



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

11 February 2019

commencing at 7:00pm

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1 PRESENT

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

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr D Frost (Customer & Corporate Director), Mr G McDonald (Planning & Infrastructure Director), Mr Ian Arnott (Planning Manager) Mr M Cashin (Community Life Manager), Mr V Grepl (Acting Governance, Risk and Corporate Planning Manager) and Ms P Sheldrake (Minutes Secretary)

2 DISCLOSURES OF INTEREST

- Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 18.2: 871-877 Pacific Highway, Chatswood – Planning Proposal, Item 18.3: 3-5 Help Street, Chatswood – Planning Proposal, Item 18.4: 5-9 Gordon Avenue, Chatswood – Planning Panel and Item 18.5 3 Ellis Street, Chatswood – Planning Proposal
(Nature of Interest: I am a member of the Sydney North Planning Panel)
- Councillor Rutherford declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 18.2: 871-877 Pacific Highway, Chatswood – Planning Proposal, Item 18.3: 3-5 Help Street, Chatswood – Planning Proposal, Item 18.4: 5-9 Gordon Avenue, Chatswood – Planning Panel and Item 18.5 3 Ellis Street, Chatswood – Planning Proposal
(Nature of Interest: I am a member of the Sydney North Planning Panel)
- Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 18.3: 3-5 Help Street, Chatswood – Planning Proposal, *(Nature of Interest: Prior to being elected to Council I provided planning advice to the proponent team)*
- Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 16.6: Investment Report for the month of November 2018 and Item 16.7: Investment Report for the month of December 2018
(Nature of Interest: I am an employee of the Westpac Group with whom Council has investments)
- Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 19.1: Notice of Motion – 9 Centennial Avenue, Chatswood
(Nature of Interest: As a local resident I have been involved with the community advocating heritage listing/nomination of 9 Centennial Avenue, Chatswood (over 9/10 years ago))

- The General Manager declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 18.6: 67 Albert Avenue, Chatswood – assignment of lease and surrender of Development Consent 2017/157 and Item 20.1: Confidential – 67 Albert Avenue, Chatswood – surrender of development consent
(*Nature of Interest: I am a resident in an adjacent property*)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 10 December 2018, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

NIL

5 PETITIONS

5.1 PETITION - OPPOSING DA2018/438 RELATING TO THE CHURCH ON FARRAN STREET, LANE COVE NORTH BECOMING A 60 PLACE CHILDCARE CENTRE

CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 11 FEBRUARY 2019

PURPOSE OF REPORT

Councillor Campbell tabled a petition containing 84 signatures objecting to the church on Farran Street becoming a 60 place childcare centre.

RESOLUTION

That Council receive and note the petition from residents in opposition to DA2018/438 which relates to the church on Farran Street, Lane Cove North becoming a 60 place childcare centre and refer it to the Planning & Infrastructure Director.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

5.2 PETITION – TO RE-INSTATE THE MERLON RESERVE WALKWAY**CITY STRATEGY OUTCOME:** 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**MEETING DATE:** 11 FEBRUARY 2019

PURPOSE OF REPORT

Councillor Fernandez tabled a petition containing 83 signatures seeking to re-instate the Merlon Reserve Walkway between The Scarp and The Bulwark, Castlecrag.

RESOLUTION

That Council receive and note the petition from residents seeking to re-instate Griffin bushland known as Merlon Reserve Walkway between The Scarp and The Bulwark, Castlecrag and refer it to the Planning & Infrastructure Director.

MOVED COUNCILLOR MUSTACA**SECONDED COUNCILLOR WRIGHT****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Campbell, Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.**Against:** Nil

6 OPEN FORUM

The following people addressed Open Forum:

- Diana Pryde (Wildlife) – proposed floodlighting for OH Reid Reserve, West Chatswood
- Alan Yee (Traffic) – proposed floodlighting for OH Reid Reserve, West Chatswood
- Arleia Vidgen (Natural bush environment) – proposed floodlighting for OH Reid Reserve, West Chatswood

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - 2019 AUSTRALIA DAY HONOURS AWARDS

MEETING DATE: 11 FEBRUARY 2019

PURPOSE OF REPORT

To inform Council of the residents in Willoughby who received awards in the 2019 Australia Day Honours List.

DISCUSSION

Council acknowledges through this report the contribution made by residents of Willoughby City Council in the wider Australian community.

MOTION

I am pleased to inform Council that the following residents were recognised in the 2019 Australia Day Honours Awards:

Member of the Order of Australia (AM)

BRUNSDON, Geoffrey Norman

Northbridge

For significant service to the finance, banking and insurance sectors, and to charitable organisations.

DAVEY, Paul

Chatswood

For significant service to parliament and politics as Federal Director of the National Party of Australia.

Medal of the Order of Australia (OAM)

MOY, Patricia Mary

Willoughby

For service to the visual arts

WILCOX, John Robert

Castle Cove

For service to education.

YOUNG, Colonel Warwick Anthony

Middle Cove

For service to veterans and their families

RESOLUTION

That Council congratulates the recipients on their awards in the 2019 Australia Day Honours List.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

7.2 MAYOR'S DIARY: COUNCIL MEETING NOTES – 11 FEBRUARY 2019**2018**

TUESDAY 11 DECEMBER			
Mayor	9 am	Annual Presentation Day	Willoughby Public School
Mayor Deputy Mayor: Cr Rutherford	12 noon	Italian Group Christmas Party	Beauchamp Park
Mayor Crs	5.30 – 8.30 pm	Local Strategic Planning Short Course for Councillors	Dougherty Centre
WEDNESDAY 12 DECEMBER			
Mayor	11 am	Tree of Joy Launch	Chatswood Chase
Mayor Crs	11.45 am	Italian Group Lunch	Willoughby Park
Mayor	12.50 pm	Live at Lunch	The Concourse
Mayor Deputy Mayor: Cr Rutherford Crs Campbell, Fernandez, Eriksson, Mustaca, Norton, Rozos, Saville, Tuon, Wright, Zhu	6 pm	Mayor's Christmas Party	The Concourse
THURSDAY 13 DECEMBER			
Mayor	6 pm	Christmas Drinks – Trent Zimmerman MP	Cammeray Golf Club
Deputy Mayor: Cr Rutherford	6 pm	Christmas Drinks	Castle Cove Shopping Centre
FRIDAY 14 DECEMBER			
Mayor	10 am	Charity Golf Tournament	Castle Cove Golf Club
Mayor	1.30 pm	WGHS Presentations	The Concourse
SATURDAY 15 DECEMBER			
SUNDAY 16 DECEMBER			
Mayor	7.30 pm	Carols by Candlelight	St Stephen's Church, Willoughby
MONDAY 17 DECEMBER			
TUESDAY 18 DECEMBER			
Mayor	8.50 am	Opening of re-furbished ANZ Bank	Chatswood Mall
Deputy Mayor: Cr Rutherford Representing the Mayor	5 pm	Unveiling & Blessing of a Khachkar	St Mary's Cathedral, Sydney
Mayor	6 pm	Chatswood High School Presentations	The Concourse

WEDNESDAY 19 DECEMBER			
Mayor	11 am	Opening of Hokkaido Shop	Ground Floor, The Interchange
Mayor	12 noon	Sunnyfield Christmas Party	Sunnyfield Offices, O'Brien Street
Mayor	3 pm	Sydney North Panel Meeting	Coachwood Room WCC

2019

THURSDAY 24 JANUARY			
Mayor	2 pm	Summer Reading Club	Chatswood Library
SATURDAY 26 JANUARY			
Mayor Deputy Mayor: Cr Rutherford Crs Campbell, Eriksson, Norton, Saville, Tuon, Wright, Zhu	9 am	Australia Day Events	The Civic Pavilion
Cr Saville	11.30 am	Survival Day March & Yabun Festival	City of Sydney
Cr Norton	4.30 pm	Australia Day Celebration	Dougherty Apartments
MONDAY 28 JANUARY			
Mayor	7 am	Channel 7 Activities in Chatswood Lion Dance in the Mall	Various venues
TUESDAY 29 JANUARY			
Mayor Crs Norton, Tuon	11.10 am	CNY Media Launch	Chambers
Mayor Crs Norton, Tuon	12.15 pm	CNY Opening Ceremony	Chatswood Mall
Mayor Crs Norton, Rozos, Tuon	1 pm	CNY Prosperity Lunch	General Chao, The Interchange
WEDNESDAY 30 JANUARY			
Mayor	11 am	Opening of Chinese Art Expo	The Art Space at The Concourse
THURSDAY 31 JANUARY			
Cr Zhu representing the Mayor	6 pm	Lunar New Year Reception	Chinese Consulate, Dunblane Street
SATURDAY 2 FEBRUARY			
Mayor	2 pm	CNY Event - Westfield	Westfield, Chatswood
Cr Saville		CNY	Chatswood Mall
Mayor	3.30 pm	Opening of Art Show	The Incinerator Art Space
SUNDAY 3 FEBRUARY			
Mayor	12.45 pm	Opening of new Diocesan Building	11 Chatswood Avenue
Deputy Mayor: Cr Rutherford		Mandarin Lecture	Art Gallery of NSW
Mayor	5.45 pm	Banquet for Catholicos, Armenian Church	Miramare Gardens, Terrey Hills

Deputy Mayor: Cr Rutherford Representing the Mayor	6.30 pm	Reception and Concert – invitation from Chinese Consulate	The Sydney Opera House
TUESDAY 5 FEBRUARY			
Mayor	9 am	Visit to Chatswood Tunnel Dive site	Cnr Mowbray Road /Pacific Hwy
Cr Norton	9 am	Cultural Events Advisory Committee	Banksia Room
Cr Norton	6.30 pm	Workshop: Solar Power	Dougherty Centre
WEDNESDAY 6 FEBRUARY			
Cr Eriksson	5.30 pm	The Jewish Community Law Service	The Great Synagogue, Sydney
Mayor Cr Norton	6.30 pm	Housing Strategy Session	Chambers
Mayor	7 pm	Rotary Tree of Joy Thank-you Dinner	Roseville Memorial Club
THURSDAY 7 FEBRUARY			
Crs Norton, Saville	10 am	Bushland Committee	Site Inspection – Upper Cliff Avenue
Mayor Crs Campbell, Tuon, Norton, Zhu	2 – 8 pm	NSROC Conference	Mantra Hotel, Chatswood
FRIDAY 8 FEBRUARY			
Mayor	12.20 pm	Talks at Willoughby: Jane Caro	Chatswood Library
Mayor	5.30 pm	Opening of <i>Naked Organic Foods</i> store	Shop 30, Northbridge Plaza
SATURDAY 9 FEBRUARY			
Mayor Deputy Mayor: Cr Rutherford Crs Mustaca, Norton, Saville, Tuon, Zhu	11 am	CNY Celebration Day	Chatswood Mall
Crs Norton, Saville	2 pm	AGM: Wby District Historical Society	Chatswood Library
Deputy Mayor: Cr Rutherford Representing the Mayor	6.30 pm	Volunteers Dinner for the Chinese Cultural Centre	King Dynasty, Chatswood

8 GENERAL MANAGER'S LATE REPORT

NIL

9 MATTERS FOR DEFERRAL 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 16.1 Exhibition of Draft Code of Meeting Practice
- Item 16.4 Appointment of General Manager's Performance Agreement Panel
- Item 16.6 Investment Report for the month of November 2018
- Item 16.8 Nomination of one additional alternate delegate to NSROC Board
- Item 18.1 Classification of affordable housing units as operational land – Albert Avenue, Hercules Street and Oscar Street, Chatswood
- Item 18.5 3 Ellis Street, Chatswood – Planning Proposal
- Item 18.6 67 Albert Avenue, Chatswood – assignment of lease and surrender of development consent 2017/157
- Item 18.7 Tender 114589 – Variation of Contract – Refurbishment of Chatswood Library, The Concourse, 409 Victoria Avenue, Chatswood
- Item 18.8 Renaming of Nelson Street between Orchard Road and T1 Northshore Rail Corridor
- Item 18.10 Submission – Draft St Leonards and Crows Nest 2036 Plan

RESOLUTION

That the remaining items, viz:

- Item 12.2 Minutes – Global Friendship Committee Meeting held 15 November 2018
- Item 12.3 Minutes – Bicycle Consultative Committee (3/2018) held on 28 November 2018
- Item 12.4 Minutes – Willoughby Heritage Advisory Committee Meeting held 27 November 2018
- Item 12.5 Minutes – Willoughby Seniors' Advisory Committee Meeting held 13 November 2018
- Item 12.6 Minutes – Access Advisory Committee held 14 November 2018
- Item 16.2 Review of remuneration for members of the Audit Risk and Improvement Committee
- Item 16.3 Gifts and Benefits Annual Report 2018
- Item 16.5 Administering Council's 2020 Ordinary Election
- Item 16.7 Investment Report for the month of December 2018
- Item 16.9 Matters dealt with under delegated authority for the period 11 December 2018 to 10 February 2019
- Item 18.9 HD Robb Reserve Action Plan
- Item 18.11 Development Assessment – Quarter 2 (1 October 2018 to 31 December 2018)

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

11 MATTERS BROUGHT FORWARD BY THE PUBLIC

- | | |
|------------------|--|
| Item 12.1 | Minutes – Local Traffic Committee Held 28 November 2018 |
| Item 17.1 | Review of Advisory Committees |
| Item 18.2 | 871-877 Pacific Highway, Chatswood – Planning Proposal |
| Item 18.3 | 3-5 Help Street, Chatswood – Planning Proposal |
| Item 18.4 | 5-9 Gordon Avenue, Chatswood – Planning Proposal |
| Item 19.1 | Notice of Motion – 9 Centennial Avenue, Chatswood |

12 REPORTS FROM COMMITTEES

12.1 MINUTES - LOCAL TRAFFIC COMMITTEE HELD 28 NOVEMBER 2018

ATTACHMENTS:	1. IMPLICATIONS 2. TRAFFIC COMMITTEE MINUTES OF 28 NOVEMBER 2018 (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY – SENIOR TRAFFIC ENGINEER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To advise Council of the outcome of the latest Traffic Committee Meeting held on 28 November 2018.

Procedural Motion

The following people were registered to speak but as the resolution was carried unanimously they chose not to address the meeting:

- Charles Kelly – owner of the Great Northern Hotel
- Anthony Betros – Town Planner

RESOLUTION

That Council receive and adopt the recommendations arising from the 28 November 2018 Traffic Committee Meeting.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

12.2 MINUTES - GLOBAL FRIENDSHIP COMMITTEE MEETING HELD 15 NOVEMBER 2018

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – GLOBAL FRIENDSHIP COMMITTEE MEETING – 15 NOVEMBER 2018
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	RITA LEUNG – MULTICULTURAL SERVICES TEAM LEADER
CITY STRATEGY OUTCOME:	2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To provide Council with the minutes of the Global Friendship Committee meeting held 15 November 2018.

RESOLUTION

That Council receive and note the minutes of the Global Friendship Committee meeting held 15 November 2018.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

12.3 MINUTES - BICYCLE CONSULTATIVE COMMITTEE (3/2018) HELD ON 28 NOVEMBER 2018

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY – TRAFFIC AND TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To advise Council of the outcome of the Bicycle Consultative Committee Meeting held on 28 November 2018.

RESOLUTION

That Council receive and adopt the recommendations arising from the 28 November 2018 Bicycle Consultative Committee Meeting.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

**12.4 MINUTES - WILLOUGHBY HERITAGE ADVISORY COMMITTEE MEETING
HELD 27 NOVEMBER 2018**

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES OF MEETING HELD ON 27 NOVEMBER 2018
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	2.2 RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To present Council with the Minutes of the Willoughby Heritage Advisory Committee Meeting held on 27 November 2018 (see Attachment 2).

RESOLUTION

That Council notes the Minutes of the Willoughby Heritage Advisory Committee Meeting held on 27 November 2018.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

**12.5 MINUTES - WILLOUGHBY SENIORS' ADVISORY COMMITTEE MEETING
HELD 13 NOVEMBER 2018**

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES - WILLOUGHBY SENIORS' ADVISORY COMMITTEE - 13 NOVEMBER 2018
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ELLEN MILLER - COMMUNITY VENUES & SERVICES TEAM LEADER
CITY STRATEGY OUTCOME:	2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To provide Council with the minutes of the Willoughby Seniors' Advisory Committee meeting held Tuesday 13 November 2018.

RESOLUTION

That Council receive and note the minutes of the Willoughby Seniors' Advisory Committee meeting held Tuesday 13 November 2018.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

12.6 MINUTES - ACCESS ADVISORY COMMITTEE HELD 14 NOVEMBER 2018

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – ACCESS ADVISORY COMMITTEE – 14 NOVEMBER 2018
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To provide Council with the minutes of the Access Advisory Committee meeting held 14 November 2018.

RESOLUTION

That Council receives and notes the minutes of the Access Advisory Committee meeting held 14 November 2018.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 EXHIBITION OF DRAFT CODE OF MEETING PRACTICE

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT CODE OF MEETING PRACTICE (TO BE DISTRIBUTED SEPARATELY) 3. SUMMARY TABLE OF CHANGES AND RECOMENDATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	EVANGELINA MARTINEZ - POLICY & SUBMISSIONS SPECIALIST
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To endorse for public exhibition Council's draft Code of Meeting Practice with feedback to be presented to Council at a future meeting for consideration and adoption.

MOTION

That Council:

1. Include the following in the draft Code of Meeting practice (Attachment 2):
 - Giving notice of business to be considered at council meetings: s3.11-3.13:
 - Delete s3.11.
 - Reword s3.13 b) to advise the council of a date when such a report could be made available.
 -
 - Public Forums s4.1-4.23
 - 4.4 an address for additional items of business can be granted with the concurrence of council
 - Delete 4.7
 - 4.20 add "with the concurrence of council"
 - Order of business for ordinary council meetings s8.1-8.2
 - Include additional items per the agenda:
 - 6. Open Forum
 - 9. Matters for deferral or procedural priority
 - 10. Matters not requiring elaboration or debate
 - 11. Matters brought forward by the public
 - Mayoral Minutes s9.10
 - Add the words "unless otherwise resolved by council"
 - Motions requiring the expenditure of funds s10.9

- Add the words “unless otherwise resolved by council”
 - Voting on planning decisions s11.11
 - There is no colour coding in the clause
 - Dealing with items by exception s13.1-13.7
 - 13.8 Notice of Motion that are identified in 13.2 should be adopted using the wording on the notice of motion rather than the recommendation.
 - Representations of members of the public s14.11, 14.3, 14.6 and 14.7
 - Delete 14.13
 - Rescinding or altering council decisions s17.12-17.14
 - Delete 17.14
 - Recommitting resolutions to correct an error s17.15-20
 - Delete 17.19
2. Place on public exhibition the draft Code of Meeting Practice for a period of 42 days and invite public comment on it.
 3. Receive a further report at the conclusion of the exhibition period that considers any submissions prior to it adopting the policy.
 4. Provide authority to the General Manager to make changes to document where there is no change to the intent.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ROZOS

CARRIED

Voting

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

Against: Councillors Coppock, Saville and Norton.

AMENDMENT

That Council:

1. Include the following in the draft Code of Meeting practice (Attachment 2):
 - Giving notice of business to be considered at council meetings: s3.11-3.13:
 - Delete s3.11.
 - Reword s3.13 b) to advise the council of a date when such a report could be made available.
 - Public Forums s4.1-4.23
 - 4.4 an address for additional items of business can be granted with the concurrence of council
 - Delete 4.7
 - 4.20 add “with the concurrence of council”

- **Order of business for ordinary council meetings s8.1-8.2**
 - **Include additional items per the agenda:**
 - **6. Open Forum**
 - **9. Matters for deferral or procedural priority**
 - **10. Matters not requiring elaboration or debate**
 - **11. Matters brought forward by the public**
 - **Mayoral Minutes s9.10**
 - **Add the words “unless otherwise resolved by council”**
 - **Motions requiring the expenditure of funds s10.9**
 - **Add the words “unless otherwise resolved by council”**
 - **Voting on planning decisions s11.11**
 - **There is no colour coding in the clause**
 - **Dealing with items by exception s13.1-13.7**
 - **13.8 Notice of Motion that are identified in 13.2 should be adopted using the wording on the notice of motion rather than the recommendation.**
 - **Representations of members of the public s14.11, 14.3, 14.6 and 14.7**
 - **Delete 14.13**
 - **Rescinding or altering council decisions s17.12-17.14**
 - **Delete 17.14**
 - **Recommitting resolutions to correct an error s17.15-20**
 - **Delete 17.19**
2. **Council meet at 7pm on the second and fourth Monday.**
 3. **Place on public exhibition the draft Code of Meeting Practice for a period of 42 days and invite public comment on it.**
 4. **Receive a further report at the conclusion of the exhibition period that considers any submissions prior to it adopting the policy.**
 5. **General Manager to make changes to document where there is no change to the intent.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

LOST

Voting

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

Against: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Rozos, Rutherford, Tuon and Zhu.

16.2 REVIEW OF REMUNERATION FOR MEMBERS OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE

ATTACHMENTS:	1. IMPLICATIONS 2. BENCHMARKING SURVEY
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – ACTING GOVERNANCE RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To seek Council approval to increase the remuneration paid to independent members of the Audit, Risk and Improvement Committee (ARIC) by 2.5%.

RESOLUTION

That Council:

- 1. Approve a 2.5% increase in remuneration to the independent members of the Audit, Risk and Improvement Committee, effective 6 March 2019 and**
- 2. Approve an additional payment of \$200 per meeting to the Chairperson of the Audit, Risk and Improvement Committee, effective 6 March 2019.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16.3 GIFTS AND BENEFITS ANNUAL REPORT 2018

RESPONSIBLE OFFICER: DEAN FROST – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: PATRICIA SHELDRAKE – MINUTES SECRETARY

CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 11 FEBRUARY 2019

PURPOSE OF REPORT

To present a summary of the Gifts and Benefits Register to Council for the 2018 calendar year in accordance with the requirements of Council's *Gifts and Benefits Policy* and *Code of Conduct*.

RESOLUTION

That Council note the 2018 Gifts and Benefits Annual Report as required by the Council's *Gifts and Benefits Policy*.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16.4 APPOINTMENT OF GENERAL MANAGER'S PERFORMANCE AGREEMENT PANEL

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	MONICA LONERGAN – PEOPLE & CULTURE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To establish a review panel to conduct the General Manager's Performance Agreement in consultation with the General Manager

RESOLUTION

That Council:

1. Establish a Review Panel, comprising the Mayor, Deputy Mayor, Councillor Campbell, as the General Manager's representative, and Councillor Tuon to determine the General Manager's Performance Agreement.
2. Authorise the Review Panel to complete the Performance Agreement and subsequent interim and annual reviews of the General Manager's performance.
3. Appoint an independent facilitator to:
 - provide the required training prior to the review meeting; and
 - facilitate the process of determining the contents of the Performance Agreement at the review meeting.
4. Request the Review Panel report back to Council with regards to the content of the Performance Agreement.
5. Determine the period of appointments to the Review Panel to be for one year.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16.5 ADMINISTERING COUNCIL'S 2020 ORDINARY ELECTION

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – A/GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To engage the New South Wales Electoral Commission (NSWEC) to administer Council elections, council polls and constitutional referenda.

RESOLUTION

That Council:

- 1. Enter into an election arrangement by contract for the Electoral Commissioner to administer all elections of the Council, pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) (“the Act”);**
- 2. Enter into a council poll arrangement by contract for the Electoral Commissioner to administer all council polls of the Council, pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18; and**
- 3. Enter into a constitutional referendum arrangement by contract for the Electoral Commissioner to administer all constitutional referenda of the Council, pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16.6 INVESTMENT REPORT FOR THE MONTH OF NOVEMBER 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 – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To detail the Council Bank balances and Investment portfolio performance as at 30 November 2018.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 30 November 2018.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16.7 INVESTMENT REPORT FOR THE MONTH OF DECEMBER 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 – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

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

RESOLUTION

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

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16.8 NOMINATION OF ONE ADDITIONAL ALTERNATE DELEGATE TO NSROC BOARD

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – GOVERNANCE OFFICER
CITY STRATEGY OUTCOME:	5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To nominate one additional Councillor as an alternate delegate to the Northern Sydney Regional Organisation of Councils (NSROC) Board.

RESOLUTION

That Council nominate Councillor Fernandez as an alternate delegate to the Northern Sydney Regional Organisation of Councils (NSROC) Board.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

16.9 MATTERS DEALT WITH UNDER DELEGATED AUTHORITY FOR THE PERIOD 11 DECEMBER 2018 TO 10 FEBRUARY 2019

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – A/GOVERNANCE , RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To report to Council on matters dealt with by the Mayor and the General Manager under delegated authority during the Christmas/New Year period.

RESOLUTION

That Council receive the report outlining matters dealt with under delegated authority during the Christmas/New Year recess.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 REVIEW OF ADVISORY COMMITTEES

ATTACHMENTS:	1. IMPLICATIONS 2. ADVISORY COMMITTEE MEETINGS SUMMARY 3. ALTERNATE ENGAGEMENT METHODS 4. WCC ADVISORY COMMITTEES POLICY
RESPONSIBLE OFFICER:	MELANIE SMITH –COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	5.5 – MAKE IT EASY FOR CITIZENS TO PARTICIAPATE IN DECISION MAKING
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To provide the recommendations from the review of advisory committees to Council.

Procedural Motion

That the following people address the meeting:

- Carolyn New
- Mark Tonga
- May-Jane Morgan
- Ian Kilminster
- Mark Crews

MOTION

That Council:

1. Note feedback from members of Advisory Committees during the most recent round of workshops.
2. Endorse the draft framework outlined in section 4.3 of this report for further development and a report back to Council in August 2019 which includes the framework, a draft policy and model terms of reference.
3. Endorse the continuation of advisory committees for the current term of Council and their dissolution at the commencement of the caretaker period in August 2020, prior to the next ordinary local government elections in September 2020.
4. Endorse the purpose of Advisory Committees of Council as providing technical advice and expertise on Council's strategic priorities.

5. Endorse the re-establishment of Advisory Committees post the next ordinary local government elections in September 2020, that provide specialist technical advice to help achieve the incoming Council's strategic priorities.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

NOT PUT

AMENDMENT

That Council:

1. Note feedback from members of Advisory Committees during the most recent round of workshops.
2. Endorse the draft framework outlined in section 4.3 of this report for further development and a report back to Council in August 2019 which includes the framework, a draft policy and model terms of reference.
3. Endorse the continuation of advisory committees for the current term of Council.
4. Endorse the purpose of Advisory Committees of Council as providing technical advice and expertise on Council's strategic priorities.
5. Endorse the re-establishment of Advisory Committees post the next ordinary local government elections in September 2020, that provide specialist technical advice to help achieve the incoming Council's strategic priorities.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR ROZOS

CARRIED

Voting

For the Amendment: Councillors Campbell, Coppock, Fernandez, Mustaca, Norton, Rozos, Saville, Tuon and Wright.

Against: Councillors Giles-Gidney, Eriksson, Rutherford and Zhu.

The amendment became the motion and on being put to the meeting was carried unanimously to become the resolution of Council.

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 CLASSIFICATION OF AFFORDABLE HOUSING UNITS AS OPERATIONAL LAND - ALBERT AVENUE, HERCULES STREET AND OSCAR STREET, CHATSWOOD

ATTACHMENTS:	1. IMPLICATIONS 2. DA 2014/445 DEVELOPMENT CONSENT (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID DIBIASE – PROPERTY & CONSTRUCTION SERVICES MANAGER
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To seek Council's endorsement to classify 10 affordable housing units transferred to Council by the developer of Chatswood Place development, as Operational Land in accordance with the *Local Government Act 1993*.

RESOLUTION

That Council classify, Lots 23, 26, 27, 30 in Strata Plan 97883, Lots 7, 23, 27 in Strata Plan 97884, Lot 29, 54 in Strata Plan 97885 and Lot 9, in Strata Plan 97886 as Operational Land under the provisions of the *Local Government Act 1993*.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

18.2 871-877 PACIFIC HIGHWAY, CHATSWOOD - PLANNING PROPOSAL**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**
- 5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS**
- 6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012**
- 7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO, SPECIAL PROVISIONS AREA AND ACTIVE STREET FRONTAGES MAPS**
- 8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 30 JANUARY 2019**

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

AUTHOR: CRAIG O'BRIEN – STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 3.5 MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES
5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 11 FEBRUARY 2019

PURPOSE OF REPORT

The purpose of this report is to seek endorsement for the forwarding of Planning Proposal 2018/4 for 871-877 Pacific Highway, 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 this Agenda Item.

Procedural Motion

That Sue Francis, Town Planner, City Plan Strategy and Development address the meeting and speak also on behalf of Steven Christoforidis, Architect, PBD Architects and Robert Varga, Traffic Consultant, Varga Traffic Planning Pty Ltd

MOTION

That Council:

- 1) 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*, with the following amendments to *Willoughby Local Environmental Plan 2012*:

To replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:

- “(b) any part of the floor area of a building that:
- (i) is to be used for community facilities, or
 - (ii) is a heritage item, or
 - (iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map

is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.”

- b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”

- c) To replace Clause 6.8 'Affordable Housing', (2) with the following:

“(2) Development consent must not be granted to the erection of residential accommodation on land identified as “Area 3” and “Area 9” on the Special Provisions Area Map unless the consent authority has taken the following into consideration:

- (a) the Willoughby Affordable Housing Principles,
- (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
- (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development.”

- d) To replace Clause 6.8 'Affordable Housing', (7) with the following:

“(7) In this clause:
accountable total floor space means:

- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application

relates, excluding any residential floor area of the building that is used for affordable housing purposes.

- b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.”

- e) To add Clause 6.23 as follows:

“6.23 Minimum commercial floor space within the Mixed Use zone

Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map.”

- f) To add Clause 6.24 as follows:

“6.24 Design Excellence

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to development involving the erection of a new building on land shown in Area 12 on the Special Provisions Area Map.
- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.”

- g) To amend the Land Zoning Map (Sheets LZN_003 and 004) for 871-877 Pacific Highway, Chatswood, to B4 Mixed Use.

- h) To amend the Height of Buildings Map (Sheets HOB_003 and 004) for 871-877 Pacific Highway, Chatswood, to 90 metres.

- i) To amend the Floor Space Ratio Map (Sheets FSR_003 and 004) for 871-877 Pacific Highway, Chatswood, to 6:1 (including affordable housing).

- j) To amend the Special Provisions Area Map (Sheets SPA_003 and 004) to show 871-877 Pacific Highway, Chatswood, as Area 8, Area 9, Area 11 and Area 12.

- k) To amend the Active Street Frontages Map (Sheets ASF_003 and 004) to include 871-877 Pacific Highway, Chatswood, to include the Pacific Highway and Wilson Street frontages.

- 2) Subject to 1. above, endorse for public exhibition the Planning Proposal as amended.

- 3) Endorse for public exhibition the Planning Proposal, with the accompanying draft site specific *Development Control Plan* provisions, subject to the following amendments:

- a) Section 2 'Built Form':
 - i. Delete Controls 3 and 4.
 - ii. Add to Controls 5:
"Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions."
 - iii. Relocate Figure 2 from Section 4, 'Street Frontage Heights and Setbacks', Controls, so that it becomes Figure 1, and part of Controls 6
"6. The building layout is to be in accordance with Figure 1."
 - b) Section 3, 'Building Heights':
 - i. Delete Controls 1.
 - c) Section 4, 'Street Frontage Heights and Setbacks':
 - i. Delete Performance Criteria 4
 - ii. Delete Controls 2.
 - iii. Make Figure 2 the figure from Key Element 27 Street Frontage Heights and Setbacks in the *Chatswood CBD Planning and Urban Design Strategy*.
 - d) Section 6, 'Amenity':
 - i. Delete Controls 4.
 - e) Section 8, 'Active Street Frontages':
 - i. Delete Controls 2.
 - f) Section 9, 'Traffic and Transport':
 - i. Delete Controls 4 and 5.
 - g) Section 11, 'Design Excellence':
 - i. Delete Controls 2.
 - h) Section 12, 'Public Art':
 - i. Delete Controls 1 and 2 and replace with:
"1. Any Public Art is to be in accordance with Council's Public Art Policy."
 - i) Section 13 'Sustainability':
 - i. Add:
"Performance Criteria
 - 1. Achievement of design excellence shall include achievement of higher building sustainability standards.
 Controls
 - 1. A minimum 5 star GBCA building rating is expected. A report is to
be submitted at Development Application Stage."
- 4) Require prior to referral to Gateway, the following additional information:
- a) An amended landscape plan (to scale) detailing:
 - i. The shared pathway along the Pacific Highway frontage.
 - ii. Street tree planting along the Pacific Highway, both within Council's nature strip as appropriate and along the frontage of the site outside of any shared pathway.
 - iii. Dimensions and landscape treatment of all ground level landscaping within the site, including publicly accessible areas.

- b) Additional traffic analysis is to be provided:
 - i. Addressing the capacity and functionality of the vehicle access / egress and loading / unloading arrangement for the proposal development, and the potential use of the aforementioned by the neighbouring site at 879 Pacific Highway. Full management details are to be provided, including on-site physical measures that may be needed to be introduced.
 - ii. Addressing sight lines and safety for vehicles leaving the property in Wilson Street, with particular regard to turning right towards the Pacific Highway.
- 5) Note that a Voluntary Planning Agreement Letter of Offer has been submitted as part of this Planning Proposal.
- 6) Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - a) To proceed as recommended.
 - b) To not proceed with the Planning Proposal.
- 7) Request that the Department of Planning and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.
- 8) Delegate authority to the General Manager to make any minor amendments to the Planning Proposal which do not alter the policy intent.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR CAMPBELL

CARRIED

The motion on being put to the meeting was carried to become the resolution of Council.

Voting

For the Resolution: Councillors Campbell, Eriksson, Fernandez, Mustaca, Norton, Tuon, Wright and Zhu.

Against: Councillors Coppock, Rozos and Saville.

Absent: Councillors Giles-Gidney and Rutherford.

Due to Item 18.2: 871-877 Pacific Highway, Chatswood – Planning Proposal being a Sydney North Planning Panel (SNPP) matter, Her Worship the Mayor Councillor Giles-Gidney and Deputy Mayor, Councillor Rutherford 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 Eriksson assumed the Chair in the Mayor and Deputy Mayor's absence for this item.

18.3 3 - 5 HELP STREET, CHATSWOOD - PLANNING PROPOSAL**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**
- 5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS**
- 6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012**
- 7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO, SPECIAL PROVISIONS AREA AND ACTIVE STREET FRONTAGE MAPS**
- 8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 30 JANUARY 2019**

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

AUTHOR: EMMA BROWN – STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES

5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 11 FEBRUARY 2019

PURPOSE OF REPORT

To seek endorsement for the forwarding of the Planning Proposal 2018/0008 for 3 – 5 Help 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 Matt Hurst, Parade Consulting Pty Ltd address the meeting.

MOTION

That Council:

1. 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*, with the following amendments to Willoughby Local Environmental Plan 2012:
 - a) To replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:

“(b) any part of the floor area of a building that:

- (i) is to be used for community facilities, or
- (ii) is a heritage item, or
- (iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.”

- b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”

- c) To replace Clause 6.8 'Affordable Housing', (2) with the following:

“(2) Development consent must not be granted to the erection of residential accommodation on land identified as “Area 3” and “Area 9” on the Special Provisions Area Map unless the consent authority has taken the following into consideration:

- (a) the Willoughby Affordable Housing Principles,
- (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
- (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development.”

- d) To replace Clause 6.8 'Affordable Housing', (7) with the following:

“(7) In this clause:

accountable total floor space means:

- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.

- b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.
- e) To add Clause 6.23 as follows:
“6.23 Minimum commercial floor space within the Mixed Use zone

Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map.”
- f) To add Clause 6.24 as follows:
“6.24 Design Excellence

(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.

(2) This clause applies to development involving the erection of a new building on land shown in Area 12 on the Special Provisions Area Map.

(3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.”
- g) To amend the Height of Buildings Map (Sheet HOB_004) for 3 – 5 Help Street, Chatswood, to 90 metres.
- h) To amend the Floor Space Ratio Map (Sheet FSR_004) for 3 – 5 Help Street, Chatswood, to 6:1.
- i) To amend the Special Provisions Area Map (Sheet SPA_004) to show 3 Help Street & 5 Help Street, Chatswood, as Area 8, Area 9, Area 11 and Area 12.
- j) To amend the Active Street Frontages Map (Sheet ASF_004) to show 3 – 5 Help Street, Chatswood to include the Help Street, McIntosh Street and the Cambridge Lane frontages.
2. Subject to 1. Above, endorse for public exhibition the Planning Proposal as outlined in 1. above.
3. Endorse for public exhibition the draft site specific *Development Control Plan* provisions, subject to the following amendments:
- a) Number all objectives
- b) Under ‘Design excellence and building sustainability’:

i). Add 5A: “A minimum 5 star GBCA building rating is expected. A report is to be submitted at Development Application Stage.”
- c) Under ‘Built Form’:

- i). Replace 9 with “The maximum tower floor plate that applies to this site for residential towers above a podium is 700m².”
- d) Under ‘Building Heights’
 - i). Delete existing 14 and replace with: “Maximum height of buildings in the CBD will be based on Figure 3.1.6 of the *Chatswood CBD Planning and Urban Design Strategy* up to the airspace limits (Pans-Ops plane) except as reduced further to meet: a) Sun access protection”
 - ii). Add 14A Figure 1: “Recommended Height”: which will replicate what is shown regarding the subject site, in Key Element 20, Figure 3.1.6 of the *Chatswood CBD Planning and Urban Design Strategy* to 2036.
- e) Under ‘Links, Open space and Landscaping’:
 - i). Replace under 28: ‘western’ with ‘eastern’.
- f) Under ‘Street Frontage Heights and Setbacks’:
 - i). Add 29C: “Building street frontage heights and setbacks are to be in accordance with Figure 2 “Street Frontage Heights and Setbacks” below.
 - ii). Add 29C Figure 2 “Street Frontage Heights and Setbacks”: which will replicate what is shown regarding the subject site, in Key Element 27, Figure 3.1.8 of the *Chatswood CBD Planning and Urban Design Strategy* to 2036.
- g) Under ‘Further Built Form Controls’:
 - i) Add to 33: “Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.”
- h) Under ‘Traffic and Transport’ with consideration of numerical order:
 - i) Add “Traffic shall be restricted to left in/ left out on the Help Street entrance, to be facilitated by the introduction of a median strip and constructed at the cost of the proponent and involving consultation with Councils Traffic Section.”
 - ii) Add “Bicycle access/facilities and circulation along McIntosh Street shall be encouraged, including ‘filling the gaps’ in the existing bicycle network across intersections.”
 - iii) Add “The ability of all vehicles to safely access/egress the development via Help Street from the kerb lane shall be confirmed through the use of turning path analysis/ assessment.”

4. Require an updated Letter of Offer to enter into a Planning Agreement, to be submitted to Council prior to referral to Gateway, as the basis for further negotiation.
5. Prior to referral to Gateway, updated Concept Plans are to be submitted to Council demonstrating compliance with the 'Sun Access to Key Public Places - Key Element 19', and 'Building Heights - Key Element 20 and Key Element 21' of the *Chatswood CBD Planning and Urban Design Strategy*.
6. Prior to referral to Gateway, a Concept Landscape Plan is to be submitted to Council demonstrating compliance with 'Key Element 22 – Links, Open Space and Landscaping' of the *Chatswood CBD Planning and Urban Design Strategy*.
7. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - a) To proceed as recommended.
 - b) To not proceed with the Planning Proposal.
8. Request that the Department of Planning and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.
9. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal which does not alter the policy intent.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR CAMPBELL

CARRIED

The motion on being put to the meeting was carried to become the resolution of Council.

Voting

For the Resolution: Councillors Campbell, Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Tuon, Wright and Zhu.

Against: Councillor Saville

Absent: Councillor Giles-Gidney, Rutherford, Fernandez.

Councillor Fernandez declared a non-pecuniary significant interest in Item 18.3 and withdrew from the meeting taking no part in the discussion or voting on this topic.

Due to Item 18.3: 3-5 Help Street, Chatswood – Planning Proposal being a Sydney North Planning Panel (SNPP) matter, Her Worship the Mayor Councillor Giles-Gidney and Deputy Mayor, Councillor Rutherford 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 Eriksson assumed the Chair in the Mayor and Deputy Mayor's absence for this item.

18.4 5-9 GORDON AVENUE, CHATSWOOD - PLANNING PROPOSAL**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**
- 5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS**
- 6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012**
- 7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO, SPECIAL PROVISIONS AREA AND ACTIVE STREET FRONTAGE MAPS**
- 8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 30 JANUARY 2019**

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

AUTHOR: PHILIP ADAMS- STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES
5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 11 FEBRUARY 2019

PURPOSE OF REPORT

To seek endorsement for the forwarding of the Planning Proposal 2018/0003 for 5-9 Gordon Avenue, 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 Nick Juradowitch, Ingham Planning Pty Ltd address the meeting and answer questions of the Councillors.

MOTION

That Council:

1. 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*, with the following amendments to Willoughby Local Environmental Plan 2012:
 - a) To replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:

“(b) any part of the floor area of a building that:

- i) is to be used for community facilities, or
- ii) is a heritage item, or
- iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.”

- b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”

- c) To replace Clause 6.8 'Affordable Housing', (2) with the following:

“(2) Development consent must not be granted to the erection of residential accommodation on land identified as “Area 3” and “Area 9” on the Special Provisions Area Map unless the consent authority has taken the following into consideration:

- (a) the Willoughby Affordable Housing Principles,
- (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
- (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development.”

- d) To replace Clause 6.8 'Affordable Housing', (7) with the following:

“(7) In this clause:

accountable total floor space means:

- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development

application relates, excluding any residential floor area of the building that is used for affordable housing purposes.

- b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.
- e) To add Clause 6.23 as follows:
“6.23 Minimum commercial floor space within the Mixed Use zone

Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map.”
- f) To add Clause 6.24 as follows:
“6.24 Design Excellence

(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.

(2) This clause applies to development involving the erection of a new building on land shown in Area 12 on the Special Provisions Area Map.

(3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.”
- g) To amend the Land Use Zoning Map (Sheet LZN_004) for 5-9 Gordon Avenue, Chatswood, to B4 Mixed Use.
- h) To amend the Height of Buildings Map (Sheet HOB_004) for 5-9 Gordon Avenue, Chatswood, to 90 metres.
- i) To amend the Floor Space Ratio Map (Sheet FSR_004) for 5-9 Gordon Avenue, Chatswood to 6:1.
- j) To amend the Special Provisions Area Map (Sheet SPA_004) to show 5 -9 Gordon Avenue, Chatswood, as Area 8, Area 9, Area 11 and Area 12.
- k) To amend the Active Street Frontages Map (Sheet ASF_004) to show 5-9 Gordon Avenue, Chatswood to include the Hammond Lane and the Gordon Avenue street frontage.
2. Subject to 1. Above, endorse for public exhibition the Planning Proposal as outlined in 1. above.
3. Endorse for public exhibition the draft site specific *Development Control Plan* provisions, subject to the following amendments:
- a) Section 2.0 ‘Built Form’:

i) Add to Controls 2:

“The maximum tower floor plate that applies to this site for residential towers above a podium is 700m².”

- ii) Add Controls 2 “2. The building layout is to be in accordance with Figure 1.”
 - iii) Relocate Figure 1 from Section 4, ‘Minimum Building Setbacks’, so that it becomes Controls 2, Figure 1
- b) Section 4.0 ‘Street Frontage Heights and Setbacks’:
- i) Amend Control 1 to state ‘Figure 2 – Street Frontage Heights and Setbacks’ instead of ‘Figure 1’.
 - ii) Add after Controls 2, Figure 2 which is the figure from Key Element 27 Street Frontage Heights and Setbacks in the *Chatswood CBD Planning and Urban Design Strategy*.
- c) Section 8.0 ‘Traffic and Transport’:
- i) Add “A pedestrian footpath for Hammond Lane is to be provided in accordance with Objective 22 of the *Chatswood CBD Planning and Urban Design Strategy 2036*.”
 - ii) Add Controls 12, “The width and layout driveway on Hammond Lane, ramp and aiseways supporting the car park shall accommodate concurrent two way flows for service vehicles and satisfy AUS Standards.”
 - iii) Remove from 8.0 (6) the following words: “Further detail shall be provided at the DA stage”.
- d) Section 9A Design Excellence:
- i) Remove Control 1 and replace with:
With “Design Excellence is to be undertaken in accordance with requirements of the *Chatswood CBD Planning and Urban Design Strategy*.”
4. Require an updated Letter of Offer to enter into a Planning Agreement, to be submitted to Council prior to referral to Gateway, as the basis for further negotiation.
5. Prior to referral to Gateway, an updated Traffic and Transport Statement is required that is supportive of basement access for both commercial and residential parking purposes in relation to Australian Standards.
6. Prior to referral Gateway, updated concept plans are to be provided demonstrating consistency with Key Element 27 of the *Chatswood CBD Planning and Urban Design Strategy*, regarding deep soil plating for street trees within setbacks of 3m or more and the deep soil requirements in the Department of Planning’s *Apartment Design Guide*. Particular mention is made to the Hammond Lane setback.

7. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - a) To proceed as recommended.
 - b) To not proceed with the Planning Proposal
8. Request that the Department of Planning and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.
9. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal which does not alter the policy intent.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR CAMPBELL

CARRIED

The Motion being put to the meeting was carried to become the resolution of Council.

Voting

For the Resolution: Councillors, Campbell, Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Tuon, Wright and Zhu.

Against: Councillor Saville.

Absent: Councillors Giles-Gidney and Rutherford.

Due to Item 18.4: 5-9 Gordon Avenue, Chatswood – Planning Proposal being a Sydney North Planning Panel (SNPP) matter, Her Worship the Mayor Councillor Giles-Gidney and Deputy Mayor, Councillor Rutherford 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 Eriksson assumed the Chair in the Mayor and Deputy Mayor's absence for this item.

18.5 3 ELLIS STREET, CHATSWOOD - PLANNING PROPOSAL

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**
- 5. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 30 JANUARY 2019**

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

AUTHOR: PHILIP ADAMS – STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES

5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 11 FEBRUARY 2019

PURPOSE OF REPORT

The purpose of this report is to seek endorsement to not forward the Planning Proposal 2018/0010 for 3 Ellis 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 public exhibition.

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

MOTION

That Council defer this matter for one month.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR NORTON

NOT PUT

AMENDMENT

That Council:

- 1) 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*, as the Planning Proposal:**

- i. Is a departure from the current planning controls on the site which limits height to 34 metres and the floor space ratio to 1.7:1.
 - ii. Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy* regarding the proposed land use, height, floor space ratio, minimum lot size, street frontage height and setbacks, ground floor use and street activation.
 - iii. Is inconsistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan* which encourages employment within the Chatswood CBD.
- 2) Notify the applicant of Council's decision.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

The Amendment on being put to the meeting was carried to become the resolution of Council.

Voting

For the Resolution: Councillors Campbell, Coppock, Fernandez, Saville, Tuon, Wright and Zhu.

Against: Councillors Eriksson, Mustaca, Rozos Norton

Absent: Councillors Giles-Gidney, Rutherford

Due to Item 18.5: 3 Ellis Street, Chatswood – Planning Proposal being a Sydney North Planning Panel (SNPP) matter, Her Worship the Mayor Councillor Giles-Gidney and Deputy Mayor, Councillor Rutherford 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 Eriksson assumed the Chair in the Mayor and Deputy Mayor's absence for this item.

18.6 67 ALBERT AVENUE, CHATSWOOD - ASSIGNMENT OF LEASE AND SURRENDER OF DEVELOPMENT CONSENT 2017/157

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID DI BIASE – PROPERTY AND CONSTRUCTION SERVICES MANAGER
CITY STRATEGY OUTCOME:	4.1 – FACILITATE THE DEVELOPMENT OF ALL BUSINESSES
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To seek Council's approval for the assignment of the lease for 67 Albert Avenue, Chatswood, between Council and the Trust Company (RE Services) Limited to the new lessee, the Trust Company Limited, for the provision of owner's consent to the surrender of development consent 2017/157 and, once the surrender is received, for the issue of a notice complying with clause 97(4) of the Environmental Planning & Assessment Regulation.

OFFICER'S RECOMMENDATION

That Council:

- 1. Approves the assignment of the lease for 67 Albert Avenue, Chatswood, from the current lessee, the Trust Company (RE Services) Limited, to the new lessee, the Trust Company Limited.**
- 2. Provides Owner's Consent to the Notice of Surrender of Development Consent, for development consent number 2017/157, as requested by the current lessee, the Trust Company (RE Services) Limited.**
- 3. Provide the General Manager with delegated authority to execute the lease assignment and any associated legal documents.**
- 4. Provide the General Manager with delegated authority to provide Owner's Consent to the Notice of Surrender of Development Consent and any associated documents.**
- 5. Once the surrender of consent is received, provide the General Manager with delegated authority to issue a notice complying with the requirements of clause 97(4) of the Environmental Planning & Assessment Regulation, 2000.**

RESOLUTION

That Council defer this item to a future meeting.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

The General Manager declared a non-pecuniary less than significant interest in Item 18.6 and Item 20.1 and withdrew from chambers taking no part in the discussion on this topic.

18.7 TENDER 114589 - VARIATION OF CONTRACT - REFURBISHMENT OF CHATSWOOD LIBRARY, THE CONCOURSE, 409 VICTORIA AVENUE, CHATSWOOD

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	JOSEPH GIANDOMENICO – SENIOR PROJECT MANAGER
CITY STRATEGY OUTCOME:	2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To seek approval of Variation to the Contract that was awarded for Tender 114589 for the refurbishment of Chatswood Library.

MOTION

That Council:

- 1. Approve additional works to the value of \$159,360.63, to the contract that was awarded to Bermagui Constructions Pty Ltd for a lump sum value of \$404,429.19, to refurbish (Stage 1B) at the Chatswood Library, The Concourse, 409 Victoria Avenue, Chatswood.**
- 2. Authorise the General Manager to execute the variation to contract and all associated documents.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

The motion on being put to the meeting was carried to become the resolution of Council.

Voting

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

Against: Councillor Saville

**18.8 RENAMING OF NELSON STREET BETWEEN ORCHARD ROAD AND T1
NORTHSHORE RAIL CORRIDOR**

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY TRAFFIC AND TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To endorse 'Berkeley Court' as the new name for the road between Orchard Road and the T1 Northshore Rail Corridor (previously known as Nelson Street) following community consultation and stakeholder engagement.

Recommittal Motion

That Council recommit Item 18.8: Renaming of Nelson Street between Orchard Road and T1 Northshore Rail Corridor.

MOTION

That Council:

- 1. Endorse 'Berkeley Court' as the name for the road between Orchard Road and the T1 Northshore Rail Corridor (previously known as Nelson Street) following community consultation and stakeholder engagement.**
- 2. Endorse that the Geographical Names Board is requested to approve 'Berkeley Court' as the new road name.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR MUSTACA

CARRIED

The motion on being put to the meeting was carried to become the resolution of Council.

Voting

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

Against: Councillors Saville and Wright.

Absent: Councillor Coppock.

18.9 HD ROBB RESERVE ACTION PLAN

ATTACHMENTS:	1. IMPLICATIONS 2. HD ROBB RESERVE ACTION PLAN 3. PUBLIC EXHIBITION SUMMARY REPORT – HD ROBB RESERVE – RESERVE ACTION PLAN
RESPONSIBLE OFFICER:	GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	RICHARD O'BRIEN – BUSHLAND COMMUNITY LIAISON OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To present to Council the HD Robb Reserve Action Plan for adoption.

RESOLUTION

That Council adopt the HD Robb Reserve Action Plan.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

18.10 SUBMISSION - DRAFT ST LEONARDS AND CROWS NEST 2036 PLAN

ATTACHMENTS:	1. IMPLICATIONS 2. COUNCILLOR SUMMARY OF DOCUMENTS AND ISSUES 3. DRAFT SUBMISSION
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	3.5 MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

The purpose of the report is to request Council endorsement of the submission to the Department of Planning & Environment on the Draft St Leonards and Crows Nest 2036 Plan.

Procedural Motion

That Elspeth Hodge and Helen Pearson be permitted to address the meeting.

MOTION

That Council not endorse the submission.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR WRIGHT

NOT PUT

AMENDMENT

That Council defer this matter for two weeks to allow further submissions from the Councillors and residents.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

Voting

For the Amendment: Councillors Campbell, Coppock, Fernandez, Mustaca, Norton, Rutherford, Saville, Tuon and Wright.

Against: Councillors Giles-Gidney, Eriksson, Rozos and Zhu

The Amendment became the motion and on being put to the meeting was carried unanimously to become the resolution of Council.

18.11 DEVELOPMENT ASSESSMENT - QUARTER 2 (1 OCTOBER 2018 TO 31 DECEMBER 2018)

ATTACHMENTS:	1. IMPLICATIONS 2. VARIATIONS TO DEVELOPMENT STANDARDS – QUARTER 2 3. APPLICATIONS DETERMINED – QUARTER 2 4. CURRENT DEVELOPMENT APPLICATIONS AS AT 7 JANUARY 2019
RESPONSIBLE OFFICER:	GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

To provide Council details relating to development assessment for quarter 2 (1 October 2018 to 31 December 2018).

In particular, details of development applications determined with variations in development standards, applications determined under delegated authority and information relating to current development applications (including those to be determined by the Sydney North Planning Panel) and Planning Proposals as at 7 January 2019.

RESOLUTION

That Council:

- 1. Note the variations to development standards and development applications determined under delegated authority during quarter 2 (1 October 2018 to 31 December 2018); and**
- 2. Note the current development applications list as at 7 January 2019.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION - 9 CENTENNIAL AVENUE, CHATSWOOD

ATTACHMENTS:	1. IMAGES OF WEATHERING TO PREMISES 2. LETTER FROM NSW OFFICE OF HERITAGE & ENVIRONMENT
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MARK TAYLOR – COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 FEBRUARY 2019

PURPOSE OF REPORT

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

Procedural Motion

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

- Peter Hayes
- Andrew Drysdale
- Peter Dent
- Chunyan Mo

MOTION

That Council continues to pursue its responsibilities under section 33, Part 11 of Schedule 5 (Development Control Orders) of the NSW *Environmental Planning and Assessment Act 1979* to undertake all necessary works to protect and secure the Heritage listed building at *9 Centennial Avenue, Chatswood* from further weather damage and from unauthorised entry by replacing inadequate roof coverings, securing all openings and performing any other interim protection considered necessary for preservation of this building's integrity.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ROZOS

NOT PUT

AMENDMENT

That Council defer this matter for two weeks to allow Council officers to gather additional information pending the appeal.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Amendment: Councillors Giles-Gidney, Campbell, Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Tuon, Wright and Zhu.

Against: Councillors Saville and Rozos*

*Councillor Rozos was present in the Chambers at the time of the vote but did not vote. According to clause 36 of Council's Code of Meeting Practice, "*A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion*".

The amendment became the motion and on being put to the meeting was carried unanimously to become the resolution of Council.

Procedural Motion

That Council extend the meeting beyond the 10:30pm conclusion.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

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.

Council moved into closed session at 10:33pm.

20.1 CONFIDENTIAL - 67 ALBERT AVENUE, CHATSWOOD - SURRENDER OF DEVELOPMENT CONSENT**Reason for Confidentiality**

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

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

Recommendation Summary

That Council note the report.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

The General Manager declared a non-pecuniary less than significant interest in Item 20.1 and Item 18.6 and withdrew from chambers taking no part in the discussion on this topic.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

RESOLUTION

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

21 QUESTIONS

NIL

- Her Worship the Mayor Councillor Giles-Gidney and Deputy Mayor, Councillor Rutherford left the meeting at 9:04pm during debate on Item 18.2: 871-877 Pacific Highway, Chatswood – Planning Proposal, Item 18.3: 3-5 Help Street, Chatswood – Planning Proposal, Item 18.4: 5-9 Gordon Avenue, Chatswood – Planning Panel and Item 18.5 3 Ellis Street, Chatswood – Planning Proposal and took no part in the debate or vote on these topics. They returned to the meeting at 9:41pm. Former Deputy Mayor Eriksson took the chair in the Mayor’s absence.
- Councillor Fernandez left the meeting at 9:32pm during debate on Item 18.3: 3-5 Help Street, Chatswood – Planning Proposal taking no part in the discussion or voting on this topic and returned to the meeting at 9:41pm
- The General Manager left the meeting at 9:32pm during debate on Item 18. 3: 3-5 Help Street, Chatswood – Planning Proposal and returned to the meeting at 9:41pm. The Planning & Infrastructure Director took the Acting General Manager’s role in her absence
- The General Manager left the meeting at 10:31pm during discussion on Confidential Item 20.1: 67 Albert Avenue, Chatswood and remained out of chambers during discussion on Item 18.6: 67 Albert Avenue, Chatswood – Assignment of lease and Surrender of Development Consent 2017/157 taking no part in the discussion on these topics. The Planning & Infrastructure Director took the Acting General Manager’s role in her absence
- Councillor Coppock left the meeting at 10:31pm.

The meeting concluded at 10:57pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 11 February 2019. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.