



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chambers, 31 Victor Street, Chatswood

on 27 February 2017

commencing at 7:00pm

TABLE OF CONTENTS

TABLE OF CONTENTS	2
1 PRESENT	5
2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF	5
3 CONFIRMATION OF MINUTES	6
4 APOLOGIES AND LEAVE OF ABSENCE	6
5 PETITIONS	7
6 OPEN FORUM	8
7 MAYORAL MINUTE	9
7.1 MAYOR'S DIARY: COUNCIL MEETING NOTES – 27 FEBRUARY 2017	9
8 GENERAL MANAGER'S LATE REPORT	11
9 MATTERS FOR DEFERRAL, REFERRAL TO INSPECTION AND/OR PROCEDURAL PRIORITY	11
10 MATTERS BROUGHT FORWARD BY THE PUBLIC	11
11 MATTERS NOT REQUIRING ELABORATION OR DEBATE	11
12 REPORTS FROM COMMITTEES	13
12.1 NAREMBURN WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 64-66 CHANDOS STREET, ST LEONARDS - DA2012/181A	13
12.2 ACCESS ADVISORY COMMITTEE MEETING HELD WEDNESDAY 9 NOVEMBER 2016	15
12.3 HOME AND COMMUNITY CARE (HACC) SERVICES ADVISORY COMMITTEE MEETING - 8 NOVEMBER 2016.....	16
13 DEFERRED MATTERS	17
14 CORRESPONDENCE	18
14.1 COUNCILLORS INFORMATION BOOKLETS - 14 AND 21 FEBRUARY 2017	18
15 REPORTS FROM OFFICERS - GENERAL MANAGER	19
16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE	20
16.1 OPERATIONAL PLAN AND FINANCIAL PERFORMANCE REPORT - DECEMBER 2016	20
16.2 WEBCASTING COUNCIL MEETINGS	21
16.3 INVESTMENT REPORT DECEMBER 2016.....	23
17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE	24
17.1 SEEKING COUNCIL'S APPROVAL OF THE DRAFT WILLOUGHBY DISABILITY INCLUSION ACTION PLAN 2017-2021.....	24
18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE	25
18.1 102 HAMPDEN ROAD ARTARMON NSW 2064 - DA2016/466/A	25

18.2	METHODOLOGY FOR REQUESTING RINGING OF BELLS AT ST LEONARD S CHURCH NAREMBURN.....	29
18.3	APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY 1 JANUARY 2017 TO 31 JANUARY 2017.....	30
18.4	17 HERCULES ST CHATSWOOD - OUTCOME OF LAND AND ENVIRONMENT COURT PROCEEDINGS	31
18.5	PLANNING PROPOSAL FOR LOT 5 DP 270714, 4 BROADCAST WAY, ARTARMON GORE HILL TECHNOLOGY PARK.....	32
18.6	ARRANGEMENTS TO ASSIST COUNCIL IN ENSURING THAT 88 ARCHER STREET CHATSWOOD IN USED FOR TOURIST ACCOMMODATION.....	34
19	NOTICE OF MOTION	35
19.1	NOTICE OF MOTION - 9 CENTENNIAL AVENUE, CHATSWOOD.....	35
19.2	NOTICE OF MOTION - REVIEW OF PARKING CONTROLS	36
19.3	NOTICE OF MOTION: CHATSWOOD PUBLIC SCHOOL.....	38
20	CONFIDENTIAL ITEMS.....	39
20.1	WEBCASTING COUNCIL MEETINGS	39
21	QUESTIONS.....	41

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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 and M Stevens

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr P Conroy (Planning & Infrastructure Director), Mr L Di Lernia (Interim Director, Customer & Corporate), Mr I Arnott (Planning Manager), Ms E Wall (Governance Manager), Mr G Thomas (Enterprise Risk Management Specialist), Mr V Grepl (Governance Officer), Ms J Gregson (Senior Management Accountant) and Ms P Sheldrake (Minute Secretary)

Lawyers

Mr A Miers (Partner, HWL Ebsworth) and Ms K Gerathy (Partner, HWL Ebsworth)

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Councillor Saville declared, via a Disclosures of Interest Form, a non-pecuniary, less than substantial interest in Item 5.1 Petition – 88 Penshurst Street, Willoughby – DA2016/459 (Council Meeting held 13 February 2017)
(Nature of Interest: After the meeting, I more closely read the addresses of the petitioners and found my husband was a signatory. Previously I had been unaware. As the petition was for noting, and I was not required to vote, my interest is less than substantial)
- Councillor Mustaca declared via a Disclosures of Interest Form, a pecuniary conflict of interest in Item 18.1: 102 Hampden Road, Artarmon NSW 2064 – DA2016/466/A
(Nature of Interest: I am Trustee (one of two) for the A&H Mustaca Family Trust)
- Councillor Coppock declared via a Disclosures of Interest Form, a non-pecuniary, less than substantial interest in Item 18.5: Planning Proposal for Lot 5 DP270714, 4 Broadcast Way, Artarmon Gore Hill Technology Park
(Nature of Interest: Donation to 2008 Mayoral Campaign by Lindsay Bennelong)
- Councillor Norton declared via a Disclosures of Interest Form, a non-pecuniary, less than substantial interest in Item 19.3: Notice of Motion – Chatswood Public School
(Nature of Interest: I am an employee of the NSW Department of Education. This will not affect my voting on this item)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 13 February 2017, copies of which have been circulated to each member of Council, be confirmed subject to noting that Ms Emma Brooks-Maher be recorded as speaking on both Item 16.1 – Council and Councillors’ Roles, Responsibilities and Liabilities as Reserve Trust Manager in Relation to the Crown Lands Act 1989 and Confidential Item 20.1 – Talus Reserve Proceedings

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Sloane requested Leave of Absence on Monday 27 February 2017

RESOLUTION

That Council grant Councillor Sloane leave of absence on Monday 27 February 2017

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

5 PETITIONS

NIL

6 OPEN FORUM

Gary Anderson (Performance name Uncle General Gazza from the Larrikin Rebel Soldiers of Sanity) spoke on the topic *Fascism and its Relationship to Art and Free Speech or its Suppression in Public Squares*

7 MAYORAL MINUTE

7.1 MAYOR'S DIARY: COUNCIL MEETING NOTES – 27 FEBRUARY 2017

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

TUESDAY 14 FEBRUARY			
Mayor Deputy Mayor, Cr Coppock Crs Mustaca, Norton, Rutherford, Saville	7.30 am	Willoughby City and Chatswood CBD Symposium	The Concourse Pavilion
WEDNESDAY 15 FEBRUARY			
THURSDAY 16 FEBRUARY			
Cr Saville	5.30 pm	Alliance for Gaming Reform	School of Arts, Sydney
Crs Norton, Rutherford	7.30 pm	Middle Harbour Progress Association	Club Willoughby
Cr Saville	8 pm	Chatswood West Progress Association	Dougherty Centre
FRIDAY 17 FEBRUARY			
Crs Hooper, Norton	7.30 pm	The Carnival – A Circus Opera	The Concourse
SATURDAY 18 FEBRUARY			
Mayor Cr Hill	2.15 pm	The Carnival – A Circus Opera	The Concourse
SUNDAY 19 FEBRUARY			
Mayor	3 pm	Opening of Fine Music Centre	72 Chandos Street, St Leonards
Mayor Crs Norton, Saville	5 pm	Bush Poetry – 20 Year Anniversary	Henry Lawson Cave
MONDAY 20 FEBRUARY			
TUESDAY 21 FEBRUARY			
Mayor	6.30 pm	Opening of Seniors Gym	2 Chapman Avenue
Cr Saville	7.45 pm	Forum re increasing student population & accommodation needs	Chatswood Primary School
WEDNESDAY 22 FEBRUARY			
THURSDAY 23 FEBRUARY			
Cr Saville	9 am	SCCG -Lessons from Sydney's Salty Community Program	Customs House, Sydney
Cr Norton	12.30 pm	LGNSW Workshop on the Greater Sydney Commission	Symantec House
Mayor	2 pm	Opening of 25 Year Anniversary Garden	Castlecrag Montessori School
Mayor Cr Norton	6 pm	NSROC Meeting	North Sydney Council
FRIDAY 24 FEBRUARY			

SATURDAY 25 FEBRUARY			
SUNDAY 26 FEBRUARY			

Her Worship the Mayor Councillor Giles-Gidney acknowledged the passing of Robert Sheldon of Castlecrag. A Mayoral Minute will be put at the next Council Meeting.

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 19.1 Notice of Motion – 9 Centennial Avenue, Chatswood

Item 19.3 Notice of Motion – Chatswood Public School

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 Operation Plan and Financial Performance Report – December 2016

Item 17.1 Seeking Council's approval of the Draft Willoughby Disability Inclusion Action Plan 2017-2021

Item 18.5 Planning Proposal for Lot 5 DP270714, 4 Broadcast Way, Artarmon
Gore Hill Technology Park

Item 19.2 Notice of Motion – Review of Parking Controls

RESOLUTION

That the remaining items, viz:

Item 12.1 Naremburn Ward Councillors Inspection Committee Meeting –
64-66 Chandos Street, St Leonards – DA2012/181AItem 12.2 Access Advisory Committee Meeting held Wednesday
9 November 2016Item 12.3 Home and Community Care (HACC) Services Advisory Committee
Meeting – 8 November 2016

Item 14.1 Councillors Information Booklets – 14 & 21 February 2017

Item 16.3 Investment Report December 2016

Item 16.2 Webcasting Council Meetings

Item 18.1 102 Hampden Road, Artarmon NSW 2064 – DA2016/466/A

Item 18.2 Methodology for Requesting Ringing of Bells at St Leonard's
Church NaremburnItem 18.3 Applications Determined under Delegated authority 1 January
2017 to 31 January 2017Item 18.4 17 Hercules Street, Chatswood – Outcome of Land and
Environment Court ProceedingsItem 18.6 Arrangements to Assist Council in Ensuring that 88 Archer Street
Chatswood is used for Tourist Accommodation

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

Recommittal Motion

That Council recommit the following Items:

- **16.2: Webcasting Council Meetings**
- **18.1: 102 Hampden Road Artarmon NSW 2064 – DA2016/466/A; and**
- **18.2: Methodology for Requesting Ringing of Bells at St Leonard’s Church Naremburn.**

12 REPORTS FROM COMMITTEES

12.1 NAREMBURN WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 64-66 CHANDOS STREET, ST LEONARDS - DA2012/181A

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

To list on the agenda the Minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 15 February 2017.

RESOLUTION

That Council:

1. Receive the Minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 15 February 2017, relating to DA2012/181/A - Re-notification – S96(2) Application – Amended Plans.
2. Note the resolution adopted by the Committee:
That the application be approved in accordance with the Officer's recommendation subject to Condition 2 being modified to read as follows:
(Amendments: deleted – ~~strikethrough~~, added – underlined)

Condition 2 - Amendments

The proposal is to be amended in the following manner:

- a) *The basement car parking area shall make provision for a minimum 45 car parking spaces, including 4 disabled spaces. The disabled spaces are required to comply with AS 2890.6 (Off street parking for people with disabilities).*
The car parking shall be allocated in the following manner:
 - *One car space shall be allocated for each residential unit, including 3 disabled car parking spaces which are each to be allocated to a separate adaptable unit.*
 - *7 visitor spaces are to be grouped together and provided in Basement Level 1.*
 - *8 commercial spaces, including one disabled space, are to be provided in Basement Level 1.*
- ~~b) *The planter boxes on all north facing balconies are to be a minimum 1 metre wide.*~~

(Reason: Privacy to adjoining properties)

~~c) The ground floor residential units to be altered to office/business instead of residential.~~

(Reason: Amenity of adjoining properties)

b) The planter boxes being removed from the terrace of Unit 324.

c) The Ground Floor rear (north) facing window to the commercial suite being unopenable fixed glazing.

d) Details demonstrating that the head height clearance over the entry and stair access to the Lower Ground Floor commercial suite achieves minimum required standards. Any design change required to achieve this is not to result in any change to the location of the external enclosing walls.

e) Deletion of the pedestrian path across the nature strip from the Darvall Street kerb.”

These amendments are to be detailed on plans submitted with a Construction Certificate.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

**12.2 ACCESS ADVISORY COMMITTEE MEETING HELD WEDNESDAY 9
NOVEMBER 2016**

ATTACHMENTS:	1. MINUTES - ACCESS ADVISORY COMMITTEE - 9 NOVEMBER 2016
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

To provide Council with the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 9 November 2016.

RESOLUTION

That Council receive and note the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 9 November 2016.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

12.3 HOME AND COMMUNITY CARE (HACC) SERVICES ADVISORY COMMITTEE MEETING - 8 NOVEMBER 2016

ATTACHMENTS:	1. MINUTES - HOME AND COMMUNITY CARE SERVICES ADVISORY COMMITTEE - 8 NOVEMBER 2016 2. AT HOME WITH WILLOUGHBY
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER
CITY STRATEGY LINK:	1.1.2 THE VULNERABLE ARE INVOLVED IN OUR COMMUNITY AND SUPPORTED WITH RESPECT AND INTEGRITY
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

To provide Council with the minutes of the Willoughby City Council HACC Services Advisory Committee meeting held 8 November 2016.

RESOLUTION

- 1. That Council note the minutes and 'At home with Willoughby' report of the Willoughby City Council HACC Services Advisory Committee meeting held 8 November 2016.**
- 2. That Council endorse the renaming of the Willoughby HACC Advisory Committee to the Willoughby Seniors' Advisory Committee.**

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLETS - 14 AND 21 FEBRUARY 2017

RESPONSIBLE OFFICER:	LINO DI LERNIA - INTERIM 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:	27 FEBRUARY 2017

Purpose of Report

To list on the Council Agenda the weekly Councillors' Information Booklets, circulated to all Councillors on 14 and 21 February 2017.

RESOLUTION

That Council receive the Councillors' Information Booklets circulated to all Councillors on 14 and 21 February 2017.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 OPERATIONAL PLAN AND FINANCIAL PERFORMANCE REPORT - DECEMBER 2016

ATTACHMENTS:	<ol style="list-style-type: none">1. BUDGET VARIANCES2. PIP STATUS REPORT3. LEGAL EXPENSES4. E.RESTORE5. QUARTERLY BUDGET REVIEW STATEMENT6. THE CONCOURSE FINANCIAL REVIEW REPORT7. CROWN RESERVES FINANCIAL REPORT8. VARIATIONS TO ACTIVITIES LISTED IN THE 2016/17 OPERATIONAL PLAN
RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	GLEN FITZGERALD – ACTING CHIEF FINANCIAL OFFICER JULIE GREGSON – SENIOR MANAGEMENT ACCOUNTANT
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

To review Council's progress in attaining Operational Plan targets for the period 1 July 2016 to 30 June 2017 and to review the financial performance of the Council to 31 December 2016.

RESOLUTION

That Council:

1. **Note the report; and**
2. **Vote the decrease in expenditure of \$56,400 and the decrease in income of \$385,700, a difference of \$329,300.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

16.2 WEBCASTING COUNCIL MEETINGS

ATTACHMENTS:	1. PROPOSED AMENDMENTS TO THE CODE OF MEETING PRACTICE
RESPONSIBLE OFFICER:	LINO DI LERNIA, CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	ELIZABETH WALL, GOVERNANCE MANAGER FRITZ CARDOZO, CHIEF INFORMATION OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

To consider webcasting Council meetings over the internet and retention of recent records on the Council website for public access.

MOTION

That Council note the report.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HILL

CARRIED

Voting

For the Motion: Councillors Coppock, Eriksson, Hill, Mustaca, Rozos, Rutherford and Stevens.

Against: Councillors Giles-Gidney, Hooper, Norton and Saville.

Absent: Nil

AMENDMENT

That Council defer consideration of this issue until after determination of amalgamation to enable an assessment of the technology used by North Sydney and Mosman Councils to ensure the most economical solution.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR SAVILLE

LOST

Voting

For the Amendment: Councillors Hooper, Saville and Stevens

Against: Councillors Giles-Gidney, Coppock, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford.

Absent: Nil

16.3 INVESTMENT REPORT DECEMBER 2016

ATTACHMENTS:	1. COUNCIL'S INVESTMENT HOLDINGS 2. COUNTERPARTY CHART
RESPONSIBLE OFFICER:	LINO DI LERNIA - INTERIM CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	BILL LOFTHOUSE – FINANCIAL ACCOUNTANT
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

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

RESOLUTION

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

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 SEEKING COUNCIL'S APPROVAL OF THE DRAFT WILLOUGHBY DISABILITY INCLUSION ACTION PLAN 2017-2021

ATTACHMENTS:	DRAFT - WILLOUGHBY DISABILITY INCLUSION ACTION PLAN 2017-2021
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER
CITY STRATEGY LINK:	1.1.2 THE VULNERABLE ARE INVOLVED IN OUR COMMUNITY AND SUPPORTED WITH RESPECT AND INTEGRITY
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

The purpose of the report is to seek endorsement from Council to approve the *Draft Willoughby Disability Inclusion Action Plan 2017-2021* for public exhibition.

RESOLUTION

That Council:

Endorse the *Draft Willoughby Disability Inclusion Action Plan 2017-2021* for public exhibition.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 102 HAMPDEN ROAD ARTARMON NSW 2064 - DA2016/466/A

ATTACHMENTS:

1. PLANS (PROVIDED SEPARATELY)
2. NOTIFICATION MAP
3. INTERNAL REFERRALS
4. CONTROLS AND CLASSIFICATION
5. MATTERS FOR CONSIDERATION UNDER S.79C EP&A ACT

MEETING DATE: 27 FEBRUARY 2017

RECOMMENDATION: APPROVAL

LOCATION: 102 HAMPDEN ROAD, ARTARMON NSW 2064

APPLICANT: FUVIS BUILDING DESIGN P/L

OWNER: MR A MUSTACA AND MRS H A MUSTACA

PROPOSAL: S96 - MODIFY SHOP FRONT, SIGNAGE AND DELETE CONDITION NO. 3.

DATE OF LODGEMENT: 18 JANUARY 2017

VALID APPLICATION DATE: 18 JANUARY 2017

REPORTING OFFICER: JULIET STOKES – DEVELOPMENT ASSESSMENT OFFICER

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

DESCRIPTION OF PROPOSAL

This Section 96 application seeks to modify the original approved shop front and delete Condition 3 (Fire Safety Upgrade) of Development Consent 2016/466 which gave approval for signage, fitout and use of premises for a take-away food shop at 102 Hampden Road, Artarmon. The author seeks Council's approval of this application.

Due to Councillor Mustaca declaring a pecuniary conflict of interest in Item 18.1: 102 Hampden Road Artarmon NSW 2064 – DA2016/466/A due to being a Trustee (one of two) for the A&H Mustaca Family Trust, he withdrew from the meeting taking no part in the discussion or voting on this topic.

RESOLUTION

That Council delegate authority to the General Manager to issue the Section 96 Approval notice for changes to shop front, signage and fire upgrade requirements for 102 Hampden Road, Artarmon subject to the attached conditions.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR ROZOS

CARRIED

Voting

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

Against: Nil

Absent: Councillors Mustaca and Stevens

CONDITIONS OF CONSENT:

Development Consent DA-2016/466 is modified as follows:

A. Condition No 1 is amended to read as follows:

Approved Plan/Details

A. The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No.	Plan Date	Date Stamped by Council	Prepared by
Site Plan	01	A	4.11.16 16.01.17 (as amended)	18 January 2017	Fluvis Building Design
Proposed Floor Plan	02	A	4.11.16 16.01.17 (as amended)	18 January 2017	Fluvis Building Design
Dimensional Plan	03	A	4.11.16 16.01.17 (as amended)	18 January 2017	Fluvis Building Design
Service Plan/Floor Finish	04	A	4.11.16 16.01.17 (as amended)	18 January 2017	Fluvis Building Design
Reflected Ceiling Plan	05	A	4.11.16 16.01.17 (as amended)	18 January 2017	Fluvis Building Design
Elevation 01, 02	06	A	4.11.16 16.01.17 (as amended)	18 January 2017	Fluvis Building Design
Elevation 03	07	A	4.11.16 16.01.17 (as amended)	18 January 2017	Fluvis Building Design
Typical Cold Bar Details	08	A	4.11.16 16.01.17 (as amended)	18 January 2017	Fluvis Building Design
Kitchen Skirting Details	09	A	4.11.16	18 January 2017	Fluvis Building Design

the application form and any other supporting documentation submitted as part of the application, except for:

- a) any modifications which are “Exempt Development” as defined under S76(2) of the Environmental Planning and Assessment Act 1979;
- b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

B. Condition 3 is amended to read as follows:

Fire Safety Upgrade of Building

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000

- (a) The building is to be upgraded to meet the following performance requirements of the National Construction Code – Volume One (EP2.1)

Details are to be included with the Construction Certificate application.
(Reason: Fire and occupant safety)

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

18.2 METHODOLOGY FOR REQUESTING RINGING OF BELLS AT ST LEONARD S CHURCH NAREMBURN

ATTACHMENTS:	1. DEVELOPMENT CONSENT FOR S96 2011/493/B
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	ANA VISSARION – DEVELOPMENT PLANNER
CITY STRATEGY LINK:	1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

To set out a methodology through which Council can request bell ringing for Special Civic Occasions at St Leonard's Church located at 43 Donnelly Road, Naremburn.

RESOLUTION

That Council delegate to the General Manager the approval for the bell ringing, subject to consultation with Councillors, at St Leonard's Church, Naremburn, in accordance with Condition 20 in DA 2011/493 for Special Civic Occasions, being up to a maximum of 4 occasions per year.

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: Councillor Stevens

**18.3 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY 1
JANUARY 2017 TO 31 JANUARY 2017**

ATTACHMENTS:	1. LIST OF APPLICATIONS – 1 JANUARY 2017 TO 31 JANUARY 2017
RESPONSIBLE OFFICER:	PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY LINK:	3.1.3 LOCAL CHARACTER
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

To provide Council with a list of applications determined under delegated authority for the month of January 2017.

RESOLUTION

That Council note the information on Development Applications determined under delegated authority in January 2017.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

18.4 17 HERCULES ST CHATSWOOD - OUTCOME OF LAND AND ENVIRONMENT COURT PROCEEDINGS

ATTACHMENTS:	1. JUDGEMENT – KIM CHEW V WILLOUGHBY COUNCIL [2017] NSWLEC 1015
RESPONSIBLE OFFICER:	IAN ARNOTT – PLANNING MANAGER
AUTHOR:	CANDICE PON – DEVELOPMENT PLANNER
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

To report on the outcome of Land and Environment Court appeal No 1015 of 2017 against the Council's refusal of Development Application 2016/225 that sought consent for a carport at 17 Hercules Street Chatswood.

RESOLUTION

That Council note that Development Application 2016/225 for a carport at 17 Hercules Street Chatswood is approved as contained in the Court Order issued by the Land & Environment Court and attached to this report.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

18.5 PLANNING PROPOSAL FOR LOT 5 DP 270714, 4 BROADCAST WAY, ARTARMON GORE HILL TECHNOLOGY PARK

ATTACHMENTS:	1. PREVIOUS REPORT TO COUNCIL 10 OCTOBER 2016 2. GATEWAY DETERMINATION 3. NOTIFICATION MAP
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JANE HOSIE - STRATEGIC PLANNER
CITY STRATEGY LINK:	5.1.1 LOCAL BUSINESS
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

The purpose of this report is to seek Council support to proceed with the amendment to Willoughby Local Environmental Plan 2012 (WLEP 2012) to rezone Lot 5 DP 270714, 4 Broadcast Way, Artarmon, from Light Industrial IN2 to B7 Business Park and to amend the floor space controls relating to the site.

RESOLUTION

That Council:

1. Support the Planning Proposal and draft amendment to Willoughby Local Environmental Plan 2012 for the land at Lot 5 DP 270714, known as 4 Broadcast Way, Artarmon.
2. Adopt and make 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:
 - (a) Rezoning Lot 5 DP270714 from IN2 Light Industrial to B7 Business Park
 - (b) Deleting Lot 5 DP 270714 from "Area 6" on the floor space ratio and identifying it as a new "Area 18" on the Floor Space Ratio Map.
 - (c) Incorporating an amendment to clause 4.4A Exception to floor space ratio as follows:
 - (23) *the maximum floor space ratio for a building on land identified as "Area 18" on the floor space ratio map may exceed 1:1 if:*
 - (a) *the site area is greater than 1,000 square metres, and*
 - (b) *the floor space ratio will not exceed 3.5:1, and*
 - (c) *the site coverage will not exceed 60% of the site area.*
 - (d) Incorporating a new clause in Part 6 of WLEP 2012 relating to the minimum size of floor plates for use as office and business premises as follows:

- 6.20 (1) *This clause applies to Lot 5 of DP 270714 known as 4 Broadcast Way, Artarmon zoned B7 Business Park.*
- (2) *Development consent for the purposes of Office or Business premises must not be granted unless the consent authority is satisfied that:*
- a. *The occupant requires and will solely occupy a minimum gross floor area of 1,200sqm;*
 - b. *The applicant has demonstrated that owing to special building or floor area requirements suitable land or premises is not available for development or occupation within any nearby business centre including Chatswood and St Leonards Central Business Districts; and*
 - c. *The development would not detrimentally affect the viability of the Chatswood or St Leonards Central Business District office precincts.*
- (e) Incorporating an amendment to clause 4.6(8)(ca) to update the address of the site as follows:
- (ca) *clause 4.3 (to the extent that it applies to land at 1-5 Broadcast Way, Artarmon, being Lots 1–6, DP 270714).*
- (f) Incorporating an amendment to Schedule 1 – Additional Permitted Uses Clause 4(1) to update the address as follows:
- 4 *Use of certain land at 1-5 Broadcast Way, Artarmon*
(1) This clause applies to land at 1-5 Broadcast Way, Artarmon, being Lots 1–6, DP 270714.
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 MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillors Coppock and Stevens.

**18.6 ARRANGEMENTS TO ASSIST COUNCIL IN ENSURING THAT 88
ARCHER STREET CHATSWOOD IN USED FOR TOURIST
ACCOMMODATION**

ATTACHMENTS:	1. REPORT TO COUNCIL 8 AUGUST 2016
RESPONSIBLE OFFICER:	PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

To provide Council with the details of the arrangements negotiated in relation to the future tourist accommodation use of 88 Archer Street Chatswood.

RESOLUTION

That Council receive and note the report.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION - 9 CENTENNIAL AVENUE, CHATSWOOD

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

AUTHOR: DEBRA JUST – GENERAL MANAGER

CITY STRATEGY LINK: 3.1.3 LOCAL CHARACTER

MEETING DATE: 27 FEBRUARY 2017

Purpose of Report

Councillor Saville has indicated her intention to move the following Notice of Motion:

MOTION

That, as a priority, Willoughby City Council will expedite the processes to:

- a) Commit to list the property located at 9 Centennial Ave, as a Local Heritage Item in the LEP;
- b) That funds are allocated in the present budget to enable this process to occur:
and
- c) In the meantime, that if/when considering re-zoning proposals and new DAs in the vicinity, that the property is regarded as a future heritage item.

(Refer to Willoughby District Historical Society nomination of this property as a local heritage item)

MOTION

That this item be withdrawn from the agenda.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

19.2 NOTICE OF MOTION - REVIEW OF PARKING CONTROLS

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER
AUTHOR: DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK: 3.1.2 QUALITY LIVING AMENITY FOR RESIDENTS
MEETING DATE: 27 FEBRUARY 2017

Purpose of Report

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

MOTION

That the Director of Planning & Infrastructure investigate parking on McClelland Street, Fourth Avenue, Robert Street and Warrane Road, Willoughby East and North Willoughby and Stoker Playground, Edinburgh Road with a view to preparing a report for the consideration of the Traffic Committee about the introduction of time limited parking restrictions. The investigation and report should contemplate the suitability of 72 Hour time limited parking on McClelland Street, Fourth Avenue, Robert Street and Warrane Road, Willoughby East and North Willoughby and Stoker Playground, Edinburgh Road.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Councillors Eriksson and Hooper

Absent: Councillor Stevens

AMENDMENT

That the Director of Planning & Infrastructure investigate parking on McClelland Street, Fourth Avenue, Robert Street and Warrane Road, Willoughby East and North Willoughby and Stoker Playground, Edinburgh Road with a view to preparing a report for the consideration of the Traffic Committee about the introduction of time limited parking restrictions. The investigation and report should contemplate the suitability of 72 Hour time limited parking and also the inclusion of a resident parking scheme on McClelland Street, Fourth Avenue, Robert Street and Warrane Road, Willoughby East and North Willoughby and Stoker Playground, Edinburgh Road.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

LOST

Voting

For the Amendment: Councillors Giles-Gidney, Eriksson and Hill

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

Absent: Councillor Stevens

19.3 NOTICE OF MOTION: CHATSWOOD PUBLIC SCHOOL

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK:	3.1.2 QUALITY LIVING AMENITY FOR RESIDENTS
MEETING DATE:	27 FEBRUARY 2017

Purpose of Report

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

RESOLUTION

That Willoughby City Council makes representations to our local MP, Ms Gladys Berejiklian, the Premier of NSW, the Minister for Education, Mr. R. Stokes, Minister for Planning and the Leader of the Opposition, Mr. Foley with regards to:

- a) **serious over-crowding at Chatswood Public School, and anticipated future population increases which will put further pressure on the school;**
- b) **addressing the urgent need to accommodate more students at local public schools in Chatswood; and**
- c) **the DET investigating options for increasing the capacity of its education facilities in Willoughby, including the provision of additional land and facilities.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

20 CONFIDENTIAL ITEMS

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

Procedural Motion

That:

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

20.1 WEBCASTING COUNCIL MEETINGS

Reason for confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(ii) 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

Recommendation Summary

That Council note the additional information provided in this report.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

RESOLUTION

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

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

21 QUESTIONS

NIL

- Councillor Mustaca left the meeting at 8:19pm during debate Item 18.1: 102 Hampden Road Artarmon NSW 2064 – DA2016/466/A and returned after the vote at 8:20pm.
- Councillor Stevens left the meeting at 8:19pm.

The meeting concluded at 08:48pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 27 February 2017. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.