



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

**NOTICE IS HEREBY GIVEN** that an

Ordinary Meeting of the Council  
will be held at Council Chamber  
Level 6, 31 Victor Street, Chatswood

on 24 October 2016

commencing at 7:00pm

The Meeting is open to the Public

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## 1 PRESENT

### Councillors

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

### 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 J Gregson (Senior Management Accountant), Ms M Hillman (Governance Manager) and Ms P Sheldrake (Minute Secretary)**

## 2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.2: Planning Proposal 31-37 Herbert Street, St Leonards  
*(Nature of Interest: Previously worked on Council with Mr Nick Tobin and Mr Greg Woodhams who now work with the applicant)*
- Ian Arnott declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.2: Planning Proposal 31-37 Herbert Street, St Leonards  
*(Nature of Interest: I previously worked with Greg Woodhams and Nick Tobin who are currently employed by the proponent company)*
- Councillor Norton declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.2: Planning Proposal 31-37 Herbert Street, St Leonards  
*(Nature of Interest: I worked as a Councillor with Mr Tobin and Mr Woodhams from 2004 until their resignation)*
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a conflict of interest in Item 18.3: 65 Albert Avenue, Chatswood (Mandarin Centre) – Planning Proposal 2016/1  
*(Nature of Interest: Member of JRPP)*
- Councillor Coppock declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 18.3: 65 Albert Avenue, Chatswood (Mandarin Centre) – Planning Proposal 2016/1  
*(Nature of Interest: Possible delegate to JRPP)*

## 3 CONFIRMATION OF MINUTES

### RESOLUTION

**That the Minutes of the Ordinary Meeting of Council held 10 October 2016, copies of which have been circulated to each member of Council, be confirmed.**

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**MOVED COUNCILLOR SLOANE****SECONDED COUNCILLOR RUTHERFORD****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Stevens.**Against:** Nil**4 APOLOGIES AND LEAVE OF ABSENCE**

- Councillors Hill and Wright tendered an apology for Monday 24 October 2016.
- Councillor Rozos requested Leave of Absence from 1–8 November 2016

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

1. **Note the apology from Councillors Hill and Wright and grant Leave of Absence for Monday 24 October 2016.**
2. **Grant Leave of Absence to Councillor Rozos from 1-8 November 2016**

**MOVED COUNCILLOR HOOPER****SECONDED COUNCILLOR SLOANE****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Stevens.**Against:** Nil**5 PETITIONS**

NIL

**6 OPEN FORUM**

Suzie Gold spoken on the Haven

## **7 MAYORAL MINUTE**

### **7.1 MAYORAL MINUTE – THE LATE ROY COFFEY**

**MEETING DATE:** 24 OCTOBER 2016

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#### **PURPOSE OF REPORT**

To consider the Mayoral Minute on the passing of Roy Victor Stent Coffey.

#### **MOTION**

Roy Coffey passed away on 2 October 2016. He was a long-time Northbridge resident and moved to Chatswood after a short spell on the Gold Coast.

Roy was born in North China on 22 March 1933. He left China as a young boy with his family due to World War II hostilities. He was educated at Balgowlah Boys High School.

Roy was a director of MEPC and very much involved in Chatswood's early commercial development. He enjoyed telling the story of how he convinced Grace Bros (Myers) to allow a walkway from Grace Bros to Lemon Grove and then onto Wallaceway.

Roy and his family lived in Northbridge from 1965 to 1990. He was the first president of the fledging Northbridge Soccer club in the 1960s when it only had one team.

Roy was involved in action to prevent the over mooring of boats in Sailors Bay which was expected to affect the quality of water in Northbridge Baths

Very interested in his local community, Roy was a member of Northbridge Golf Club and involved in social Tennis at Northbridge School Tennis courts for many years.

Roy will be much missed by his wife Helen and three sons and other family, neighbours and friends in the wider community as confirmed by the large attendance at his funeral.

#### **RECOMMENDATION**

**That Council adopts the Mayoral Minute on the passing of Roy Coffey and writes a letter of condolence to the family.**

**MOVED COUNCILLOR GILES-GIDNEY**

**CARRIED**

**7.2 MINUTES - COUNCIL MEETING - 24 OCTOBER 2016 - FINAL – THE LATE RICHARD HOCKEY****MEETING DATE: 24 OCTOBER 2016**

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**PURPOSE OF REPORT**

To consider the Mayoral Minute on the passing of Richard Hockey.

**MOTION**

Richard Hockey, father of the former Treasurer and Member for North Sydney, Joe Hockey, was a long-time Northbridge resident and well known on the north shore as a successful real estate agent.

Richard Hokeidonian was born in Bethlehem, of Armenian and Palestinian descent, in what was then the British Mandate of Palestine. Educated in the Old City of Jerusalem at a time of civil strife, he arrived in Darwin in 1948, at the age of 21.

Richard settled in Bondi, where he opened a delicatessen and married a local, Beverley. They later crossed the bridge and set up a popular delicatessen in Chatswood, where Joe, the youngest of four children, was born. After moving to Naremburn, they established Richard Hockey Real Estate in 1969, the real estate business that is still there today.

Joe Hockey is recorded in a 2013 article in *The Australian* as naming his father his most important mentor: "My father has been my lifetime hero," Hockey says. "He speaks six languages and has skills I haven't got."

Richard is survived by his wife Beverley and their four children.

**RECOMMENDATION**

**That Council adopts the Mayoral Minute on the passing of Richard Hockey and writes a letter of condolence to the family.**

**MOVED COUNCILLOR GILES-GIDNEY****CARRIED**

Councillors Coppock and Hooper made addresses to acknowledge the passing of Richard Hockey.



**7.3 MAYOR'S DIARY – COUNCIL MEETING NOTES – 24 OCTOBER 2016**

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

<b>TUESDAY 11 OCTOBER</b>			
Mayor Cr Rutherford	2.30 pm	Judging 2016 Christmas Flags	Coachwood Room
<b>FRIDAY 14 OCTOBER</b>			
Mayor	9 am	Charity Golf Day: Victor Lee	Northbridge Golf Club
Cr Norton	8 pm	Mozart Society Concert	The Concourse
<b>SATURDAY 15 OCTOBER</b>			
Mayor Cr Norton	7.30 pm	Opening Night of WTC Production: <i>Mary Poppins</i>	The Concourse
<b>SUNDAY 16 OCTOBER</b>			
Mayor Crs Eriksson, Norton, Saville	11 am	Opening of Diwali Festival	Chatswood Mall
Mayor Crs Eriksson, Hooper, Mustaca, Norton, Rozos, Saville	afternoon	LGNSW Conference	Wollongong
<b>MONDAY 17 OCTOBER</b>			
Mayor Crs Eriksson, Hooper, Mustaca, Norton, Rozos, Saville		LGNSW Conference	Wollongong
<b>TUESDAY 18 OCTOBER</b>			
Mayor Crs Hooper, Mustaca, Norton, Rozos, Saville		LGNSW Conference	Wollongong
Mayor	7.30 pm	Chatswood East P.A. Meeting	Dougherty Centre
<b>WEDNESDAY 19 OCTOBER</b>			
Cr Saville	2.30 pm	SCCG Executive Meeting	City of Sydney
Cr Saville	6 pm	Battery Feed In Tariffs Seminar	WCC
Mayor	Evening	Castlecrag P.A. Meeting	Glenside School
<b>THURSDAY 20 OCTOBER</b>			
Cr Saville	7.30 pm	Chatswood West P.A. Meeting	Dougherty Centre
<b>FRIDAY 21 OCTOBER</b>			
Cr Saville	9 am	Nature Conservation Council: Annual Conference	Sydney University
Cr Saville	2 pm	Farms or Coal Community Meeting	Greenwich Community Hall
Cr Saville	7.30 pm	Fundraiser: Mary's Women's Refuge	Roseville Cinema
<b>SATURDAY 22 OCTOBER</b>			
Mayor	8 am	Opening Day: Northbridge Swim Club	Northbridge Baths
Crs Norton, Saville	12 noon	SCCG Full Group Meeting & AGM	City of Sydney
Cr Norton	3 pm	Willoughby Band Concert	Zenith Theatre
Mayor	4.30 pm	Patron's Trophy Presentations	Northbridge Golf Club
Mayor	7 pm	Wby Pre-School Fundraising Event	Northbridge Golf Club

<b>SUNDAY 23 OCTOBER</b>			
Mayor Cr Hooper	10 am	Griffin Reserves Open Day	Linden Way, Castlecrag
<b>MONDAY 24 OCTOBER</b>			
Mayor Cr Rutherford	10 am	Diwali Celebrations: Sangam Indian Social Group	MOSAIC Centre, Chatswood
Mayor Crs Coppock, Hooper, Rutherford	12 non	Funeral Service for Richard Hockey	St Peter Chanel Church, Woolwich

**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 18.1 1/70 Lower Gibbes Street, Chatswood – DA2016/208  
Item 18.2 Planning Proposal 31-37 Herbert 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 12.1 Minutes of Willoughby Heritage Advisory Committee Meetings of 24 May 2016 and 23 August 2016  
Item 15.1 Council's role as a member of Dougherty Apartments Retirement Housing Project  
Item 17.1 Terms of Reference – Bicentennial Reserve & Flat Rock Gully Advisory Committee  
Item 17.2 Vivid Sydney at Chatswood 2017 – Tender Summary 103201  
Item 17.3 CBD Event – Vivid Sydney at Chatswood 2016  
Item 19.1 Notice of Motion – Terms of Reference – Bicycle Consultative Committee

**RESOLUTION**

That the remaining items, viz:

- Item 12.2 **Sailors Bay Ward Councillors Inspection Committee meeting – 20 Byora Crescent, Northbridge – DA2016/197**  
Item 12.3 **Middle Harbour Ward Councillors Inspection Committee Meeting – 62 Ashley Street, Roseville – DA 2015/25/A**  
Item 12.4 **Access Advisory Committee Meeting held Wednesday 14 September 2016**  
Item 12.5 **Mosaic Advisory Committee Meeting – 28 September 2016**  
Item 14.1 **Councillors Information Booklets – 11 and 18 October 2016**  
Item 16.1 **2015-2016 Financial Statements and Auditors Reports**  
Item 16.2 **Crown Reserves Reporting**  
Item 18.3 **36 Hercules Street, 256 Victoria Venue, 17 Albert Avenue Chatswood – S96 DA2014/445/C – JRPP Assessment Report for noting**  
Item 18.4 **St Thomas' Primary School Art & Craft Show – Road Closure – Horsley Street**

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- Item 18.5 Applications Determined under Delegated Authority 1 September 2016 to 30 September 2016
- Item 18.6 Current Development Application and Planning Proposal Report as at 10 October 2016

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, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Stevens.

**Against:** Nil

## 12 REPORTS FROM COMMITTEES

### 12.1 MINUTES OF WILLOUGHBY HERITAGE ADVISORY COMMITTEE MEETINGS OF 24 MAY 2016 AND 23 AUGUST 2016

<b>ATTACHMENTS:</b>	<b>1. MINUTES OF MEETING HELD 24 MAY 2016 2. MINUTES OF MEETING HELD 23 AUGUST 2016</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - DIRECTOR INFRASTRUCTURE &amp; PLANNING</b>
<b>AUTHOR:</b>	<b>JANE GIBSON – STRATEGIC PLANNER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED</b>
<b>MEETING DATE:</b>	<b>10 OCTOBER 2016</b>

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#### **Purpose of Report**

To present Council with the Minutes of the Willoughby Heritage Advisory Committee Meetings held on 24 May 2016 and the 23 August 2016 including the consideration of Motions put forward by the Committee.

#### **RESOLUTION**

##### **That Council:**

- 1. Note the Minutes of the Willoughby Heritage Advisory Committee Meeting held on 24 May 2016.**
- 2. Not endorse Item 6.3 i of the 23 August 2016 Minutes as it is outside the Committee's Terms of Reference to make a submission on behalf of Council.**
- 3. Note Item 6.3 ii of the 23 August 2016 Minutes is to be referred to the Heritage Committee.**
- 4. Not endorse Item 7.5 i of the 23 August 2016 Minutes in recognition of the statements made by the Greater Sydney Commission.**
- 5. Note the balance of the Minutes of 23 August 2016.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillor Stevens

**12.2 SAILORS BAY WARD COUNCILLORS INSPECTION COMMITTEE  
MEETING - 20 BYORA CRESCENT, NORTHBRIDGE - DA2016/197**

<b>ATTACHMENTS:</b>	<b>1. MINUTES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>ANNIE LEUNG – ACTING PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>ANA VISSARION – DEVELOPMENT PLANNER</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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**Purpose of Report**

To list on the agenda the Minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 11 October 2016

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

- 1. Receives the Minutes of the Sailors Bay councillors Inspection Committee Meeting held 11 October 2016, relating to DA2016/197 for alterations and additions to the dwelling, new carport, swimming pool and associated works; and**
- 2. Notes the resolutions adopted by the Committee:**

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

- 1. Amending the boundary setback of the upper floor balcony privacy screen to a minimum 0.9m as imposed by the Schedule 1 Condition.*
- 2. To require a 1.8m high privacy screen on the side boundary for the length of the new carport to prevent headlight of vehicles from shining into the windows of the adjoining property at 22 Byora Crescent.*

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

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

**Against:** Nil

**12.3 MIDDLE HARBOUR COUNCILLORS INSPECTION COMMITTEE MEETING  
- 62 ASHLEY STREET, ROSEVILLE - DA 2015/25/A**

<b>ATTACHMENTS:</b>	<b>1. MINUTES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>ANNIE LEUNG – TEAM LEADER DEVELOPMENT PLANNING</b>
<b>AUTHOR:</b>	<b>CHI WAI KONG – DEVELOPMENT PLANNER</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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**Purpose of Report**

To list on the agenda the Minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 29 September 2016.

**RESOLUTION**

**That Council:**

- 1. Receives the Minutes of the Middle Harbour Councillors Inspection Committee Meeting held 29 September 2016, relating to DA 2015/25/A for modifications of the roof forms on the south-western side of the approved attic additions.**
- 2. Notes the resolution adopted by the Committee:**  
*That the application be approved in accordance with the officer's recommendation subject to the following amendments:*
  - *Side (south-west) elevation*
    - (i) Window W5 – the bottom glass line of window W5 is to be a minimum 1.7m high as measured from the finished attic floor level.*
    - (ii) The south west gable is to be modified to incorporate a hipped/chamfered section in a manner consistent with the rear (south-east) facing gable to Millbank Lane.*
  - *Rear (south-east) elevation*
    - (i) The bottom glass line of windows W3 and W4 is to be a minimum 1.7m high as measured from the finished attic floor level.*

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil



**12.4 ACCESS ADVISORY COMMITTEE MEETING HELD WEDNESDAY 14  
SEPTEMBER 2016**

<b>ATTACHMENTS:</b>	<b>1. MINUTES - ACCESS ADVISORY COMMITTEE - 14 SEPTEMBER 2016</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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**Purpose of Report**

To provide Council with the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 14 September 2016.

**RESOLUTION**

**That Council receive and note the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 14 September 2016.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**12.5 MOSAIC ADVISORY COMMITTEE MEETING - 28 SEPTEMBER 2016**

<b>ATTACHMENTS:</b>	<b>1. MINUTES - MOSAIC ADVISORY COMMITTEE - 28 SEPTEMBER 2016</b> <b>2. MOSAIC ADVISORY COMMITTEE REPORT - JULY TO SEPTEMBER 2016</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY, CULTURE AND LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>RITA LEUNG - MULTICULTURAL SERVICES TEAM LEADER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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**Purpose of Report**

To provide Council with the minutes of the MOSAIC Advisory Committee meeting held 28 September 2016 and the July to September 2016, MOSAIC Advisory Committee Report.

**RESOLUTION**

That Council:

- 1. Adopt the minutes of the MOSAIC Advisory Committee meeting held 28 September 2016; and**
- 2. Note the July to September 2016, MOSAIC Advisory Committee Report**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**13 DEFERRED MATTERS**

NIL

## 14 CORRESPONDENCE

### 14.1 COUNCILLORS INFORMATION BOOKLETS - 11 AND 18 OCTOBER 2016

<b>RESPONSIBLE OFFICER:</b>	<b>MARK MCDONALD – ACTING CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>RITA WOLOW, EXECUTIVE ASSISTANT</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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#### **Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklets, circulated to all Councillors on 11 and 18 October 2016.

#### **RESOLUTION**

**That Council receive the Councillors Information Booklets circulated to all Councillors on 11 and 18 October 2016.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

#### **Voting**

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

**Against:** Nil

## 15 REPORTS FROM OFFICERS - GENERAL MANAGER

### 15.1 COUNCIL'S ROLE AS MEMBER OF DOUGHERTY APARTMENTS RETIREMENT HOUSING PROJECT

<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>MARNIE HILLMAN – GOVERNANCE MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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#### **Purpose of Report**

The purpose of this report is to brief Council on legal advice received regarding governance arrangements for the Dougherty Apartments Retirement Housing Project (“**Dougherty Company**”) and to outline what actions need to be taken as a result.

#### **AMENDMENT**

That Council in respect of the Dougherty Company:

- 1. Appoint the Mayor as the Member’s Representative and the General Manager as the second-named appointment, with delegation to:**
  - **Represent Council and exercise all or any of the powers Council as a member of the Dougherty Company may exercise, in a meeting of the Dougherty Company’s members;**
  - **Vote on matters at meetings of the Dougherty Company’s members in accordance with resolutions of Council, subject to the following point;**
  - **Deal with matters of urgency in the circumstance where seeking a resolution from Council, which from a timing perspective, would unreasonably inconvenience or impact on the Dougherty Company’s business requirements;**
  - **Represent Council in meetings with other members of the Dougherty Company, such as Land and Housing;**
  - **Communicate with the Dougherty Company and the Dougherty Board on behalf of Council in accordance with the communication protocols which are to be developed;**
- 2. Delegate authority to the General Manager to establish a standard form of agreement for Director appointments and execute these on behalf of Council, in line with the term of service as resolved at the Ordinary Council Meeting of the 26 September 2016 with a draft to be brought back to the 14 November 2016 Ordinary Council Meeting for endorsement; and**

3. Receive a report in November 2016 regarding proposed communication protocols between the Dougherty Board and Members of the Company.

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR ERIKSSON**

**LOST**

**Voting**

**For the Amendment:** Councillors Giles-Gidney, Eriksson, Norton and Sloane.

**Against:** Councillors Coppock, Hooper, Mustaca, Rozos, Rutherford, Saville and Stevens.

**MOTION**

**That Council in respect of the Dougherty Company:**

1. **Appoint a Councillor as the Member's Representative and the General Manager as the second-named appointment, with delegation to:**
  - **Represent Council and exercise all or any of the powers Council as a member of the Dougherty Company may exercise, in a meeting of the Dougherty Company's members;**
  - **Vote on matters at meetings of the Dougherty Company's members in accordance with resolutions of Council, subject to the following point;**
  - **Deal with matters of urgency in the circumstance where seeking a resolution from Council, which from a timing perspective, would unreasonably inconvenience or impact on the Dougherty Company's business requirements;**
  - **Represent Council in meetings with other members of the Dougherty Company, such as Land and Housing;**
  - **Communicate with the Dougherty Company and the Dougherty Board on behalf of Council in accordance with the communication protocols which are to be developed; and**
  - **The appointment be annual.**
2. **Delegate authority to the General Manager to establish a standard form of agreement for Director appointments and execute these on behalf of Council, in line with the term of service as resolved at the Ordinary Council Meeting of the 26 September 2016 with a draft to be brought back to the 14 November 2016 Ordinary Council Meeting for endorsement; and**
3. **Receive a report in November 2016 regarding proposed communication protocols between the Dougherty Board and Members of the Company.**

**MOVED COUNCILLOR COPPOCK**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

**Voting**

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

**Against:** Nil

**MOTION**

**That Council in respect of the Dougherty Company appoint the Mayor as the Member's Representative.**

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR SLOANE**

**LOST**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Eriksson, Norton and Sloane.

**Against:** Councillors Coppock, Hooper, Mustaca, Rozos, Rutherford, Saville and Stevens.

**MOTION**

**That Council in respect of the Dougherty Company appoint Councillor Saville as the Member's Representative.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR STEVENS**

**CARRIED**

**Voting**

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

**Against:** Councillors Giles-Gidney, Eriksson, Norton and Sloane.

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

### 16.1 2015-2016 FINANCIAL STATEMENTS AND AUDITORS REPORTS

**ATTACHMENTS:**

1. AUDITORS REPORTS – GENERAL PURPOSE FINANCIAL REPORTS (INCLUDING REPORT ON THE CONDUCT OF THE AUDIT FOR 15/16)
2. AUDITORS REPORTS – SPECIAL PURPOSE FINANCIAL REPORTS

**RESPONSIBLE OFFICER:** DEBRA JUST – GENERAL MANAGER

**AUTHOR:** MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR

**CITY STRATEGY LINK:** 6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION

**MEETING DATE:** 24 OCTOBER 2016

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#### **Purpose of Report**

To present the Council's 2015/2016 Financial Statements and PricewaterhouseCoopers Auditor's reports to the public, as required under the *Local Government Act, 1993*.

#### **Procedural Motion**

Mr Dennis Banicevic, Director, Local Government Services, PricewaterhouseCooper, addressed the meeting and answered questions of the Councillors on the Auditor's Report.

#### **RESOLUTION**

That Council:

1. Note the presentation to the Public of the 2015/2016 Financial Statements and Auditor's reports.
2. Congratulate the General Manager and Officers for achieving the good results reflected in the 2015/2016 Financial Statements.
3. Write to the Auditors to formally thank them for their outstanding work and support of Willoughby City Council.

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR RUTHERFORD**

**CARRIED**

#### **Voting**

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



**Against:** Nil

**16.2 CROWN RESERVES REPORTING**

<b>ATTACHMENTS:</b>	<b>1. DRAFT CROWN RESERVES RETURN FOR 2015/2016 FINANCIAL YEAR</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MARK MCDONALD – ACTING CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MARK MCDONALD – ACTING CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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**Purpose of Report**

To present Council with the Draft 2015/2016 Crown Reserves return for noting.

**RESOLUTION**

**That Council note the Draft 2015/2016 Crown Reserves Return which will be submitted to the Department of Lands and Trusts by 31 October 2016.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

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

### 17.1 TERMS OF REFERENCE - BICENTENNIAL RESERVE & FLAT ROCK GULLY ADVISORY COMMITTEE

<b>ATTACHMENTS:</b>	<b>1. DRAFT TERMS OF REFERENCE FOR THE BICENTENNIAL RESERVE AND FLAT ROCK GULLY ADVISORY COMMITTEE</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH, COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANGELA CASEY, CULTURE AND LEISURE MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.3.1 ACCESSIBLE OPEN SPACE AND RECREATIONAL FACILITIES FOR THE COMMUNITY ARE PROVIDED</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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#### **Purpose of Report**

To seek Council's endorsement of the draft Terms of Reference for the Bicentennial Reserve and Flat Rock Gully Advisory Committee.

#### **RESOLUTION**

##### **That Council:**

- 1. Endorse the Terms of Reference for the Bicentennial Reserve and Flat Rock Gully Advisory Committee but strike out Item 10.2 under 10. Confidentiality.**
- 2. Note that the Mayor attended and chaired the meetings of the Bicentennial Reserve Advisory Committee on 31 May 2016 and 11 October 2016.**
- 3. Appoint one Councillor from each of the Sailors Bay and Naremburn Wards to the Bicentennial Reserve and Flat Rock Gully Advisory Committee.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillor Stevens

**17.2 VIVID SYDNEY AT CHATSWOOD 2017 - TENDER SUMMARY 103201**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CONNOR – ACTING MANAGER – MARKETING, MEDIA AND EVENTS</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.4 ART AND CULTURAL ACTIVITIES PROVIDE ENRICHING OPPORTUNITIES FOR PEOPLE</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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**Purpose of Report**

To seek Council's approval for the engagement of suitably qualified and experienced contractors to develop and deliver artistic content for *Vivid Sydney at Chatswood 2017*, including an application of artistic concepts to Destination NSW (DNSW).

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

- 1. Accept tender number three from PM Production Management T/A Electric Canvas for artistic locations A. Chatswood Interchange, B. Chatswood Mall, C. The Concourse building projection, D. The Concourse Lower Podium and E. Anderson Street/Charlotte Lane.**
- 2. Reject any tenders for artistic locations F. Chatswood Chase and G. The Concourse Art Space and cancel the proposed contract for artistic locations F and G.**
- 3. Delegate the General Manager to source alternative options for artistic locations F and G.**
- 4. Authorise the Mayor and General Manager to sign and execute the contract documents.**

**MOVED COUNCILLOR ERIKSSON****SECONDED COUNCILLOR SAVILLE****CARRIED****Voting**

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

**Against:** Nil

**Absent:** Councillor Stevens

**17.3 CBD EVENT - VIVID SYDNEY AT CHATSWOOD 2016**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CONNOR – MEDIA MARKETING &amp; EVENTS MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.4 ART AND CULTURAL ACTIVITIES PROVIDE ENRICHING OPPORTUNITIES FOR PEOPLE</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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**Purpose of Report**

To provide Council with information on the outcomes achieved at *Vivid Sydney at Chatswood 2016* in relation to visitation, customer experience, brand and community impact.

**RESOLUTION**

**That Council receives the information on the outcomes achieved at *Vivid Sydney at Chatswood 2016* in relation to visitation, customer satisfaction and community impact.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Stevens

## 18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

### 18.1 1/ 70 LOWER GIBBES STREET, CHATSWOOD - DA2016/208

**ATTACHMENTS:** 1. NOTIFICATION MAP  
2. PLANS & ELEVATIONS

**MEETING DATE:** 24 OCTOBER 2016

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**RECOMMENDATION:** REFUSAL

**APPLICANT:** CHATSWOOD CCC PTY LTD ATF CHATSWOOD CCC UNIT TRUST

**OWNER:** WARRINGTON 70 LOWER GIBBES PTY LTD

**PROPOSAL:** CHANGE OF USE AND FITOUT OF PREMISES TO A CHILDCARE CENTRE AND ASSOCIATED WORKS

**DATE OF LODGEMENT:** 8 JUNE 2016

**REPORTING OFFICER:** ANA VISSARION – DEVELOPMENT PLANNER

**RESPONSIBLE OFFICER:** ANNIE LEUNG – TEAM LEADER DEVELOPMENT PLANNING

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### DESCRIPTION OF PROPOSAL

Development application DA-2016/208 seeks Council's consent for the fitout and change of use of the existing warehouse at 1/ 70 Lower Gibbes Street, Chatswood to accommodate a 200 places childcare centre with 33 staff.

The proposed works include installation of a lift, openings to roof, internal reconfiguration/fit-out at ground and first floor of Tenancy 1 and changes to the car parking areas.

The proposed centre will provide 53 car spaces as follows:

- 33 staff car spaces
- 20 drop-off / pick-up car spaces.

Ground floor common area with the adjoining tenancy is proposed to accommodate a new loading bay.

The hours of operation of the proposed centre are from 7.00am to 7.00pm Mondays to Fridays.

### Procedural Motion

**That Andrew Learmont (Director, WillowBee 1 Pty Ltd) address the meeting.**

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**RESOLUTION**

That Council:

1. Refuse Development Application 2016/208 for “*Change of use and fit-out of premises to a childcare centre and associated works*” at 1/70 Lower Gibbes St Chatswood; and
2. Delegates authority to the General Manager to issue the Refusal notice for the attached reasons.

**MOVED COUNCILLOR RUTHERFORD**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

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

**Against:** Nil

## REASONS FOR REFUSAL

The reasons for **REFUSAL** are:

1. Pursuant to S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979, the proposed development did not demonstrate that it will not adversely affect the local network in terms of traffic and parking.
2. Pursuant to S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979, the proposed development disregards the Aims of the Willoughby Local Environmental Plan 2012 Clause 1.2 (j), failing to provide appropriate levels of car parking and failing to achieve integrated development design of pedestrian and vehicular access, parking, loading and delivery facilities.
3. Pursuant to S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979 the proposed development fails to satisfactorily demonstrate that the proposal meets WDCP requirements specified in Part C.4 (Transport requirements for development), Part C.6 (Access, Mobility and Adaptability) and Part G.8 (Child care services).
4. Pursuant to S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979 the proposed development disregards WDCP requirements in Part G.8 (Child care Services) and the Care Services National Regulations in regard to safe evacuation of children and of staff.
5. Pursuant to S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979 the proposed development fails to satisfactorily demonstrate that the proposal meets WDCP requirements in Part G.8 (Child care Services) and the Child Care Services National Regulations in regard to industries' best practice.
6. Pursuant to S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979 the submitted development application fails to provide information required as detailed in Part B.3 of the WDCP to enable consideration of the likely impact of the development.
7. Pursuant to S.79C (1) (a) (b) and (c) of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000, the development application does not include consent from the Owners Corporation or from the owner of Suite 2 although works are proposed on the common property and on land associated with Suite 2.
8. Pursuant to S.79C (1) (d) and (e) of the Environmental Planning and Assessment Act 1979, having regard to the public submissions received and the potential adverse impacts of the proposed development, the approval of the application is not considered to be in the interest of the public.



**18.2 PLANNING PROPOSAL 31-37 HERBERT STREET, ST LEONARDS**

<b>ATTACHMENTS:</b>	<b>1. ATTACHMENT 1 EXECUTIVE SUMMARY</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - DIRECTOR INFRASTRUCTURE &amp; PLANNING</b>
<b>AUTHOR:</b>	<b>NORMA SHANKIE-WILLIAMS – STRATEGIC PLANNING TEAM LEADER</b>
<b>CITY STRATEGY LINK:</b>	<b>5.1.1 LOCAL BUSINESS 5.1.2 SUPPORT OUR CENTRES</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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**Purpose of Report**

This report provides Council with details of a Planning Proposal to rezone the land in the Artarmon Industrial Area at 31-37 Herbert Street, St Leonards. The proposal involves:

- an increase in the site area from 3,650m<sup>2</sup> to 5,954.3m<sup>2</sup>
- an increase to the permissible Floor Space Ratio up to 6.5:1 and
- a proposed height of up to 30 storeys.

It is recommended that Council not support the Planning Proposal.

**Procedural Motion**

That Tony Pizzolato (Development Manager, Aqualand Projects) address the meeting and answer questions of the Councillors.

**MOTION**

That Council defer the matter to allow Officers to further consult with the Applicant.

**MOVED COUNCILLOR MUSTACA**

**LAPSED FOR WANT OF A SECONDER**

**MOTION**

That Council:

1. Not support the Planning Proposal at 31-37 Herbert Street St Leonards to:
  - a) rezone the land from IN2 Light Industrial to B4 Mixed Use;
  - b) increase the Floor Space Ratio to 6.5:1 and
  - c) include 3 Reduced Levels (RLs) building heights across the site of RL 180m, RL 155m and RL 142m  
as it
    - i) is a departure from a consistently held strategic planning position to resist rezoning industrial lands for residential purposes and
    - ii) is premature to proceed prior to completion of state and local studies currently being prepared for the St Leonards / Artarmon area;
2. Not proceed to Gateway Determination for the Planning Proposal;
3. Notify the applicant of Council's decision.

**MOVED COUNCILLOR COPPOCK**

**SECONDED COUNCILLOR STEVENS**

**CARRIED**

**Voting**

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

**Against:** Councillor Mustaca

**18.3 36 HERCULES STREET, 256 VICTORIA AVE, 17 ALBERT AVE  
CHATSWOOD - S96 DA2014/445/C - JRPP ASSESSMENT REPORT FOR  
NOTING**

**ATTACHMENTS:** 1. JRPP ASSESSMENT REPORT (DA2014/445/C)

**MEETING DATE:** 24 OCTOBER 2016

**REPORTING OFFICER:** ANA VISSARION – DEVELOPMENT PLANNER

**RESPONSIBLE OFFICER:** ANNIE LEUNG – ACTING PLANNING MANAGER

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**PURPOSE OF REPORT**

To inform Council that Modification Application 2014/445/C for 'S96 - Inclusion of 17 Albert Avenue site to extend childcare centre, add 13 apartments and increase onsite car parking provision and associated works' will be considered by the Sydney East Joint Regional Planning Panel ("JRPP") at its meeting scheduled on 3 November 2016.

Members of the JRPP should retire from the Council Chambers during the consideration of this agenda item.

**RESOLUTION**

**That Council receive the Assessment Report to JRPP for DA-2014/445/C seeking consent to modify the approved development for Demolition of existing structures and construction of five (5) mixed use buildings containing retail premises, business premises, shop-top housing, car parking, childcare centre, landscaping, restoration of a heritage building and associated work.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR RUTHERFORD**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville and Sloane.

**Against:** Nil

**Absent:** Councillors Giles-Gidney, Coppock and Stevens.

Due to Councillor Giles-Gidney declaring a conflict of interest and Councillor Coppock declaring a non-pecuniary substantial interest in Item 18.3 36 Hercules Street, 256 Victoria Ave, 17 Albert Av Chatswood – S96 DA2014/445/C – JRPP Assessment Report for noting, they withdrew from the meeting taking no part in the discussion or voting on this topic.

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

**18.4 ST THOMAS' PRIMARY SCHOOL ART & CRAFT SHOW - ROAD CLOSURE - HORSLEY STREET**

<b>ATTACHMENTS:</b>	<b>1. ST THOMAS' PRIMARY SCHOOL ART &amp; CRAFT SHOW – TRAFFIC MANAGEMENT PLAN</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DAVID SUNG – DESIGN SERVICES MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.1 THE COMMUNITY CAN PARTICIPATE IN CITY LIFE</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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**Purpose of Report**

To seek Council's approval to waive the Road Occupancy Permit Fee for the temporary closure of Horsley Street by St Thomas' Primary School. The closure is in relation to the School's planned Art and Craft Show scheduled for Saturday 29 and 30 October 2016.

**RESOLUTION**

**That Council waive the \$2,800 road closure permit fee for the St Thomas' Primary School Arts and Craft Show, which is scheduled to be held on 29 and 30 October 2016.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.5 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY 1  
SEPTEMBER 2016 TO 30 SEPTEMBER 2016**

**ATTACHMENTS:** 1. LIST OF APPLICATIONS

**RESPONSIBLE OFFICER:** PETER CONROY - PLANNING & INFRASTRUCTURE  
DIRECTOR

**AUTHOR:** IAN ARNOTT – PLANNING MANAGER

**MEETING DATE:** 24 OCTOBER 2016

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**Purpose of Report**

To provide Council with a list of applications determined under delegated authority for the month of September 2016.

**RESOLUTION**

**That Council note the information on Development Applications determined under delegated authority in September 2016.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.6 CURRENT DEVELOPMENT APPLICATION AND PLANNING PROPOSAL  
REPORT AS AT 10 OCTOBER 2016**

<b>ATTACHMENTS:</b>	<b>1. LIST OF APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>DEVELOPMENT PLANNERS, BUILDING SURVEYORS</b>
<b>CITY STRATEGY LINK:</b>	<b>3.1.3 LOCAL CHARACTER</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2016</b>

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**Purpose of Report**

To provide Councillors with details of all current Development Applications and Planning Proposals as at 10 October 2016.

**RESOLUTION**

**That Council note the information on Development Applications (including those to be determined by the Joint Regional Planning Panel) and Planning Proposals Report to 10 October 2016.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

## 19 NOTICE OF MOTION

### 19.1 NOTICE OF MOTION - TERMS OF REFERENCE - BICYCLE CONSULTATIVE COMMITTEE

**RESPONSIBLE OFFICER:** DEBRA JUST – GENERAL MANAGER

**AUTHOR:** PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR

**MEETING DATE:** 24 OCTOBER 2016

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#### **Purpose of Report**

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

#### **RESOLUTION**

As discussed amongst members of the Bicycle Consultative Committee at its meeting on Tuesday 11 October 2016, the Terms of Reference of the Willoughby Bicycle Consultative Committee be amended as follows:

- A minimum of 1 Councillor;
- 5 to 8 community representatives (including at least 2 representatives from bicycle user groups and 1 representing pedestrian interests, for example a member of the Access Committee); and
- 1 representative of the Willoughby City Council Traffic & Transport Group (in an advisory/administrative role).

As vacancies arise, a public advertisement be placed seeking participation on the Bicycle Consultative Committee.

If a representative of pre-defined group is needed, that group will be asked for a nomination.

If no applications are received from these processes, the current Bicycle Consultative Committee members will be asked to nominate someone.

Council will need to endorse all proposed new members of the Bicycle Consultative Committee.

The quorum for the Committee meetings is half the number of the appointed community membership plus 1.

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillor Stevens

## 20 CONFIDENTIAL ITEMS

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

### Procedural Motion

That:

1. Council resolve itself into Closed Session with the Press and Public excluded from the meeting to deal with Items 20.1 and 20.2.
2. Council resolve into Committee of the Whole in order to deal with these confidential items.

### 20.1 LEGAL PROSPECT - 1/ 70 LOWER GIBBES STREET CHATSWOOD - DA2016/208

#### Reason for confidentiality

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

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

### 20.1 LEGAL PROSPECT - 1/ 70 LOWER GIBBES STREET CHATSWOOD - DA2016/208

#### Recommendation Summary

That Council:

1. **Defend the appeal as commenced by Seventh Street Ventures Pty Ltd against Council's deemed refusal of the Development Application 2016/208; and**
2. **Grant delegated authority to the General Manager to participate in without prejudice negotiations and a Section 34 Conciliation Conference with the applicant.**



**20.2 VIVID SYDNEY AT CHATSWOOD 2017 - TENDER SUMMARY 103201 - CONFIDENTIAL****Reason for confidentiality**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

**20.2 VIVID SYDNEY AT CHATSWOOD 2017 - TENDER SUMMARY 103201 - CONFIDENTIAL****Recommendation Summary****That Council:**

1. **Accept tender number three from PM Production Management T/A Electric Canvas for artistic locations A. Chatswood Interchange, B. Chatswood Mall, C. The Concourse building projection, D. The Concourse Lower Podium and E. Anderson Street/Charlotte Lane.**
2. **Reject any tenders for artistic locations F. Chatswood Chase and G. The Concourse Art Space and cancel the proposed contract for artistic locations F and G.**
3. **Delegate to the General Manager to source alternative options for artistic locations F and G.**
4. **Authorise the Mayor and General Manager to sign and execute the contract documents.**

**RESOLUTION**

**That the meeting revert to Open Council.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Stevens

**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, Hooper, Mustaca Norton, Rozos, Rutherford, Saville and Sloane.

**Against:** Nil

**Absent:** Councillor Stevens

**Procedural Motion**

That:

1. Council resolve itself into Closed Session with the Press and Public excluded from the meeting to deal with Item 20.1.
2. Council resolve into Committee of the Whole in order to deal with this confidential item.

**20.3 CONFIDENTIAL - COUNCIL'S ROLE AS MEMBER OF DOUGHERTY APARTMENTS RETIREMENT HOUSING PROJECT**

**Reason for confidentiality**

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

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

**20.3 CONFIDENTIAL - COUNCIL'S ROLE AS MEMBER OF DOUGHERTY APARTMENTS RETIREMENT HOUSING PROJECT**

**Recommendation Summary**

**That Council note the legal advice and Council Report.**

**RESOLUTION**

**That the meeting revert to Open Council.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**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, Hooper, Mustaca Norton, Rozos, Rutherford, Saville, Sloane and Stevens.

**Against:** Nil

**21 QUESTIONS**

NIL

- **Her Worship the Mayor Councillor G Giles-Gidney and Councillor Coppock left the meeting at 10:18pm during debate on Item 18.3: 36 Hercules Street, 256 Victoria Ave, 17 Albert Ave Chatswood – S96 DA2014/445/C – JRPP Assessment Report for noting. Councillor Sloane took the Chair during debate and vote on that topic and closed the meeting.**
- **Councillor Stevens left the meeting at 10:01pm.**

**The meeting concluded at 10:18pm**

**I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 24 October 2016. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.**