



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

25 June 2018

commencing at 7:00pm

TABLE OF CONTENTS

TABLE OF CONTENTS	2
1 PRESENT	5
2 DISCLOSURES OF INTEREST - COUNCILLORS	5
3 CONFIRMATION OF MINUTES	6
4 APOLOGIES AND LEAVE OF ABSENCE	6
5 PETITIONS	6
6 OPEN FORUM	6
7 MAYORAL MINUTE	7
7.1 MAYORAL MINUTE - PRINCIPAL CERTIFYING AUTHORITY.....	7
7.2 MAYOR'S DIARY: COUNCIL MEETING NOTES – 25 JUNE 2018	9
8 GENERAL MANAGER'S LATE REPORT	11
9 MATTERS FOR DEFERRAL, REFERRAL TO INSPECTION AND/OR PROCEDURAL PRIORITY	11
10 MATTERS NOT REQUIRING ELABORATION OR DEBATE	11
11 MATTERS BROUGHT FORWARD BY THE PUBLIC	12
12 REPORTS FROM COMMITTEES	13
12.1 MINUTES OF WILLOUGHBY HERITAGE ADVISORY COMMITTEE MEETING OF 22 MAY 2018.....	13
13 DEFERRED MATTERS	14
13.1 PUBLIC EXHIBITION OF MAYOR AND COUNCILLOR EXPENSES AND FACILITIES POLICY 2018	14
14 CORRESPONDENCE	15
15 REPORTS FROM OFFICERS - GENERAL MANAGER	15
16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE	16
16.1 AMENDMENTS TO NSROC CONSTITUTION.....	16
16.2 INVESTMENT REPORT FOR THE MONTH OF MAY 2018.....	17
16.3 OUR FUTURE WILLOUGHBY 2028.....	18
16.4 WILLOUGHBY DELIVERY PROGRAM FOR 2017-2021 AND OPERATIONAL PLAN FOR 2018/19 (INCLUDING BUDGET FOR 2018/19)	19
16.5 COUNCILLOR ATTENDANCE AT LGNSW ANNUAL CONFERENCE IN OCTOBER 2018.....	22
17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE	23
17.1 2018/19 COMMUNITY GRANTS - EVENT SEED FUNDING	23
17.2 REGISTRATION OF INTEREST - CONCESSION APPLICATION FOR CAMMERAY PUBLIC SCHOOL	25
17.3 REGISTRATION OF INTEREST - CONCESSION APPLICATION FOR ARTARMON PRIMARY SCHOOL P&C.....	26
17.4 REGISTRATION OF INTEREST - CONCESSION APPLICATION FOR THAI CLASSICAL DANCE & MUSIC CLUB	27
17.5 MUSTON PARK - PLAYGROUND IMPROVEMENTS PLAN.....	28

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE29

18.1 PLANNING PROPOSAL FOR 1-13 SPRING STREET, 56-70 ARCHER STREET AND 35 ALBERT AVENUE, CHATSWOOD29

18.2 65 ALBERT AVENUE, CHATSWOOD (MANDARIN CENTRE) - PLANNING PROPOSAL 2016/131

18.3 54-56 ANDERSON STREET, CHATSWOOD - PLANNING PROPOSAL33

18.4 TENDER 115959 - REHABILITATION, RELINING AND REPAIR OF STORMWATER ASSETS AND ASSOCIATED WORKS37

18.5 DEED OF CONSENT AND LICENCE ANDERSON STREET AND CHARLOTTE LANE CHATSWOOD38

18.6 SSROC ELECTRICITY SUPPLY CONTRACTS39

18.7 LEASE OF 28-32 DEVONSHIRE STREET, CHATSWOOD40

19 NOTICE OF MOTION41

20 CONFIDENTIAL ITEMS.....42

20.1 CONFIDENTIAL - TENDER 115959 - REHABILITATION, RELINING AND REPAIR OF STORMWATER ASSETS AND ASSOCIATED WORKS.....42

20.2 CONFIDENTIAL - REPORT OF CONDUCT REVIEWER42

21 QUESTIONS45

21.1 QUESTIONS ON NOTICE FROM COUNCILLOR COPPOCK.....45

21.2 QUESTIONS ON NOTICE - GORE HILL OVAL55

1 PRESENT

Her Worship the Mayor Councillor G Giles-Gidney, Councillors C Campbell, H Eriksson, T Mustaca, W Norton, J Rutherford, A Rozos, L Saville, C Tuon, B Zhu

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr D Frost (Customer & Corporate Director), Mr S Naven (Chief Financial Officer), Mr G McDonald (Planning & Infrastructure Director), Mr I Arnott (Planning Manager), Mr V Grepl (Governance Officer) and Ms P Sheldrake (Minutes Secretary)

2 DISCLOSURES OF INTEREST - COUNCILLORS

- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 18.1: Planning Proposal for 1-13 Spring Street, 56-70 Archer Street and 35 Albert Avenue, Chatswood, Item 18.2: 65 Albert Avenue, Chatswood (Mandarin Centre) – Planning Proposal 2016/1 and Item 18.3: 54-56 Anderson Street, Chatswood – Planning Proposal
(Nature of Interest: I am a member of the Sydney North Planning Panel)
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 13.1: Public Exhibition of Mayor and Councillor Expenses and Facilities Policy 2018
(Nature of Interest: I am a member of the Sydney North Planning Panel. There is proposed remuneration for Council representatives on the SNPP)
- Councillor H Eriksson declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 18.1: Planning Proposal for 1-13 Spring Street, 56-70 Archer Street and 35 Albert Avenue, Chatswood, Item 18.2: 65 Albert Avenue, Chatswood (Mandarin Centre) – Planning Proposal 2016/1 and Item 18.3: 54-56 Anderson Street, Chatswood – Planning Proposal
(Nature of Interest: As Deputy Mayor I sit as an alternate on the Sydney North Planning Panel. Therefore I will leave the chamber for these matters)
- Councillor Eriksson declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 13.1: Public Exhibition of Mayor and Councillor Expenses and Facilities Policy 2018
(Nature of Interest: As the current Deputy Mayor I am referred to in the report. I have received advice from Council staff that I am able to stay in the chamber for this matter)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 12 June 2018, 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, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillors Coppock and Fernandez requested Leave of Absence for Monday 25 June 2018.

RESOLUTION

That Council grant Councillors Coppock and Fernandez Leave of Absence for Monday 25 June 2018

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

5 PETITIONS

NIL

6 OPEN FORUM

Suzie Gold spoke on Council being open, accountable and transparent in representing its constituents and paraphrased comments on privacy issues.

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - PRINCIPAL CERTIFYING AUTHORITY

MEETING DATE: 25 JUNE 2018

PURPOSE OF REPORT

To consider the following Mayoral Minute on Principal Certifying Authority.

MOTION

Under the current planning system in NSW, a person may appoint their local council or a private, accredited certifier as the Principal Certifying Authority (PCA) for the control of

- Complying Development, and / or
- development carried out under a Construction Certificate associated with a Development Consent.

Under the Environmental Planning and Assessment Regulation 2000, critical stage inspections must be undertaken by the PCA or, if the PCA agrees, by another certifying authority (which in practice and in the majority of instances is a private, accredited certifier).

In terms of the handling of complaints from the public that allege non-compliance with a Complying Development Certificate or Development Consent, it is the responsibility of the appointed PCA to investigate the complaint and also to initiate action to remedy the non-compliance. Any complaint by the public (or a council) about the unsatisfactory performance of the appointed PCA is processed by the Building Professionals Board (BPB). However, whilst the BPB can investigate and take disciplinary action against a certifier, the BPB cannot order building work to stop, unauthorised work to be rectified and cannot take action against builders, tradespeople or property owners.

Most Complying Development and / or Development Consent sites being developed in the City of Willoughby are under the control of an appointed private PCA.

It has been the experience of Willoughby City Council that in most instances where the public has reason to complain and allege non-compliances with Complying Development and / or Development Consents that these complaints are often in the first instance lodged with Council. When the complaints are referred by Council (or the public) to the appointed private PCA for processing, the complaints are rarely investigated comprehensively and actioned, and consequently, the complainant returns to Council for relief and satisfaction regarding their concerns.

Willoughby City Council currently prioritises the investigation and actioning of complaints about private PCA controlled development where there is the threat or risk to

- public safety
- pollution
- damage to the natural / built environment
- heritage items

In the most serious of matters where the performance of the appointed private PCA has provided cause for the lodgement of a complaint to the BPB, the level of investigation and

burden of proof necessary to clearly demonstrate and prove negligence and / or misconduct to support and sustain the complaint is lengthy and onerous.

Willoughby City Council also understands that this situation is also experienced in other local government areas of NSW.

RESOLUTION

That Council:

- 1. Write to the Local Member and Premier Hon Gladys Berejiklian, Minister for Local Government and Planning Minister seeking a comprehensive urgent investigation and review of the Principal Certifying Authority system in NSW.**
- 2. Request that such an investigation and review must clearly identify existing problems and opportunities for reform so that Principal Certifying Authorities are compelled to investigate and action complaints about non-complying development. Where complaints are not investigated by the appointed Principal Certifying Authority, suitable, meaningful sanctions must be imposed as consequences. Moreover, the threat of sanctions must serve as an incentive for Principal Certifying Authorities to investigate and action complaints about non-complying development as well as provide for a meaningful consequence for poor performance and customer service.**
- 3. Submit a Motion to the 2018 Local Government NSW Annual Conference similarly seeking a comprehensive urgent investigation and review of the Principal Certifying Authority system in NSW.**

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

7.2 MAYOR'S DIARY: COUNCIL MEETING NOTES – 25 JUNE 2018

WEDNESDAY 13 JUNE			
Mayor Cr Tuon	11.30 am	Citizenship Ceremony	Council Chambers
THURSDAY 14 JUNE			
Cr Norton	11.30 am	Pet Rescue Event	The Coal Loader, Waverton
Cr Norton	2 pm	Talk to students re Local Government	Castle Cove Public School
FRIDAY 15 JUNE			
Mayor	12 noon	Children of Armenia Charity Launch	Doltone House, Hyde Park
Mayor Cr Norton	5.30 pm	Better Business Awards	The Concourse
SATURDAY 16 JUNE			
Cr Saville	10 am	Sydney Alliance Affordable Housing Forum	St Stephens, Macquarie Street
Crs Norton, Saville	7 pm	WSO Concert	The Concourse
SUNDAY 17 JUNE			
Mayor Crs Rozos, Tuon		NGA Conference	Canberra
Deputy Mayor: Cr Eriksson	2 pm	Young Composer Award presentations	The Concourse
MONDAY 18 JUNE			
Mayor Crs Rozos, Tuon		NGA Conference	Canberra
TUESDAY 19 JUNE			
Mayor Crs Rozos, Tuon	morning	NGA Conference	Canberra
Cr Zhu	9.30 am	Community Precinct Committee	Dougherty Centre
Mayor	6.45 pm	Rotary Sunrise Changeover Dinner	Dougherty Centre
Cr Rutherford	7.30 pm	Chatswood East Progress Association	Dougherty Centre
Mayor	8 pm	GCG Global Healthcare Winter Soiree	Martha's Restaurant, Castlecrag
WEDNESDAY 20 JUNE			
Cr Norton	3 pm	Dougherty Apartments Board Meeting	Dougherty Apartments
Mayor	7 pm	Chatswood Rotary Changeover Dinner	Chatswood Golf Club
THURSDAY 21 JUNE			
Cr Saville	3.30 pm	SCCG meeting with EO	City of Sydney Council
FRIDAY 22 JUNE			
Mayor	1.30 pm	Official Opening of the 4 th Hole	Northbridge Golf Club
Mayor, Cr Campbell	6.30 pm	Farewell for Anna Blakeney	Chatswood Golf Club

SATURDAY 23 JUNE			
Mayor Cr Norton	8 am	StreetWork Breakfast	St Andrew's Church, Roseville
Crs Norton, Saville	12 noon	SCCG full group meeting	Randwick City Council
SUNDAY 24 JUNE			
Cr Rutherford		Requiem Service for Norma Carapiet	Armenian Apostolic Church
Mayor	11 am	Unveiling of Plaque to Jack Pross	Rotary Athletics Field
Cr Norton	2 pm	Willoughby Symphony Choir Concert	Zenith Theatre

8 GENERAL MANAGER'S LATE REPORT

NIL

9 MATTERS FOR DEFERRAL, REFERRAL TO INSPECTION AND/OR PROCEDURAL PRIORITY

NIL

10 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 16.4 Willoughby Delivery Program for 2017-2021 and Operation Plan for 2018/19 (Including Budget for 2018/19)
- Item 16.5 Councillor Attendance at LGNSW Annual Conference in October 2018
- Item 17.2 Registration of interest – Concession Application for Cammeray School
- Item 18.1 Planning Proposal for 1-13 Spring Street, 56-70 Archer Street and 35 Albert Avenue, Chatswood
- Item 18.5 Deed of Consent and Licence Anderson Street and Charlotte Lane, Chatswood
- Item 18.6 SSROC Electricity Supply Contracts
- Item 18.7 Lease of 28-32 Devonshire Street, Chatswood

RESOLUTION

That the remaining items, viz:

- Item 12.1 **Minutes of Willoughby Heritage Advisory Committee Meeting of 22 May 2018**
- Item 13.1 **Public Exhibition of Mayor and Councillor Expenses and Facilities Policy 2018**
- Item 16.1 **Amendments to NSROC Constitution**
- Item 16.3 **Our Future Willoughby 2028**
- Item 16.2 **Investment Report for the Month of May 2018**
- Item 17.1 **2018/19 Community Grants – Event Seed Funding**
- Item 17.3 **Registration of interest – Concession Application for Artarmon Primary School P&C**
- Item 17.4 **Registration of interest – Concession Application for Thai Classical Dance and Music Club**
- Item 17.5 **Muston Park – Playground Improvements Plan**
- Item 18.4 **Tender 115959 – Rehabilitation, Relining and Repair of Stormwater Assets and Associated Works**

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

11 MATTERS BROUGHT FORWARD BY THE PUBLIC

Item 18.2 **65 Albert Avenue, Chatswood (Mandarin Centre) – Planning Proposal 2016/1**

Item 18.3 **54-56 Anderson Street, Chatswood – Planning Proposal**

12 REPORTS FROM COMMITTEES

12.1 MINUTES OF WILLOUGHBY HERITAGE ADVISORY COMMITTEE MEETING OF 22 MAY 2018

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES OF MEETING HELD ON 22 MAY 2018
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY LINK:	1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To present Council with the Minutes of the Willoughby Heritage Advisory Committee Meeting held on 22 May 2018 (see Attachment 2).

RESOLUTION

That Council note the Minutes of the Willoughby Heritage Advisory Committee Meeting held on 22 May 2018.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

13 DEFERRED MATTERS

13.1 PUBLIC EXHIBITION OF MAYOR AND COUNCILLOR EXPENSES AND FACILITIES POLICY 2018

ATTACHMENTS:	1. IMPLICATIONS 2. UPDATED IT COSTS OPTIONS 3. DRAFT 2018 MAYOR AND COUNCILLORS EXPENSES AND FACILITIES POLICY
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	EVANGELINA MARTINEZ – POLICY & SUBMISSIONS SPECIALIST
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To endorse for public exhibition Council's *Mayor and Councillor Expenses and Facilities* policy with feedback to be presented to Council for its consideration prior to adoption.

RESOLUTION

That Council:

1. Place on public exhibition the Draft Mayor and Councillor Expenses & Facilities policy for a period of 28 days and invites public comment on it; and
2. Receive a further report at the conclusion of the exhibition period that considers any submissions prior to it adopting the policy.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

14 CORRESPONDENCE

NIL

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 AMENDMENTS TO NSROC CONSTITUTION

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. DRAFT NSROC CONSTITUTION SHOWING THE PROPOSED AMENDMENTS3. SUMMARY OF REASONS FOR PROPOSED AMENDMENTS4. REQUIRED MATTERS UNDER THE <i>ASSOCIATIONS INCORPORATION ACT 2009</i>
RESPONSIBLE OFFICER:	DEAN FROST – DIRECTOR CUSTOMER & CORPORATE
AUTHOR:	VLADIMIR GREPL – GOVERNANCE OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To obtain Council's endorsement for needed amendments to Northern Sydney Regional Organisation of Councils (NSROC) Constitution.

RESOLUTION

That Council endorse the proposed amendment to the Constitution of the Northern Sydney Regional Organisation of Councils (NSROC) and direct its representatives on the NSROC Board to support this decision at the NSROC Board meeting called to consider this matter.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

16.2 INVESTMENT REPORT FOR THE MONTH OF MAY 2018

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2018) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	DEAN FROST - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – INTERIM CHIEF FINANCIAL OFFICER
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To detail the Council Bank balances and Investment portfolio performance as at 31 May 2018.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 May 2018.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

16.3 OUR FUTURE WILLOUGHBY 2028

ATTACHMENTS:	1. IMPLICATIONS 2. OUR FUTURE WILLOUGHBY 2028 3. COMMUNITY STRATEGIC PLAN PUBLIC EXHIBITION ENGAGEMENT REPORT (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To seek Council's adoption of the Community Strategic Plan (CSP), *Our Future Willoughby 2028* after being publicly exhibited from 15 May 2018 to 11 June 2018.

RESOLUTION

That Council:

- 1. Adopt the Community Strategic Plan, *Our Future Willoughby 2028* presented in Attachment 2.**
- 2. Forward a copy of the Community Strategic Plan, *Our Future Willoughby 2028* to the Office of Local Government by 30 June 2018 as required.**
- 3. Place a copy of the final document on Council's website and provide copies or links to relevant State Government agencies.**
- 4. Note the significant number of submissions and comments received through the public exhibition period of the draft Community Strategic Plan and thank the community for their interest and considered responses.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

16.4 WILLOUGHBY DELIVERY PROGRAM FOR 2017-2021 AND OPERATIONAL PLAN FOR 2018/19 (INCLUDING BUDGET FOR 2018/19)

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. DRAFT DELIVERY PROGRAM 2017-2021 FOR ADOPTION3. DRAFT OPERATIONAL PLAN AND BUDGET 2018-19 FOR ADOPTION4. DRAFT SCHEDULE OF FEES AND CHARGES 2018-19 FOR ADOPTION5. WORKPLACE PLAN 2018-19 TO 2020-216. PUBLIC EXHIBITION SUMMARY REPORT (ATTACHMENTS 2-6 TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	DEAN FROST-CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN- INTERIM CHIEF FINANCIAL OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To adopt Council's *Delivery Program 2017-2021* and *Operational Plan and Budget 2018/19* (encompassing the Budget, Revenue Policy and schedule of Fees and Charges).

RESOLUTION

That Council:

- 1 Note that the *Draft Delivery Program 2017-2021* and *Draft Operational Plan and Budget 2018/19* were publicly exhibited for 28 days from Tuesday 15 May 2018 to Monday 11 June 2018, as required by Sections 404(4) and 405(3) of the *Local Government Act 1993*.
- 2 Note and consider the submissions received by Council during the public exhibition of the *Draft Delivery Program 2017-2021* and *Operational Plan and Budget 2018/19*, as required by Sections 404(4) and 405(5) of the *Local Government Act 1993* (submissions are detailed in Attachment 6 to this report).
- 3 Endorse the minor amendments to the exhibited *Draft Delivery Program 2017-2021* and *Draft Operational Plan and Budget 2018/19* as explained in this report.
- 4 Adopt, pursuant to Section 404 of the *Local Government Act 1993*, the exhibited *Draft Delivery Program 2017-2021*.

- 5 Adopt, pursuant to Section 405 of the *Local Government Act 1993*, the exhibited *Draft Operational Plan and Budget 2018/19*, with the amendment authorised by resolution 3 above.
- 6 Resolve to make a Domestic Waste Management Charge of \$530.00 per annum per service on all properties categorised as Residential for the 2018/19 rating year, pursuant to Sections 496 and 535 of the *Local Government Act 1993*.
- 7 Resolve to make a Domestic Waste Management Charge for qualifying Self-Funded Retirees of \$400.00 per annum per service on all properties categorised as Residential for the 2018/19 rating year, pursuant to Sections 496 and 535 of the *Local Government Act 1993*.
- 8 Resolve to make a Domestic Waste Management Charge for eligible Pensioners of \$400.00 per annum per service on all properties categorised as Residential for the 2018/19 rating year, pursuant to Sections 496 and 535 of the *Local Government Act 1993*.
- 9 Resolve to make the following Stormwater Management Service Charges for the 2018/19 rating year, pursuant to Sections 496A and 535 of the *Local Government Act 1993*.
- \$25.00 per rateable residential property;
\$12.50 per rateable strata titled property
\$25.00 per 350 square metres for business related properties (minimum charge of \$5.00)
- 10 Resolve to allow the aggregation of the values of certain parcels of land subject to minimum rates in accordance with Section 548A of the *Local Government Act 1993*. *The Act* allows for the aggregation of lots which in practice form the same property (for example a unit and a garage in a strata plan).
- 11 Resolve to make the following ordinary rates for the 2018-19 rating and financial year where such rates consist of an ad valorem amount and subject to a minimum amount, pursuant to Sections 492-494, 497-498, 533-535, 543 and 548 (inclusive) of the *Local Government Act 1993*:

Ordinary Rate Category Section 493	Ordinary Rate Sub Category Section 529	Ad Valorem Amount (cents in the \$)	Minimum Rate Amount	Yield
Residential		0.00079019	\$834.00	\$29.25 Million
Business		0.0057955	\$1,191.10	\$11.90 Million
Business	Chatswood Town Centre (CTC)	0.0072435	\$1,266.80	\$6.82 Million
Business	Chatswood Major Retail – Chatswood Chase	0.01526	\$1,061.70	\$0.87 Million
	Chatswood			

Business	Major Retail – Westfield	0.0149025	\$1,061.70	\$1.12 Million
Business	Strata Storage Facility	0.005832	\$805.25	\$0.09 Million

- 12 Resolve to apply land valuations, with a base date 1 July 2016, for rating purposes in the 2018-19 rating and financial year.
- 13 Resolve that the interest rate applicable on overdue rates and charges is 7.5% per annum for the 2018/19 rating year pursuant to Section 566 of the *Local Government Act 1993*
- 14 Adopt, pursuant to Section 403(2) of the *Local Government Act 1993*, the Workforce Plan 2018-19 to 2020-21.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

16.5 COUNCILLOR ATTENDANCE AT LGNSW ANNUAL CONFERENCE IN OCTOBER 2018

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – GOVERNANCE OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To nominate Councillor delegates and observers to attend the Local Government NSW (LGNSW) Annual Conference in Albury in October 2018.

RESOLUTION

That Council:

- 1. Nominate Councillors Giles-Gidney, Eriksson, Mustaca, Norton and Tuon as voting delegates to attend the Local Government NSW 2018 Annual Conference to be held in Albury from 21 to 23 October 2018;**
- 2. Nominate Councillors Campbell and Rozos to attend the Conference as observers; and**
- 3. Consider, at its 23 July meeting, submitting motions to LGNSW for debate at the LGNSW Annual Conference.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 2018/19 COMMUNITY GRANTS - EVENT SEED FUNDING

ATTACHMENTS:	1. IMPLICATIONS 2. SUMMARY 2018/19 EVENT SEED FUNDING APPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	SAMANTHA CONNOR - MEDIA, MARKETING & EVENTS MANAGER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To seek Council's endorsement of the Officer's recommendations for the distribution of grant funds through Council's 2018/19 Community Small Grants Program – **Events Seed Funding**.

RESOLUTION

That Council:

1. Endorse the distribution of grant funds through the Event Seed Funding stream of the 2018/19 Community Small Grants Program for a total of \$5,800 to be distributed as follows:
 - Joy House Film Festival (Event03) in the sum of \$3,000 for a short film festival celebrating cultural diversity, positive films and mental health.
 - Our Lady of Dolours (OLD) Catholic Primary School (Event 04) in the sum of \$2,800 for a program of creative writing and drama workshops culminating in the publication of a book of student works, available for purchase by the public at a special presentation event and workshop at Chatswood Library. A schools and community tool kit will also be developed and made available through the library for free.
2. Note that funding for Justin Buchta (Event07) for a one-man theatre show that involves mask, dance, clown, song and mime for ages 6+ is not recommended as the event has already received two years of funding from the Community Grants Program per the event seed funding guidelines.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

**17.2 REGISTRATION OF INTEREST - CONCESSION APPLICATION FOR
CAMMERAY PUBLIC SCHOOL**

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MELANIE KIRKHAM – SPORTSGROUND BOOKING OFFICER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To seek Council's approval for a 100% (Category D) concessional rate of hire for Cammeray Public School to hire Bicentennial Reserve Courts for their Family Fun Run which was held on Sunday 24 June 2018 from 07.00am to 12.00pm.

RESOLUTION

That Council approve a 100% (Category D) concessional rate of hire at a value of \$1,173 for the Family Fun Run which was held by Cammeray Public School on Sunday 24 June 2018.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

**17.3 REGISTRATION OF INTEREST - CONCESSION APPLICATION FOR
ARTARMON PRIMARY SCHOOL P&C**

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MELANIE KIRKHAM – SPORTSGROUND BOOKING OFFICER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To seek Council's approval for a 100% (Category D) concessional rate of hire for Artarmon Primary School P&C to hire Thomson Oval for their School Fete on Sunday 16 September 2018 from 7.00am to 6.00pm.

RESOLUTION

That Council approve a 100% (Category D) concessional rate of hire at a value of \$473 for the School Fete to be held by Artarmon Primary School P&C on Sunday 16 September 2018.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

17.4 REGISTRATION OF INTEREST - CONCESSION APPLICATION FOR THAI CLASSICAL DANCE & MUSIC CLUB

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MELANIE KIRKHAM – SPORTSGROUND BOOKING OFFICER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To seek Council's approval for a 50% (Category C) concessional rate of hire for Thai Classical Dance & Music Club to hire Beauchamp Park Pavilion for their Annual Blessing of Music and Dance on Sunday 8 July 2018 from 9.00am to 3.00pm.

RESOLUTION

That Council approve a 50% (Category C) concessional rate of hire at a value of \$174 for the Annual Blessing of Music and Dance to be held by Thai Classical Dance & Music Club on Sunday 8 July 2018.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

Absent:

17.5 MUSTON PARK - PLAYGROUND IMPROVEMENTS PLAN

ATTACHMENTS:	1. IMPLICATIONS 2. MUSTON PARK PLAYGROUND IMPROVEMENTS PLAN 3. MUSTON PARK COMMUNITY CONSULTATION SUMMARY REPORT
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	AMY BARNES – OPEN SPACE PROJECTS OFFICER
CITY STRATEGY LINK:	1.3.1 ACCESSIBLE OPEN SPACE AND RECREATIONAL FACILITIES FOR THE COMMUNITY ARE PROVIDED
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

For Council to adopt the Playground Improvements Plan for Muston Park, Chatswood.

RESOLUTION

That Council adopt the Muston Park – Playground Improvements Plan dated June 2018.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 PLANNING PROPOSAL FOR 1-13 SPRING STREET, 56-70 ARCHER STREET AND 35 ALBERT AVENUE, CHATSWOOD

ATTACHMENTS:

1. IMPLICATIONS
2. COUNCIL DETAILED ASSESSMENT
3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS'
4. PLANNING PROPOSAL CONCEPT PLANS

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: 25 JUNE 2018

PURPOSE OF REPORT

The purpose of this report is to seek endorsement to not forward the Planning Proposal for 1-13 Spring Street, 56-70 Archer Street and 35 Albert Ave, Chatswood, to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and public exhibition.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda Item.

RESOLUTION

That Council:

1. Not support public exhibition of the Planning Proposal and draft amendments to *Willoughby Local Environmental Plan 2012*, as the Planning Proposal:
 - a) Is a departure from the current planning controls on the site which prohibit residential land use.
 - b) Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy* which prohibits residential land use on this site within the B3 Commercial Core.
 - c) Is inconsistent with the *Greater Sydney Region Plan* and the *North District Plan* which encourages protection of the Chatswood CBD commercial core for employment purposes.
2. Not forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

3. Notify the applicant of Council's decision.**MOVED COUNCILLOR CAMPBELL****SECONDED COUNCILLOR NORTON****CARRIED****Voting****For the Resolution:** Councillors Campbell, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.**Against:** Nil**Absent:** Councillors Giles-Gidney and Eriksson.

Due to Item 18.1: Planning Proposal for 1-13 Spring Street, 56-70 Archer Street and 35 Albert Avenue, Chatswood being a Sydney North Planning Panel (SNPP) matter, Councillors Giles-Gidney and Eriksson declared a non-pecuniary significant interest as members of the SNPP and withdrew from the meeting taking no part in the discussion or voting on this topic.

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

18.2 65 ALBERT AVENUE, CHATSWOOD (MANDARIN CENTRE) - PLANNING PROPOSAL 2016/1

ATTACHMENTS:	1. IMPLICATIONS 2. COUNCIL DETAILED ASSESSMENT 3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS' 4. PLANNING PROPOSAL CONCEPT PLANS
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:	25 JUNE 2018

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a submission to the Department of Planning and Environment in regards to a request by the proponent for a Pre-Gateway Review involving a Planning Proposal for 65 Albert Ave, Chatswood.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda Item.

Procedural Motion

That Mr Eduard Litver address the meeting.

RESOLUTION

That Council:

1. Endorse this report as the Council submission.
2. In the submission, not support the proponent's Request for a Pre-Gateway Review, as the Planning Proposal:
 - a) Is a departure from the current planning controls on the site which prohibit residential land use.
 - b) Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy* which prohibits residential land use on this site within the B3 Commercial Core.
 - c) Is inconsistent with the *Greater Sydney Region Plan* and the *North District Plan* which encourages protection of the Chatswood CBD commercial core for employment purposes.

3. **Not support the Planning Proposal proceeding to Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.**
4. **Forward the endorsed submission to the Department of Planning and Environment.**

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Resolution: Councillors Campbell, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

Absent: Councillors Giles-Gidney and Eriksson.

Due to Item 18.2: 65 Albert Avenue, Chatswood (Mandarin Centre) – Planning Proposal 2016/1 being a Sydney North Planning Panel (SNPP) matter, Councillors Giles-Gidney and Eriksson declared a non-pecuniary significant interest as members of the SNPP and withdrew from the meeting taking no part in the discussion or voting on this topic.

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

18.3 54-56 ANDERSON STREET, CHATSWOOD - PLANNING PROPOSAL

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. COUNCIL DETAILED ASSESSMENT3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S "A GUIDE TO PREPARING PLANNING PROPOSALS"4. PLANNING PROPOSAL CONCEPT PLANS5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 20127. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING HEIGHT OF BUILDINGS, FLOOR SPACE RATIO AND SPECIAL PROVISIONS AREA MAPS
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	EMMA BROWN – 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:	25 JUNE 2018

PURPOSE OF REPORT

The purpose of this report is to seek endorsement for the forwarding of the Planning Proposal for 54 – 56 Anderson Street, Chatswood, to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda Item.

Procedural Motion

That Mr Nick Juradowitch address the meeting and answer questions of the Councillors.

MOTION

That Council:

1. **Support for public exhibition of the Planning Proposal, as modified by Council, and draft amendments to *Willoughby Local Environmental Plan 2012*:**
 - a) **To amend the Land Zoning Map (Sheet LZN_003, Sheet LZN_004) for 54 – 56 Anderson Street, Chatswood, to B4 Mixed Use.**
 - b) **To amend the Height of Buildings Map (Sheet HOB_003, Sheet HOB_004) for 54 – 56 Anderson Street, Chatswood, to 90 metres.**
 - c) **To amend the Floor Space Ratio Map (Sheet FSR_003, Sheet FSR_004) for 54 – 56 Anderson Street, Chatswood, to 6:1 (including affordable housing).**
 - d) **To amend the Special Provisions Area Map (Sheet SPA_003, Sheet SPA_004) to show 54 - 56 Anderson Street, Chatswood, as Area 8.**
 - e) **To amend the Active Street Frontages Map (Sheet ASF_003, Sheet ASF_004) to include 54 – 56 Anderson Street, Chatswood.**
2. **Support for public exhibition the accompanying *Development Control Plan* provisions specific to 54 – 56 Anderson Street, Chatswood, subject to the following amendments:**
 - a) **Amend Section 2 Controls add Point 1 to require that an amalgamation plan be included, requiring 54 Anderson Street and 56 Anderson Street to be consolidated for redevelopment to occur.**
 - b) **Amend Section 2 Controls to add to Point 2:**
 - i) **Opportunities should be explored to reduce on-site car parking through the provision of shared residential visitor / commercial car parking and car share spaces.**
 - c) **Amend Section 2 Controls Point 13 to read:**
 - a. **The acoustic assessment prepared by Resonate dated November 2017 submitted with this planning proposal request is to be updated to be consistent with the final architectural design and resubmitted more appropriately at Development Application Stage.**
 - d) **Amend Section 2 Controls to add Point 14:**
 - a. **Substations to be provided within buildings, not within the streets, open spaces or setbacks, and are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.**

- e) Amend Section 2 Controls to add Point 15:
 - a. A development achieving an FSR uplift should contribute towards public art in accordance with Willoughby's Public Art Policy which may include public art being provided on the site or a monetary contribution for an installation elsewhere in the CBD.
- f) Amend Section 2 Controls to add Point 17:
 - a. A minimum 5 star GBCA building rating is expected. A report is to be submitted at Development Application Stage.
- 3. Note that a revised traffic report will be required prior to public exhibition addressing the following issues:
 - i. Pedestrian access and circulation:
 - 1. The western pedestrian link on the site boundary between Wilson Street and O'Brien Street is to have a minimum connection of 3m to permit the provision of a shared path. An additional 1m should be provided on the approach and departure of the link to minimise any conflicts between opening doors and pedestrians using the pathway.
 - a. O'Brien Street is to be developed into a shared zone to support a traffic calmed environment that meets the needs of the pedestrians using the new link between Wilson and O'Brien Streets.
 - ii. Bicycle access/facilities and circulation along Anderson Street including:
 - 1. 'Filling the gaps' in the existing bicycle lanes across intersections.
 - 2. Widening of Anderson Street to support provision of acceptable widths for kerbside parking, bicycle lanes and travel lanes.
 - iii. Traffic and service vehicle access and circulation including the following:
 - 1. The design of O'Brien Street will need to be reviewed to support safe and efficient movement of traffic and service vehicles in accordance with either of the following scenarios:
 - a. Widening of O'Brien Street to permit two way traffic flow with the retention of parking on both sides of the road (albeit reduced on the northern side to accommodate the new service vehicle (loading bay) and general traffic driveways, or removal of all parking on O'Brien Street.
 - b. The loading bay design should be reviewed as it needs to provide sufficient capacity for the peak demand for all potential users for the on-site land uses including couriers, removalists, waste removal etc. The current design providing a structured area for a medium rigid truck is not considered acceptable.
 - c. A heavy rigid truck should be the default vehicle for the loading bay. The provision of sufficient space for only one medium rigid truck is considered inadequate.

- d. The development is designed such that the northern ground level retail is isolated from the loading bay – this is not acceptable as this may lead to on-street servicing. It is considered that the loading bay needs to be redesigned to ensure convenient access to all parts of the development. The desired loading bay design should support service vehicle ingress and egress in a forward direction without the need for a turntable.
4. Forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
5. 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 TUON

CARRIED

Voting

For the Motion: Councillors Campbell, Mustaca, Norton, Rozos, Rutherford, Tuon and Zhu.

Against: Councillor Saville

Absent: Councillors Giles-Gidney and Eriksson.

Due to Item 18.3: 54-56 Anderson Street, Chatswood – Planning Proposal being a Sydney North Planning Panel (SNPP) matter, Councillors Giles-Gidney and Eriksson declared a non-pecuniary significant interest as members of the SNPP and withdrew from the meeting taking no part in the discussion or voting on this topic.

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

18.4 TENDER 115959 - REHABILITATION, RELINING AND REPAIR OF STORMWATER ASSETS AND ASSOCIATED WORKS

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING AND INFRASTRUCTURE DIRECTOR
AUTHOR:	SCOTT KAVANAGH – DRAINAGE/DESIGN ENGINEER
CITY STRATEGY LINK:	4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To award and appoint the successful panel members for Tender 115959 – Rehabilitation, Relining and Repair of Stormwater Assets and Associated Works for a fixed term of 3 years (+2 years extension based on performance).

RESOLUTION

That Council:

- 1. Accept the Tenders from Tenders ranked 1, 2 & 3 for Tender 115959 for a period of 3 years to commence on 1 July 2018 and to expire on 30 June 2021, with an additional two year extension based upon performance.**
- 2. Make public the successful tenderer's name following the Council resolution to accept the tender.**
- 3. Authorise the General Manager to execute the contract documents and have delegated authority to extend the term should it be merited.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

18.5 DEED OF CONSENT AND LICENCE ANDERSON STREET AND CHARLOTTE LANE CHATSWOOD

ATTACHMENTS:	1. IMPLICATIONS 2. DEED OF CONSENT AND LICENCE COMMENCING 15 MAY 2014 3. DEED OF CONSENT AND LICENCE COMMENCING 15 MAY 2021
RESPONSIBLE OFFICER:	GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID DIBIASE – PROPERTY & CONSTRUCTION SERVICES MANAGER
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To seek Council's consent to enter into a Deed of Consent and Licence with P.T. Limited (Westfield) for Footway Dining on Anderson Street and Charlotte Lane, Chatswood.

RESOLUTION

That Council:

- 1. Enter into a licence agreement with P.T. Limited for Footway Dining on Anderson Street and Charlotte Lane, Chatswood for two seven year terms commencing 15 May 2014.**
- 2. Authorise the General Manager to execute the Deed of Consent and Licence and any other associated legal documents between Council and P.T. Limited.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

18.6 SSROC ELECTRICITY SUPPLY CONTRACTS

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	PETER LISLE – SUSTAINABILITY PROJECTS OFFICER
CITY STRATEGY LINK:	2.1.3 REDUCE POLLUTION
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To seek Council approval to delegate authority to the General Manager to sign electricity supply contracts.

RESOLUTION

That Council delegate authority to the General Manager to approve the Southern Sydney Regional Organisation of Councils (SSROC) electricity supply contract.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

18.7 LEASE OF 28-32 DEVONSHIRE STREET, CHATSWOOD

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT LEASE
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID DI BIASE – PROPERTY & CONSTRUCTION SERVICES MANAGER
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	25 JUNE 2018

PURPOSE OF REPORT

To seek Council's consent to enter into a 3 + 3 year option term lease with New Horizons Enterprises Limited for the provision of Headspace services at 28-32 Devonshire Street, Chatswood.

RESOLUTION

That Council:

- 1. Enter into a lease agreement with New Horizons Enterprises Limited for 28-32 Devonshire Street, Chatswood for 3 year term with a 3 year option period.**
- 2. Authorise the General Manager to execute the lease and any other associated legal documents between Council and New Horizons Enterprises Limited.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

19 NOTICE OF MOTION

NIL

20 CONFIDENTIAL ITEMS

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

Procedural Motion

That:

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

Council moved into closed session at 8.19pm.

20.1 CONFIDENTIAL - TENDER 115959 - REHABILITATION, RELINING AND REPAIR OF STORMWATER ASSETS AND ASSOCIATED 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

20.2 CONFIDENTIAL - REPORT OF CONDUCT REVIEWER

Reason for Confidentiality

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

- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

The General Manager left the meeting chamber at 8:22pm and was absent during debate and voting on Item 20.2: Confidential – Report of Conduct Reviewer indicating via memorandum to all Councillors that she had a potential non-pecuniary conflict of interest in the matter.

20.1 CONFIDENTIAL - TENDER 115959 - REHABILITATION, RELINING AND REPAIR OF STORMWATER ASSETS AND ASSOCIATED WORKS**Recommendation Summary**

That Council:

1. Accept the Tenders from Insituform Pacific Pty Limited, Downer Pipetech Pty Limited and Total Drain Cleaning Services Pty Limited for Tender 115959 for a period of 3 years to commence on 1 July 2018 and to expire on 30 June 2021, with an additional two year extension based upon performance.
2. Make public the successful tenderer's names following the Council resolution to accept the tender.
3. Authorise the General Manager to execute the contract documents and have delegated authority to extend the term subject to performance.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Recommendation: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

20.2 CONFIDENTIAL - REPORT OF CONDUCT REVIEWER**Recommendation Summary**

That Council:

1. Accept the Conduct Reviewer found that Councillor Coppock breached clauses 3.1(a), 4.2, 4.3 and 6.5 of Council's *Code of Conduct* in relation to his significant non-pecuniary (non-financial) conflict of interest in his role as a Councillor and as Chairman of Dougherty Apartments Board during participation in a debate regarding Dougherty Apartment's constitution.
2. Adopt the investigator's recommended sanction to be imposed on Councillor Coppock, which is that he be formally censured for the Code of Conduct breaches under section 440G of the *Local Government Act 1993*.

3. Make public Council's resolution in points 1 and 2 above, following the closed part of this meeting, pursuant to clause 253 of the *Local Government (General) Regulation 2005*.

MOVED COUNCILLOR GILES-GIDNEY

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Recommendation: Councillors Giles-Gidney, Campbell, Eriksson, Norton, Tuon and Zhu.

Against: Councillors Mustaca, Rozos, Rutherford and Saville.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

Council moved into open session at 9.32pm.

RESOLUTION

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

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

21 QUESTIONS

21.1 QUESTIONS ON NOTICE FROM COUNCILLOR COPPOCK

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	STEPHEN NAVEN – INTERIM CHIEF FINANCIAL OFFICER GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR TODD HOPWOOD – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	25 JUNE 2018

QUESTION 1 - Open Space Sport

Ovals (turf/synthetic surface)
300484 Northbridge Oval - renewal of synthetic playing surface. \$765,000

What exactly does this expenditure cover?

ANSWER

Renewal of the current synthetic grass surface to the oval and western futsal court. Removal/ disposal of the existing synthetic surface. Removal of existing hydraulic cricket wicket .- Installation of a static cricket wicket – line marking for soccer and cricket - 3 year maintenance contract

Is it accurate that the life of a synthetic surface is 10 years and this surface has been down for less than that period?

ANSWER

The life of a synthetic grass sportsground is dependent on the amount of usage. The existing synthetic surface was installed in 2011. The life span of the Northbridge Oval surface was estimated to be 10 years, but the grass fibres have started to deteriorate after heavy use over 7 years. The Oval has been consistently used by sporting groups for training and matches, as well as by the school for outdoor play etc.

If the surface is to be repaired or replaced will the area that is covered by synthetic grass to be larger than what is currently covered, if so by how and why?

ANSWER

The synthetic surface area will not be increased.

QUESTION 2**300459 Bicentennial Oval - Renew Drainage, Irrigation & Oval Surface \$380,000****300968 Bicentennial Baseball Diamond Renew perimeter fence \$120,000**

These two items are located in an area likely to be affected by the State Government's proposed works for the Western Harbour Tunnel and Northern Beaches Link. As the planning of these works is not yet completed, why is the expenditure being committed to an area that might see major disruption?

ANSWER

The location of work sites for the Northern Beaches Tunnel is the subject of press speculation according to the State Government. The site named in the media was restricted to the Flat Rock Baseball Diamond. The anticipated timing of the RMS works (should they proceed); the urgency of current Council works and their interdependence, combined with the State's need to make good any impacts in the event the tunnel proceeds, are reasons for the works to proceed. More details are provided hereafter.

It is anticipated that the Environmental Impact Study for the Northern Beaches Tunnel will be exhibited from June 2018 for a period of 6 months. In addition to the exhibition period, a report will need to be presented to Cabinet and pending a subsequent decision to proceed, it is anticipated that an Expression of Interest process will take a further 12 months. In total, it is unlikely that any work will begin within an 18 – 24 month period

The renewal drainage, irrigation and oval surface work have been identified in the Sportsgrounds Assets Management Plan for the 2018/19 financial year. Statements obtained from the media indicate that the oval will not be affected by any proposed construction works. This work will require the relocation of the Junior Baseball Teams to the Flat Rock Baseball Diamond for the 2018/19 summer season.

The renewal of the Bicentennial Baseball Diamond perimeter fencing is included in the programme of works for 2018/19 due to its very poor condition. There are large holes in the chain mesh (large enough for a person to climb through) and the support poles are leaning. Some mesh panels are missing and have been replaced with temporary panels that are not secure. The poles and mesh are in such bad condition they are not able to be refurbished, so a full replacement is necessary. The holes and loose panels present a danger to both players and spectators, especially considering the speed and hardness of a baseball.

The proposed works will complete the task of renewing the entire fence, following the replacement of the back nets in 2016/17.

The project also includes provision of junior back nets for use by players unable to use Bicentennial Oval due to the drainage and irrigation system renewal project taking place in 2018/19.

QUESTION 3 - Corporate Services Data Collection Research 300338 360 degree Leadership Survey \$30,000

Will this survey be made public to the community through the Council agenda?

ANSWER

No. The survey is an operational management tool for the training and development of all leaders. The survey is entered into on the grounds that it is confidential. This is personal information and privacy needs to be respected.

QUESTION 4 - 301148 Service Improvement and Benchmark Program - Customer Service \$12,000

What exactly in detail is the project?

ANSWER

Customer Service Improvement and Benchmarking program aims to assess the Customer Service Contact Centre service levels via a 'mystery shopping' program. The program will also assess service levels for calls transferred to the other areas of Council. Improvement opportunities identified as a result of the program will be linked to Council's Business Improvement Program. This is part of Council's effort to improve an overall Customer Experience for its local community.

QUESTION 5 - Environmental Projects Amenities 300792 Electric Vehicle (EV) public charging stations - Research and installation - Chatswood CBD \$40,000

What exactly in detail does this project entail given the Traffic Committee rejected the last proposal put to it?

ANSWER

This project consists of electric vehicle charging stations in Anderson Street and two parking bays reserved for charging. It was considered and adopted by Council on 12 June 2018.

QUESTION 6 - 3000067 WCC buildings battery storage project \$200,000

What exactly in detail is this project? Is there a reason why this has not been reported to Open Council so the community can have details of this work?

ANSWER

A large solar array was constructed on the Victor Street car park to provide clean energy to the Devonshire St Day Care Centre and the Dougherty Centre. To maximise the efficiency of the solar array the Devonshire St Day Care Centre had Council's first battery installed in 2015 as a pilot project. Due to the success of this system Council is evaluating additional systems at the Dougherty Centre and other locations. A Feasibility Study will be undertaken to market test for solar PV connected battery storage at the Dougherty Community Centre to maximize efficiency of the Solar Farm. This study will determine the most appropriate location of the battery. If financially feasible then it would seek implementation within the financial year. Council will be briefed on the findings and a report presented to Council should the project proceed beyond this stage.

The project meets;

- *Willoughby City Strategy '2.2 Sustainable Practices'*
- *Delivery Program Activity 'Actions for Climate Change and Energy Efficiency'*
- *Sustainability Action Plan Target '20% Renewable Energy in Council Operations by 2020'. The Sustainability Action Plan represents the approved Environment Levy framework under the Local Government Act, it meets Council KPI's and has gone through community consultation and approval by Council.*

QUESTION 7 - 301098 Solar PV on Council buildings \$264,000

What exactly in detail is this project? Is there a reason why this has not been reported to Open Council so the community can have details of this work?

ANSWER

There will be continuing installations of photo voltaic's on Council buildings to meet the Council endorsed target of 20% renewable energy by 2020. This program aims to take advantage of decreased systems costs, rising electricity pricing and feed-in-tariff availability. Council will receive briefings and reports at key milestones.

The project meets;

- *Willoughby City Strategy '2.2 Sustainable Practices'*
- *Delivery Program Activity 'Actions for Climate Change and Energy Efficiency'*
- *Sustainability Action Plan Target '20% Renewable Energy in Council Operations by 2020'. The Sustainability Action Plan represents the approved Environment Levy framework under the Local Government Act, it meets Council KPI's and has gone through community consultation and approval by Council.*

QUESTION 8 - 301208 Community energy assessments \$36,000

What exactly in detail is this project? Is there a reason why this has not been reported to Open Council so the community can have details of this work?

ANSWER

Council will support the community to reduce energy consumption during a period of electricity price escalation and volatile prices. This program will utilise an experienced service provider to undertake energy assessments, support actions and provide transparent access to a recommended solar PV and battery supplier. A feedback mechanism will allow results to be quantified.

Community energy efficiency and solar supplier programs hosted by Positive Charge are currently well established and promoted by many councils including the Inner West and Parramatta. After review by NSROC's sustainability officer's group North Sydney, Northern Beaches, Hornsby and Ryde councils will offer a similar service. With a view to support the community reduce energy bills and carbon emissions, Willoughby City Council intends to procure a similar service to provide energy assessments, information platforms and support, plus offer a solar and battery provider and bulk buy opportunity that complies with Local Government procurement regulations. A feedback mechanism will allow results to be quantified from the 100-150 premises subject to assessment.

The project meets:

- Willoughby City Strategy '2.2 Sustainable Practices'
- Draft Delivery Program 2017 - 2021 'Reduce Our Footprint'
- Sustainability Action Plan Target '20% Renewable Energy in Council Operations by 2020'. The Sustainability Action Plan 2014 – 2018 represents the approved Environment Levy framework under the Local Government Act, it meets Council KPI's and has gone through community consultation and approval by Council.

QUESTION 9 - Marketing & Events - Events produced by Council - 300010 Chatswood CBD Special Event \$901,800

What exactly is this Special Event?

ANSWER

The Special Event is VIVID, an 18 night lighting event in partnership with state government departments, Destination NSW, held in Chatswood CBD. The \$901,800 is offset by a sponsorship target of \$690,000 (76%) against these costs and is included in the total. Sponsorship raised has been between 80% - 60% for the previous four years 2015 - 2018.

QUESTION 10 - Stormwater & Drainage Flood Studies - 300140 Flood Study Expansions & Risk Management Plans - Scotts Creek and Flat Rock Creek \$8,500

What exactly in detail is involved in these projects?

ANSWER

The flood study for Scotts Creek and Flat Rock Creek has already been completed and this study now needs to be presented to Council for adoption. Once this study has been adopted by Council a further Risk Management study needs to be undertaken to determine what measures can be put in place to mitigate or reduce the impact of flooding on public and private land attributed to these two creeks. Funding of this project will allow Council to assess what, if any mitigation measures can be put in place to reduce the risk of flooding to affected properties.

QUESTION 11 - Upgrade Stormwater Assets - 300586 SWU Chelmsford Ave Construction \$46,000

What exactly in detail is involved in these projects?

ANSWER

This project involves the relining of an existing stormwater pipe in Chelmsford Avenue. Council's asset management plans have identified that the existing pipeline is in a poor condition and the relining of this pipeline will increase the life of the pipe and significantly reduce water from escaping from this pipe system.

QUESTION 12 - 300911 SWI Willoughby Road and Chandos St \$141,000

What exactly in detail is involved in this project?

ANSWER

This project is to construct a stormwater drainage system at the intersection of Willoughby Road and Chandos Street to collect road water at this location. The collection of road water will reduce the current volume of water on the road and footpath areas and will address the problem of pedestrians having to walk through water while crossing Willoughby Road and Chandos Street.

QUESTION 13 - Minor Traffic Control - 300437 Willoughby Parking Strategy & Delivery of the Ward implementation Action Plans \$160,000

What exactly in detail is involved in this project?

ANSWER

Council's Street Parking Strategy was adopted in 2016 and this budget allocation includes the implementation of 4 Ward Action plans (Middle Harbour, Sailors Bay, West, and Naremburn), to address the outcome in the strategy.

Works include the Resident Parking Schemes being rolled out.

The delivery of the Street Parking Strategy will be undertaken over a number of years.

QUESTION 14 - Data Analysis/Policy Direction - 301142 Pedestrian Network Audit and PAMPS (asset Condition, missing links, priorities and survey) \$20,000

What exactly in detail is the missing link part of this project?

ANSWER

Undertake studies to identify and deliver pedestrian accessibility and mobility accessibility plans (PAMPs) in Willoughby local government area. The studies investigate pedestrian types and demands, desire lines and existing infrastructure. The plan will formalise pedestrian routes and measures to improve safety and accessibility. 'Missing links' relates to the identification of gaps in the pedestrian pathway network that could be considered for improvement. Two examples are where there is no footpath on one side of a road and where there is no pedestrian facilities provided on one approach in an intersection with traffic control signals.

The initiative is targeting a number of locations with the LGA. The locations are based on an assessment of factors including land use, pedestrian use and demand and transport type and provision.

The areas proposed to be investigated include Herbert Street linking Gore Hill Freeway and Pacific Highway, St Leonards; Victoria Avenue including Chatswood East Centre; and High Street between Mowbray Road and Victoria Avenue including the North Willoughby Centre. The studies will consider the primary road and connecting roads where appropriate. Other locations will be studied should funding remain.

QUESTION 15 - Data Analysis/Policy Direction - 300443 Review of Local Environmental Plan (LEP) and Development Control Plan (DCP) \$135,000

Is the cost of consultants for this work?

ANSWER

As Council needs to complete its review of the LEP and DCP within 3 years, the additional workload together with required specialist advice requires funding and consultant support.

QUESTION 16 - Local Government Act 1993 Subsection 291A (1)(b)

This section applies to a casual vacancy in the office of a councillor if the council at its first meeting following an ordinary meeting of councillors, by resolution, declares that any such casual vacancy within the first 18 months of the Council term is to be filled by countback of votes cast at the last election of that office.

Is there a reason this measure was not part of report and recommendation at the first meeting of this Council in October 2017?

ANSWER

Section 291A does not require a council to implement this provision under the Act. Its use is optional, and WCC did not exercise this option.

QUESTION 17 - Local Government Act 1993 Section 351.

Is a temporary appointment referred to in this section the same as an acting appointment?

ANSWER

An acting appointment, by definition, is temporary. Section 351 relates to staff being directly appointed to vacant positions on a temporary basis. A person temporarily appointed may be acting or may not be.

QUESTION 18 - Local Government Act 1993 Section 254A

Does the reference is the word "month" in this section mean 'calendar month' because of the provisions of the Acts Interpretation Act NSW?

ANSWER

Yes, Section 21 of the Interpretation Act 1987 NSW defines the word "month" as calendar month.

Does "calendar month" in its normal usage mean the "the period of time commencing at the beginning of a day of one of the twelve months of the year, and ending immediately before the beginning of the corresponding day of the next month, or if there is no corresponding day, ending at the expiration of the next month." Such that there are twelve monthly periods in an given calendar year?

ANSWER

“Month” in the LG Act is to be defined as a calendar month, as per the Interpretation Act, as defined in the quotation above. It differs from common usage where a calendar month begins on the first day of that month and ends on the last day of that month, which results in 12 separate calendar months.

The Interpretation Act is a “span of time” month, not a named “calendar” month.

If the answer to the last question is "no", how does the Council Executive interpret the phrase "calendar month"?

Does the Council Executive have a different meaning to the phrase "calendar month" in its normal usage to that applicable to its use in section 254A of the Local Government Act 1993?

ANSWER

No, officers rely upon the definition as contained in the Interpretation Act 1987 NSW when interpreting legislation.

QUESTION 19 - Local Resident Question

In the 2017 winter season of matches at Shore in 2017 how occasions did Council's Rangers check the parking around the Shore Memorial Grounds to check compliance with Council's consent conditions concerning parking arrangements in the winter months?

ANSWER

Officers from within the Rangers Section of the Compliance Unit were rostered to work over the weekends during the 2017 autumn / winter season and specifically tasked with patrolling streets within the immediate vicinity of Sydney Church of England Grammar School War Memorial Playing Fields (Shore), located at the corner of Alpha Road and Sailors Bay Roads, Northbridge.

The Officers checked compliance with the conditions of Development Consents for the shore premises

- DA 2002/1915
- DA 2006/432

and also actioned observed parking offences against Road Rules 2014 on the public road system.

The Officers did not observe breaches of the Development Consents.

However, in addition to verbal warnings and directions to numerous drivers of motor vehicles on the streets that surround the Shore premises, the Officers issued the following number of fines for parking offences against Road Rules, 2014 during the period from April to August, 2017:

April 2017 – 10 Fines

May 2017 – 98 Fines

June 2017 – 50 Fines

July 2017 – 8 Fines

August 2017 – 16 Fines

QUESTION 20 - Merrenburn Ave Naremburn

Local residents have asked what how are the Council Officers going to assist residents with the parked boats and the difficult they experience in parking cars in the Avenue?

Can Council limited parking in the Avenue to 72 hour periods as occurs in Turramurra? Can this be done for both sides of the Avenue?

ANSWER

Council has received submissions from Progress Associations and residents with concerns regarding boat parking within the Willoughby local government area including McClelland Street, Willoughby (in front of Willoughby Park); Edinburgh Road, Castlecrag (in front of Stoker Park); Merrenburn Avenue, Naremburn (above the Gore Hill Motorway) and Weedon Road, Artarmon (in front of a private residence). It has been observed that boats are also parked on Hampden Road overbridge (above the Gore Hill Motorway) and in many residential streets in front of residential properties in the local road network in Willoughby local government area..

An investigation has been undertaken in relation to boat parking. The investigation consider the potential to use timed parking restrictions for boat parking on the local road network. It is considered that an LGA wide solution is required. A report on the results of an investigation of boat parking management in Willoughby local government area has been prepared and will be considered at the Local Traffic Committee meeting on 20 June 2018, a link to the Traffic Committee Agenda and reports has been circulated to all Councillors.

QUESTION 21 - Rohan St Bus Stop Naremburn

Local residents have raised a potential pedestrian crossing adjacent to bus stop opposite Rohan St, Naremburn. They have observed that there is no safe and convenient method for pedestrians to cross Willoughby Road in the Naremburn shops area. Many primary (and some secondary) school children need to cross the road travelling to/from school each day, giving rise to a potentially hazardous situation.

How might Council Officers addressed this issue?

ANSWER

Willoughby Road through the Naremburn shopping area is a Regional Road. Willoughby Road to the north of the Naremburn shopping area is in close proximity to the on and off ramps to the Warringah Freeway.

It is noted that Willoughby Road has bus stops on either side of the road with both a central concrete and painted medians between Rohan Street and close to Merrenburn Avenue. The median can provide some level of benefit to pedestrians in crossing Willoughby Road.

A survey of the traffic and pedestrian activity along Willoughby Road within the Naremburn shopping strip will be undertaken. The survey will assist in understanding the current demands and issues. Options will be considered and assessed. The impacts of any pedestrian safety/ accessibility improvement option will also consider the impacts on traffic flow along Willoughby Road.

QUESTION 22 - Traffic Lights Ella St and Herbert St Artarmon

Has Council officers considered the feasibility of traffic lights installation at the intersection of Ella St and Herbert St Artarmon?

If the answer is "yes", what work has been done? When might a report be available?

If the answer is 'no', what needs to be done to have the matter considered?

ANSWER

Investigation of the warrant for traffic control signals at the intersection of Ella Street and Herbert Street Artarmon has commenced.

A review of the crash data provided by Transport for New South Wales Centre for Road Safety for the period 2012 to 2017 (2017 is for the first 6 months only) revealed that there has been 5 crashes over this period. This crash rate is considered low and does not indicate a warrant for traffic control signals on safety grounds.

A survey of the traffic and pedestrian activity at the intersection of Ella Street and Herbert Street is complete. Assessment of the data is to be undertaken to assist in understanding the current demands and whether the demands meet the warrant for traffic control signals based on Roads and Maritime Services guidelines. A report is anticipated in late June/ early July 2018 and will be presented to the Local Traffic Committee.

Local area traffic management exists along Ella Street and Dalleys Road beyond the bridge over the rail line (east of the bridge) to discourage rat running. Traffic control signals are likely encourage more through (rat running) traffic along Dalleys Road and Ella Street as it is a link between Willoughby Road and Herbert Street. Accordingly, traffic control signals may impact on the amenity and safety of local residents.

Should the investigation indicate that there is a warrant for traffic control signals further detailed investigations, discussion with Roads and Maritime Services and community consultation will be necessary. Roads and Maritime Services will need to approve the installation of traffic control signals at this intersection.

21.2 QUESTIONS ON NOTICE - GORE HILL OVAL

RESPONSIBLE OFFICER:	MELANIE SMITH – DIRECTOR COMMUNITY, CULTURE AND LEISURE
CITY STRATEGY LINK:	2.1.2 THE COMMUNITY VALUES THE NATURAL ENVIRONMENT
MEETING DATE:	25 JUNE 2018

1. QUESTION

What are the details of community consultation with regards to uses of the Gore Hill oval?

Answer

Consultation on the Draft Concept Plan and Draft Plan of Management was undertaken over a six (6) week period from 22 June to 4 August, 2016. Council adopted the Master Plan and the new Plan of Management in August 2016. During the exhibition period, community notification was conducted through a number of channels, the details of which can be summarised as follows:

1. **Public Notifications:** Three Public Notifications were put in the North Shore Times on the 22 of June, 7 of July and 21 of July.
2. **Letters to residents:** 1,169 Lane Cove and Willoughby residents were letterboxed.
3. **Schools contacted:** Greenwich Public School, Bradfield Senior College, North Sydney Institute - St Leonards Campus.
4. **Sports clubs contacted:** AFL NSW/ACT, Cricket NSW, Football NSW, North Shore Volley Ball, North Shore Women's Hockey Association, Northern Suburbs Basketball Association, Northern Suburbs Football Association, Northern Suburbs Netball Association, Sydney Indoor Hockey Association & Willoughby Badminton Association.
5. **Other groups contacted:**
 - Lane Cove Council
 - North Sydney Council.
 - Northern Cemeteries
 - Royal North Shore Hospital
 - Willoughby LGA Progress Associations
6. **Public Notices:**
35 public notices were located at various points throughout Gore Hill Park.
7. **Drop in public information sessions at Gore Hill Park:**
Two drop in public information sessions were conducted at Gore Hill Park. The first on Tuesday the 19 of July for six (6) hours and the other on Sunday the 24 of July for three (3) hours. Further to this, intercept surveys were conducted on Wednesday the 6 of July as well throughout the information drop in sessions at Gore Hill Park. These drop in sessions and intercept surveys allowed for the engagement of week users and weekend users of Gore Hill Park.
8. **Facebook:**
Facebook promotion was conducted during the consultation period to further notify the public.

During the consultation period, the Draft Concept Plan and Draft Plan of Management were accessible on Council's website, along with an online survey allowing respondents to provide feedback on the Plans. The community provided feedback through the Have Your Say website, drop in public information sessions at Gore Hill Park, Intercept Surveys and by email.

2. QUESTION

What are details pertaining to advices received as to when the oval will not be accessible because of excessive heat created by the new synthetic surface?

Answer

The heat issue has been a key driver of both the global and Australian peak bodies as well as the manufacturers over the past few years with options being considered currently. Council has chosen a product that has two different kinds of yarn that allows the infill to be encapsulated so that the sun's rays don't penetrate the surface. This makes it cooler. Council currently works with the various sports organisations to ensure that regardless of the surface construction, on days that the temperature is high in summer the individual codes 'Heat Policy' is implemented. This in place for netball courts, tennis courts, cricket fields as well as natural grass cricket and football ovals.

3. QUESTION

What investigations have been undertaken, including reference to recent scholarly literature that provides evidence clearing the proposed artificial surface from any possible links to health issues?

Answer

Council engaged a specialist consultant who is an expert in the field of synthetics to assist with putting together the specification for Gore Hill Oval. The consultant provides Council with the latest information that is pertinent to the manufacture and supply of synthetic fields to ensure that we install the most current and up to date technology.

4. QUESTION

What advice has been received with regards to predicted heat generation from synthetic turf?

Answer

Refer to question 2.

5. QUESTION

Is council aware that Lane Cove is using Gore Hill oval as open space in its documentation to offset developments in the St Leonard's area?

Answer

Gore Hill Oval is a regional sporting facility that is available to the community of the Lower North Shore. It is not uncommon for surrounding Council's to highlight a regional sporting facility as an attractive feature of the region.

6. QUESTION

Is it so that each local council must satisfy some minimum requirement for open space?

Answer

The State Government response to more open space provision in regards to growth is to increase this wherever possible, but not to apply any minimum requirement such as area per capita. A needs based approach is followed applying quantity, distribution and quality criteria.

6a). QUESTION

If so, does WCC have a formal existing open space code?

Answer

Council does not currently have an open space code specifying the form or standard of open space to be provided beyond that stated in the *Chatswood CBD Planning and Urban Design Strategy*.

6b). QUESTION

And if so, what is the definition and what are conditions that need to be satisfied before a local council may classify space as “open space”?

Answer

Refer to 6a).

6c). QUESTION

If so, is it in compliance with the Rutledge principles?

Answer

In relation to Gore Hill Park as a Crown Land Reserve , Council adopted the *Gore Hill Park Master Plan* and *Plan of Management* on 22 August 2016. The Rutledge principles have been taken into account

It is noted that those principles may not have the same relevance after the commencement of operation of the ‘*Crown Lands Management Act 2016*’.

7. QUESTION

With regards to public access at Gore Hill oval, will it be hired out to sporting groups?

Answer

Gore Hill Oval will continue to be available for informal recreation use except when it is hired for either sports use or a booked event. Once stage 1 works are completed in December 2018, the oval will continue to be hired by cricket (Summer 2019) and AFL (Winter 2019) as has been the case for the previous 50 years.

7a). QUESTION

If so, what are the details as to whom for how long, when?

Answer

It is anticipated that a similar pattern of usage will continue. As stated above, the oval has historically been hired by cricket (summer) and AFL (winter). Council will continue to work with all sporting codes to look at opportunities to maximise the utilisation of the oval for other sporting codes.

8. QUESTION

Will the new sporting facilities building (next stage) be leased out to a private operator?

Answer

Stage 2 Indoor Sports Centre of the Gore Hill Park Redevelopment is currently not funded. A Business Plan will be developed once funding is sourced. The Plan will assess the options for operation of the centre.

8a). QUESTION

If so, how can the Crown Land requirement for public access be embedded?

Answer

The Business Plan for the Stage 2 Indoor Sports Centre will be developed to comply with the *Crown Land Management Act 2016*.

9. QUESTION

Has council reached any agreement with Royal North Shore Hospital (and community services) regarding access to the Gore Hill oval for health services related uses and events?

Answer

As part of the consultation process, Council consulted with RNS in order to seek their input into the project. RNS has, as it has done for many years, had access to the oval to provide health and charity events. The oval is used as an emergency helicopter landing pad in times of high emergency. There is no formal arrangement in place.

10. QUESTION

Is Gore Hill oval and surrounding space crown land held on trust for public recreation?

Answer

The land comprising Gore Hill Park was reserved by State Government for public recreation in 1899.

11. QUESTION

Is it true that WCC is developing the site for Aussie Rules and this involves ripping up the grass and replacing with synthetic grass?

Answer

Gore Hill Oval was identified as one of the three (3) sites suitable to be converted to a synthetic surface under Council's *Open Space and Recreational Plan 2013* and the *NSROC Regional Plan for Sportsfields 2014*. Refer to Question 7 for users, one of which is the AFL.

11a). QUESTION

Will Aussie rules dominate use of the oval?

Answer

Gore Hill Oval has been used for cricket (summer) and AFL (winter) for more than 50 years. Other sports groups who have used the oval in that time include baseball, and flying disc/ Ultimate Frisbee. Casual use of the oval includes lunch time workers in St Leonards, RNSH charity and health events and local residents of Greenwich/ St Leonards and Crows Nest. The oval is being converted to a synthetic grass surface, similar to Council's 3 other synthetic grass sportsgrounds. The new synthetic surface will assist in accommodating heavier sports use as populations in the district increase and sport participation grows. The oval is open to informal use at all times outside sport hire. As has been the case for many years, cricket is the dominant user during summer and AFL the dominant user during winter.

12. QUESTION

Has WCC had a meaningful and formal engagement with the community as to what the GENERAL community, including surrounding councils, wants at Gore Hill oval?

Answer

See response to Question 1. The results of the Community engagement were reported to Council in August 2016.

- **Her Worship the Mayor Councillor G Giles-Gidney and Deputy Mayor Eriksson left the meeting at 7:17pm during debate on Item 18.1: Planning Proposal for 1-13 Spring Street, 56-70 Archer Street and 35 Albert Avenue, Chatswood, Item 18.2: 65 Albert Avenue, Chatswood (Mandarin Centre) – Planning Proposal 2016/1 and Item 18.3: 54-56 Anderson Street, Chatswood – Planning Proposal taking no part in the discussion or vote on these topics and returned to the meeting after the vote at 8:02pm. Former Deputy Mayor Mustaca assumed the Chair in the Mayor’s absence for these items.**
- **The General Manager left the meeting chamber at 8:22pm during debate and voting on Item 20.2: Confidential – Report of Conduct Reviewer.**

The meeting concluded at 9:34pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 25 June 2018. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

