



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

12 December 2016

commencing at 7:00pm

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1 PRESENT

Councillors

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

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr P Conroy (Planning & Infrastructure Director), Mr L Di Lerna (Interim Director, Customer & Corporate), Mr I Arnott (Planning Manager), Ms N Shankie-Williams (Strategic Planning Team Leader), Ms N Sample (Senior Consultant Planner, Cardno), Ms A Casey (Culture & Leisure Manager), Ms E Wall (Governance Manager), Mr V Grepl (Governance & Corporate Planning Officer) and Ms P Sheldrake (Minute Secretary)

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Councillor Coppock declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 16.2: Dougherty Apartments Retirement Housing Project – Director Appointment Agreement and Communication Protocols (*Nature of Interest: Council appointment as Chairman of Dougherty Apartments Retirement Housing Project*)
- Councillor Coppock declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.7: 654-666 Pacific Highway, 1 Freeman Road, 2A Oliver Road, Chatswood DA2016/18 – Report to SPP for noting; Item 18.8: : Planning Proposal for 12 Malvern Avenue, 5-7 Havilah Street and 345 Victoria Avenue (Chatswood Chase); and Item 20.3: Chatswood Chase VPA - Confidential (*Nature of Interest: Deputy Mayor potentially a member of SPP*)
- Councillor Norton declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 16.2: Dougherty Apartments Retirement Housing Project – Director Appointment Agreement and Communication Protocols (*Nature of Interest: I am Council's elected board member of Dougherty Apartments Retirement Housing Project*)
- Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 17.1: Shorelink Review (*Nature of Interest: I am the Chair of the Shorelink Committee in my capacity as a WCC representative*)
- Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 19.1: Notice of Motion: Talus Street Reserve Trust (*Nature of Interest: Member of the Talus Street Reserve Trust but meeting in the capacity of a full Council Meeting*)

- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a pecuniary interest in Item 17.3: The Concourse Performing Arts Subsidy (Round 2 – 2016/17); and item 18.1: Upgrade Works to Haven Amphitheatre, Castlecrag – DA2016/283
(Nature of Interest: my home is directly adjacent to the Haven Amphitheatre)
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 18.7: 654-666 Pacific Highway, 1 Freeman Road, 2A Oliver Road, Chatswood DA2016/18 – Report to SPP for noting; Item 18.8: Planning Proposal for 12 Malvern Avenue, 5-7 Havilah Street and 345 Victoria Avenue (Chatswood Chase); and Item 20.3: Chatswood Chase VPA - Confidential
(Nature of Interest: Member of the SPP (formerly JRPP))
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 19.1: Notice of Motion: Talus Street Reserve Trust
(Nature of Interest: Relationship to Stephen Healy)
- Ms Angela Casey, Culture & Leisure Manager declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 17.2: Swimming Lane Hire – Willoughby Leisure Centre
(Nature of Interest: My daughter is a member of the Willoughby Swim Squad, operated by Paul Hardman)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 28 November 2016, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Sloane is on leave previously granted.

RESOLUTION

That Council note Councillor Sloane is on leave previously granted.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

5 PETITIONS

5.1 PETITION - 3 NATHAN LANE, WILLOUGHBY - DA2016/411

RESPONSIBLE OFFICER: ELIZABETH WALL – GOVERNANCE MANAGER

AUTHOR: PATRICIA SHELDRAKE – MINUTE SECRETARY

MEETING DATE: 12 DECEMBER 2016

Purpose of Report

The attached petition, containing 62 signatures, has been sent to Council in opposition to a Development Application for 3 Nathan Lane, Willoughby – DA2016/411. The proposal is for the construction of a 3 storey, 23 room boarding house in a B2 zone.

RESOLUTION

That Council receive and note the petition relating to DA2016/411 – 3 Nathan Lane, Willoughby and that it be referred to the relevant Planning Officer for consideration.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

5.2 PETITION – 688-692 PACIFIC HIGHWAY, CHATSWOOD - DA2016/425

Councillor Saville tabled a petition containing 405 signatures of parents (and friends) at Chatswood Public School. The petition has been sent to Council in opposition to a Development Application for 688-692 Pacific Highway, Chatswood - DA 2016/425. The proposal is for demolition of existing structures and construction of 6 storey mixed use building consisting of 53 apartments, commercial, carparking, rooftop landscaped area and associated works.

RESOLUTION

That Council receive and note the petition relating to DA2016/425 – 688-692 Pacific Highway, Chatswood and that it be referred to the relevant Planning Officer for consideration.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

6 OPEN FORUM

John Owens spoke on the privatisation of open spaces and the importance of community sporting facilities.

7 MAYORAL MINUTE

7.1 MAYOR'S DIARY: COUNCIL MEETING NOTES – 12 DECEMBER 2016

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

TUESDAY 29 NOVEMBER			
Cr Saville	9:30-12:30	Emergency Health Check for LG	Rural Fire Service, Lidcombe
WEDNESDAY 30 NOVEMBER			
Cr Saville	6:30-8:00 pm	Climate Change Forum	North Sydney
THURSDAY 1 DECEMBER			
Mayor Crs Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane	6 pm	Mayor's Christmas Reception	The Concourse Foyer, Level 1
Cr Saville	10-12 am	Health Care in Neighbourhoods Seminar	UNSW CBD Campus
Cr Saville	2-4:00pm	SCCG Resourcing Committee Meeting	Sydney City Council
FRIDAY 2 DECEMBER			
Cr Saville	9:30-3pm	AdaptNSW NSW Government Climate Change Strategy	UTS Function Centre
SATURDAY 3 DECEMBER			
Mayor	9 am	Northbridge Swim Club Open Day	Northbridge Baths
Mayor Crs Hooper, Norton, Rutherford	11 am	Opendoor Korean Cultural Society Presentation Day	Eastern Valley Way
Mayor Cr Saville	Morning	Drop-In Session: Sydney Commission	Dougherty Centre
Crs Norton, Saville	1-4:00 pm	SCCG Meeting	Randwick Council
Mayor Crs Norton, Saville	5.30 pm	Bushcare Christmas Party	Warners Park
Mayor Crs Eriksson, Norton, Rutherford, Rozos, Hooper	7 pm	Carols in the Park	Willoughby Park
SUNDAY 4 DECEMBER			
Mayor	11 am	T20 Day – Gordon Cricket Club	Chatswood Oval
Clr Rutherford		Reading of "One of a Kind" supported by WCC	North Shore Temple Emanuel
Crs Norton, Saville	2 pm	WDHS Christmas Party	Johnson Street, Chatswood
MONDAY 5 DECEMBER			
Mayor Cr Rutherford	12 noon	Volunteer Day Event	Mandarin Centre, Chatswood
Mayor	5.30 pm	Chatswood Chamber Christmas Event	Terrazza
Mayor Cr Mustaca	7 pm	Co.As.It. Earthquake Appeal Dinner	Doltone House

TUESDAY 6 DECEMBER			
Mayor	4.30 pm	Chatswood HS Awards Presentations	CHS – School Hall
Cr Eriksson	6 pm	Reception for Emperor's Birthday	Japanese Consulate, Rose Bay
WEDNESDAY 7 DECEMBER			
Mayor	12 pm	Italian Group Christmas Lunch	Willoughby Park
Cr Norton	1 pm	Old-4 New Lifejacket Campaign	Chatswood Mall
WEDNESDAY 7 DECEMBER			
Mayor	12 pm	Italian Group Christmas Lunch	Willoughby Park
Cr Norton	1 pm	Old-4 New Lifejacket Campaign	Chatswood Mall
THURSDAY 8 DECEMBER			
Mayor	10 am	Willoughby Public School – Presentation Day	Willoughby Girls High School
Mayor, Eriksson	11.45 am	Seniors Forum	Abbott Street, Cammeray
Mayor	1.15 pm	Visit to Willoughby Pre-School	7-9 Central Street
Crs Norton, Rutherford	7.30 pm	Middle Harbour Progress Assn Mtg	Club Willoughby
Mayor	7.45 pm	Commencement of Ministry: Reverend Nathan Walter	Naremburn Anglican Church, Willoughby Road
Cr Saville	12:30-3pm	Greater Sydney Local Land Services Meeting	Penrith Council
FRIDAY 9 DECEMBER			
Mayor	11.15 am	Launch of Rotary Tree of Joy	Chatswood Chase
Mayor	12.15 pm	WGHS – Presentation Day	The Concourse
Cr Rutherford	Evening	Christmas Exhibition & Party	Workshop Arts, Laurel Street
Crs Norton, Saville	6 pm	Dance to the Nines	Dougherty Centre
Cr Rutherford	Evening	Christmas Cocktail Party	Watermark Over 55's Castle Cove
Crs Hooper, Norton, Saville	7 pm	Streetwork Christmas Event	Uniting Church, Clanwilliam Street
SATURDAY 10 DECEMBER			
Mayor	12 noon	Chatswood Bowling Club Lunch	655 Pacific Highway, Chatswood
Crs Norton, Rutherford, Saville	9:30 am	FPA Meeting	Chatswood Library
Crs Norton, Saville	7 pm	WSOC Concert "Magic of Christmas"	The Concourse
SUNDAY 11 DECEMBER			
Cr Rutherford	5:30 pm	B'Shalom: Rabbi Gary Robuck	North Shore Temple Emanuel
MONDAY 12 DECEMBER			
Mayor	10.45 am	Opening of BUPA refurbishment	71-75 Sydney Street, Chatswood
Mayor	4.50 pm	Chatswood Public School Presentation Evening	The Concourse

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 12.2 Sailors Bay Ward Councillors Inspection Committee Meeting – 46 Strathallen Avenue, Northbridge – DA2016/55 – Demolition of existing structure and construction of a mixed use development
- Item 12.5 Minutes of the Traffic Committee Meeting on 30 November 2016
- Item 18.1 Upgrade Works to Haven Amphitheatre, Castlecrag – DA2016/283
- Item 18.8 Planning Proposal for 12 Malvern Avenue, 6-7 Havilah Street and 345 Victoria Avenue (Chatswood Chase)
- Item 19.1 Notice of Motion: Talus Street Reserve Trust
- Item 19.2 Notice of Motion: Model Litigant Policy

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 Mosman and North Sydney Legal Proceedings
- Item 16.2 Dougherty Apartments Retirement Housing Project – Director Appointment Agreement and Communication Protocols
- Item 17.1 Shorelink Review
- Item 17.3 The Concourse Performing Arts Subsidy (Round 2 – 2016/17)
- Item 18.2 Chatswood CBD Draft Planning and Urban Design Strategy
- Item 18.4 Submission Regarding the Revised Low Rise Medium Density Housing Code as Complying Development
- Item 18.5 Willoughby Council Planning Strategy Update Industrial Lands/Housing/Local Centres
- Item 18.7 654-666 Pacific Highway – 1 Freeman Road, 2A Oliver Road, Chatswood DA2016/18 – Report to SPP for noting
- Item 18.9 Planning Proposal to make Amusement Centre a Permissible Use within the Western Portion of Westfield – 28 Victor Street/ 49/51 Albert Street, Chatswood
- Item 18.10 165 Ashley Street, Roseville – Land and Environment Court Proceedings (Refusal of Childcare Centre)

RESOLUTION

That the remaining items, viz:

- Item 12.1 **Sailors Bay Ward Councillors Inspection Meeting – 120 Penshurst Street, Willoughby – DA2016/82 – Demolition of existing structures, construction of four storey shop top housing with commercial use, carparking and associated works**

- Item 12.3 Naremburn Ward Councillors Inspection Committee Meeting – 270 Willoughby Road, Naremburn – DA2016/202 – Demolition of existing structures and construction of three (3) storey mixed use development, car parking and associated works
- Item 12.4 Middle Harbour Ward Councillors Inspection Committee Meeting – 245 Penshurst Street – DA2016/326 – Proposed market at Willoughby Legion Ex-Services Club
- Item 12.6 Global Friendship Committee Meetings
- Item 14.1 Councillor Information Booklets – 29 November and 6 December 2016
- Item 17.2 Swimming Lane Hire – Willoughby Leisure Centre
- Item 17.4 School Licence Agreements for use of Council Ovals
- Item 18.3 Sydney Coastal Council Group Amendment to Constitution
- Item 18.6 Update on Draft North District Plan Released for Exhibition
- Item 18.11 Tender 101402 – Public Toilet Refurbishment Works

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

12.1 SAILORS BAY WARD COUNCILLORS INSPECTION MEETING - 120 PENSURST STREET WILLOUGHBY - DA2016/82 - DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF FOUR STOREY SHOP TOP HOUSING WITH COMMERCIAL USE, CARPARKING AND ASSOCIATED WORKS

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	ANA VISSARION – DEVELOPMENT PLANNER
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

To list on the agenda the Minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 22 November 2016.

RESOLUTION

That Council:

1. Receive the Minutes of the Sailors Bay Councillors Inspection Committee Meeting held 22 November 2016, relating to DA2016/82 for demolition of existing structures, construction of four storey shop top housing with commercial use, carparking and associated works.
2. Note the resolution adopted by the Committee:

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

Landscape Maintenance

The landscaping on the property shall be maintained in accordance with the approved landscape documentation and plans and the conditions of this consent for the life of the development.

(Reason: Amenity)

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

12.2 SAILORS BAY WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 46 STRATHALLEN AVENUE, NORTHBRIDGE - DA2016/55 - DEMOLITION OF EXISTING STRUCTURE AND CONSTRUCTION OF A MIXED USE DEVELOPMENT

ATTACHMENTS:	1. MINUTES 2. SUBMITTED PLANS (PROVIDED SEPARATELY) 3. WARD COUNCILLOR COMMITTEE MEETING REPORT
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	ANNIE LEUNG – ACTING PLANNING MANAGER
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

To provide Council with the Minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 23 November 2016

RESOLUTION

That Council

- 1. Receive the Minutes of the Sailors Bay Councillors Inspection Committee Meeting held 23 November 2016, relating to DA 2016/55 for demolition of existing structures and construction of a mixed use development including ground floor commercial premises, shop top housing, car parking and associated works.**
- 2. Refuse the application for the following reasons:**
 1. Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause 1.2 in respect to the Aims of Plan of the Willoughby Local Environmental Plan 2012 (“WLEP”).
 2. The submitted Clause 4.6 Variation against Clause 4.3 – Height of Buildings of the WLEP is not well founded for the reasons outlined below:
 - a) The submitted Clause 4.6 Variation Request fails to satisfy the requirements of Clause 4.6(3)(b).
 - b) The proposed 5 storey development is not responding appropriately to the existing or the desired future character of the locality, which envisage a mid-rise commercial centre with consistent street wall and articulated corner elements surrounded by low-density residential developments, and is inconsistent with Objective (a) (e) & (f) of the Height of Building standard.
 - c) The design of the proposed development does not relate well to the topography of the land, or the transition of building height to adjoining and surrounding low density residential developments.

- d) Having regard to the development's excessive height and scale, the impacts of the development to adjoining properties is unacceptable.
3. Pursuant to S.79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the intent and controls contained in Part C.6 of WDCP – Access, Mobility and Adaptability. The proposed development does not provide sufficient information to demonstrate compliance with the requirements of the WDCP.
 4. Pursuant to S.79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, The application does not provide sufficient information to demonstrate that the proposed vehicular access is acceptable and meet the intent and controls contained in Part C.4 of WDCP.
 5. Pursuant to S.79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the intent and controls contained in Part C.5 of WDCP – Water Management. The application does not provide sufficient information to demonstrate that stormwater runoff from the site will be properly managed and discharged in a manner consistent with the objectives and requirements of this part of the WDCP.
 6. Pursuant to S.79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the intent and controls contained in Part E.4 of WDCP – Northbridge Town Centre, in particular:
 - a) E4.7 – Laneways and Rights of Way
 - b) E 4.9 – Design and Streetscape
 - c) E4.12 – Strathallen Avenue
 7. Pursuant to S.79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the application does not provide sufficient information to satisfactorily address the following provisions of the WDCP – Specific Controls for Commercial and Shop Top Housing Development, in particular:
 - a) E1.8 Privacy
 - b) E1.9 Views and Vista
 - c) E.10 Solar Access & Overshadowing
 8. Pursuant to S.79C (1) (b) of the Environmental Planning and Assessment Act 1979, the application does not provide sufficient information to demonstrate that the likely impacts of the development will be acceptable with respect to the existing streetscape and adjoining and surrounding properties.
 9. Pursuant to S.79C (1) (d) of the Environmental Planning and Assessment Act 1979, the proposed development fails to address the relevant issues raised in the public submissions, including but not limited to impact on street parking, traffic and access, and overshadowing.
 10. Pursuant to S.79C (1) (e) of the Environmental Planning and Assessment Act 1979, having regard to the development's non-compliance with the Height of Building Standard, urban design and streetscape outcomes contrary to locality specific controls, the approval of the proposed development is not considered to be in the interests of the public.

3. That in relation to any future action before the Land and Environment Court, Council representatives ensure that:
- a) overshadowing impacts are assessed in the context of all existing height and setback controls, not just the 14 m height limit
 - b) all aspects of proposed rear lane access are consistent with the relevant objectives of Willoughby Development Control Plan – in particular E.4 of Willoughby Development Control Plan and the associated provisions of the Northbridge Master Plan.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

**12.3 NAREMBURN WARD COUNCILLORS INSPECTION COMMITTEE
MEETING - 270 WILLOUGHBY ROAD, NAREMBURN - DA2016/202**

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	ANNIE LEUNG – DEVELOPMENT PLANNING TEAM LEADER
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

To provide Council with the Minutes of the Naremburn Ward Councillors Inspection Committee Meeting held on 29 November 2016.

RESOLUTION**That Council:**

1. **Receive the Minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 29 November 2016.**
2. **Note the resolutions adopted by the Committee that:**
 1. *The determination of the application be deferred;*
 2. *The applicant prepares amended plans subsequent to the consideration by the Naremburn Ward Councillor Committee meeting in respect to the application;*
 3. *Council notify the amended plans to all previous correspondents; and*
 4. *The Naremburn Ward Councillor Committee is to reconvene to determine the application following consideration of a further report on the amended plans and outcome of the notification.*

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

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

Against: Nil

12.4 MIDDLE HARBOUR WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 245 PENSHURST STREET - DA2016/326 - PROPOSED MARKET AT WILLOUGHBY LEGION EX-SERVICES CLUB

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	ANNIE LEUNG – DEVELOPMENT PLANNING TEAM LEADER
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

To provide Council with the Minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting – 245 Penshurst Street (aka 26 Crabbes Avenue, North Willoughby) – DA2016/326.

RESOLUTION**That Council:**

1. **Receive the Minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held Thursday 1 December 2016, relating to DA2016/326 for Markets to operate in grounds of Willoughby Legion Ex-Services Club the second Sunday of each month 9.00 am – 2.00 pm.**

2. **Note the resolution adopted by the Committee:**
That the application be approved in accordance with the Officer's recommendation subject to the following additional conditions:
 - A. *No power generators are to operate prior to 8:30am.*
 - B. *All accessible car spaces that are made unavailable by the markets must be temporarily relocated during market operations and clearly sign-posted.*

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

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

Against: Nil

12.5 MINUTES OF THE TRAFFIC COMMITTEE MEETING ON 30 NOVEMBER 2016

ATTACHMENTS:	1. TRAFFIC COMMITTEE MINUTES OF 30 NOVEMBER 2016
RESPONSIBLE OFFICER:	PETER CONROY – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NEIL STRICKLAND – SENIOR TRAFFIC ENGINEER
CITY STRATEGY LINK:	4.2.2 BALANCE TRAFFIC MANAGEMENT
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

To advise Council of the outcome of the latest Traffic Committee Meeting held on 30 November 2016.

Procedural Motion

That Craig Campbell address the meeting and answer questions of the Councillors:

RESOLUTION:

That

1. Council adopt the recommendations of the Traffic Committee, at its meeting of 30 November 2016, with the exception of Items 4.4, 4.5 and 4.6;
2. In respect of Item 4.4:
Amend recommendation 2 to make reference to consultation with local business and confirm the project to be considered in the 2017/18 budget program.
3. In respect of Item 4.5:
 - a. The Traffic Committee Recommendation be adopted; and
 - b. Detailed cost estimates be prepared with the allocation of necessary funds being considered as part of Council's 2017/18 Operational Plan.
4. In respect of Item 4.6:
 - a. The Traffic Committee Recommendation not be adopted;
 - b. Council delete Condition 3 of the development consent for 52-54 Eastern Valley Way which requires submission and approval of details for the implementation of right turn restrictions into and out of the development;
 - c. The Applicant be so advised;
 - d. The Traffic Committee be advised of Council's decision; and
 - e. The driveway crossing proposal in option 3 be approved.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

Absent: Councillors Stevens and Wright

12.6 GLOBAL FRIENDSHIP COMMITTEE MEETINGS

ATTACHMENTS:	1. MINUTES - GLOBAL FRIENDSHIP COMMITTEE MEETING - 7 JULY 2016 2. NOTES - GLOBAL FRIENDSHIP COMMITTEE MEETING - 17 NOVEMBER 2016
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MELANIE SMITH - COMMUNITY, CULTURE & LEISURE DIRECTOR
CITY STRATEGY LINK:	1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

To seek Councils endorsement of the Global Friendship Committee meeting held on 7 July 2016 and the notes from the Global Friendship Committee meeting held on 17 November 2016.

RESOLUTION

That Council:

- 1. Note the minutes of the Global Friendship Committee meeting held on 7 July 2016.**
- 2. Note that Officers will provide a revised 'Draft Terms of Reference' for the Global Friendship Committee in February 2017, with consideration being given to the recommendation from the Global Friendship Committee at its meeting of 7 July 2016.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

14.1 COUNCILLOR INFORMATION BOOKLETS - 29 NOVEMBER AND 6 DECEMBER 2016

RESPONSIBLE OFFICER:	LINO DI LERNIA – ACTING CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	RITA WOLOW, EXECUTIVE ASSISTANT
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklets, circulated to all Councillors on 29 November and 6 December 2016.

RESOLUTION

That Council receive and note the Councillors Information Booklets circulated to all Councillors on 29 November and 6 December 2016

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 MOSMAN AND NORTH SYDNEY LEGAL PROCEEDINGS

ATTACHMENTS:	1. NOTICE OF APPEAL - MOSMAN 2. NOTICE OF INTENTION TO APPEAL – NORTH SYDNEY 3. SUMMONS CLASS 4 – NORTH SYDNEY
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	ELIZABETH WALL – GOVERNANCE MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

To provide an update to Council on legal proceedings relating to the proposed amalgamation filed by Mosman and North Sydney Councils and to seek approval to file submitting appearances in relation to each of them.

RESOLUTION

That Council, on the basis of filing a submitting appearance (save as to costs), consents to being joined as a party in the proceedings:

1. Supreme Court of NSW, Court of Appeal, Sydney Registry, 2016/305665, North Sydney Council v Minister for Local Government & Others, Notice of Intention to Appeal;
2. Supreme Court of NSW, Court of Appeal, Sydney Registry, 2016/289039, Mosman Municipal Council v Minister for Local Government & Others, Notice of Appeal;
3. Land & Environment Court of NSW, 2016/358777, North Sydney Council v Minister for Local Government & Others, Summons (Judicial Review).

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

**16.2 DOUGHERTY APARTMENTS RETIREMENT HOUSING PROJECT -
DIRECTOR APPOINTMENT AGREEMENT AND COMMUNICATION
PROTOCOLS**

ATTACHMENTS:	1. DIRECTOR APPOINTMENT AGREEMENT 2. DRAFT COMMUNICATIONS PROTOCOLS
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	ELIZABETH WALL – GOVERNANCE MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

The purpose of this report is to seek Council endorsement of the Director Agreement for future appointments to the Dougherty Apartments Retirement Housing Project ('Dougherty') Board and of the draft communication protocols between Members and the Board.

MOTION

That Council:

- 1. Adopt the Director Instrument of Appointment for future Council appointments to the Dougherty Board of Directors; and**
- 2. Delegate authority to Council's Member representative Councillor Lynne Saville and the General Manager to undertake discussions with the Dougherty Board and Land and Housing on the draft communication protocol (Attachment 2) with the view to gaining agreement on the contents of the protocol.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Councillor Hooper

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 SHORELINK REVIEW

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ANGELA CASEY, CULTURE AND LEISURE MANAGER
CITY STRATEGY LINK:	1.2.3 QUALITY, ACCESSIBLE PUBLIC LIBRARY AND COMMUNITY LEARNING SERVICES ARE AVAILABLE
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

To review Council's ongoing participation in Shorelink.

RESOLUTION

That Council delegate authority to the General Manager to:

1. Give notice by February 2017 to leave the Shorelink consortium;
2. Develop and implement a communication strategy to provide key messages to the community regarding the continuation of their library services following Council's departure from Shorelink; and
3. Begin the process of procuring a new library management system that will be ready for implementation at the conclusion of the twelve (12) month notice period to leave Shorelink.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

17.2 SWIMMING LANE HIRE - WILLOUGHBY LEISURE CENTRE

ATTACHMENTS:	1. CONFIDENTIAL - QUOTATION EVALUATION SUMMARY
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ROZ NEVILLE - WILLOUGHBY LEISURE TEAM LEADER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

To obtain Council approval to enter into commercial negotiations with the recommended applicant for Swimming Lane Hire at Willoughby Leisure Centre.

RESOLUTION

That Council delegate authority to the General Manager to enter into negotiations with Willoughby Swim Club for Lane Hire at Willoughby Leisure Centre.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

17.3 THE CONCOURSE PERFORMING ARTS SUBSIDY (ROUND 2 - 2016/17)

ATTACHMENTS:	ATTACHMENT 1 - PROJECT BUDGET ATTACHMENT 2 – IN KIND CONTRIBUTIONS CONFIDENTIAL - QUOTATION EVALUATION SUMMARY
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & 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:	12 DECEMBER 2016

Purpose of Report

To seek Council's endorsement of grants funds distribution through The Concourse Performing Arts Subsidy (Round 2).

AMENDMENT**That Council:**

- 1. Allocate \$3,000 to Haven Promotions Inc. for 'The Carnival' project, when assessed against *The Concourse Cultural Performance Subsidy Program Guidelines*.**
- 2. Delegate authority to the General Manager to provide a grant on the basis that a viable project plan and a viable marketing plan are provided to Council in addition to demonstrating that the project will make a profit.**

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR RUTHERFORD****LOST****Voting****For the Amendment:** Councillors Mustaca, Rutherford and Saville.**Against:** Councillors Coppock, Hill, Eriksson, Hooper, Norton and Rozos.**Absent:** Councillor Giles-Gidney, Stevens and Wright.

MOTION**That Council:**

1. Allocate \$5,000 to Haven Promotions Inc. for 'The Carnival' project, when assessed against *The Concourse Cultural Performance Subsidy Program Guidelines*.
2. Delegate authority to the General Manager to provide a grant on the basis that a viable project plan and a viable marketing plan are provided to Council in addition to demonstrating that the project will make a profit.

MOVED COUNCILLOR HILL**SECONDED COUNCILLOR HOOPER****CARRIED****Voting****For the Motion:** Councillors Coppock, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos and Rutherford.**Against:** Councillor Saville.**Absent:** Councillor Giles-Gidney, Stevens and Wright

Due to Councillor Giles-Gidney declaring a pecuniary interest in Item 17.3: The Concourse Performing Arts Subsidy (Round 2 – 2016/17) as her home is directly adjacent to the Haven Amphitheatre, she withdrew from the meeting taking no part in the discussion or voting on this topic.

Deputy Mayor Coppock assumed the Chair in the Mayor's absence for this item.

17.4 SCHOOL LICENCE AGREEMENTS FOR USE OF COUNCIL OVALS

RESPONSIBLE OFFICER: MELANIE SMITH, COMMUNITY, CULTURE & LEISURE DIRECTOR

AUTHOR: JULIE WHITFIELD, OPEN SPACE CO-ORDINATOR

CITY STRATEGY LINK: 1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY

MEETING DATE: 12 DECEMBER 2016

Purpose of Report

To receive Council's endorsement for the General Manager and Mayor to authorise and execute School Licence Agreements for use of Council Ovals, under Common Seal of the Council.

RESOLUTION

That Council authorise the Mayor and the General Manager to execute the 2017 School Licence Agreements for use of Council Ovals under the Common Seal of Council.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 UPGRADE WORKS TO HAVEN AMPHITHEATRE, CASTLECRAG - DA 2016/283

ATTACHMENTS:

- 1. NOTIFICATION PLANS**
- 2. ARCHITECTURAL PLANS (PROVIDED SEPARATELY)**
- 3. DETAILED CONSIDERATION OF SUBMISSIONS**

MEETING DATE: 12 DECEMBER 2016

RECOMMENDATION: DEFERRED COMMENCEMENT APPROVAL

LOCATION: CASTLEHAVEN RESERVE, THE BARRICADE, CASTLECRAG

APPLICANT: WILLOUGHBY CITY COUNCIL

OWNER: WILLOUGHBY CITY COUNCIL (CROWN)

PROPOSAL: ALTERATIONS AND ADDITIONS TO HAVEN AMPHITHEATRE INCLUDING STAGE REPLACEMENT WITH STOREROOM, ACCESSIBLE RAMPS, TERRACE AND ASSOCIATED WORKS

DATE OF LODGEMENT: 3 AUGUST 2016

VALID APPLICATION DATE: 21 NOVEMBER 2016

REPORTING OFFICER: NANCY SAMPLE - SENIOR CONSULTANT PLANNER (CARDNO)

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

DESCRIPTION OF PROPOSAL

In summary, the proposal involves alterations and additions to the Haven Amphitheatre, The Barricade, Castlecrag, including stage replacement with a storeroom, accessible ramps, terrace, amenities, gully stabilization and associated works.

Procedural Motion

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

- Adrienne Kabos
- Luke Hastings
- Michael Lehany
- Richard Newton, President – Haven Amphitheatre Management Committee
- Margaret Petrykowski – Water Burley Griffin Society

AMENDMENT

That Council:

1. Approve Development Application 2016/283 for alterations and upgrade works to the Haven Amphitheatre, The Barricade, Castlecrag and delegate authority to the General Manager to issue the 'Deferred Commencement' consent notice subject to the attached conditions contained in Schedules 1 and 2 attached;
2. Resolve to waive applicable S94A contributions in accordance with Clause 3.3.2(b) of Willoughby City Section 94A Contributions Plan S94A Plan noting Council is the applicant.
3. Amend Condition 2 of Schedule 1 to require the western seating layout to reduce, as far as possible, the impact on the form and layout of the existing western tier seating whilst still achieving the legislative requirements of equitable access as detailed in the BCA and 2010 Access to Premises Standard. This may require a reduction in the seating to 250 maximum.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

LOST

Voting

For the Amendment: Councillors Coppock, Mustaca, Saville and Stevens.

Against: Councillors Eriksson, Hill, Hooper, Norton, Rozos, Rutherford, and Wright

Absent: Councillor Giles-Gidney.

MOTION

That Council:

1. Approve Development Application 2016/283 for alterations and upgrade works to the Haven Amphitheatre, The Barricade, Castlecrag and delegate authority to the General Manager to issue the 'Deferred Commencement' consent notice subject to the attached conditions contained in Schedules 1 and 2 attached;
2. Resolve to waive applicable S94A contributions in accordance with Clause 3.3.2(b) of Willoughby City Section 94A Contributions Plan S94A Plan noting Council is the applicant.
3. Amend Condition 2 of Schedule 1 to require the western seating layout to reduce, as far as possible, the impact on the form and layout of the existing western tier seating whilst still achieving the legislative requirements of equitable access as detailed in the BCA and 2010 Access to Premises Standard. This may require a reduction in the seating to 250.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Councillors Saville and Stevens.

Absent: Councillor Giles-Gidney.

Due to Councillor Giles-Gidney declaring a pecuniary interest in Item 18.1: Upgrade Works to Haven Amphitheatre, Castlecrag – DA2016/283 as her home is directly adjacent to the Haven Amphitheatre, she withdrew from the meeting taking no part in the discussion or voting on this topic.

Deputy Mayor Coppock assumed the Chair in the Mayor's absence for this item.

SCHEDULE OF CONDITIONS**SCHEDULE 1****CONDITIONS OF CONSENT
DEFERRED COMMENCEMENT**

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 95(3) of the Regulation, a twelve (12) month 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)

1. Heritage Interpretation Strategy

A heritage interpretation strategy is to be developed in consultation with interested parties including but not limited to: -

1. Castlecrag Progress Association (CPA);
2. Haven Amphitheatre Committee (HAC);
3. Castlecrag Conservation Society (CCS);
4. Willoughby Environmental Protection Association (WEPA);
5. The Friends of the Haven (FOH); and
6. Walter Burley Griffin Society.

The strategy is to be lodged with Council for approval. It is to consider ways to demonstrate, through use of a website and at the Amphitheatre site and surrounding area, the heritage significance and story of the site and those involved with its development.

(Reason: To preserve the heritage significance of the Haven Amphitheatre and surrounding area)

SCHEDULE 2

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 consent plans electronically stamped by Council:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Prepared by
Drawing Schedule	00	2	16.11.16	Markham-Lee Architecture
Site Plan	01	2	16.11.16	
Stage Plan	02	2	16.11.16	
Undercroft Plan	03	2	16.11.16	
Section 1-1	04	2	16.11.16	
Section 2-2	05	2	16.11.16	
Section 3-3	06	2	16.11.16	
Elevation South	07	2	16.11.16	
Material Key	None	2	16.11.16	
Landscape Works – Haven Amphitheatre Castlecrag	HA-LA- DA-1	2	November 2016	CAB Consulting Pty Ltd

the application form and any other supporting documentation submitted as part of the application **(as amended by deferred commencement conditions)** 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. Sydney Water 'Tap In'

Prior to the issue of the Construction Certificate, 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)

3. 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)

4. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant (if not Council) shall lodge a Damage Deposit of \$60,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$150 (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

5. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit for approval by Council, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

6. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that the finished floor levels of the proposed development areas have a minimum freeboard of 300mm above the 1:100 year ARI flood event, which is conveyed through the site.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted and approved by Council prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

7. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, submit, for approval by the Certifying Authority, detailed Construction Management Plan (CMP). The CMP shall address:

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

8. Traffic Management Plan

Prior to issue of the Construction Certificate, a detailed Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- a) Be prepared by a RMS accredited consultant.
- b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the RMS's Traffic Control at work site manual.
- c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- d) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- e) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

9. Geotechnical Report

Submit to Council a geotechnical engineer's report of the proposed geotechnical works including excavation, piling, shoring or any proposed retaining walls to support the Road/structures. The report shall specifically address safety issues.

(Reason: Safety & Amenity)

10. Design of Retaining walls

All proposed or damaged retaining walls with an overall height of 600 mm or over within the development site shall be designed by a competent Structural Engineer. Design drawings prepared by a suitably qualified and experienced Structural Engineer shall be submitted to the Accredited Certifier for approval prior to issue of any Construction Certificate.

(Reason: Ensure compliance)

11. Structural Details for Suspended structures and Stormwater Management

Prior to issue of the Construction Certificate, the Applicant must submit, for approval by Council, structural design details and stormwater management plans from a suitably qualified and experienced structural engineer/civil engineer for the proposed suspended structures and stormwater management devices. The following information is to be addressed by the consulting engineer:

- The provision of a minimum of a 1500mm wide x 1050 mm high box culvert under the northern upstream side of the new centre stage.
- Provision of stormwater management strategy to the proposed development must be in accordance with item 5 of the Drainage investigation report prepared by Lyall & Associates dated 6 July 2016.
- The proposed bridges across the overland flow path must be supported by piers and suspended slab. No filling over the overland flow path is permitted other than isolated piers.
- The number of piers over the overland flow path is to be minimised in order to provide an unimpeded passage of floodwater.
- To prevent structural damage from flooding, the proposed structure must be designed to withstand inundation and overland flows, including debris and buoyancy forces as appropriate.
- Longitudinal sections of the proposed bridges shall be included.
- The provision of a suitable guardrail along both edges of the bridging structure that complies with Section 2.4.5.3 of AS2890.1-2004.
(Reason: Safety and amenity)

12. Contaminated Land - Preliminary Site Investigation

A Stage 1 - Preliminary site investigation report shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:

- a) Environment Protection Authority (EPA) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites; and
- b) Managing Land Contamination Planning Guidelines SEPP55 – Remediation of Land.

The preliminary site investigation shall provide information about;

- all past and present potential contaminating activities,
- Identify potential contamination types,
- Discuss the site condition,
- Provide a preliminary assessment of site contamination; and
- Assess the need for further investigations.

An appraisal of the site history is fundamental to the preliminary assessment and may be used to assess potential site contamination. The report shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate and a copy to Council for its records for review and concurrence.

(Reason: Environment and health protection)

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.

13. Dilapidation Report of Council's Property

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

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

This dilapidation report shall be submitted to Council and the Certifying Authority prior to commencement of work.

(Reason: Protection of Council's infrastructure)

14. Locate and Expose Existing Council's Drainage Line

Prior to commencement of work, locate and expose the existing Council's drainage line for the assessment of its condition by the Designing Engineer and Council. Inspection by Council's Engineers is required prior to any backfilling. For the purpose of inspections carried out by Council *Engineers*, the corresponding fees set out in Council's current fees and Charges Schedule are payable to Council.

(Reason: Protection of public asset)

15. Permits and Approvals Required

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

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. A separate written application to work outside normal hours must be submitted for approval.

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

- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.

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

(Reason: Legal requirements)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

16. 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)

17. Provide Erosion and Sediment Control

Erosion and sediment control devices shall be provided wholly within the site 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)

18. Demolition Work AS 2601-2001

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.
(Reason: Safety)

19. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the Certifying Authority.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.
(Reason: Health and amenity)

20. Sweep & Clean Pavement

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

21. Street Signs

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

22. Loading and Unloading During Construction

The following requirements apply:

- All loading and unloading associated with construction must be accommodated on site.
- The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet

the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

23. Overland Flow Path – Engineers Certification

A written certification, prepared by a suitably qualified and experienced civil engineer (generally CP Eng. Qualification), shall be submitted for approval by the Principal Certifying Authority prior to issue of any Occupation Certificate. The certification shall verify all measures, have been complied with, which shall include the following: -

- The constructed finished floor levels of the dwelling and Parking area are in accordance with the approved plans.
- The finished floor level for the proposed additions has been constructed at least 300mm above the 1 in 100 flood levels.
- No unauthorised structures, walls, fill or other items have been constructed to impede the 1 in 100 year ARI overland flow path within the identified flood zone.
- All existing and proposed boundary fencings within the overland floodwater are constructed with open style fencing at the bottom to allow the passage of overland floodwater
- Warning signs regarding the potential hazards related to overland flow have been installed at all the entry points to the high hazard areas.
- The additions to the dwelling are open underneath with isolated support posts/piers. Spacing for these piers is minimum 3 metres apart
(Reason: Ensure Compliance)

24. Tree Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on Landscape Plan Dwg No. HA-LA-DA-1 dated June 2006 prepared by CAB Consulting Pty Ltd
- ii) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- iii) Tree protection measures must comply with the recommendations of the Arboricultural Impact Report dated 1 July 2016 prepared by Landscape Matrix Pty Ltd and AS 4970-2009 Protection of trees on development sites.
- iv) Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified arborist on site.
- v) All structures are to bridge roots unless directed by a qualified arborist on site.
- vi) Tree ferns across the site are to be retained in-situ or relocated where possible. Where they are required to be removed they are to be replaced within five metres of the removal site or replanted to the edge of the creek or gully to grow next to the new ramps or bridge.

- vii) Hand digging is being undertaken for piers to the gully area where trees and other vegetation are present to preserve existing vegetation where possible. This work is to be undertaken in the presence of a suitably qualified arborist. (Reason: Tree management)

25. Protection of rock and sites of significance

- i) All existing rock outcrops outside the approved construction footprint or indicated for retention on the approved plans are to be maintained and preserved during the works.
- ii) Should any Aboriginal sites be uncovered during works, works are to cease and the Council, the NSW Office of Environment and Heritage and the Metropolitan Local Aboriginal Land Council are to be contacted

(Reason: Protection of significant environmental features.)

26. Creek Protection

The works near the creek must comply with the requirements and recommendations in 'Managing Urban Stormwater' published by LANDCOM NSW dated 2004

(Reason: Creek Management)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

27. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

28. Bush Fire Construction

No Occupation Certificate is to be issued until the building works have been constructed in accordance with the appropriate Bush Fire Attack level (BAL) determined by the Bush Fire Assessment Report and/or Consent Conditions.

(Reason: Bush fire safety)

29. Stormwater Runoff from Upstream areas

Prior to the issue of any Occupation Certificate, provide an interceptor drainage system to capture and convey all stormwater runoff from the upstream areas to the Council or public drainage system. The drainage system is to comprise suitable inlet pits, grated drains, pipes and rock channels and is to be designed in accordance with

Part C.5 of the Council's WDCP. This drainage system is to be designed for storm events up to and including the 20-year ARI.

(Reason: Prevent nuisance flooding)

30. Stormwater to Adjacent Reserve

Prior to the issue of any Occupation Certificate, stormwater from the site is to be controlled and conveyed to the reserve adjacent to the property in accordance with Council's specification, including the use of a gross pollutant pit, rock lined channel system, and associated details showing the method of disposal of all surface and roofwater.

(Reason: Prevent nuisance flooding)

31. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of via an approved stormwater system in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

32. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, half the road pavement including any necessary associated works adjoining to the full frontage of the development site shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 1x10⁶ ESA.

(Reason: Ensure compliance)

33. Inspection of Civil Works on Road Reserves

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

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

(Reason: Ensure compliance)

34. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant (if not Council) shall lodge with the Council a performance bond of \$30,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of

Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

35. Required Planting

Trees, shrubs and groundcovers are to be planted in accordance with the following table:

No. Required	Species	Location	Min Pot Size
All trees/shrubs/groundcovers	As indicated on Landscape Plan Dwg No.HA-LA-DA-1 dated June 2006 prepared by CAB Consulting P/L	As indicated on the Landscape Plan	As indicated on the Landscape Plan

(Reason: Landscape Amenity)

36. Implementation of Heritage Interpretation Strategy

The heritage Implementation strategy is to be Approved and implemented prior to the issue of any Occupation Certificate.

(Reason: Preserve the Heritage of Haven Amphitheatre)

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.

37. Bush Fire Control

The Asset Protection zones (APZ) being maintained in accordance with the principles contained in the NSW Rural Fire Service's 'Planning for Bush Fire Protection'.

(Reason: Bush fire safety)

38. Prohibited Use

No event or entertainment or gathering or the like been undertaken in the reserve should the NSW Rural Fire Service deem Fire Danger Rating at the time of the event to be Severe, Extreme or Catastrophic.

(Reason: Bushfire Safety)

39. Bridges- Maintenance of Bridges etc

The developer is to take responsibility for the maintenance of the bridges and all fixtures and fittings. That is, it will meet the costs of structural repairs, the regular repainting, cleaning or repairs of all surfaces of the bridges/tunnel and also the costs of cleaning, electricity consumption, replacement of or repair to fixtures or fittings arising from the day to day use of the bridges.

(Reason: Ensure compliance)

40. Bridges - Costs for Ongoing Maintenance

All costs relating to the provision and ongoing maintenance of the bridges and associated structures including all of Council's legal costs, valuation costs, stamp duties, land title fees and professional fees of any consultant as required from time to time are to be met by the developer or owner at the time.

(Reason: Ensure compliance)

41. Underground Utility Services

Locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

42. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of public assets)

43. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on neighbouring private land.

(Reason: Environmental protection)

44. Seating Capacity

A maximum of 350 people are to attend any individual performance.

(Reason: Safety/ Intensity of Use)

45. Number of Productions per Year

Events/productions having audience numbers exceeding 100 at any one performance are limited to a maximum of 6 in any one calendar year. Each event/production is to have no greater than 3 performances.

(Reason: Limit Intensity of Use/Amenity)

46. Plan of Management

The Plan of Management Pro Forma is to be completed and approved by Council for each event/production, no less than fourteen days prior to the first performance.

(Reason: Ensure Compliance)

PRESCRIBED CONDITIONS

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

47. 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

48. 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)

49. 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)

50. 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 CHATSWOOD CBD DRAFT PLANNING AND URBAN DESIGN STRATEGY

ATTACHMENTS:	1. WILLOUGHBY STRATEGIC PLANNING CONTEXT AND FRAMEWORK NOVEMBER 2016 2. DRAFT OVERVIEW REPORT - CHATSWOOD CBD DRAFT PLANNING AND URBAN DESIGN STRATEGY (PROVIDED UNDER SEPARATE COVER) 3. CHATSWOOD CBD DRAFT PLANNING AND URBAN DESIGN STRATEGY (PROVIDED UNDER SEPARATE COVER)
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
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:	12 DECEMBER 2016

Purpose of Report

For Council to resolve to place the *Chatswood CBD Draft Planning and Urban Design Strategy* on public exhibition.

RESOLUTION

That Council:

- 1. Note the Chatswood CBD Draft Planning and Urban Design Strategy.**
- 2. Place the Chatswood CBD Draft Planning and Urban Design Strategy on public exhibition.**
- 3. Be provided with a further report following exhibition and consideration of submissions, the intention being to finalise the Chatswood CBD Planning and Urban Design Strategy.**
- 4. Exhibit the Chatswood CBD Draft Planning and Urban Design Strategy from the beginning of February and Officers report back to Council at the end of March 2017.**

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillors Stevens and Wright.

18.3 SYDNEY COASTAL COUNCIL GROUP AMENDMENT TO CONSTITUTION

ATTACHMENTS:	1. SYDNEY COASTAL COUNCIL GROUP_CONSTITUTION_2016 2. LETTER TO MEMBER COUNCILS ADOPTION AND PROVISION OF SYDNEY COASTAL COUNCIL GROUP CONSTITUTION 2016
RESPONSIBLE OFFICER:	SALLY HAMILTON – ENVIRONMENT MANAGER
AUTHOR:	ADAM CORRIGAN – CLIMATE CHANGE PROJECT OFFICER
CITY STRATEGY LINK:	2.1.1 CONSERVE AND MAINTAIN WILLOUGHBY'S NATURAL ECOSYSTEMS
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

The purpose of this report is to inform Council of the revised Constitution of the Sydney Coastal Council Group.

RESOLUTION

That Council ratify the amendments to the Sydney Coastal Councils Group constitution.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

18.4 SUBMISSION REGARDING THE REVISED LOW RISE MEDIUM DENSITY HOUSING CODE AS COMPLYING DEVELOPMENT

ATTACHMENTS:	1. EXPLANATION OF INTENDED EFFECTS – PROPOSED MEDIUM DENSITY HOUSING CODE (PROVIDED UNDER SEPARATE COVER) 2. DRAFT SUBMISSION 3. COMPARISON OF EXISTING AND PROPOSED CONTROLS BY DEVELOPMENT TYPE
RESPONSIBLE OFFICER:	PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GREG PATTEN – PLANNING PROCESS SPECIALIST
CITY STRATEGY LINK:	5.1.1 LOCAL BUSINESS
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

The purpose of this report is to seek endorsement to a further submission being forwarded to the Department of Planning and Environment in respect to the revised *Medium Density Housing Code*.

RESOLUTION

That Council endorse the attached submission on the proposed *Medium Density Housing Code* being forwarded to the Department of Planning and Environment supporting the principle of delivering good housing mix with reduced time and cost but raising concerns in regard to the following:

1. The unplanned and unpredictable nature in which housing is proposed to be provided under the Code is contrary to the principles of good strategic planning;
2. The use of the Complying Development Approval mechanism is inappropriate noting that medium density development cannot be described as low impact/low risk;
3. The Private Certification mechanism should not be extended to more complex forms of development noting the extensive problems currently experienced with this system; and
4. The proposed code contains multiple drafting errors, contradictions and is confusing in interpretation.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

18.5 WILLOUGHBY COUNCIL PLANNING STRATEGY UPDATE INDUSTRIAL LANDS / HOUSING / LOCAL CENTRES

ATTACHMENTS:	1. WILLOUGHBY PLANNING STRATEGY CONTEXT AND FRAMEWORK 2. INDUSTRIAL LANDS POSITION STATEMENT (PROVIDED UNDER SEPARATE COVER) 3. HOUSING POSITION STATEMENT (PROVIDED UNDER SEPARATE COVER) 4. LOCAL CENTRES POSITION STATEMENT (PROVIDED UNDER SEPARATE COVER)
RESPONSIBLE OFFICER:	PETER CONROY - DIRECTOR INFRASTRUCTURE & PLANNING
AUTHOR:	NORMA SHANKIE-WILLIAMS- TEAM LEADER STRATEGIC PLANNING
CITY STRATEGY LINK:	6.2.1. A COMMUNITY THAT IS INFORMED OF KEY POLICIES, SERVICES AND ACTIVITIES, AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

To provide an update on the preparation of a Planning Strategy for Willoughby City Council to manage growth and change in relation to industrial lands, housing and local centres.

RESOLUTION

That Council endorse the content of the attached Position Statements on Industrial Lands, Housing and Local Centres for Community and Stakeholder Engagement during the first part of 2017.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

18.6 UPDATE ON DRAFT NORTH DISTRICT PLAN RELEASED FOR EXHIBITION

ATTACHMENTS:	1. DRAFT NORTH DISTRICT PLAN OVERVIEW
RESPONSIBLE OFFICER:	PETER CONROY - DIRECTOR INFRASTRUCTURE & PLANNING
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY LINK:	6.3.4 COUNCIL WORKS WITH STATE AND REGIONAL ORGANISATIONS
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

The purpose of this report is to provide Council with a brief update on the Draft North District Plan which was released for public exhibition by the Greater Sydney Commission on 21 November 2016.

RESOLUTION

That Council note the update on the Draft North District Plan.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

**18.7 654 - 666 PACIFIC HIGHWAY, 1 FREEMAN ROAD, 2A OLIVER ROAD
CHATSWOOD DA2016/18 - REPORT TO SPP FOR NOTING**

ATTACHMENTS: 1. ASSESSMENT REPORT TO SYDNEY PLANNING
PANEL (DA2016/18)

MEETING DATE: 12 DECEMBER 2016

REPORTING OFFICER: ANNIE LEUNG – TEAM LEADER DEVELOPMENT
PLANNING

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

PURPOSE OF REPORT

To inform Council that Development Application 2016/18 for ‘*Demolition of existing structures and the construction of a mixed use development comprising shop top housing units, two levels of commercial floor space, and three levels of basement car parking.*’ will be considered by the Sydney North Planning Panel (“SPP - North”) at its meeting scheduled on 20 December 2016.

AMENDMENT

That Council:

1. **Receive the Assessment Report to Sydney North Planning Panel for DA2016/18 seeking consent for Demolition of existing structures and the construction of a mixed use development comprising shop top housing units, two levels of commercial floor space, and three levels of basement car parking.**
2. **That Council Officers also submit:**
 - a. **The Kennedy Report.**
 - b. **The Chatswood CBD draft Planning and Urban Design Strategy report.**
 - c. **A current risk assessment on the safety of the school children on site.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

LOST

Voting

For the Amendment: Councillors Hooper, Norton, Saville and Wright.

Against: Councillors Eriksson, Hill, Mustaca, Rozos and Rutherford.

Absent: Councillors Giles-Gidney, Coppock and Stevens.

MOTION

That Council receive the Assessment Report to Sydney North Planning Panel for DA2016/18 seeking consent for Demolition of existing structures and the construction of a mixed use development comprising shop top housing units, two levels of commercial floor space, and three levels of basement car parking.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

For the Motion: Councillors Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford.

Against: Councillors Saville and Wright.

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

Due to Councillors Giles-Gidney and Coppock declaring a non-pecuniary substantial interest in Item 18.7: 654-666 Pacific Highway, 1 Freeman Road, 2A Oliver Road, Chatswood DA2016/18 – Report to SPP for Noting being members of SPP (formerly JRPP), they withdrew from the meeting taking no part in the discussion or voting on this topic.

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

18.8 PLANNING PROPOSAL FOR 12 MALVERN AVENUE, 5-7 HAVILAH STREET AND 345 VICTORIA AVENUE (CHATSWOOD CHASE)

ATTACHMENTS:	1. PROPOSED HEIGHT OF BUILDINGS AND FLOOR SPACE RATIO MAPS 2. PLANNING PROPOSAL CONCEPT PLANS 3. DEPARTMENT OF PLANNING AND ENVIRONMENT REQUIREMENTS ASSESSMENT (COUNCIL)
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
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:	12 DECEMBER 2016

Purpose of Report

For Council to resolve to forward the Planning Proposal for 12-14 Malvern Avenue, 5-7 Havilah Street and the Chatswood Chase Shopping Centre site at 345 Victoria Avenue, Chatswood to the Department of Planning and Environment for a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Procedural Motion

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

- Paul Neilsen, Vicinity Centre (Proponent)
- Jacqueline Parker, Urbis (Planning Consultant)

RESOLUTION

That Council:

- 1. Support for public exhibition the Planning Proposal and draft amendments to Willoughby Local Environmental Plan 2012:**
 - a) To amend the Height of Buildings Map (Sheet HOB_004) as follows:**
 - i) 12-14 Malvern Avenue – 40 metres**
 - ii) 5-7 Havilah Street – 34 metres**
 - iii) Northern portion of Chatswood Chase shopping centre (fronting Malvern Avenue and part of Havilah Street) – 40 metres**
 - b) To amend the Floor Space Ratio Map (Sheet FSR_004) so as the Floor Space Ratio for 12-14 Malvern Avenue and 5-7 Havilah Street be the same as the Chatswood Chase site – 4.5:1.**

- c) To insert after clause 1.8A (1):
- “(2) To avoid doubt, Willoughby Local Environmental Plan 2012 (Amendment No XX) applies to the determination of a development application made (but not finally determined) in respect to Chatswood Chase Shopping centre before the commencement of that Plan.”
2. Apply the requirements of the Chatswood CBD Draft Planning and Urban Design Strategy, as endorsed by Council, in particular with regard to design excellence, to this Planning Proposal.
 3. Request the proponent provide detailed shadow diagrams showing overshadowing each hour between 9am and 3pm on 22 June for public exhibition stage.
 4. Request the proponent provide a revised traffic report that:
 - a) In the analysis of traffic distribution and any assumptions used:
 - i) Has regard to current traffic flows.
 - ii) Involves sensitivity modelling as suggested by GTA Consultants.
 - b) Considers and recommends mitigation options to ameliorate the traffic impacts of the proposal on the local road network.
 5. 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.
 6. Advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott is nominated as delegate to process and finalise the Planning Proposal.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against:

Absent: Councillors Giles-Gidney, Coppock and Stevens.

Due to Councillors Giles-Gidney and Coppock declaring a non-pecuniary substantial interest in Item 18.8: Planning Proposal for 12 Malvern Avenue, 5-7 Havilah Street and 345 Victoria Avenue (Chatswood Chase) being members of SPP (formerly JRPP), they withdrew from the meeting taking no part in the discussion or voting on this topic.

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

18.9 PLANNING PROPOSAL TO MAKE AMUSEMENT CENTRE A PERMISSIBLE USE WITHIN THE WESTERN PORTION OF WESTFIELD - 28 VICTOR STREET / 49/51 ALBERT AVENUE CHATSWOOD

ATTACHMENTS:	1. COUNCIL REPORT – 22 AUGUST 2016 2. COPIES OF 2 SUBMISSIONS RECEIVED 3. NOTIFICATION MAP
RESPONSIBLE OFFICER:	PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	JOHN BRUNTON – CONSULTANT PLANNER
CITY STRATEGY LINK:	5.1.1 LOCAL BUSINESS
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

The purpose of this report is to seek Council support for the amendment of Willoughby Local environmental Plan 2012 (WLEP 2012) to permit 'amusement centre' for the 'Westfield' complex at 49-51 Albert Avenue and 28 Victor Street, Chatswood, known as lots 1 and 2, DP879701 to proceed to be made.

RESOLUTION

That Council:

1. Support 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, known as 28 Victor Street and 49-51 Albert Avenue, Chatswood.
2. Adopts and makes the amendment to Willoughby Local Environmental Plan 2012 in accordance with Section 59 of the *Environmental Planning and Assessment Act 1979*, so as to change Willoughby Local Environmental Plan 2012 and give effect to the Planning Proposal in the following manner:
 - Amend Schedule 1 by adding to the existing clause 14 as follows:
 14. Use of certain land at the Mandarin Centre, 65 Albert Avenue and at Westfield, 28 Victor Street and 49-51 Albert Avenue, Chatswood.
 - 1) This clause applies to land at the Mandarin Centre, 65 Albert Avenue, Chatswood, being Lot 2, DP 1035379 and Westfield Shopping Centre, 28 Victor Street and 49-51 Albert Avenue, Chatswood being Lots 1 and 2 DP879701.
 - 2) Development for the purpose of an amusement centre is permitted with development consent.
3. Advise correspondents on this matter of the Council decision.

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 ROZOS

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

18.10 165 ASHLEY STREET ROSEVILLE - LAND AND ENVIRONMENT COURT PROCEEDINGS (REFUSAL OF CHILDCARE CENTRE)

ATTACHMENTS: 1. JUDGEMENT - WANG V WILLOUGHBY COUNCIL [2016] NSWLEC 1470

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

AUTHOR: ANNIE LEUNG – DEVELOPMENT PLANNER

MEETING DATE: 12 DECEMBER 2016

Purpose of Report

To report on the outcome of Land and Environment Court Appeal No 151729 of 2016 against the Council's refusal of Development Application 2015/149 that sought consent for a child care centre development at 165 Ashley Street Roseville.

RESOLUTION

That Council notes that Development Application 2015/149 for a childcare centre development at 165 Ashley Street Roseville is REFUSED as contained in the Court Order issued by the Land & Environment Court and attached to this report.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

18.11 TENDER 101402 - PUBLIC TOILET REFURBISHMENT WORKS

RESPONSIBLE OFFICER:	PETER CONROY – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	ERIC LO – PROPERTY CONTRACTS OFFICER
CITY STRATEGY LINK:	4.1.1 EFFICIENT ASSET MANAGEMENT
MEETING DATE:	12 DECEMBER 2016

PURPOSE OF REPORT

This report advises Council not to accept any tenders and enter into negotiations in respect of the public toilet refurbishment works at Bales Park, Clive Park, O.H. Reid Reserve and Muston Park.

RESOLUTION

That:

- 1. Council not accept any of the tenders for the public toilet refurbishment works.**
- 2. Council declines to invite fresh tenders due to programme restrictions and the funds allocated and enter into negotiations with:**
 - Elite Commercial Solutions Pty Ltd**
 - The Almar Group Pty Ltd, T/As API Commercial**

with a view of entering into a contract.
- 3. As part of the negotiations, remove the refurbishment of Bales Park public toilet block from the scope of works.**
- 4. Council reallocates funds from Bales Park public toilet block to the other sites.**
- 5. The General Manager and Mayor be provided with delegated authority to execute the contract documents under the Common Seal of Council.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION: TALUS STREET RESERVE TRUST

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

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

Procedural Motion

That the following people address the meeting:

- Suzie Gold
- Max Menzies
- Emma-Brooks-Maher
- Terry Stewart
- John Owens

MOTION

That:

1. Council not instruct its Solicitors to seek costs against the Talus Street Reserve Trust in respect to case 2015/46210;
2. Council instructs its Solicitors to give written legal advice to it from the perspective of the Talus Street Reserve Trust on the matters arising from the judgement of His Honour Justice Brereton in case 2015/46210 on 5 December 2016 including but not limited to the following matters:
 - a. The service of a notice to quit on the Lessee;
 - b. What are the causes of action available and the quantum thereof to seek damages against the Lessee.
3. The written legal advice to be made available to Council to be included in the agenda of its next meeting being Monday 27 February 2017.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR SAVILLE

NOT PUT

AMENDMENT

That Council note that it would be prudent to consider the motion relating to the Talus Street Reserve Trust forwarded by Councillor Hooper after:

1. receiving legal advice;
2. consulting with Crown Lands;
3. assessing any initiatives on this matter by the Minister for Lands; and
4. considering closely the implications of the Judicial Advice decision handed down by Justice Brereton.
5. Receiving a preliminary briefing at the end of March 2017.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

For the Amendment: Councillors, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, and Wright.

Against: Councillor Coppock, Hooper and Saville.

Absent: Councillors Giles-Gidney and Stevens

THE AMENDMENT BECAME THE MOTION AND WHEN PUT WAS CARRIED.

Voting

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

Against: Councillor Hooper

Absent: Councillors Giles-Gidney and Stevens

Due to Councillor Giles-Gidney declaring a non-pecuniary substantial interest in Item 19.1: Notice of Motion – Talus Street Reserve Trust due to her relationship to Stephen Healy, she withdrew from the meeting taking no part in the discussion or voting on this topic.

Deputy Mayor Coppock assumed the Chair in the Mayor's absence for this item.

19.2 NOTICE OF MOTION: MODEL LITIGANT POLICY

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

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

Motion

That Council adopts the NSW Government Model Litigant Policy for Civil Litigation.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR NORTON

LOST

Voting

For the Motion: Councillors Coppock, Hooper and Saville.

Against: Councillor Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos and Rutherford.

Absent: Councillors Stevens and Wright.

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 SHORELINK REVIEW

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

20.2 SWIMMING LANE HIRE - WILLOUGHBY LEISURE CENTRE - CONFIDENTIAL

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(i) 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:
 - (ii) confer a commercial advantage on a competitor of the council

20.3 CHATSWOOD CHASE VPA - 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

20.4 TENDER 101402 - PUBLIC TOILET REFURBISHMENT WORKS

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

20.1 SHORELINK REVIEW

Recommendation Summary

That Council note the additional information provided in the attachment to this report.

20.2 SWIMMING LANE HIRE - WILLOUGHBY LEISURE CENTRE

Recommendation Summary

That Council note the additional information provided in the attachment to this report.

20.3 CHATSWOOD CHASE VPA - CONFIDENTIAL

Recommendation Summary

That Council:

1. Agree to pursue discussions with Chatswood Chase to seek a VPA in conjunction with a design excellence process;
2. Agree to approach Chatswood Chase with a request that HillPDA review the development feasibility study on an open book basis on Council's behalf;
3. Agree to the results of that review being considered by the General Manager to determine further action as required.

20.4 REPORT TO COUNCIL - TENDER 101402 - PUBLIC TOILET REFURBISHMENT WORKS

Recommendation Summary

That Council note the additional information provided in the evaluation criteria to this report.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillors Coppock and 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, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville and Wright

Against: Nil

Absent: Councillors Coppock and Stevens

21 QUESTIONS

NIL

- Her Worship the Mayor Councillor G Giles-Gidney left the meeting at 7:20pm during debate on Item 17.3: The Concourse Performing Arts Subsidy (Round 2 – 2016/17) and Item 18.1: Upgrade Works to Haven Amphitheatre, Castlecrag – DA2016/283 and returned after the vote at 9:55pm.
- Deputy Mayor Councillor Coppock took the chair during the vote on Item 17.3: The Concourse Performing Arts Subsidy (Round 2 – 2016/17) and Item 18.1: Upgrade Works to Haven Amphitheatre, Castlecrag – DA2016/283
- Her Worship the Mayor Councillor G Giles-Gidney and Councillor Coppock left the meeting at 10:01pm during debate on Item 18.7: 654-666 Pacific Highway, 1 Freeman Road, 2A Oliver Road, Chatswood DA 2016/18 – Report to Sydney Planning Panel - North for noting and Item 18.8: Planning Proposal for 12 Malvern Avenue, 5-7 Havilah Street and 345 Victoria Avenue (Chatswood Chase) and returned after the vote at 10:22pm.
- Councillor Mustaca took the chair during the vote on Item 18.7: 654-666 Pacific Highway, 1 Freeman Road, 2A Oliver Road, Chatswood DA 2016/18 – Report to Sydney Planning Panel - North for noting and Item 18.8: Planning Proposal for 12 Malvern Avenue, 5-7 Havilah Street and 345 Victoria Avenue (Chatswood Chase).
- Her Worship the Mayor Councillor G Giles-Gidney left the meeting at 11:18pm during debate on Item 19.1: Notice of Motion: Talus Street Reserve Trust and returned after the vote at 11:31pm.
- Deputy Mayor Councillor Coppock took the chair during the vote on Item 19.1: Notice of Motion: Talus Street Reserve Trust.
- Her Worship the Mayor Councillor G Giles-Gidney and Councillor Coppock left the meeting at 11:34pm during debate on Confidential Item 20.3: Chatswood Chase VPA.
- Councillor Mustaca took the chair during the vote on Confidential Item 20.3: Chatswood Chase VPA and closed the meeting.

- **The meeting was in recess from 9:50pm to 9:55pm**
- **At 10:30pm Council resolved, via a procedural motion, to extend its meeting time.**
- **Councillor Stevens left the meeting at 9:41pm.**
- **Councillor Wright left the meeting at 10:27pm.**

The meeting concluded at 11:37pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 12 December 2016. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.