

ORDINARY COUNCIL MEETING

11 DECEMBER 2023

3. *receive a further report on funding sources at the 30 January 2024 Additional Council Meeting."*
Councillor Greco did not accept the proposed wording.
3. *Councillor Greco moved the Motion set out above.*
4. *Having considered a point of order raised by Councillor Wright, the Motion was ruled out of order by the Chairperson under clause 10.9 of the Code of Meeting Practice, for not identify the source of funding for the expenditure that is the subject of the Motion. The item was deferred to a future meeting of Council, including the 30 January 2024 Additional Council Meeting - at Councillor Greco's nomination.*
5. *Councillor Xia requested his proposed foreshadowed Motion be displayed to the meeting:*
 - "1. *Reinstate Chatswood OOSH services at the Chatswood Croquet Club, recommencing with the 2024 School term 2 (due recruitment challenges).*
 2. *Council resolves to provide \$10,000 to make ready the facilities for children services.*
 3. *Advise users of Chatswood OOSH of the continuing service and engage in strong promotion of the Chatswood OOSH service through Council networks.*
 4. *Retain Trumper Pavilion for sporting use and community use."**The Chairperson ruled this proposed foreshadowed motion was also out of order under clause 10.9 of the Code of Meeting Practice. Councillor Xia did not move the proposed foreshadowed motion.*

The following member of the public addressed Council regarding item **12.10 Planning Proposal 641-653 and 655A Pacific Highway Chatswood**

- In support of the officer's recommendation:
 - **Gavin Sweeney (Goldfields Group Property Developments)**

12.10 PLANNING PROPOSAL AND PLANNING AGREEMENT 641-653 AND 655A PACIFIC HIGHWAY CHATSWOOD

AMENDMENT

That Council:

1. **Require the following additional information to be provided to Council prior to the Planning Proposal being forwarded to Department of Planning for a Gateway Determination:**
 - a) **The following amended information:**
 - i. **A Planning Report and Traffic Impact Assessment Report confirming, as relevant, that:**
 - a) **All car parking related to the Chatswood Bowling Club, currently located on 655A Pacific Highway, is located on the Planning Proposal site.**
 - b) **All car parking is to be in accordance with Willoughby Development Control Plan.**
 - c) **Access and egress is provided for croquet premises allocated car parking on the Chatswood Bowling Club site (being the subject of existing rights of way) via Hammond Lane.**
 - ii. **An updated Traffic Impact Assessment Report providing analysis of traffic impacts in Gordon Avenue, Orchard Road and Albert Avenue, having regard to recently approved Planning Proposals**

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- responding to the Chatswood CBD Planning and Urban Design Strategy 2036.
- iii. Amended/additional plans showing:
- a. All proposed setbacks, at ground and tower levels, clearly dimensioned.
 - b. All car spaces allocated to the Chatswood Bowling Club clearly identified on-site at ground and basement level.
 - c. Basement design to reflect reduced car parking provision in accordance with Willoughby Development Control Plan. Deep soil planting areas to be maximised, with appropriate landscaping.
 - d. Two east / west pedestrian through site links, as well as the north / south link, consistent with the site specific draft development control plan.
- b) Preliminary flood analysis responding to the overland flow issues identified by Council's engineers in the Detailed Assessment.
- c) Detailed shadow diagrams at a readable scale for each hour between 9am and 3pm based on 21 June mid-winter, with each hour showing street names, the individual properties impacted (including addresses), analysis, patterns and conclusions. In addition, clear distinction is to be made between existing shadows and additional shadows from the proposed development.
2. 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, to achieve the following amendments to Willoughby Local Environmental Plan 2012:
- a) To amend the Land Zoning Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to MU1 Mixed Use.
 - b) To amend the Height of Buildings Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to 90 metres.
 - c) To amend the Floor Space Ratio Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to 6:1 (including affordable housing).
 - d) To amend the Special Provisions Area Map to show 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, as Area 5 (Cl. 6.23 Design Excellence).
 - e) To amend the Active Street Frontages Map to Include for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, the Pacific Highway, Gordon Avenue and Hammond Lane frontages.
 - f) To amend the Lot Size Map to include 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, with a minimum lot size of 5,500 sq metres.
 - g) Identify 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, on the Affordable Housing Map as Area 1 (4%).
3. Endorse the Planning Proposal for public exhibition with the accompanying

draft site specific Development Control Plan.

4. Endorse for public exhibition the Precinct Development Control Plan for 641 to 745 Pacific Highway Chatswood.
5. Request that the Department of Planning and Environment nominate Council as the Planning Authority to make the Planning Proposal and that the Department of Planning and Environment delegate authority to Council's Head of Planning to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.
6. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal and the draft development control plan, which do not alter the policy intent.
7. Endorse the draft Voluntary Planning Agreement for 641 – 653, 655A Pacific Highway, Chatswood for public exhibition in accordance with Section 7.5 of the Environmental Planning and Assessment Act 1979 and Clause 204 of the Environmental Planning and Assessment Regulation 2021, following Gateway Determination if granted.
8. Authorise Council's officers to make appropriate changes before public exhibition to the Voluntary Planning Agreement in response to any requirements mandated by the Gateway Determination, if granted.
9. A further report be provided to Council outlining the outcome of the public exhibition period.
10. Amend the draft planning agreement to include six additional parking spaces, to be accessible (in accordance with Section D3.5 of the Building Code of Australia), as close to ground level as practical, and dedicated in perpetuity at no cost to Council; and that the draft development control plan for this site be amended to require the provision of the spaces.
11. Council staff work with the applicant and the Bowling Club to clarify the pedestrian access arrangements to Frank Channon Walk, and whether that can continue in light of the development happening in this area of the CBD.

MOVED COUNCILLOR SAMUEL / NOT SECONDED

NOT VOTED

Note:

1. *Councillor Samuel withdrew the amendment.*

MOTION

That Council:

1. Require the following additional information to be provided to Council prior to the Planning Proposal being forwarded to Department of Planning for a Gateway Determination:
 - a) The following amended information:

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- iv. **A Planning Report and Traffic Impact Assessment Report confirming, as relevant, that:**
 - d) **All car parking related to the Chatswood Bowling Club, currently located on 655A Pacific Highway, is located on the Planning Proposal site.**
 - e) **All car parking is to be in accordance with Willoughby Development Control Plan.**
 - f) **Access and egress is provided for croquet premises allocated car parking on the Chatswood Bowling Club site (being the subject of existing rights of way) via Hammond Lane.**
 - v. **An updated Traffic Impact Assessment Report providing analysis of traffic impacts in Gordon Avenue, Orchard Road and Albert Avenue, having regard to recently approved Planning Proposals responding to the Chatswood CBD Planning and Urban Design Strategy 2036.**
 - vi. **Amended/additional plans showing:**
 - e. **All proposed setbacks, at ground and tower levels, clearly dimensioned.**
 - f. **All car spaces allocated to the Chatswood Bowling Club clearly identified on-site at ground and basement level.**
 - g. **Basement design to reflect reduced car parking provision in accordance with Willoughby Development Control Plan. Deep soil planting areas to be maximised, with appropriate landscaping.**
 - h. **Two east / west pedestrian through site links, as well as the north / south link, consistent with the site specific draft development control plan.**
- b) **Preliminary flood analysis responding to the overland flow issues identified by Council's engineers in the Detailed Assessment.**
- c) **Detailed shadow diagrams at a readable scale for each hour between 9am and 3pm based on 21 June mid-winter, with each hour showing street names, the individual properties impacted (including addresses), analysis, patterns and conclusions. In addition, clear distinction is to be made between existing shadows and additional shadows from the proposed development.**
2. **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, to achieve the following amendments to Willoughby Local Environmental Plan 2012:**
- a) **To amend the Land Zoning Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to MU1 Mixed Use.**
 - b) **To amend the Height of Buildings Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to 90 metres.**
 - c) **To amend the Floor Space Ratio Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to 6:1 (including affordable housing).**
 - d) **To amend the Special Provisions Area Map to show 641-653 Pacific**

Highway and 655A Pacific Highway, Chatswood, as Area 5 (Cl. 6.23 Design Excellence).

- f) To amend the Active Street Frontages Map to include for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, the Pacific Highway, Gordon Avenue and Hammond Lane frontages.
 - f) To amend the Lot Size Map to include 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, with a minimum lot size of 5,500 sq metres.
 - h) Identify 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, on the Affordable Housing Map as Area 1 (4%).
3. Endorse the Planning Proposal for public exhibition with the accompanying draft site specific Development Control Plan.
 4. Endorse for public exhibition the Precinct Development Control Plan for 641 to 745 Pacific Highway Chatswood.
 5. Request that the Department of Planning and Environment nominate Council as the Planning Authority to make the Planning Proposal and that the Department of Planning and Environment delegate authority to Council's Head of Planning to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.
 6. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal and the draft development control plan, which do not alter the policy intent.
 7. Endorse the draft Voluntary Planning Agreement for 641 – 653, 655A Pacific Highway, Chatswood for public exhibition in accordance with Section 7.5 of the Environmental Planning and Assessment Act 1979 and Clause 204 of the Environmental Planning and Assessment Regulation 2021, following Gateway Determination if granted.
 8. Authorise Council's officers to make appropriate changes before public exhibition to the Voluntary Planning Agreement in response to any requirements mandated by the Gateway Determination, if granted.
 9. A further report be provided to Council outlining the outcome of the public exhibition period.

MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Motion: Councillors Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright and Xia.

Against: Nil.

Absent: Councillors Taylor and Zhu

Note:

1. *Having disclosed interests regarding item 12.10, Councillors Taylor and Zhu left the meeting at 8:53 pm, prior to the speaker addressing Council, and returned after the item had been voted (at 9.17 pm).*
2. *Councillor Wright took the Chair for this item.*
3. *Councillors Greco, McCullagh and Xia left the meeting at 8.53 pm and returned at 8.59 pm.*
4. *Councillor Greco left the meeting at 9:02 pm and returned at 9:09 pm.*

PROCEDURAL MOTION – URGENT MOTION**MOTION**

In accordance with clause 9.3 of the *Code of Meeting Practice*, that Council:

1. **Note the Chairperson has ruled the business contained in the proposed Notice of Motion Enhancing Financial Accountability and Transparency for Major Infrastructure Projects is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.**
2. **Have the business considered at the meeting.**

MOVED COUNCILLOR MOURADIAN / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu.

Against: Councillors Greco and McCullagh.

Absent: Nil.

Note:

1. *Councillor Mouradian indicated an intention to move an urgent Notice of Motion.*
2. *Mayor Taylor ruled the proposed urgent Notice of Motion of great urgency in accordance with clause 9.3 of the Code of Meeting Practice and a procedural motion to have the business considered at the meeting was put to the vote.*

URGENT NOTICE OF MOTION 42/2023 – ENHANCING FINANCIAL ACCOUNTABILITY AND TRANSPARENCY FOR MAJOR INFRASTRUCTURE PROJECTS

Councillor Mouradian indicated his intention to move the following urgent Notice of Motion.

MOTION

That Council

1. **Develop a framework for improved reporting on major infrastructure projects to ensure that Council and the community are kept fully updated and that Council has all of the information needed to allow it to make informed decisions on these important projects. The framework is to provide the following outcomes:**
 - **Enhance transparency and accountability throughout major infrastructure projects.**