



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber
Level 6, 31 Victor Street, Chatswood

8 August 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, J Hooper, W Norton, A Rozos, J Rutherford, M Sloane, L Saville and N Wright

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr P Conroy (Planning & Infrastructure Director), Mr I Arnott (Planning Manager), Ms M Hillman (Governance Manager) and Ms L Keeling (Minute Secretary)

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

Nil

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 25 July 2016, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillors Mustaca and Stevens tendered an apology for Monday 8 August 2016.

RESOLUTION

That Council grant Leave of Absence to Councillors Mustaca and Stevens for Monday 8 August 2016.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

5 PETITIONS

RESOLUTION

**That Council note the Petition circulated at the Council Meeting on 8 August 2016
'Optus Vodaphone Towers at Nursing Home – 3 Felton Avenue, Lane Cove North.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

6 OPEN FORUM

Nil

7 MAYORAL MINUTE

7.1 MAYOR'S DIARY – COUNCIL MEETING NOTES – 8 AUGUST 2016

TUESDAY 26 JULY			
Mayor	5.30 pm	Chatswood Chamber of Commerce: Business After Hours	St. George Bank Business Hub Level 5, 67 Albert Avenue
WEDNESDAY 27 JULY			
Mayor	10 am	North Shore LAC Awards Ceremony	Roseville Golf Club
THURSDAY 28 JULY			
FRIDAY 29 JULY			
SATURDAY 30 JULY			
Mayor Crs Norton, Rutherford, Saville	11 am	Unveiling of Portrait of Dr Nicholas Milton AM - ANZ Artwork Project	The Concourse
Cr Norton	2 pm	WSO Children's Concert: <i>Boom Box</i>	The Concourse
Cr Norton	7 pm	WSO Concert: <i>Destiny</i>	The Concourse
SUNDAY 31 JULY			
Mayor Crs Norton, Rutherford	Morning	National Tree Day Events	Various locations in the City of Willoughby
Mayor	2.30 pm	The Australian Architecture Association: Meeting & Tour	Fishwick House, Castlecrag
MONDAY 1 AUGUST			
Cr Rutherford		2016 Miss Australia Chinese Pageant: Sydney Region Final	The Concourse
TUESDAY 2 AUGUST			
Mayor	1 pm	Tour of former HMAS Platypus Site	Neutral Bay
WEDNESDAY 3 AUGUST			
Mayor	9.30 am	School Celebration Day Event	Mowbray School
Mayor	5 pm	Launch: Mills Lane Shops at Silkari	88 Albert Avenue, Chatswood
THURSDAY 4 AUGUST			
Mayor	12 noon	Press Conference: Australian Fujian Association	The Marigold, George Street
Mayor	6 pm	Opening of Exhibition by members of the NSW Sculptors Society	Chatswood Chase
Mayor	7.15 pm	Reception: Assumption of Office of new Consul-General of PRC in Sydney	Chinese Consulate, Sydney
FRIDAY 5 AUGUST			
Mayor	10.30 am	Welcome Event: Fukushima orphans	Warners Park
SATURDAY 6 AUGUST			
Mayor Crs Norton, Rutherford	9.30 am	FPA Meeting	Willoughby Room, The Library
Mayor	2 pm	Opening of <i>China Art Expo</i>	Chinese Cultural Centre
SUNDAY 7 AUGUST			
Mayor Cr Rozos	4.30 pm	Book Launch: <i>A Patch of Sun</i>	Rubino's, Penshurst Street

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 18.2 1 Anderson Street, 28 Victor Street and 49-51 Albert Avenue Chatswood – Planning Proposal

11 MATTERS NOT REQUIRING ELABORATION OR DEBATE

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

Item 12.2	Minutes – Traffic Committee Meeting held 15 June 2016
Item 16.1	Establishment of Cy Pres Declaration of Trust
Item 18.1	88 Archer Street Chatswood – DA 2016/2
Item 18.3	Submission regarding review of General Housing Code

RESOLUTION

That the remaining items, viz:

Item 12.1	Access Advisory Committee Meeting held 13 July 2016
Item 12.3	Naremburn Ward Councillors Inspection Committee Meeting – 4 Rhodes Avenue Naremburn – 4 July 2016 DA 2016/67
Item 12.4	West Ward Councillors Inspection Meeting – 36 Peckham Avenue Chatswood – 21 July 2016 – DA2015/329
Item 12.5	West Ward Councillors Inspection Meeting – 37 Centennial Avenue Chatswood – 27 July 2016 – 2015/41
Item 12.6	Sailors Bay Ward Councillors Meeting – 19 July 2016 Shop 2/395 Sailors Bay Road, Northbridge – DA 2009/428/C
Item 14.1	Councillors Information Booklet – 12, 19, 26 July & 2 August 2016
Item 17.1	Out of Term Grant Applications
Item 18.4	Making public a confidential report from 25 July 2016 Council Meeting – Item 3.1 Regency Leisure Centre 24 Anderson Street Chatswood

Be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

12.1 ACCESS ADVISORY COMMITTEE MEETING HELD WEDNESDAY 13 JULY 2016

ATTACHMENTS:	1. MINUTES - ACCESS ADVISORY COMMITTEE - 13 JULY 2016
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	8 AUGUST 2016

Purpose of Report

To provide Council with the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 13 July 2016.

RESOLUTION

That Council:

Receive and note the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 13 July 2016.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

12.2 MINUTES - TRAFFIC COMMITTEE - MEETING 15 JUNE 2016

ATTACHMENTS:	1. TRAFFIC COMMITTEE MINUTES OF 15 JUNE 2016
RESPONSIBLE OFFICER:	PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR
AUTHOR:	NEIL STRICKLAND – TRAFFIC ENGINEER
CITY STRATEGY LINK:	4.2.2 BALANCE TRAFFIC MANAGEMENT
MEETING DATE:	8 AUGUST 2016

Purpose of Report

To advise Council of the outcome of the latest Traffic Committee Meeting held on 15 June 2016.

RESOLUTION

That the recommendations arising from the 15 June 2016 Traffic Committee Meeting be received and adopted.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

**12.3 NAREMBURN WARD COUNCILLORS INSPECTION COMMITTEE
MEETING - 4 RHODES AVENUE, NAREMBURN - 4 JULY 2016 - DA
2016/67**

ATTACHMENTS:

- 1. MINUTES NAREMBURN WARD COUNCILLORS
INSPECTION 4 JULY 2016- 4 RHODES AVE
NAREMBURN – DA2016/67**
- 2. MINUTES NAREMBURN WARD COUNCILLORS
INSPECTION 19 JULY 2016 – 4 RHODES AVE
NAREMBURN – DA2016/67**

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

AUTHOR: ARTHUR TSEMBIS – DEVELOPMENT PLANNER

MEETING DATE: 8 AUGUST 2016

Purpose of Report

To list on the agenda the Minutes of the Naremburn Ward Councillors Inspection Committee Meeting held on 19 July 2016.

Note: The Naremburn Ward Councillors Inspection Committee Meeting scheduled on 4 July 2016 was adjourned until 19 July 2016 for the applicant to provide amended plans.

RESOLUTION

That Council:

- 1. Receive the Minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 4 July 2016 and 19 July 2016, relating to DA 2016/67 for Alterations and additions to dwelling, garage, studio to rear of property and associated works.**
- 2. Note the resolution adopted by the Committee:**

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

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

**12.4 WEST WARD COUNCILLORS INSPECTON MEETING - 36 PECKHAM AVE
CHATSWOOD - 21 JULY 2016 - DA2015/329**

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	GILLIAN WONG - DEVELOPMENT ASSESSMENT OFFICER
AUTHOR:	ANNIE LEUNG – DEVELOPMENT PLANNING TEAM LEADER
MEETING DATE:	8 AUGUST 2016

Purpose of Report

To list on the agenda the Minutes of the West Ward Councillors Inspection Committee Meeting held 21 July 2016.

RESOLUTION

That Council:

1. Receive the Minutes of the West Ward Councillors Inspection Committee Meeting held 21 July 2016, relating to DA 2015/329 for demolition of the existing dwelling, and carport, tree removal, subdivision of the land into 2 lots and the construction of a two storey dwelling on each proposed lot.
2. Note the resolution adopted by the Committee:
 - a) *Defer the issue of the determination notice of the application for 5 working days for the Officers to contact correspondents who did not attend the Ward Councillor Committee Meeting held today be advised of the outcome of the committee. The officers are to notify the ward councillors after contacting the correspondents.*
 - b) *Subsequent to above a) that Council approve the application in accordance with the Officer's recommendation (including rectifying typographic error to Condition 74) subject to conditions requiring:*
 - *Materials and Finishes of the development to be of neutral and recessive colours complementary to the bushland setting of the site*
 - *Tree protection measures must be consistent with best practice*
 - *Swimming pools are required to meet current legislative requirements*

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

**12.5 WEST WARD COUNCILLORS INSPECTION - 37 CENTENNIAL AVE
CHATSWOOD - 27 JULY 2016 - 2015/41**

ATTACHMENTS:	1. MINUTES WARD COUNCILLOR INSPECTION
RESPONSIBLE OFFICER:	JOHN FIELDING – DEVELOPMENT ASSEMENT OFFICER
AUTHOR:	JOHN FIELDING – DEVELOPMENT ASSESSMENT OFFICER
MEETING DATE:	8 AUGUST 2016

Purpose of Report

To list on the agenda the Minutes of the West Ward Councillors Inspection Committee Meeting held on 27 July 2016.

RESOLUTION**That Council:**

- 1. Receive the Minutes of the West Ward Councillors Inspection Committee Meeting held 27 July 2016, relating to 2015/41 for unauthorised As-Built Retaining Wall and Swimming Pool Deck construction.**
- 2. Note the resolution adopted by the Committee:**

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

- 1. (a) The construction of a 1.8 metre high privacy screen of suitable materials along the western and part northern sides of the swimming pool deck. Details of the proposed privacy screen being submitted to and approved by Council prior to construction.***
- (b) The owner being allowed a period of 60 days from the date of Council's formal notice of determination, for these matters to be satisfactorily completed.***
- 2. The 1.8 metre high privacy screen along the western and part north-western side of the swimming pool deck to the recessed articulation in the deck shall have aperture sizes no greater than 25 millimetres.***
- 3. Remove and make good miscellaneous structures along the western side boundary fencing adjacent the western side swimming pool deck and return such area to a good and neighbourly appearance.***

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

12.6 SAILORS BAY WARD COUNCILLORS MEETING - 19 JULY 2016 - SHOP 2/395 SAILORS BAY ROAD, NORTHBRIDGE - DA 2009/428/C

ATTACHMENTS:	1. MINUTES - WARD COUNCILLORS INSPECTION
RESPONSIBLE OFFICER:	ANNIE LEUNG – DEVELOPMENT PLANNING TEAM LEADER
AUTHOR:	CANDICE PON - DEVELOPMENT ASSESSMENT OFFICER
MEETING DATE:	8 AUGUST 2016

Purpose of Report

To list on the agenda the Minutes of the Sailors Bay Councillors Inspection Committee Meeting held 19 July 2016.

RESOLUTION**That Council:**

1. **Receives the Minutes of the Sailors Bay Ward Councillors Inspection Meeting held 19 July 2016 dealing with DA 2009/428/C for Shop 2/395 Sailors Bay Road, Northbridge.**
2. **Note the resolution adopted by the Committee:**
 - a) **That Council approve the s96 application, DA2009/428/C seeking consent for extension of hours of operation after a trial period and modification of Condition 21 to permit the consumption of alcohol at the premise and associated outdoor dining area in accordance with the officer's recommendations subject to the following amendments:**
 - i. **the hours of operations be amended as proposed by the subject s96 application, DA2009/428/C, including extended trading hours until 10pm on Thursdays, Fridays and Saturdays, and until 8pm on Sundays.**
 - ii. **Condition 21 be amended, deleting requirements for signage that prohibits the consumption of alcohol at the premise and the associated outdoor dining area. Noting the footway licence currently applies to the site does not permit the consumption of alcohol. The applicant is responsible to obtain any new footway licence.**
 - iii. **Condition 22 be amended to specify that all staff of the subject premise must obtain Responsible Service of Alcohol (RSA) training.**
3. **Note that the Consequential Motion proposed by the Committee, namely**

“Council officers prepare a report to Council detailing investigation on the potential to provide a safety barrier in association with the outdoor dining area of the subject premise, Shop 2 / 395 Sailors Bay Road, Northbridge, including:

i) The need of providing a safety barrier at the location/site with respect to the layout of the outdoor dining area that is subject to a footway licence.

ii) If a safety barrier is needed; then also:

- The type of safety barriers that may be suitable
- The costs of providing such safety barrier
- The burden of costs and any contribution required from the licensee of the footway licence.”

is currently under consideration by Council officers.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

14.1 COUNCILLOR INFORMATION BOOKLET

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	SHARON ENGLISH – SECRETARY GOVERNANCE
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	8 AUGUST 2016

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 12, 19 and 26 July and 2 August 2016.

RESOLUTION

That Council receive the Councillors Information Booklet, circulated to all Councillors on 12, 19 and 26 July and 2 August 2016.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 ESTABLISHMENT OF CY PRES DECLARATION OF TRUST

ATTACHMENTS:

1. CY PRES DECLARATION OF TRUST
2. SUPREME COURT JUDGEMENT OF 13 JULY 2016
3. COUNCIL RESOLUTION – ITEM 16.1 – 27 APRIL 2015
4. COUNCIL RESOLUTION – ITEM 15.1 – 24 AUGUST 2015

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: 8 AUGUST 2016

Purpose of Report

To advise Council of the approval of its Cy Pres Declaration of Trust application by the Supreme Court of New South Wales on 13 July 2016.

RESOLUTION

That Council:

1. Note the establishment of the Cy Pres Declaration of Trust for site 1 Richmond Avenue Reserve (Willoughby) and site 2 Mowbray Park (Lane Cove North) and the associated conditions.
2. Note a further report will be presented to Council on possible uses of these funds.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 OUT OF TERM GRANT APPLICATIONS

RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN - COMMUNITY LIFE MANAGER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	8 AUGUST 2016

Purpose of Report

1. To seek Council's endorsement of the recommendations for the distribution of Out of Term grant funds through Council's 2016/17 Community (Small) Grants Program.
2. To seek Council's endorsement of the recommendations for the distribution of Out of Term grant funds through The Concourse Performing Arts Subsidy.

RESOLUTION

That Council:

1. Endorse the Officer's recommendation for the distribution of grant funds through the 2016/17 Community Small Grants Program - Community Development 1A.

Recommended Applicant:

Chatswood Chamber of Commerce - Chatswood Sleeps Rough Website (Provide an upgrade to the Chatswood Sleeps Rough Website to increase awareness of Homelessness): \$2,000.

2. Endorse the Officer's recommendation for the distribution of grant funds under The Concourse Performing Arts Subsidy program.

Recommended Applicant:

Nova Employment – FOCUS ON ABILITY: \$5,000.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

DEVELOPMENT APPLICATIONS

18.1 88 ARCHER STREET CHATSWOOD - DA 2016/2

MEETING DATE: 8 AUGUST 2016

RECOMMENDATION: APPROVAL

LOCATION: 88 ARCHER STREET, CHATSWOOD NSW 2067

APPLICANT: VIG 88 DEVELOPMENT PTY LTD

OWNER: WILLOUGHBY CITY COUNCIL

PROPOSAL: LEASEHOLD STRATA SUBDIVISION OF FUTURE LOT 102 IN DP1186488 INTO 224 LOTS.

DATE OF LODGEMENT: 6 JANUARY 2016

VALID APPLICATION DATE: 21 JULY 2016 (AMENDED PLANS)

REPORTING OFFICER: NONI DE CARVALHO – SPECIALIST PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

PURPOSE OF REPORT

To seek Council approval of the Strata Subdivision of 88 Archer Street (Lot 102 DP 1186488) into 224 leasehold lots.

Procedural Motion

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

- Paul Serra

RESOLUTION

That Council:

1. Supports the Clause 4.6 objection to the 2,500m² minimum lot size requirement of Clause 4.1(3) for 88 Archer Street as it is considered unreasonable and unnecessary to comply with the development standard for the following reasons:
 - a) The subdivision is of a building on a leasehold site;

- b) The building that is the subject of the subdivision, is consistent with the objectives and intentions for development in WLEP 2012 and WDCP Part I Civic Place and Associated sites for the Archer Street Precinct of Council's Civic Place land; and,
 - c) The subdivision is not inconsistent with the relevant objectives of the development standard.
- 2. Grant development consent to DA 2016/2 for leasehold strata subdivision of the building on 88 Archer Street Chatswood with the attached conditions.
 - 3. That authority be granted to The Mayor and General Manager to affix the Council's seal to the leasehold strata subdivision certificate plans and documents.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Councillor Coppock, Hooper and Saville

SCHEDULE OF CONDITIONS

CONDITIONS OF CONSENT:

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
Strata Subdivision Administration	40426SP – 5 Sheets	-	21.7.2016	21.7.2016	John Higgins
Strata Subdivision Plans	40426SP – 22 Sheets	-	21.7.2016	21.7.2016	John Higgins

the application form and any other supporting documentation including but not limited to the draft 88B instrument (amended by Condition 3) 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 THE RELEASE OF LINEN PLANS/SUBDIVISION CERTIFICATE/ STRATA APPROVAL

The following are to be complied with prior to the issue of the Subdivision Certificate / Strata Approval and the release of the Linen Plans for registration at the Land and Property Information Office.

2. Amendment of the Leasehold Strata Plans

The strata plans are to be amended to remove all references to the Strata Schemes (Freehold Development) Act 1973 and insert instead the Strata Schemes (Leasehold Development) Act 1986.
(Reason: Ensure compliance)

3. Restrictions on Use/Strata Management

Restrictions on use/strata management are to be provided over relevant lots as noted below that provide for:-

- a) Lots 1 to 212 are to be used only for temporary short term tourist and visitor accommodation. They shall not be used for residential purposes. In this regard the draft terms of the covenant shall be amended to advise that the burdened lot must only be used as tourist and visitor accommodation in the form of serviced apartments as defined in Willoughby Local Environmental Plan 2012.
- b) The function room Lots 222 and 223 at the rear of the tavern Lot 221 are to operated and managed in conjunction with the operation and management of the tavern.
- c) All part allotment car spaces located in the Basement are to be managed by the Building Manager and/or Serviced Apartment Operator and allocated for use depending on the demands of changing occupancy in the accommodation suites and the demand for car parking for the retail, restaurant, tavern and function areas of the development. No car spaces are for the exclusive use of the lot to which they are attached.

(Reason: Ensure compliance)

4. Subdivision

All conditions of Development Consent DA-2007/323 required to be completed prior to the release of the Occupation Certificate are to be completed and complied with to the satisfaction of Council prior to the issue of the Subdivision Certificate/Strata approval.

(Reason: Ensure compliance)

5. Strata Subdivision

Strata Subdivision requires Linen Plan plus four copies to be prepared by a Registered Surveyor. In this regard the applicant's attention is drawn to the requirement for a Strata Certificate, which is to be obtained from Council or Private Accredited Certifier (if applicable) by separate application, to allow registration of the strata subdivision with the Land Titles Office.

(Reason: Information)

6. Subdivision - Surveyors Report

Where a building exists on land to be subdivided, a surveyor's report is to be submitted prior to issue of the Strata Certificate to Council confirming that no currently connected services straddle the proposed boundary. The Surveyors certificate shall confirm that the Lots 5 to 13 on Level 1 are wholly contained with Lot 102 DP 1186488.

(Reason: Ensure compliance)

7. Location of On-Site Detention System

The locations of the as-built on-site stormwater detention system(s) shall be shown on the final plan of subdivision/strata plan.

(Reason: Ensure compliance)

8. Documentary Evidence of Registered Positive Covenant and Restriction on the Use of Land

Prior to issue of the Subdivision Certificate, the following documentary evidence of the completed on-site detention (OSD) system as required by Consent DA-2007/323 and Consent DA-2015/441 shall be submitted to Council:-

9. Section 88B Instrument

A Section 88B Instrument is to be submitted with the Linen Plan for subdivision in respect to any proposed easements, rights-of-way and positive covenants and/or restrictions on use including those identified in Condition 3.

(Reason: Ensure compliance)

10. Registration of the Lease Plan for lot 102 in DP 1186488

The lease plan and easements for Lot 102 in DP 1186488 and approved in DA 2015/441 and Subdivision Certificate 2016/15 are to be registered before the Strata Certificate is issued.

(Reason: Ensure compliance)

18.2 1 ANDERSON STREET, 28 VICTOR STREET AND 49-51 ALBERT AVENUE CHATSWOOD - PLANNING PROPOSAL

RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JOHN BRUNTON – CONSULTANT PLANNER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	8 AUGUST 2016

Purpose of Report

To seek Council support to forward a Planning Proposal to the Department of Planning for a Gateway Determination and public exhibition.

Procedural Motion

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

- Tony Moody
- Mike Davies

MOTION

That Council:

- 1. Support for public exhibition, the Planning Proposal and draft amendment to Willoughby Local Environmental Plan 2012 allowing “amusement centre” use for land that comprises Lots 1 and 2 DP879701 and Lot 1 DP1001932, known as 1 Anderson Street, 28 Victor Street and 49-51 Albert Avenue, Chatswood.**
- 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. 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 ROZOS

SECONDED COUNCILLOR ERIKSSON

AMENDMENT

That the matter be deferred for 2 weeks for the purpose of receiving further information from the applicant to allow Council to formally note this material to move to supporting the matter.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Amendment: Councillors Coppock, Hill, Hooper, Norton, Rutherford, Saville and Sloane.

Against: Councillors Giles-Gidney, Eriksson, Rozos and Wright.

The Amendment became the Motion and when put was carried

CARRIED

Voting

For the Amendment: Councillors Coppock, Hill, Hooper, Norton, Rutherford, Saville and Sloane.

Against: Councillors Giles-Gidney, Eriksson, Rozos and Wright.

GENERAL MATTERS**18.3 SUBMISSION REGARDING REVIEW OF GENERAL HOUSING CODE**

ATTACHMENTS:	1. UNDER SEPARATE COVER 2. SUBMISSION LETTER ON COMPLYING DEVELOPMENT
RESPONSIBLE OFFICER:	PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER GREG PATTEN – PLANNING PROCESS SPECIALIST
CITY STRATEGY LINK:	5.1.1 LOCAL BUSINESS
MEETING DATE:	8 AUGUST 2016

Purpose of Report

The purpose of this report is to seek Council's endorsement of a draft submission (Attachment 2) to the Department of Planning & Environment from Willoughby Council.

RESOLUTION**That Council:**

- 1. Endorse the attached submission on the State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 which identifies the following:**
 - a. Concerns regarding ongoing expansion of Complying Development in existing built up areas and in particular:**
 - The increasing scale and size of dwellings specified in the Housing Code in existing urban areas;
 - Local characteristics not being satisfactorily addressed;
 - Impacts such as overshadowing and view loss not being satisfactorily addressed
 - b. Concerns regarding proposed amendments to the Housing Code including:**
 - Floor space ratio;
 - Front setbacks;
 - Built to Boundary walls;
 - Vehicular access;
 - Excavation;
 - Reflectivity; and
 - Flood control.
- 2. Forward the attached submission to the Department of Planning and Environment.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

**18.4 MAKING PUBLIC A CONFIDENTIAL REPORT FROM 25 JULY 2016
COUNCIL MEETING - ITEM 3.1 REGENCY LEISURE CENTRE - 24
ANDERSON STREET CHATSWOOD**

ATTACHMENTS:	1. REDACTED CONFIDENTIAL COUNCIL REPORT
RESPONSIBLE OFFICER:	PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	VLADIMIR GREPL - GOVERNANCE AND CORPORATE PLANNING OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	8 AUGUST 2016

Purpose of Report

To make public a confidential report from 25 July 2016 Council meeting as resolved by the Council.

RESOLUTION

That Council notes the provision to the public of the confidential report Item 3.1 “Regency Leisure Centre – 24 Anderson Street Chatswood” from 25 July 2016 Council meeting, with sensitive information redacted, according to Council resolution made on 25 July 2016.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

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 ADDITIONAL INFORMATION – 88 ARCHER STREET CHATSWOOD DA 2016.2

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

20.1 ADDITIONAL INFORMATION – 88 ARCHER STREET CHATSWOOD DA 2016.2

Recommendation Summary

That Council:

1. Note the history of its involvement in this matter in its role as the land owner and Lessor of 88 Archer Street, Chatswood
2. Note the additional critical information provided in the report, in particular:
 - a. The mediation that occurred on 5 March 2013 in respect of 88 Archer Street, Chatswood
 - b. Council's decision to approve the Variation of the Lease Agreement for the site in accordance with the outcome of the mediation
 - c. The matters covered in the Amending Deed executed on 18 April 2013.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

RESOLUTION

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

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

21 QUESTIONS

NIL

The meeting concluded at 9:33pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 8 August 2016. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.