DA-2015/427 for additional seating at 272-274 Willoughby Road, Naremburn subject to:
 - a. Deletion of conditions 1 – 7 of Schedule 2 – Deferred Commencement Conditions, subclause B and replacement with the following:
 - “B. Amendment of the Development Application Plans 2015/427 to satisfactorily address the following requirements:
 - a) Provision of new 2.2 metre high acoustic fencing inside the rear and to both side boundaries of the rear garden area and northern side of the deck seating area.
 - b) The rear acoustic fence parallel to the rear boundary is to be located a minimum of 2.5 metres from the rear boundary and the space between the fence and the boundary is to be provided with landscaping. A gate with acoustic seals will be provided to give access to the setback area for maintenance and also to access the garbage holding facility. Details of the proposed landscaping shall be provided and may include additional vegetable gardens as well as screen planting of the acoustic fence.
 - c) Adjustment of the vegetable garden planter boxes without any reduction in net area to be within the newly located acoustic fencing.

- d) The cubby house being relocated next to the rear deck;
- e) The rear garden being maintained in its existing form (vegetable gardens and waste facility) with no tables and chairs or adult seating within the rear garden beyond the rear deck;
- f) The location of the bike storage adjacent to the rear deck;
- g) The seating on the rear deck being increased to a maximum of 36;
- h) The submission of an amended cost of works schedule.”

- b. By adding the following additional conditions to Schedule 3 – Conditions of Consent:

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

16A. Acoustic Fencing

Prior to the provision of additional seating, the acoustic fencing is to be constructed to prevent unreasonable noise disturbance to neighbouring residential properties.
(Reason: Amenity of neighbouring residential properties)

16B. Relocation of Cubby House

Prior to the provision of additional seating, the cubby house is to be relocated next to the rear deck.
(Reason: Ensure Compliance)

- c. By modifying the following conditions:

ADDITIONAL CONDITIONS

16. Acoustic Works – Report

To ensure all acoustic work has been completed, certification shall be provided upon completion of the works, accompanied with evidence from a suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out and complies with the recommendations contained within the acoustic report.
(Reason: Amenity)

16A Trial Period

The use of the rear deck for additional seating is to be limited to a 12 month trial period following which the seating is return to a maximum of 20. A Section 96 application may be submitted after a period of 9 months for the continuation of the additional seating and use of the rear yard.

18. Seating Capacity

The seating capacity of the café/restaurant (excluding the footway restaurant area) is restricted to a maximum of 30 people internally and 36 people on the rear deck at any one time due to limited off-street car parking. The rear yard beyond the rear deck is not to be accessed by patrons or the general public at any time.
(Reason: Amenity)

19. Hours of Operation

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

- Weekdays (Monday to Wednesday) 7am to 6pm
- Thursday to Sunday & Public Holidays 7am to 8pm

Any variation to these hours is to be subject to the prior consent of Council. The deck area is only to be used with the noise attenuation measures in place ensuring the relevant standards for residential areas under the provisions of the Protection of the Environment Operations Act, 1997.
(Reason: Amenity)''

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Eriksson, Hill, Mustaca and Saville

Against: Councillors Coppock, Norton and Rutherford

SCHEDULE 1 – MATTERS TO BE SATISFIED FOR BUILDING CERTIFICATE BC2015/74

A. Submission of the following for the consideration of Building Certificate Application 2015/74

1. Submit certification from an accredited fire safety engineer verifying that the unauthorised pergola extension and roof covering over the pergola do not compromise the objectives, recommendations and conclusions of the Alternative Solution Report prepared by Fire Modelling and Computing (report DG – 137) dated December 2013.
2. Provide details of compliance with clause 7 of Specification C1.10 of the BCA in respect of materials used on and in the pergola structure and covering.
3. Structurally upgrade the rear pergola by carrying out works specified under the work statement method prepared by Capital Engineering Consultants dated 1 July 2015 Ref ST15219.SCI. Upon completion of work submit to Council a Structural Engineers Certificate from a practising and qualified structural engineer verifying that the pergola and roofing materials are structurally adequate for their intended use.
4. Dispose of all collected stormwater into Councils drainage system or the provided rainwater tanks.
5. Upgrade the existing building so as to provide two exits from the rear deck to comply with the performance requirements of Part D of the Building Code of Australia (BCA).
6. Additional exit signs and emergency lighting are to be provided to the additional exit where required to comply with Part E of the BCA.
7. If it proposed to vary the deemed to satisfy provisions of the BCA mentioned above, a fire safety report prepared by an accredited fire safety engineer shall be submitted to and approved by Council. The fire safety report shall include the following:
 - a. Identification of the relevant deemed to satisfy provision of the BCA that is to be the subject of the alternative solution (Clause A0.10 of the BCA);
 - b. Identification of the performance requirements that are relevant to the identified deemed to satisfy provisions (Clause A0.10 of the BCA);
 - c. Identification of the assessment methods used to determine that a building solution complies with the performance requirements (Clause A0.8 and A0.9 of the BCA);
 - d. A list of the building solutions and fire safety upgrading works proposed to satisfy the performance requirements of the Building Code of Australia;
 - e. A statement indicating that the alternative solution complies with the relevant performance requirements of the BCA.
8. Cessation of the storage of goods in egress pathways including high chairs.

9. Upon completion of the fire safety upgrading works, 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.
10. If it is proposed to provide an additional exit, submit an updated architectural plan which accurately depicts the completed works.

SCHEDULE 2 – DEFERRED COMMENCEMENT CONDITIONS

In accordance with Section 80(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the applicant in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 67(3) of the Regulation, 12 months period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/detail. If not, then the 'deferred commencement' will lapse and a new development application will be required.
(Reason: Ensure compliance)

A. Approval of Building Certificate 2015/74.

B. Amendment of the Development Application Plans 2015/427 to satisfactorily address the following requirements:

- f. Provision of new 2.2 metre high acoustic fencing inside the rear and to both side boundaries of the rear garden area and northern side of the deck seating area.
- g. The rear acoustic fence parallel to the rear boundary is to be located a minimum of 2.5 metres from the rear boundary and the space between the fence and the boundary is to be provided with landscaping. A gate with acoustic seals will be provided to give access to the setback area for maintenance and also to access the garbage holding facility. Details of the proposed landscaping shall be provided and may include additional vegetable gardens as well as screen planting of the acoustic fence.
- h. Adjustment of the vegetable garden planter boxes without any reduction in net area to provide for the required acoustic fencing.
- i. Relocation of the proposed location of cubby house to the hard stand in front of the rainwater tanks which is in fact observed on site to be its current location and not as shown on the application plans.
- j. Provision of signs requesting quiet enjoyment and to alert people to consider the amenity of neighbours.
- k. Reduction in the proposed number of seats in the garden area to a maximum of 36 to allow for the location of the cubby house permanently onto the concrete surface adjacent to the fenced rainwater tanks. This may require the addition of soft fall to the concrete surface and no objection is made to the provision of a soft fall surface around and under the cubby house.
- l. Submission of an amended cost of works schedule.

SCHEDULE 3 - CONDITIONS OF CONSENT

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:

(To be inserted when the matters in Schedule 2 are satisfactorily resolved and completed)

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 **(to be completed when Schedule 2 matters satisfactorily resolved and completed)**

A monetary contribution of \$(INSERT CONTRIBUTION) (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 (INSERT PERCENTAGE)% of the estimated development cost of \$ (INSERT AMOUNT) at (INSERT DATE) 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.

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

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 'Tap In'

The approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to release of the Construction Certificate.
(Reason: Ensure compliance)

4. External Finishes – Heritage Character

All external building material shall be in colours and textures, which are compatible with the heritage character of the locality. In this regard a schedule of these colours and textures shall be submitted to the Certifying Authority.
(Reason: Visual amenity)

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.

5. 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)

6. Dilapidation Report of Public Open Space

Submit a dilapidation report including photographic record of the Public Open Space adjoining the development, detailing the physical condition of items such as, but not exclusively to, trees, bushland, rock outcrops and physical improvements such as paths, furniture and play equipment.

The applicant may be held liable to any damage to public infrastructures 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 prior to commencement of works.
(Reason: Protection of Council's infrastructure)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

7. 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)

8. 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)

9. 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)

10. Road and Footpath

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

(Reason: Maintain public safety)

11. No Storage on Foot/Roadway

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

(Reason: Safety)

12. Skips and Bins

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

(Reason: Safety)

13. 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, unless exempt or noxious in Willoughby LGA
- 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 AS 4970-2009 Protection of trees on development sites, Section 4 – tree protection measures.
(Reason: Tree management)

14. 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)

PRIOR TO OCCUPATION OF THE DEVELOPMENT & COMMENCEMENT OF USE

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

15. 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)

16. Acoustic Works – Report

To ensure all acoustic work has been completed, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report no. 46.5103.R7:MSC by The Acoustic Group dated 5 February 2016 subject to the amended design required by this consent.
(Reason: Amenity)

ADDITIONAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

17. 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)

18. Seating Capacity of Rear Garden

The seating capacity of the restaurant is restricted to a maximum of capacity of the rear garden of the restaurant is 36 patrons at any one time due to limited off-street car parking.

(Reason: Amenity)

19. Hours of Operation

The hours of operation of the deck and rear garden are to be restricted to those times listed below, i.e.:

| | |
|--------------------------------------|------------|
| Weekdays (Monday to Wednesday) | 7am to 6pm |
| Thursday to Sunday & Public Holidays | 7am to 8pm |

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

(Reason: Amenity)

20. Site Lighting

Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties.

(Reason: Amenity)

21. Heritage – Maintain Portion of Existing Building

Should any portion of the existing building which is indicated on the approved plans to be retained be damaged, all the works on-site are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained.

(Reason: Heritage conservation and Ensure compliance)

22. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

23. 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)

24. Waste Storage Area – Food Premises

The waste storage area shall be fitted out to comply with the following:

- The floor of the garbage room shall be impervious, coved at the intersection with the walls, graded to a floor waste connected to the sewer;
- The walls shall be finished with a smooth, impervious surface;
- The garbage area shall be ventilated, proofed against pests, have self-closing doors; and
- Provided with a hose tap connected to the water supply.

These provisions are to be in place prior to the occupation of the food premises.

(Reason: Health & Amenity)

PRESCRIBED CONDITIONS

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

25. 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

26. 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)

27. 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)

28. 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)

14 CORRESPONDENCE

14.1 COUNCILLOR INFORMATION BOOKLET - 14 AND 21 JUNE 2016

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | DEBRA JUST - GENERAL MANAGER |
| AUTHOR: | TRISHA DUFFY - SECRETARY GOVERNANCE |
| CITY STRATEGY LINK: | 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 14 and 21 June 2016.

RESOLUTION

That Council receive the Councillors Information Booklet, circulated to all Councillors on 14 and 21 June 2016.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 OPERATIONAL PLAN - JUNE 2016

| | |
|----------------------|---|
| ATTACHMENTS: | <ol style="list-style-type: none">1. 2016/2017 ESTIMATES BY KEY STRATEGIC DIRECTION2. 2016/2017 GRAPHICAL SUMMARIES OF INCOME & EXPENDITURE3. PROJECTED STATEMENT OF FINANCIAL PERFORMANCE BY TYPE FOR YEAR ENDED 30 JUNE 20174. SUBMISSIONS5. LONG TERM FINANCIAL PLAN (UPDATED)6. WORKFORCE PLAN |
| 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: | 27 JUNE 2016 |

Purpose of Report

To adopt Council's Delivery Program, Operational Plan, Workforce Plan, updated Long Term Financial Plan and Budget for 2016/2017 which incorporates all activities of the fourth and final year of the 2013-2017 Delivery Plan, estimates of Income and Expenditure and Schedule of Fees and Charges.

RESOLUTION

That Council:

1. Adopt the *Delivery Program, Operational Plan, Budget and Fees and Charges for 2016-2017*, the updated *Long Term Financial Plan 2015-2025 and 2016-2017 Workforce Plan*, incorporating all activities of the final year of the *2013-2017 Delivery Program*.
2. Make a Domestic Waste Management Charge of \$515.00 per annum per service on all properties categorised as Residential for the 2016/2017 rating year in accordance with Section 496 of the *Local Government Act, 1993*.
3. Make a Domestic Waste Management charge for qualifying Self-Funded Retirees of \$390.00 per annum per service on all qualifying properties categorised as Residential for the 2016/2017 rating year in accordance with Section 496 of the *Local Government Act, 1993*.

4. **Make a Domestic Waste Management charge for eligible Pensioners of \$390.00 per annum per service on all qualifying properties categorised as Residential for the 2016/2017 rating year in accordance with Section 496 of the *Local Government Act, 1993*.**
5. **Make, in accordance with Section 496 (A) of the *Local Government Act, 1993*, Stormwater Management Service Charges for the 2016/2017 rating year of:**
 - \$25.00 per rateable residential property**
 - \$12.50 per rateable strata titled property**
 - \$25.00 per 350 sq m for business related properties (minimum charge \$5.00)**
6. **Aggregate the values of certain parcels of land subject to minimum rates in accordance with Section 548A of the *Local Government Act, 1993*.**
7. **Make the following ordinary rates and charges using land values dated July 2015 and the Ad-Valorem Rating Structure and Minimums for the 2016/2017 rating year in accordance with Section 494 of the *Local Government Act, 1993*:**
 - (a) **Residential:**
 - Ad Valorem – 0.00081451 cents in the dollar**
 - Minimum – \$803.20**
 - Yield - \$27,755,789**
 - (b) **Business:**
 - Ad Valorem – 0.0059045 cents in the dollar**
 - Minimum – \$1,147.10**
 - Yield - \$11,726,884**
 - (c) **CTC (Chatswood Town Centre)**
 - Ad Valorem – 0.0071281 cents in the dollar**
 - Minimum – \$1,220.00**
 - Yield - \$6,746,316**
 - (d) **Chatswood Major Retail – Chatswood Chase**
 - Ad Valorem – 0.0130830 cents in the dollar**
 - Minimum – \$1,022.50**
 - Yield - \$847,778**
 - (e) **Chatswood Major Retail – Westfield**
 - Ad Valorem – 0.0123800 cents in the dollar**
 - Minimum – \$1,022.50**
 - Yield - \$1,083,175**
 - (f) **Strata Storage Facility**
 - Ad Valorem – 0.005709 cents in the dollar**
 - Minimum – \$775.50**
 - Yield - \$87,632**
8. **Resolve the interest rate applicable on overdue rates and charges is 8% per annum for the 2016/2017 rating year (Section 566 of the *Local Government Act, 1993*).**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16.2 BANK BALANCES AND INVESTMENTS AS AT 31 MAY 2016

| | |
|-----------------------------|--|
| 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: | 28 JUNE 2016 |

Purpose of Report

To detail the Council Bank balances and Investment portfolio performance as at 31 May 2016.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings for May 2016.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

16.3 CUSTOMER SERVICE CHARTER

| | |
|-----------------------------|--|
| ATTACHMENTS: | 1. CUSTOMER SERVICE CHARTER 2. CONSULTATION FEEDBACK/REPORT |
| RESPONSIBLE OFFICER: | HELEN LIOSSIS – CUSTOMER AND CORPORATE DIRECTOR |
| AUTHOR: | ALAN LINDEMAN – CUSTOMER SERVICE MANAGER |
| CITY STRATEGY LINK: | 6.3.2 COUNCIL SERVICES ARE DELIVERED TO A QUALITY STANDARD, ARE SUSTAINABLE AND RESPONSIVE TO COMMUNITY NEEDS |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

To provide Council with an updated, post consultation, Customer Service Charter.

RESOLUTION

That Council adopt the Customer Service Charter.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

16.4 DISCLOSURE OF INTEREST RETURNS

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | HELEN LIOSSIS - CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | PATRICIA SHELDRAKE, MINUTE SECRETARY |
| CITY STRATEGY LINK: | 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

To inform Council that the following recently appointed staff members have submitted Primary Returns as required under Section 449 of the *Local Government Act 1993*:

- Helen Liossis – Customer & Corporate Director
- Peter Conroy – Planning & Infrastructure Director
- Michael Cashin – Community Life Manager
- Mustafa Ghulam – Head of Business Improvement
- Norma Shankie-Williams – Strategic Planning Team Leader
- Peter Dallas – Information Management Team Leader

RESOLUTION

That Council note the Disclosure of Interest Returns lodged in accordance with Section 449 of the *Local Government Act 1993*.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 TENDER 098875 - BICENTENNIAL RESERVE SEALED COURTS - FLOODLIGHTING UPGRADE

| | |
|----------------------|---|
| RESPONSIBLE OFFICER: | MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR |
| AUTHOR: | AMY BARNES – OPEN SPACE PROJECTS OFFICER |
| CITY STRATEGY LINK: | 1.3.2 HEALTHY LIVING AND WELLBEING ARE ENCOURAGED |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

To seek Council's approval to appoint Havencord Pty Limited to carry out the floodlighting upgrade works at the netball courts at Bicentennial Reserve, Willoughby.

RESOLUTION

That Council:

1. Accept Havencord Pty Ltd as the preferred tenderer for Bicentennial Reserve sealed netball courts floodlight upgrade.
2. Authorise Havencord Pty Ltd to complete the design and construction of the tendered works.
3. Authorise the Mayor and General Manager to sign and execute the contract documents.
4. Inform the tenderers of Council's decision.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

17.2 TENDER 098856 - HALLSTROM PARK PLAYGROUND UPGRADE

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR |
| AUTHOR: | AMY BARNES – OPEN SPACE PROJECTS OFFICER |
| CITY STRATEGY LINK: | 1.3.2 HEALTHY LIVING AND WELLBEING ARE ENCOURAGED |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

To seek Council's approval to appoint a tenderer to carry out the playground upgrade works at Hallstrom Park playground, Willoughby.

RESOLUTION**That Council:**

- 1. Accept Furnass Landscaping Enterprises as the preferred tenderer for Hallstrom Park Playground Upgrade works noting the request for an additional allocation of \$40,000 in the draft 2016/2017 budget.**
- 2. Authorise the Mayor and General Manager be authorised to sign and execute the contract documents.**
- 3. Inform the tenderers of Council's decision.**

MOVED COUNCILLOR MUSTACA**SECONDED COUNCILLOR ERIKSSON****CARRIED****Voting**

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

Against: Nil

17.3 OPTIONS FOR FUTURE USES OF TYNESIDE TENNIS COURTS

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: 27 JUNE 2016

Purpose of Report

To seek Council's endorsement to take over the management of Tyneside Courts for a trial period of 18 months.

Procedural Motion

That the following people address the meeting:

- Jennie Brandenburg
- Adam Cheyne

RESOLUTION

That Council:

1. Endorse Willoughby Leisure's management of the Tyneside site as a tennis facility for a minimum 18 month trial period, beginning on the 1st October 2016, with a further report to be brought back to Council outlining outcomes of the trial and options for improving the site at the end of the trial period.
2. Offer Love'n Deuce an extension of the current quarter by quarter management arrangements for the Tyneside tennis courts until 30 September 2016, under the current terms while a transition plan is developed.
3. Accept Tennis Australia's offer to participate in a pilot for a new Key Pad Entry, Booking and Court system, at Tyneside Tennis Courts, and work in partnership with Tennis Australia to improve the site.
4. Establish a Leisure Services Recreational Reserve of funds generated annually from recreational facilities managed by Council, for future reinvestment into the respective recreational assets on a priority basis.
5. At the end of the trial period, a meeting be convened between Willoughby Council, Tennis Australia and local residents and stakeholders to review the success of the trial period and plan for the future use of the site.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

17.4 CHATSWOOD CBD RECREATION NEEDS STUDY 2016**RESPONSIBLE OFFICER:** MELANIE SMITH, DIRECTOR, COMMUNITY, CULTURE & LEISURE**AUTHOR:** JULIE WHITFIELD, OPEN SPACE CO-ORDINATOR**CITY STRATEGY LINK:** 1.3.1 ACCESSIBLE OPEN SPACE AND RECREATIONAL FACILITIES FOR THE COMMUNITY ARE PROVIDED**MEETING DATE:** 27 JUNE 2016

Purpose of Report

To inform Council of the *Chatswood CBD Recreation Needs Study 2016*, and provide an action plan to address recommendations made in the Study.

RESOLUTION

That Council note the *Chatswood CBD Recreation Needs Study 2016*, and the associated schedule of relevant actions for 2015/16 and 2016/17.

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

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

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 BICENTENNIAL RESERVE, SMALL STREET, WILLOUGHBY - DA 2016/92

ATTACHMENTS: 1. NOTIFICATION MAP
2. PLANS & ELEVATIONS

MEETING DATE: 27 JUNE 2016

RECOMMENDATION: APPROVAL

APPLICANT: WILLOUGHBY CITY COUNCIL

OWNER: WILLOUGHBY CITY COUNCIL

PROPOSAL: Removal of 36 x 8 metre high light poles from the upper and lower netball courts and replacement with 3 x 22 metre high light poles on the upper courts no. 3 -10, 2 x 22 metre high light poles, 4 x18 metre high poles on the lower courts no 11-19.

DATE OF LODGEMENT: 24 MARCH 2016

REPORTING OFFICER: JOHN BRUNTON - PLANNING CONSULTANT

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

DESCRIPTION OF PROPOSAL

This application proposes the replacement of the existing floodlights at the netball courts in Bicentennial Reserve Small Street, Willoughby. The proposed 9 new light poles are to replace 36 existing light poles, because the existing lighting does not satisfy the Australian Standard.

The existing 36 light poles are 8m in height, and are interspersed throughout the network of courts. The proposed 9 light poles will be distributed around the perimeter of the court complex with the lights directed downwards and inwards towards the courts. The 4 light poles along the eastern and southern perimeter will be 18 metres high while the other 5 poles will be 22 metres high (**Figure 1**).

Procedural Motion

That the following people address the meeting:

- Roger Promnitz (Sec. Naremburn Progress Assn)

RESOLUTION

That Council:

1. Approve Development Application 2016/92 seeking Council's consent for removal of 36 x 8 metre light poles from the upper and lower netball courts and replacement with 3 x 22 metre high light poles on the upper courts No. 3 -10, 2 x 22 metre high light poles, 4 x18 metre high poles on the lower courts no 11-19 at the Bicentennial Reserve, Small Street, Willoughby.
2. Issue the determination notice subject to the attached conditions.
3. Waive s94A Developer's Contribution for Development Application 2016/92 in accordance with Clause 3.3.2 of the Willoughby City Section 94A Development Contributions Plan 2011.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

SCHEDULE OF CONDITIONS

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 |
|---------------------------------------|----------------|---------------------|------------------------|-------------------------|--|
| Bicentennial Reserve – Netball Courts | | | 15/2/2016 | | Willoughby City Council Culture & Leisure Branch |
| Lighting Design | Project No.362 | | 5/2/2016 | | Gary Roberts & Associates |

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. External Finishes – Solar Reflectance

The external surfaces and materials of the proposed light poles are to be of minimal reflectance so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or park users. Details demonstrating compliance are to be submitted with the Construction Certificate.
(Reason: Visual amenity)

3. Provision of Electrical Service

The applicant or electrical consultant must consult with Ausgrid to confirm electrical supply arrangements and to ensure that any proposed works over existing underground electricity cables or within proximity of any electricity easement are to the satisfaction of Ausgrid.
(Reason: Protection of public asset)

4. Bushfire Protection

The design and construction of the proposal shall comply with the requirements of the Planning for Bushfire Protection 2006 and Australian Standards 3959-2009. Details of compliance are to be included in plans/specifications prior to the release of the Construction Certificate.

(Reason: Safety and protection of property)

5. Sydney Water 'Tap In'

The approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to release of the Construction Certificate.

(Reason: Ensure compliance)

6. External Finishes – Heritage Character

All external building material shall be in colours and textures, which are compatible with the heritage character of the locality. In this regard:

- (b) the Schedule of Colours and Finishes submitted with the application satisfies this requirement.

(Reason: Visual amenity)

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.

7. 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)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

8. 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)

9. 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)

10. 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)

11. 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)

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. Access to Site

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

14. Tree Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees unless exempt or noxious in Willoughby LGA.
- 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. Excavation within the tree protection zone of any tree is to be undertaken by hand.
- iv) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites.

(Reason: Tree management)

15. Public Tree Protection

Unless identified by the development consent, no tree roots over 50mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

16. Certification of Light Spillage

An appropriately qualified lighting engineer must certify that the lighting system has been installed in accordance with the approved design and the lights have been adjusted or shielded so that light does not radiate directly from any light pole into residential properties in Garland Road.

(Reason: Amenity)

ADDITIONAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

17. Netball Court Use

The lights that enable the use of the netball courts shall be restricted so that the use concludes by 9:30pm.

(Reason: Amenity and compliance)

18. Netball Court Lighting

All netball court lighting shall comply with Australian Standard AS 4282-1997 Control of obtrusive effects of outdoor lighting and Australian Standard AS 2560.2.4-1996 Lighting for outdoor netball and basketball.

(Reason: Amenity and compliance)

19. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

20. 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)

PRESCRIBED CONDITIONS

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

21. 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

22. 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)

23. 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)

24. 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 S96 - DA 2014/273/D ALBERT AVE CAR PARK

ATTACHMENTS: 1. NOTIFICATION MAP
2. SPECIFICATIONS OF SCREEN

MEETING DATE: 27 JUNE 2016

RECOMMENDATION: APPROVAL

APPLICANT: SCENTRE GROUP (WESTFIELD)

OWNER: WILLOUGHBY CITY COUNCIL

PROPOSAL: ALTERATIONS AND ADDITIONS TO EXISTING CARPARK

S96: MODIFY SOUTHERN FAÇADE (INSTALLATION OF SCREENS ON LEVEL 1, 2 & 3)

DATE OF LODGEMENT: 12 MAY 2016

REPORTING OFFICER: ANNIE LEUNG – DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

DESCRIPTION OF PROPOSAL

Section 96 application 2014/273/D seeks to modify the approved plans of the Development Consent 2014/273 issued for alterations and additions to the existing Albert Ave Car Park.

The modifications involve the installation of perforated metal screens to the southern facade on Levels 1, 2 and 3 of the approved car park additions.

RESOLUTION

That Council:

- 1. Approve s96 Application 2014/273/D seeking Council's consent to modify Development Consent 2014/273 issued for alterations and additions to the existing Albert Ave Car Park by installation of metal screens to the southern façade of the approved additions.**
- 2. Issue the determination notice subject to the attached modified conditions.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

SCHEDULE OF MODIFIED CONDITIONS

DA2014/273 is modified as follows:

A. Addition of Condition 1A

Condition 1A – Screen

Privacy screens are to be installed on Level 1, Level 2 and Level 3 along the southern façade of the approved car park additions in accordance with the approved s96 application DA2014/273/D. All screens must be installed prior to the occupation of the approved development.

(Reasons: Amenity & Ensure Compliance)

B. Comply with all other conditions of the original development consent.

18.3 PLANNING PROPOSAL FOR 12 FREDERICK STREET, ST LEONARDS

| | |
|-----------------------------|--|
| ATTACHMENTS: | 1. CONCEPT PLANS 2. DRAFT AMENDMENTS TO WDCP 3. CONSISTENCY WITH RELEVANT SEPPS |
| RECOMMENDATION: | SUPPORT TO PROCEED TO GATEWAY DETERMINATION AND PUBLIC EXHIBITION |
| RESPONSIBLE OFFICER: | IAN ARNOTT - PLANNING MANAGER |
| AUTHOR: | JANE GIBSON - STRATEGIC PLANNER |
| CITY STRATEGY LINK: | 1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

To provide Council with an assessment and recommendation in respect of a Planning Proposal for a portion of Lot 1 in DP 591747 at 12 Frederick Street, St Leonards. The Planning Proposal is to allow "Hospital" as a permissible use on the southern portion of the site with a Floor Space Ratio (FSR) of up to 3:1.

Procedural Motion

That the following people address the meeting and answer questions of the Councillors:

- Dan Keary

MOTION

That Council:

1. Support the Planning Proposal and draft amendments to Willoughby Local Environmental Plan 2012 allowing "hospital" use with a Floor Space Ratio up to 3:1 and Willoughby Development Control Plan for 12 Frederick Street, St Leonards (being part Lot 1 DP 591747) for public exhibition.
2. Forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.
3. Request the applicant to submit a Stage 3 Remedial Action Plan prior to the exhibition of the Planning Proposal.
4. Advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott be nominated as delegate to process and finalise the Planning Proposal.

MOVED COUNCILLOR ERIKSSON

LAPSED FOR WANT OF SECONDER

MOTION

That Council defer this matter to the next Council meeting.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR NORTON

CARRIED

Voting

For the Motion: Councillors Coppock, Hill, Norton, Rutherford, Saville.

Against: Councillors Mustaca and Eriksson

Absent: Councillor Giles-Gidney

Due to Councillor Giles-Gidney declaring a non-pecuniary substantial interest in Item 18.3 Planning Proposal for 12 Frederick Street, St Leonards, having a close relationship to the Dexus CEO, she withdrew from the meeting taking no part in the discussion or voting on this topic.

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

18.4 65 ALBERT AVENUE CHATSWOOD (MANDARIN CENTRE) - PLANNING PROPOSAL 2016/1

| | |
|-----------------------------|---|
| ATTACHMENTS: | 1. CONCEPT PLANS RECEIVED 14 APRIL 2016 2. PREVIOUS REPORT TO COUNCIL MEETING 14 SEPTEMBER 2015 |
| RECOMMENDATION: | NOT TO SUPPORT THE PLANNING PROPOSAL |
| RESPONSIBLE OFFICER: | PETER CONROY – PLANNING & INFRASTRUCTURE DIRECTOR |
| AUTHOR: | CRAIG O'BRIEN – STRATEGIC PLANNER |
| CITY STRATEGY LINK: | 6.2.1 A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

To provide Council with an assessment of a Planning Proposal at 65 Albert Avenue, Chatswood, known as The Mandarin Centre, and recommend that Council does not support the Planning Proposal.

RESOLUTION**That Council:**

- 1. Not support the Planning Proposal for 65 Albert Avenue, Chatswood, known as The Mandarin Centre, to:
 - a) add shop top housing as an additional permitted use in Schedule 1 while retaining the Commercial Core B3 zoning for the site;**
 - b) increase the permissible Floor Space Ratio to 11.37:1 (excluding affordable housing)**
 - c) increase in the maximum height limit to RL 217.6 (approximately 125.6 metres)****
- 2. Not refer the Planning Proposal to the Gateway for a Gateway Determination;**
- 3. Notify the applicant of Council's decision.**

MOVED COUNCILLOR MUSTACA**SECONDED COUNCILLOR ERIKSSON****CARRIED**

Voting

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

Against: Nil

Absent: Councillor Giles-Gidney

There was no discussion on this topic. Councillor Giles-Gidney declared a non-pecuniary substantial interest in Item 18.4 65 Albert Avenue, Chatswood (Mandarin Centre) – Planning Proposal 2016/1, being a member of the JRPP, and took no part in the voting.

18.5 WILLOUGHBY DEVELOPMENT CONTROL PLAN PART G.5 ' ADVERTISEMENTS AND ADVERTISING STRUCTURES'

| | |
|-----------------------------|--|
| ATTACHMENTS: | 1. COUNCIL RESOLUTION 8 FEBRUARY 2016 2. COUNCIL SUBMISSION |
| RESPONSIBLE OFFICER: | PETER CONROY – PLANNING & INFRASTRUCTURE DIRECTOR |
| AUTHOR: | CRAIG O'BRIEN – STRATEGIC PLANNER |
| CITY STRATEGY LINK: | 6.2.1. A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

The purpose of this report is to seek Council's endorsement of a review of Part G.5 'Advertisements and Advertising Structures' of Willoughby Development Control Plan, with regard to electronic signage.

RESOLUTION

That Council review Part G.5 'Advertisements and Advertising Structures' of Willoughby Development Control Plan to consider the matters of:

- **Rationalising existing signage**
- **Road safety**
- **Impacts on vegetation**
- **Impacts on residential amenity**
- **Community messaging**
- **Limiting changing images**
- **Not involving third part signage in relation to real estate signs**

as they relate to electronic signage.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

18.6 REVIEW OF E.RESTORE PROGRAM

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR |
| ATTACHMENTS: | 1. ELTON CONSULTING REVIEW OF E.RESTORE |
| AUTHOR: | SALLY HAMILTON – ENVIRONMENT MANAGER |
| CITY STRATEGY LINK: | 2.1.2 THE COMMUNITY VALUES THE NATURAL ENVIRONMENT |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

The purpose of this report is to seek Council's endorsement of the outcomes of the formal review of the e.restore program.

RESOLUTION

That Council:

- 1. Endorse the development of a revised Environmental/Sustainability Plan that includes a focus on the following elements:**
 - a. Improving transparency and value for money in relation to the following budget allocations:**
 - i. Internal Overhead - \$327,000 in the 2014/15 Budget**
 - ii. e.restore Planning and Reporting - \$200,000 in the 2014/15 Budget**
 - iii. Environmental Vehicle Initiative - \$100,000 in the 2014/15 Budget**
 - b. The development of a more comprehensive organisation-wide plan:**
 - i. Including Measurable 4 Year Targets and Performance Indicators – to align with Council terms**
 - ii. With aspirational 10-20 Year Targets and Performance Indicators**
 - iii. For both Council and the wider community incorporating Projects and Actions, specifically linked to Targets and KPI's in relation to elements such as:**
 - Greenhouse gas production**
 - Energy consumption**

 - Water use**
 - Recycled water use**

 - Waste production**
 - Recycling and re-use of materials**

- Water quality
 - Biodiversity
 - Tree canopy cover

 - Community engagement
 - Community participation
 - Community interaction
 - Community capacity building.
- c. Engaging the wider community and other stakeholders in the development of the revised Environmental/Sustainability Plan (in accordance with Council's Community Engagement Policy) to secure broad community participation and identify opportunities for collaboration and partnering.
- d. Completing a formal review of the e.restore program every four years in line with the Community Strategic Plan.
- e. Ensuring that all e.restore funds are allocated on a Value for Money Basis and that all aspects of the e.restore program are assessed via the Projects and Capital Works Prioritisation Framework.
- f. Submitting regular reports to Council outlining progress towards annual and longer term programs, targets and performance indicators.
2. Include a section in future Environmental/Sustainability Plan Annual Report that covers:
- a. successes,
 - b. lessons learnt; and
 - c. improvements made.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

18.7 SYDNEY METRO (CHATSWOOD TO SYDENHAM) EIS SUBMISSION

| | |
|-----------------------------|---|
| ATTACHMENTS: | 1. SYDNEY METRO (CHATSWOOD TO SYDENHAM) EIS SUBMISSION |
| RESPONSIBLE OFFICER: | PETER CONROY –PLANNING & INFRASTRUCTURE DIRECTOR |
| AUTHOR: | DAVID SUNG – DESIGN SERVICES MANAGER |
| CITY STRATEGY LINK: | 4.2.1 INCREASED USE OF ACTIVE AND PUBLIC TRANSPORT |
| MEETING DATE: | 27 JUNE 2016 |

Purpose of Report

To seek Council's endorsement of the Submission to the Department of Planning and Environment for the Sydney Metro – Chatswood to Sydenham Project EIS.

RESOLUTION

That:

- 1 The report on Council's submission on the Environmental Impact Statement for the Sydney Metro – Chatswood to Sydenham Project be received.**
- 2 Council endorse the submission for the EIS to the Department of Planning and Environment.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

19 NOTICE OF MOTION

NIL

20 CONFIDENTIAL ITEMS

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the option of the General Manager, the following business is confidential as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

Procedural Motion

That:

1. Council resolve itself into Closed Session with the Press and Public excluded from the meeting to deal with the following confidential items.
2. Council resolve into Committee of the Whole in order to deal with these confidential items.

20.1 LEGAL PROSPECT - 217 EASTERN VALLEY WAY, MIDDLE COVE - DA 2015/99

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 as the matter relates 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

20.2 VOLUNTARY PLANNING AGREEMENT - 12 FREDERICK STREET, ST LEONARDS

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 ADDITIONAL INFORMATION - TENDER 098875 - BICENTENNIAL RESERVE SEALED COURTS - FLOODLIGHTING UPGRADE

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

20.4 ADDITIONAL INFORMATION - TENDER 098856 - HALLSTROM PARK PLAYGROUND UPGRADE

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

20.5 TENDER 097543 STORMWATER HARVESTING AND REUSE - ARTARMON RESERVE

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

20.1 LEGAL PROSPECT - 217 EASTERN VALLEY WAY, MIDDLE COVE - DA 2015/99

Recommendation Summary

That Council grant delegated authority to the General Manager to manage the litigation in accordance with the General Manager's general delegations.

20.2 VOLUNTARY PLANNING AGREEMENT - 12 FREDERICK STREET, ST LEONARDS

Recommendation Summary

That:

- 1. The report be noted**

2. Council Staff initiate formal discussions with the proponent with a view to preparing a Draft Voluntary Planning Agreement in accordance with the matters endorsed by Council at its meeting on 14 December 2015 in relation to:
 - a. The process for determining the value of the community benefit
 - b. Council's desire to link the community benefit to the quantum of the uplift in the value of a site that will flow from the proposed increase in floor space ratio, building height and the range of land uses permitted on a site
 - c. Sharing the value of the uplift on a 45/55 basis - between Council and the proponent, subject to the proponent paying Council's costs
 - d. Council engaging expert assistance.

Due to Councillor Giles-Gidney declaring a non-pecuniary substantial interest in Item 18.3 Planning Proposal for 12 Frederick Street, St Leonards, having a close relationship to the Dexus CEO, she withdrew from the meeting taking no part in the discussion or voting on this topic.

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

20.3 ADDITIONAL INFORMATION - TENDER 098875 - BICENTENNIAL RESERVE SEALED COURTS - FLOODLIGHTING UPGRADE

Recommendation Summary

That Council:

1. Accept Havencord Pty Ltd as the preferred tenderer for Bicentennial Reserve sealed netball courts floodlight upgrade.
2. Authorise Havencord Pty Ltd to complete the design and construction of the tendered works.
3. Authorise the Mayor and General Manager to sign and execute the contract documents.
4. Inform the tenderers of Council's decision.

20.4 ADDITIONAL INFORMATION - TENDER 098856 - HALLSTROM PARK PLAYGROUND UPGRADE

Recommendation Summary

That Council:

1. Accept Furnass Landscaping Enterprises as the preferred tenderer for Hallstrom Park Playground Upgrade works noting the request for an additional allocation of \$40,000 in the draft 2016/2017 budget.
2. Authorise the Mayor and General Manager be authorised to sign and execute the contract documents.

3. Inform the tenderers of Council's decision.

20.5 TENDER 097543 STORMWATER HARVESTING AND REUSE - ARTARMON RESERVE

Recommendation Summary

That Council:

1. Receive and note Report for Tender 097543 – Artarmon Reserve Stormwater Harvesting and Reuse.
2. Not accept any of the Tenders and enter into negotiations with:
 - Never Stop Water Group Pty Ltd
 - Optimal Stormwater Pty Ltdwith a view to entering into a contract.
3. Endorse the action outlined in point 2 (above) due to the programme restrictions imposed on the project.
4. Endorse the General Manager entering into negotiations with:
 - Never Stop Water Group Pty Ltd
 - Optimal Stormwater Pty LtdAs they were the two highest scoring Tenderers in the Tender process to date.
5. Authorise the Mayor and General Manager to sign and execute the contract documents as an outcome of negotiations being acceptable to the General Manager.
6. Staff inform all Tenderers of Council's decision following the conclusion of satisfactory negotiations.
7. Make this recommendation public.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Eriksson

RESOLUTION

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

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Eriksson

21 QUESTIONS

NIL

- Her Worship the Mayor Councillor G Giles-Gidney left the meeting at 8:17pm during debate on Item 18.3: Planning Proposal for 12 Frederick Street, St Leonards and returned after the vote at 8:36. Councillor Mustaca took the Chair during debate and vote on that topic.
- Her Worship the Mayor Councillor G Giles-Gidney left the meeting at 9:04pm during debate on Item 20.2: Voluntary Planning Agreement – 12 Frederick Street, St Leonards and returned after the vote at 9:18. Councillor Mustaca took the Chair during debate and vote on that topic.

The meeting concluded at 9:27pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 27 June 2016. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.