



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

24 February 2014

commencing at 7:00pm

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1 PRESENT

Councillors

The Deputy Mayor, Councillor G Giles-Gidney, Councillors S Coppock, H Eriksson, J Hooper, T Mustaca, W Norton, A Rozos, J Rutherford, L Saville, M Sloane and N Wright.

Officers

Mr N Tobin (General Manager), Mr G Woodhams (Environmental Services Director), Mr P Collings (Acting Infrastructure Services Director), Mr T Pizzuto (Financial Services Director), Ms M Smith (Community Services Director), Ms T Crouch (Corporate Support and Performance Director), Mr J Ellis (Economic & Property Development Director), Mr V Grepl (Corporate Planning & Governance Officer), Ms S Schuurman (Executive Assistant).

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Councillor Giles-Gidney declared a significant, non-pecuniary interest in Item 22.3 - Notice of Motion - Proceedings in the Supreme Court Equity Division Case No. 2013/299553
- Councillor Coppock declared a non-significant, non-pecuniary interest in Item 18.2 - Voluntary Planning Agreement for Gore Hill Technology Park, 219 Pacific Highway, Artarmon
- Councillor Coppock declared a non-significant, non-pecuniary interest in Item 20.3 - Planning Proposal for Gore Hill Technology Park (Previous ABC Site), Pacific Highway, Artarmon
- Mr Nick Tobin, General Manager, and Mr Greg Woodhams, Environmental Services Director, declared a non-significant, non-pecuniary interest in Item 22.3 - Notice of Motion - Proceedings in the Supreme Court Equity Division Case No. 2013/299553

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 3 February 2014, copies of which have been circulated to each member of Council, be confirmed.

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor M Stevens is on leave previously granted.
- Councillor M Sloane requested Leave of Absence for 3 March 2014.
- Councillor N Wright requested Leave of Absence for the period 10 March 2014 to 17 March 2014 inclusive.
- Councillor S Coppock requested Leave of Absence for the period 26 February 2014 to 28 February 2014 inclusive.
- Councillor J Hooper requested Leave of Absence for 3 March 2014 and the

period 20 May 2014 to 25 June 2014 inclusive.

RESOLUTION**That:**

1. Council note the absence of Councillor Stevens on leave previously granted.
2. Council grant Leave of Absence to Councillor Sloane for 3 March 2014.
3. Council grant Leave of Absence to Councillor Wright for the period 10 March 2014 to 17 March 2014 inclusive.
4. Council grant Leave of Absence to Councillor Coppock for the period 26 February 2014 to 28 February 2014.
5. Council grant Leave of Absence to Councillor Hooper for 3 March 2014 and the period 20 May 2014 to 25 June 2014 inclusive.

MOVED COUNCILLOR MUSTACA**SECONDED COUNCILLOR ERIKSSON****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.**Against the Resolution:** Nil.**5 INTERVIEWS**

NIL

6 PETITIONS**6.1 PETITION - HAWTHORNE AVENUE, CHATSWOOD WEST**

ATTACHMENT:	1. PETITION
RESPONSIBLE OFFICER:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
AUTHOR:	TRISHA DUFFY
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To present a petition from the residents of Hawthorne Avenue, Chatswood West requesting that the proposed construction of a concrete footpath be reconsidered by Council.

RESOLUTION

That the petition be received and referred to the Acting Infrastructure Services Director for consideration.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against the Resolution: Nil.

7 OPEN FORUM

NIL

8 MAYORAL REPORT

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

ACTING MAYOR'S DIARY – COUNCIL MEETING NOTES FOR 24 FEBRUARY 2014

TUESDAY 4 FEBRUARY			
Acting Mayor: Cr Giles-Gidney Councillors Eriksson, Norton	1 pm	Chatswood Chamber of Commerce Chinese New Year Luncheon	Kam Fook, Westfield
WEDNESDAY 5 FEBRUARY			
Acting Mayor: Cr Giles-Gidney Councillors Norton, Rozos, Rutherford	11.30am	Citizenship Ceremony	Council Chambers
THURSDAY 6 FEBRUARY			
Cr Saville	6 pm	Opening of IGLU student accommodation	Albert Avenue
SATURDAY 8 FEBRUARY			
Acting Mayor: Cr Giles-Gidney Councillors Coppock, Eriksson, Hooper, Mustaca, Norton, Saville, Sloane, Rozos, Rutherford, Wright	10 am	Chinese New Year Celebrations	Chatswood Mall
Acting Mayor: Cr Giles-Gidney	12.15pm	Chinese New Year Luncheon	Fook Yuen, Chatswood
Acting Mayor: Cr Giles-Gidney Councillor Norton	2 pm	WD Historical Society Meeting	Chatswood Library
Acting Mayor: Cr Giles-Gidney	7 pm	Dinner with Chinese New Year Volunteers	Kam Fook, Westfield
SUNDAY 9 FEBRUARY			
Acting Mayor: Cr Giles-Gidney Councillors Hooper, Norton	6 pm	Bush Poetry Reading at Dusk	Henry Lawson Cave
MONDAY 10 FEBRUARY			
Acting Mayor: Cr Giles-Gidney	2 pm	Launch of Recruitment Video: <i>Compeer</i> Team, St Vincent de Paul	Northbridge Golf Club
WEDNESDAY 12 FEBRUARY			
Acting Mayor: Cr Giles-Gidney	10 am	Community Precinct Safety Meeting	Chatswood Police Station
Acting Mayor: Cr Giles-Gidney Councillor Rutherford	11 am	MOSAIC Korean Group Celebrations for Chinese New Year	MOSAIC Centre

Acting Mayor: Cr Giles-Gidney Councillors Norton, Rutherford, Sloane	6 pm	Cultural Events Workshop	Banksia Room
Cr Saville		One Planet	Outdoor Screen The Concourse
THURSDAY 13 FEBRUARY			
Cr Norton		MHW Progress Assn Meeting	
Acting Mayor: Cr Giles-Gidney Councillor Sloane	7.30 pm	Nareburn Progress Assn Mtg	7 Central Street
FRIDAY 14 FEBRUARY			
Acting Mayor: Cr Giles-Gidney Councillor Eriksson		"Night in Rio"	Castlecrag
SATURDAY 15 FEBRUARY			
Acting Mayor: Cr Giles-Gidney Councillors Norton, Rutherford, Saville, Sloane, Wright. Councillors Hooper, Rozos – <i>for part of Workshop</i>	9 am – 3 pm	Councillors Workshop: Financial Skills	Banksia Room
SUNDAY 16 FEBRUARY			
Cr Norton		Willoughby Band Concert	Zenith Theatre
TUESDAY 18 FEBRUARY			
Acting Mayor: Cr Giles-Gidney Councillors Norton, Rutherford		East Side Progress Association Meeting	Dougherty Centre
WEDNESDAY 19 FEBRUARY			
Acting Mayor: Cr Giles-Gidney Councillors Eriksson, Mustaca, Rutherford	11.30am	Citizenship Ceremony	Council Chambers
Acting Mayor: Cr Giles-Gidney Councillors Coppock, Hooper, Norton, Rutherford, Sloane, Wright	4 pm	PAC Meeting – Channel 9 Development	Uniting Church 10 Clanwilliam Street

RESOLUTION

That the Mayoral report be received.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against the Resolution: Nil.

9 MAYORAL MINUTE

9.1 2014 AUSTRALIA DAY HONOURS AWARDS

RESPONSIBLE OFFICER: NICK TOBIN – GENERAL MANAGER

AUTHOR: DAVID PAGE

MEETING DATE: 24 FEBRUARY 2014

Purpose of Report

To inform Council of the residents in Willoughby who received awards in the 2014 Australia Day Honours List.

Motion

I am pleased to inform Council that the following residents were recognised in the 2014 Australia Day Honours Awards.

Member of the Order of Australia (AM)

BROWNE, Garry
Castlecrag

For significant service to the community as a support of a range of social welfare, youth, Jewish and environmental organisations, and to business.

GASPARI, Robyn Mary
North Ryde

For significant service to the community, particularly women, and as a supporter of charitable, youth and social welfare organisations.
Long term resident of Willoughby, now residing in North Ryde.

Medal of the Order of Australia (OAM)

CASTRISSON, Peter Clary
Willoughby

For service to international relations through providing educational opportunities to people in India.

SNODGRASS, Margaret Patricia
Willoughby

For service to the community of Willoughby.

RESOLUTION

That Council congratulate the recipients on their awards in the 2014 Australia Day Honours List.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Voting

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

Against the Resolution: Nil.

9.2 CHANNEL 9 PROJECT

In light of the recent PAC hearing regarding the proposed Channel 9 project, Council acknowledge and commend the extraordinary efforts of Mr Bob Taffel, in relation to his dedication and commitment to representing and the Willoughby Community and their views regarding the proposed development of the Channel 9 site.

Over a sustained period of time, Bob has worked tirelessly to ensure that the community has been informed and engaged in relation to the proposed plans to redevelop the Channel 9 site. Bob's drive and leadership has galvanized individual community members and groups to rally around a single message of "too high and too dense" – while succeeding in gaining the community's trust and support for appropriate urban renewal and consolidation.

While in the end this has been a "whole of community" effort, including the Willoughby Area Action Group (WAAG) which was formed at the Community Meeting in May 2013 under the leadership of Bob Taffel along with Peter Wilton, Brendan Bond, Meshlin Khouri, Cr Michelle Sloane, Peter Stephenson together with the Artarmon, Naremburn, Northbridge, Castlecrag and Willoughby-Middle Harbour Progress Associations and the Federation of Willoughby Progress Associations. This group was also supported by Council Officers Mr Greg Woodhams, Linda McClure, Lara Nguyen. Within this group, it has been Bob that has been the constant, driving force – always remaining calm, fair and good-humoured.

The process that Bob has led in every sense, a model for how constructive community engagement and consultation can actually work. The Commission Chair Gabrielle Kibble praised Willoughby residents for the consensus on this issue and said how unusual it was for a community to be so united.

Whatever the outcome, Bob Taffel's contribution to our community has been immense – his work is a victory for community and for real consultation and engagement.

RESOLUTION

I Move that Council sends a letter of commendation to Mr Bob Taffel thanking him for his effort and significant contribution to the community consultation regarding the Channel 9 project.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Voting

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

Against the Resolution: Nil.

10 GENERAL MANAGER'S LATE REPORT

NIL

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

Item 15.1 - 58 Alleyne Street, Chatswood - Middle Harbour Ward Councillors Inspection Committee Meeting

Item 18.1 - Asset Management Policy, Improvement Strategy and Plans

12 MATTERS BROUGHT FORWARD BY THE PUBLIC

At this stage, the Deputy Mayor invited members of the public to nominate the items they wished Council to deal with immediately, and these matters were then dealt with in the order so nominated.

Item 18.2 - Voluntary Planning Agreement for Gore Hill Technology Park, 219 Pacific Highway, Artarmon

Item 20.3 - Planning Proposal for Gore Hill Technology Park (Previous ABC Site), Pacific Highway, Artarmon

13 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 14.1.1 (9.1) - Air Quality Monitoring Station - Local Ambient Air Quality

Item 14.1.3 (9.3) - Lane Cove River Coastal Zone Management Plan - Adoption of Plan

Item 14.2.1 (9.1) - The Concourse Wurlitzer Organ Installation Update

Item 18.6 - Motions for Local Government Assembly

Item 18.7 - Terms of Reference - Haven Amphitheatre

Item 18.8 - Gifts and Benefits Annual Report 2013

Item 20.2 - Joint Regional Planning Panel

Item 20.5 - Variations to Development Standards (Use of SEPP 1) Quarter 2 - October 2013 to December 2013

Item 21.3 - Northbridge War Memorial Clock

Item 21.4 - Plaque Request - Beauchamp Park

Item 22.1 - Notice of Motion: Pacific Highway, Chatswood

Item 22.2 - Notice of Motion - Pacific Highway Streetscape

Item 22.3 - Notice of Motion - Proceedings in the Supreme Court Equity Division Case No. 2013/299553

That the remaining items, viz:

Item 14.1 - Transport, Access & Environment Committee Meeting 10 February 2014 - Minutes

Item 14.2 - Cultural & Civic Committee Meeting - 17 February 2014 - Minutes

Item 14.3 - 28 The Parapet, Castlecrag - Sailors Bay Ward Councillors Inspection Committee Meeting - 14 February 2014

Item 14.4 - 34-42 Penshurst Street, Willoughby - Sailors Bay Ward Councillors Inspection Committee Meeting

- Item 14.5 - 7 Mabel Street, Willoughby - Sailors Bay Ward Councillors
Inspection Committee Meeting
- Item 14.6 - 19 Hampden Road, Artarmon - Naremburn Ward Councillors
Inspection Committee Meeting
- Item 16.1 - Councillors Information Booklet - 6 February 2014
- Item 16.2 - Councillors Information Booklet - 13 February 2014
- Item 16.3 - Councillors Information Booklet - 20 February 2014
- Item 17.1 - Outstanding Resolutions Report - To December 2013
- Item 18.3 - Special Rate Variation Community Consultation Summary
- Item 18.4 - Tender Summary - Provision of Web Services
- Item 18.5 - Attendance at National General Assembly of Local Government
in Canberra from 15-18 June 2014
- Item 20.1 - 31-35 Devonshire Street, Chatswood NSW 2067, DA 2013/501
- Item 20.4 - NSROC Waste Alliance Agreement
- Item 20.6 - Applications Determined Under Delegated Authority for the
Months of December 2013 and January 2014
- Item 20.7 - Development Application Report to 17 February 2014
- Item 21.1 - Tender Summary - Assessment of Tender for the Supply of a
Road Sweeper - Tender No. 1409/0905
- Item 21.2 - Tender Summary - Rehabilitation, Relining & Repair of
Stormwater Assets & Associated Works - Tender No 075379
- Item 21.5 - Plaque Request - Clive Park
- Item 21.6 - Plaque Request - Kingsford-Smith Park
- Item 21.7 - Plaque Request - Rose Garden, Beauchamp Park

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

14 REPORTS FROM COMMITTEES

14.1 TRANSPORT, ACCESS & ENVIRONMENT COMMITTEE MEETING - 10 FEBRUARY 2014 - MINUTES

ATTACHMENT:	1. MINUTES
RESPONSIBLE OFFICER:	GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR
AUTHOR:	GREG WOODHAMS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To present the minutes of the Transport, Access & Environment Committee Meeting held on 10 February 2014.

RESOLUTION

That:

1. the Minutes be received.
2. Council note the resolutions adopted by the Committee.
3. Council adopt the Committee's recommendations with the exception of:
 - Item 14.1.1 (9.1) - Air Quality Monitoring Station - Local Ambient Air Quality
 - Item 14.1.1 (9.3) - Lane Cove River Coastal Zone Management Plan - Adoption of Plan

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

14.1.1 (9.1) AIR QUALITY MONITORING STATION - LOCAL AMBIENT AIR QUALITY

ATTACHMENT:	1. GRAPHS PM₁₀ & PM_{2.5} DATA FOR 2011/12 & 2012/13
RESPONSIBLE OFFICER:	GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR
AUTHOR:	ANGELO BERIOS - ENVIRONMENTAL HEALTH COORDINATOR
CITY STRATEGY LINK:	2.1.3 REDUCE POLLUTION
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To provide an update on the operation of Councils air quality monitoring station (AQMS) located at Mowbray Public School.

RESOLUTION

That:

1. the report be received and noted.
2. the Air Quality Monitoring Station at Mowbray Public School be decommissioned.
3. further investigations are made into relocating the air quality monitoring station to the Artarmon area and that a further report on this matter be presented to Council.
4. the report under 3. above include proposals for siting the monitoring station after Artarmon with particular consideration being given to adjoining schools such as Chatswood Public School.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against the Resolution: Nil.

**14.1.3 (9.3) LANE COVE RIVER COASTAL ZONE MANAGEMENT PLAN -
ADOPTION OF PLAN**

ATTACHMENTS:	1. LANE COVE RIVER COASTAL ZONE MANAGEMENT PLAN – EXECUTIVE SUMMARY 2. COMMUNITY FEEDBACK FROM PUBLIC EXHIBITION - SUMMARY 3. ACTION PLAN TABLE 4. LANE COVE RIVER COASTAL ZONE MANAGEMENT PLAN – FINAL JULY 2013 (AVAILABLE TO COUNCILLORS IF REQUIRED)
RESPONSIBLE OFFICER:	GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR
AUTHOR:	ANGELO BERIOS – ENVIRONMENTAL HEALTH COORDINATOR
DELIVERY PROGRAM ITEM:	2.1.1 CONSERVATION AND MAINTENANCE OF WILLOUGHBY’S NATURAL ECOSYSTEMS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To request Council to adopt the Lane Cove River - Coastal Zone Management Plan – Final July (*the Plan*). (A copy of the full document can be provided to Councillors if requested).

RESOLUTION

- A. That the Lane Cove River Coastal Zone Management Plan dated July 2013 be adopted.**
- B. That the Officers clarify the issues raised by Mr McCredie in relation to pollution sources in the Lane Cove Catchment that are the responsibility of Sydney Water under their licensing agreement with the EPA, and that the matters be referred to the EPA as the licensing authority for their consideration and action.**

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

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

Against the Resolution: Nil.

14.2 CULTURAL & CIVIC COMMITTEE MEETING - 17 FEBRUARY 2014 - MINUTES

ATTACHMENT: 1. MINUTES
RESPONSIBLE OFFICER: MEL SMITH - COMMUNITY SERVICES DIRECTOR
AUTHOR: MEL SMITH
MEETING DATE: 24 FEBRUARY 2014

Purpose of Report

To present the minutes of the Cultural & Civic Committee Meeting held 17 February 2014.

RESOLUTION

That:

1. the Minutes be received.
2. Council note the resolutions adopted by the Committee.
3. Council adopt the Committee's recommendations with the exception of:
 - Item 14.2.1 (9.1) - The Concourse Wurlitzer Organ Installation Update

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

14.2.1 (9.1) THE CONCOURSE WURLITZER ORGAN INSTALLATION UPDATE

ATTACHMENT:	1. SUMMARY REPORT – JOHN ANDREWS (TONAL RESOURCES)
RESPONSIBLE OFFICER:	NICK TOBIN - GENERAL MANAGER
AUTHOR:	GARY PARSONS – MAJOR PROJECTS DELIVERY MANAGER
CITY STRATEGY LINK:	1.1.4 ART AND CULTURAL ACTIVITIES PROVIDE ENRICHING OPPORTUNITIES FOR PEOPLE
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To provide Council with an update on the status of the Wurlitzer Organ.

MOTION

That no further work be carried out.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR RUTHERFORD

LOST

Voting

For the Resolution: Councillors Eriksson, Rutherford and Wright.

Against the Resolution: Councillors Giles-Gidney, Coppock, Hooper, Mustaca, Norton, Rozos, Saville and Sloane.

RESOLUTION

That:

- 1. Council's consultant Tonal Resources prepare a scope of works documenting the requirements to bring the project to completion.**
- 2. Council publicly advertise for contractors to complete the installation of the Wurlitzer organ within the Concert Hall at The Concourse.**
- 3. A further report be brought back to Council advising as to the outcome of the tender process.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against the Resolution: Councillors Rutherford and Wright.

**14.3 28 THE PARAPET, CASTLECRAG - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 14 FEBRUARY
2014**

ATTACHMENT: 1. MINUTES

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING
MANAGER

AUTHOR: KATE DRINAN

MEETING DATE: 24 FEBRUARY 2014

Purpose of Report

To present the minutes of the Sailors Bay Ward Councillors Committee held 14 February 2014.

RESOLUTION

That:

- 1. the Minutes be received.**
- 2. Council note the resolution adopted by the Committee, viz:**

That the application be approved in accordance with the Officer's Recommendation subject to an additional condition requiring a wall to the carport on the eastern boundary in accordance with Plan Dwg C3 Supplementary Drawing: Carport.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

**14.4 34-42 PENSURST STREET, WILLOUGHBY - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING**

ATTACHMENT:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - DEVELOPMENT PLANNING MANAGER
AUTHOR:	ANA VISSARION - DEVELOPMENT PLANNER
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To list on the agenda the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 14 February 2014.

RESOLUTION

That:

- 1. The Minutes be received.**
- 2. Council note the resolution adopted by the Committee, viz:**

That the application be approved in accordance with the Officer's Recommendation with the following changes:

A. Condition 72 (c) of consent (Affordable Housing) to be replaced by:

- (c) A restriction must be registered, before the date of the issue of any occupation certificate for the development, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.

Upon registration of a strata plan, the restriction may be placed on the title of each strata allotment for which the apartment is nominated as affordable housing in lieu of the restriction applying to the overall development site.

- B. Council's Officers shall ensure that Condition 39 of consent (Asbestos Removal) refers to current legislation and, if necessary, amend the condition accordingly. Standard conditions of consent regarding asbestos shall be revised to ensure they reflect up-to-date legislation.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

**14.5 7 MABEL STREET, WILLOUGHBY - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING**

ATTACHMENT:	1. MINUTES
RESPONSIBLE OFFICER:	PETER ROWAN - BUILDING SERVICES MANAGER
AUTHOR:	JOHN FIELDING - DEVELOPMENT OFFICER
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To present the Minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 14 February 2014.

RESOLUTION

That:

- 1. the Minutes be received.**
- 2. Council note the resolution adopted by the Committee, viz:**

That the application be approved in accordance with the Officer's Recommendation subject to:

- Submission of landscape details for planting between verandah and northern side dividing boundary, specifying species so as to achieve a no access area. Species to be approved by Council.
- Provision of a gate between the northern dividing boundary and the front north-western corner of the proposed new roofed verandah. The gate shall be of a height and style to complement and match the proposed front timber picket fence.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

14.6 19 HAMPDEN ROAD, ARTARMON - NAREMBURN WARD COUNCILLORS INSPECTION COMMITTEE MEETING

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING MANAGER

AUTHOR: CHI KONG - DEVELOPMENT PLANNER

MEETING DATE: 24 FEBRUARY 2014

Purpose of Report

To list on the agenda the Minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 21 February 2014.

RESOLUTION

That the Officer's Recommendation be adopted, viz:

"That the application be approved and delegated authority be granted to the General Manager to issue the deferred commencement consent notice subject to the addition of Condition 3 in Schedule 1 and modification of Condition 2(b) to incorporate the amendments to the proposal as agreed in this Ward Councillors Meeting as follows:

Add Condition 3 in Schedule 1 to read as follows:

3. Amended Architectural Plans

The architectural plans are to be amended as follows:

- *Delete the stairs located on the north-western side of the ground floor level leading to the rear communal area,*
- *Replace the glass block wall on the north-western side of the driveway to the basement car park with a solid wall for a sufficient area to prevent headlight intrusion into windows of No. 21 Hampden Road,*
- *Redesign the lift lobby area on the basement car park level to provide a safe and convenient access for the residents to access the rear communal area on the ground floor level. This may require deletion of some storage area and relocation of bicycle racks.*
(Reason: Amenity and compliance)

Amend Condition 2(b) in Schedule 2 to read as follows:

2. Amendments

2(b) The Landscape Plan is to be amended as follows:

- *Deletion of the five Water Gums along the north-western boundary and replacement with trees having a maximum maturity height of 4m,*

- *Installation of a tree barrier along the north-western boundary from the front building line to the rear boundary of the property,*
- *Appropriate screen planting along the entire length of the north-western boundary."*

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

15 DEFERRED MATTERS**15.1 58 ALLEYNE STREET, CHATSWOOD - MIDDLE HARBOUR WARD
COUNCILLORS INSPECTION COMMITTEE MEETING**

ATTACHMENT: 1. MINUTES & WARD REPORT

RESPONSIBLE OFFICER: PETER ROWAN - BUILDING SERVICES MANAGER

AUTHOR: MARK GRACZYK - DEVELOPMENT OFFICER
(BUILDING SURVEYOR)

MEETING DATE: 3 FEBRUARY 2014

Purpose of Report

To present the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 18 December 2013.

MOTION

That the matter be deferred until the applicant has had the opportunity to talk to the Council Officers.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against the Motion: Nil.

16 CORRESPONDENCE

16.1 COUNCILLORS INFORMATION BOOKLET - 6 FEBRUARY 2014

RESPONSIBLE OFFICER:	NICK TOBIN - GENERAL MANAGER
AUTHOR:	SUE SCHURMAN - EXECUTIVE ASSISTANT
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet which was circulated to all Councillors on 6 February 2014.

RESOLUTION

That the Councillors Information Booklet be received.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

16.2 COUNCILLORS INFORMATION BOOKLET - 13 FEBRUARY 2014

RESPONSIBLE OFFICER:	NICK TOBIN - GENERAL MANAGER
AUTHOR:	SUE SCHURMAN - EXECUTIVE ASSISTANT
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet which was circulated to all Councillors on 13 February 2014.

RESOLUTION

That the Councillors Information Booklet be received.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

16.3 COUNCILLORS INFORMATION BOOKLET - 20 FEBRUARY 2014

RESPONSIBLE OFFICER:	NICK TOBIN - GENERAL MANAGER
AUTHOR:	SUE SCHURMAN - EXECUTIVE ASSISTANT
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet which was circulated to all Councillors on 20 February 2014.

RESOLUTION

That the Councillors Information Booklet be received.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

17 REPORTS FROM OFFICERS - GENERAL MANAGER**17.1 OUTSTANDING RESOLUTIONS REPORT - TO DECEMBER 2013**

ATTACHMENT:	1. REPORT
RESPONSIBLE OFFICER:	NICK TOBIN - GENERAL MANAGER
AUTHOR:	SUE SCHUURMAN - EXECUTIVE ASSISTANT
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To refer to Council the Outstanding Resolutions Report.

Report

Report on Outstanding Resolutions to end December 2013 is attached.

RESOLUTION

That the report be received.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

18 REPORTS FROM OFFICERS - CORPORATE SERVICES DIRECTOR

18.1 ASSET MANAGEMENT POLICY, IMPROVEMENT STRATEGY AND PLANS

ATTACHMENTS:

1. ASSET MANAGEMENT POLICY & IMPROVEMENT STRATEGY
2. ROAD PAVEMENTS ASSET MANAGEMENT PLAN
3. FOOTPATHS ASSET MANAGEMENT PLAN
4. KERB & GUTTER ASSET MANAGEMENT PLAN
5. STORMWATER ASSET MANAGEMENT PLAN
6. BRIDGES ASSET MANAGEMENT PLAN
7. BUILDINGS ASSET MANAGEMENT PLAN
8. PARKS ASSET MANAGEMENT PLAN
9. SPORTSGROUNDS ASSET MANAGEMENT PLAN
10. PLAYGROUNDS ASSET MANAGEMENT PLAN

NOTE: ATTACHMENTS NO. 2-10 DISTRIBUTED UNDER SEPARATE COVER

RESPONSIBLE OFFICER: TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
TONY PIZZUTO - FINANCIAL SERVICES DIRECTOR
PAUL COLLINGS – ACTING INFRASTRUCTURE SERVICES DIRECTOR

AUTHOR: KELLIE ADLAM

CITY STRATEGY LINK: 4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE

MEETING DATE: 24 FEBRUARY 2014

Purpose of Report

To present the 2013/14 Asset Management Policy, Improvement Strategy and Plans to Council for adoption

RESOLUTION

That the matter be deferred to the next Transport, Access & Environment Committee.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against the Resolution: Nil.

18.2 VOLUNTARY PLANNING AGREEMENT FOR GORE HILL TECHNOLOGY PARK, 219 PACIFIC HIGHWAY, ARTARMON

ATTACHMENT:	1. VPA
RESPONSIBLE OFFICER:	JEFF ELLIS - ECONOMIC AND PROPERTY DEVELOPMENT DIRECTOR
AUTHOR:	JEFF ELLIS - ECONOMIC AND PROPERTY DEVELOPMENT DIRECTOR
CITY STRATEGY LINK:	5.1.1 LOCAL BUSINESS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To report on the Draft Voluntary Planning Agreement (VPA) submitted in conjunction with the Planning Proposal for the Gore Hill Technology Park at 219 Pacific Highway, Artarmon.

The report recommends that Council support the VPA and publically exhibit it with the Planning Proposal.

This matter was dealt with in conjunction with Item 20.3.

RESOLUTION

That:

- 1. Council endorse the proposal to enter into a Voluntary Planning Agreement with Lindsay Bennelong Developments Pty Limited in respect to Planning Proposal and undertake the public exhibition process.**
- 2. Delegated authority be granted to the General Manager and the Mayor to sign the agreement when finalised.**
- 3. the planning agreement be included in Council's Annual Report as per S.93G(5) of the Environmental Planning and Assessment Act upon execution.**
- 4. the Agreement be registered with the Department of Planning and Infrastructure upon execution.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against the Resolution: Nil.

Absent: Councillor Coppock.

Councillor Coppock declared a non-significant non-pecuniary interest in this item and withdrew from the Chamber and took no part in the discussion or voting.

18.3 SPECIAL RATE VARIATION COMMUNITY CONSULTATION SUMMARY

RESPONSIBLE OFFICER: TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
TONY PIZZUTO - FINANCIAL SERVICES DIRECTOR

AUTHOR: DARIUS TURNER – CORPORATE PLANNING AND GOVERNANCE CO-ORDINATOR

CITY STRATEGY LINK: 6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION

MEETING DATE: 24 FEBRUARY 2014

Purpose of Report

To inform Council of the feedback received through the final phase of community consultation regarding the proposed Special Rate Variation for 2014/15.

RESOLUTION

That the information be noted.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

18.4 TENDER SUMMARY - PROVISION OF WEB SERVICES

RESPONSIBLE OFFICER:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
AUTHOR:	AMANDA JANSSENS – INFORMATION MANAGEMENT GROUP MANAGER
CITY STRATEGY LINK:	6.2.1 A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To seek Council's approval for the engagement of a suitably qualified contractor to provide web services, including content management software, hosting and professional services for Council's websites and intranet.

RESOLUTION

That:

1. Council accept the tender from Seamless for the provision of Web Services.
2. the General Manager and the Mayor be authorised to execute the contract documents.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

18.5 ATTENDANCE AT NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT IN CANBERRA FROM 15 - 18 JUNE 2014

RESPONSIBLE OFFICER:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
AUTHOR:	DAVID PAGE
CITY STRATEGY LINK:	6.3.4 COUNCIL WORKS WITH STATE AND REGIONAL ORGANISATIONS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To obtain approval for the Mayor and General Manager to attend the National General Assembly of Local Government in Canberra from 15-18 June 2014.

RESOLUTION

That the Mayor and the General Manager be authorised to attend the National General Assembly of Local Government in Canberra from 15-18 June 2014.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

18.6 MOTIONS FOR LOCAL GOVERNMENT ASSEMBLY

ATTACHMENT:	1. DISCUSSION PAPER
RESPONSIBLE OFFICER:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
AUTHOR:	DAVID PAGE
CITY STRATEGY LINK:	6.2.1 A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To consider the motions that Council wishes to submit to the General assembly of Local Government in Canberra to be held from 15-18 June 2014.

RESOLUTION

That the General Manager bring back a report to identify motions it wishes to submit to the 2014 National General Assembly of Local Government, including:

That the National Assembly call on the Federal Government to increase funding with local government throughout Australia for community exercise programs to assist with Preventative Health measures.

That the National Assembly call on the Federal Government to consider changing the method of distributing commonwealth taxes with local government throughout Australia so that a more direct funding model is adopted.

That this National Assembly call upon the Federal and State Governments to remove regulatory barriers and provide funding for Councils to develop local decentralised renewable energy production facilities.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against the Resolution: Nil.

18.7 TERMS OF REFERENCE - HAVEN AMPHITHEATRE COMMITTEE

ATTACHMENT:	1. DRAFT TERMS OF REFERENCE FOR THE HAVEN AMPHITHEATRE COMMITTEE
RESPONSIBLE OFFICER:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
AUTHOR:	VLADIMIR GREPL - GOVERNANCE AND CORPORATE PLANNING OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To consider adopting a Terms of Reference for the Haven Amphitheatre Committee.

RESOLUTION

That Council adopts the draft Terms of Reference for the Haven Amphitheatre Committee as presented in the attachment along with the following additions:

- 1. Include one Willoughby City Council staff representative as nominated by the General Manager.**
- 2. Reword section 4.2 to read: Any Committee member wishing to resign from the Committee shall do so in writing. When a member is absent for three (3) consecutive meetings without an apology their position will be declared vacant.**
- 3. The quorum for Haven Amphitheatre Committee meetings will be half of its ordinary community members plus one.**

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against the Resolution: Nil.

18.8 GIFTS AND BENEFITS ANNUAL REPORT 2013

RESPONSIBLE OFFICER:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
AUTHOR:	VLADIMIR GREPL - GOVERNANCE & CORPORATE PLANNING OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To present the Gifts and Benefits Register to Council in accordance with the requirements of Council's Gifts and Benefits Policy and Code of Conduct.

RESOLUTION

That Council notes the 2013 Gifts and Benefits Register.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against the Resolution: Nil.

**19 REPORTS FROM OFFICERS - COMMUNITY SERVICES
DIRECTOR**

NIL

20 REPORTS FROM OFFICERS - ENVIRONMENTAL SERVICES DIRECTOR

20.1 31-35 DEVONSHIRE STREET, CHATSWOOD NSW 2067, DA 2013/501

ATTACHMENTS:

1. FIRST JUDGEMENT - 18 JULY 2013
2. SECOND JUDGEMENT - 30 OCTOBER 2013
3. NOTIFICATION MAP
4. PLANS AND ELEVATIONS

MEETING DATE: 24 FEBRUARY 2014

RECOMMENDATION: REFUSAL

LOCATION: 31-35 DEVONSHIRE STREET, CHATSWOOD NSW 2067

APPLICANT: H Y KOO & ASSOCIATES ARCHITECTS

OWNER: MAYGOOD AUSTRALIA PTY LTD

PROPOSAL: ALTERATIONS AND ADDITIONS TO APPROVED RESIDENTIAL FLAT BUILDING INVOLVING CHANGE TO LEVEL 9 TO CREATE UNITS OVER TWO FLOORS AND ADDITIONAL STOREY (LEVEL 10).

DATE OF LODGEMENT: 25 NOVEMBER 2013

VALID APPLICATION DATE: 25 NOVEMBER 2013

REPORTING OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING MANAGER

RESPONSIBLE OFFICER: greg woodhams - environmental services director

DESCRIPTION OF PROPOSAL

Development application 2013/501 seeks Council's consent for alterations and additions to an approved nine storey Residential Flat Building, DA2007/635, including an additional upper level (Level 10).

The current application seeks approval for the same development as DA-2012/301, which was refused in the Land and Environment Court, with the exception of a minor change to the roof over level 9 and 10 and some façade changes.

An appeal in respect of deemed refusal of the current application has been received by Council and a call-over in respect to the appeal has been set for 13th February 2014. As such the application is referred to Council for determination.

RESOLUTION

1. That Council not support the clause 4.6 variation to the 1.7:1 floor space ratio control as it is considered unreasonable and unnecessary to further exceed the development standard of Clause 4.4 of WLEP 2012 (FSR).
2. That the application be refused and delegated authority be granted to the General Manager to issue the Refusal notice for the reasons outlined in the attached schedule.

MOVED COUNCILLOR MUSTACA**SECONDED COUNCILLOR SAVILLE****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.**Against the Resolution:** Nil.

Schedule

Reasons for Refusal

1. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 the proposed development does not comply with the objectives and provisions of clause 4.4 of Willoughby Local Environmental Plan 2012 (floor space ratio) and in this respect the clause 4.6 submission seeking further variation to the 1.7:1 floor space ratio control is not well founded.
2. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 the proposed development is inconsistent with the design principles set out in State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings and the Residential Flat Design Code, in particular Principle 1 (Context); Principle 2 (Scale); Principle 3 (Built Form); Principle 4 (Density); Principle 10 (Aesthetics).
3. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979 the proposed development does not comply with the objectives and provisions of Part D.2 of Willoughby Development Control Plan, in particular Parts D.2.1 (Objectives); Part D.2.5 (Density and Height); Part D.2.8 (Setbacks); and Part D.2.13 (Solar Access and Overshadowing).
4. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 the bulk and scale of the proposed development will result in an unacceptable streetscape impact.
5. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 the application does not adequately demonstrate that the additional level (Level 10) will not result in further overshadowing of adjoining residential properties between the hours of 9.00am and 3.00pm mid-winter.
6. Pursuant to Section 79C(1)(c) and (e) the proposed development is not considered suitable for the site and locality and is not in the public interest.

20.2 JOINT REGIONAL PLANNING PANEL**RESPONSIBLE OFFICER: GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR****AUTHOR: GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR****MEETING DATE: 24 FEBRUARY 2014**

Purpose of Report

To consider appointment of nominees to represent Council on the Joint Regional Planning Panel.

RESOLUTION**That:****A. the Council nominate to the Joint Regional Planning Panel:**

- i) the Willoughby City Mayor (subject to the completion of the election process) with the Deputy Mayor as elected by the Council from year to year being the alternate, and**
- ii) the Strategic Planning Manager, with the alternate for that position being the Building Services Manager.**

B. pending the election of the Willoughby Mayor, the Acting Mayor, Cllr Giles-Gidney be nominated as Council member on an interim basis with the previous Deputy Mayor, Cllr Coppock being the alternate.**MOVED COUNCILLOR NORTON****SECONDED COUNCILLOR SLOANE****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.**Against the Resolution:** Nil.

**20.3 PLANNING PROPOSAL FOR GORE HILL TECHNOLOGY PARK
(PREVIOUS ABC SITE), PACIFIC HIGHWAY, ARTARMON**

ATTACHMENTS:	1. COUNCIL REPORT DATED 10 DECEMBER 2012 2. REVISED PLANNING PROPOSAL DECEMBER 2013 3. COMPARISON TABLE FROM APPLICANT OF DEVELOPMENT STATISTICS FOR DIFFERENT PROPOSALS DATED 17 DECEMBER 2013 4. PROPOSED AMENDMENT TO WLEP2012 HEIGHT OF BUILDING MAP
RESPONSIBLE OFFICER:	LINDA MCCLURE, STRATEGIC PLANNING MANAGER
AUTHOR:	JANE HOSIE, STRATEGIC PLANNER
DELIVERY PROGRAM ITEM:	5.1 1 LOCAL BUSINESS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

The purpose of this report is to update Council on the progress of outstanding matters and amendments to the Planning Proposal for the Gore Hill Technology Park at 219 Pacific Highway, (now known as 1-5 Broadcast Way) Artarmon submitted by Lindsay Bennelong Developments. The report recommends that Council support a Planning Proposal for the site for referral to the Gateway and public exhibition. The Planning Proposal is associated with a draft Voluntary Planning Agreement (VPA) between Council and the applicant which is the subject of a separate report to Council from the Economic Development Director.

This matter was dealt with in conjunction with Item 18.2.

RESOLUTION

That:

- 1. The Planning Proposal for the amendment of WLEP 2012 for lots 5 and 6 DP 270714 known as 2-4 Broadcast Way and clause 4.6, as outlined in this report be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act, 1979.**
- 2. Draft amendments to Willoughby Development Control Plan Part I.5 ABC Gore Hill Divestment Site Artarmon, be exhibited with the amendment to the WLEP 2012 for the Planning Proposal to reflect the changes to the WLEP 2012 relating to the site.**
- 3. The proposed new draft VPA outlined in the Economic Director's report be advertised concurrently with the Planning Proposal.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against the Resolution: Nil.

Absent: Councillor Coppock.

Councillor Coppock declared a non-significant non-pecuniary interest in this item and withdrew from the Chamber and took no part in the discussion or voting.

20.4 NSROC WASTE ALLIANCE AGREEMENT

ATTACHMENT:	1. REPORT FROM 3 JUNE 2013
RESPONSIBLE OFFICER:	GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR
AUTHOR:	SALLY HAMILTON - SUSTAINABILITY PROJECTS DIRECTOR
CITY STRATEGY LINK:	2.1.3 REDUCE POLLUTION
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

In June 2013, Council resolved to participate in the first stage of the NSROC joint waste disposal project which involves inviting tenders for waste disposal services for the NSROC group. Advice has been received that the June 2013 resolution needs to be reframed as an application to the Minister for Local Government.

RESOLUTION

That:

- 1. Council apply to the Minister for Local Government for consent under section 358 of the *Local Government Act 1993* to enter into a participation agreement with each of the other member councils of NSROC who are participating in the regional waste project.**
- 2. NSROC progress a regional application including Willoughby City Council for the Minister's approval to enter into a participation agreement with each of the member councils of NSROC which are participating in the regional waste project.**
- 3. Council note that the Northern Sydney Councils Waste Alliance Agreement will specify the roles and responsibilities of councils in participating in and managing a joint contract for waste disposal and processing.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

**20.5 VARIATIONS TO DEVELOPMENT STANDARDS (USE OF SEPP 1)
QUARTER 2 - OCTOBER 2013 TO DECEMBER 2013**

ATTACHMENT: 1. LIST OF APPLICATIONS WITH VARIATIONS TO
DEVELOPMENT STANDARDS QUARTER 2 -
OCTOBER 2013 TO DECEMBER 2013

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING
MANAGER

AUTHOR: JUDY MUIR - ADMINISTRATION MANAGER

MEETING DATE: 24 FEBRUARY 2014

Purpose of Report

The attached schedule lists development applications determined during the 2nd Quarter (October 2013 to December 2013) with variations in development standards as reported to the Department of Planning and Infrastructure.

RESOLUTION

That the information be noted.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

20.6 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF DECEMBER 2013 AND JANUARY 2014

ATTACHMENT:	1. LIST OF DETERMINED APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT - DEVELOPMENT PLANNING MANAGER, PETER ROWAN - BUILDING SERVICES MANAGER
AUTHOR:	BUILDING SURVEYORS, DEVELOPMENT PLANNERS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

The attached schedule lists all applications determined under delegated authority for the months of December 2013 and January 2014.

RESOLUTION

That the information be noted.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

20.7 DEVELOPMENT APPLICATION REPORT TO 17 FEBRUARY 2014

ATTACHMENTS:	1. LIST OF APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT - DEVELOPMENT PLANNING MANAGER, PETER ROWAN - BUILDING SERVICES MANAGER
AUTHOR:	BUILDING SURVEYORS, DEVELOPMENT PLANNERS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

The attached schedule lists all current development applications grouped by suburb.

RESOLUTION

That the information be noted.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

21 REPORTS FROM OFFICERS - INFRASTRUCTURE SERVICES DIRECTOR

21.1 TENDER SUMMARY - ASSESSMENT OF TENDER FOR THE SUPPLY OF A ROAD SWEEPER - TENDER NO. 1409/0905

RESPONSIBLE OFFICER:	PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR
AUTHOR:	SUNIL GAMAGE, ACTING WORKS MANAGER
CITY STRATEGY LINK:	2.1.1 CONSERVE AND MAINTAIN WILLOUGHBY'S NATURAL ECOSYSTEMS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To inform Council of the tenders that were submitted as part of the Procurement Australia tender undertaken on behalf of Council for the supply of a Road Sweeper and to recommend a successful supplier.

RESOLUTION

That:

1. the tender for the supply of a Schwarze A6500 GS Road Sweeper from Schwarze Industries be accepted.
2. the Mayor and the General Manager be authorised to affix the Common Seal of Council to the successful tender documents.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

**21.2 TENDER SUMMARY - REHABILITATION, RELINING & REPAIR OF
STORMWATER ASSETS & ASSOCIATED WORKS - TENDER NO 075379**

RESPONSIBLE OFFICER:	PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR
AUTHOR:	DAVID SUNG - ENGINEERING SERVICES MANAGER RON YIP - PROJECTS GROUP LEADER - ENGINEERING SERVICES
CITY STRATEGY LINK:	4.1.1 PLAN MAIN OPS INFRASTRUCT
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To seek Council's approval for the engagement of a pipe-relining contractor to undertake stormwater pipeline rehabilitation work as part of the Local Infrastructure Renewal Scheme (LIRS).

RESOLUTION

That:

- 1. Council engage Insituform to undertake all relining work to a value of \$1.2m (Incl GST) for packages 1 and 2 with the remaining funds available under the LIRS list of project.**
- 2. Package 3 work to be undertaken by insituform in 2015/2016 & 2016/2017 and is to be funded from budget allocation under the corresponding years' Stormwater Levy and PIP project allocations.**
- 3. the General Manager and Acting Mayor be authorised to execute the contract documents under the Common Seal of Council.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

21.3 NORTHBRIDGE WAR MEMORIAL CLOCK

RESPONSIBLE OFFICER:	NICK TOBIN - GENERAL MANAGER
AUTHOR:	NICK TOBIN - GENERAL MANAGER
CITY STRATEGY LINK:	3.2.1 THE HERITAGE OF WILLOUGHBY IS IDENTIFIED AND PROTECTED
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To seek Council's approval to allocate funds to the restoration of the Northbridge War Memorial Clock.

RESOLUTION

That:

- 1. Council advise Northbridge Progress Association that, subject to them contributing a total of \$10,000, Council will carry out repairs to the memorial and replace the clock.**
- 2. Council allocate a maximum of \$48,000 from its Property Reserve to fund the work.**
- 3. Council seek funding support from local RSL and Local Federal Member to apply to the 'Anzac Centenary Local Grants Fund' who has access to up to \$150,000 to go towards local projects. Please note applications close on 31 March 2014.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against the Resolution: Nil.

21.4 PLAQUE REQUEST - BEAUCHAMP PARK**RESPONSIBLE OFFICER: PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR****AUTHOR: JULIE WHITFIELD - OPEN SPACE MANAGER****CITY STRATEGY LINK: 3.1.3 LOCAL CHARACTER****MEETING DATE: 24 FEBRUARY 2014**

Purpose of Report

To approve the placing of a memorial plaque on a seat at Beauchamp Park commemorating Patricia and Darrell Miley's contribution to the local area during the 50 years that they lived across the road at 46 Nicholson Street.

RESOLUTION

That Council approve the placing of a memorial plaque on a seat at Beauchamp Park.

MOVED COUNCILLOR MUSTACA**SECONDED COUNCILLOR HOOPER****CARRIED****Voting**

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

Against the Resolution: Nil.

21.5 PLAQUE REQUEST - CLIVE PARK

RESPONSIBLE OFFICER: PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR

AUTHOR: JULIE WHITFIELD - OPEN SPACE MANAGER

CITY STRATEGY LINK: 3.1.3 LOCAL CHARACTER

MEETING DATE: 24 FEBRUARY 2014

Purpose of Report

To approve the placing of a memorial plaque on a seat at Clive Park or adjacent to the corner of Aubrey and Sailors Bay Road, Northbridge, to honour Nancy Bryce.

RESOLUTION

That Council approve the placing of a memorial plaque on a seat at Clive Park or adjacent to the corner of Aubrey and Sailors Bay Road, Northbridge.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against the Resolution: Nil.

21.6 PLAQUE REQUEST - KINGSFORD-SMITH PARK**RESPONSIBLE OFFICER: PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR****AUTHOR: JULIE WHITFIELD - OPEN SPACE MANAGER****CITY STRATEGY LINK: 3.1.3 LOCAL CHARACTER****MEETING DATE: 24 FEBRUARY 2014**

Purpose of Report

To approve the placing of a memorial plaque on a seat at Kingsford-Smith Park at Ulm Street, Lane Cove North to honour Mrs Lorna Robin, a local identify who passed away earlier this month.

RESOLUTION

That Council approve the placing of a memorial plaque on a seat at Kingsford Smith Park, Lane Cove North.

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

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

Against the Resolution: Nil.

21.7 PLAQUE REQUEST - ROSE GARDEN, BEAUCHAMP PARK**RESPONSIBLE OFFICER: PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR****AUTHOR: JULIE WHITFIELD - OPEN SPACE MANAGER****CITY STRATEGY LINK: 3.1.3 LOCAL CHARACTER****MEETING DATE: 24 FEBRUARY 2014**

Purpose of Report

To approve the placing of a memorial plaque on a seat at the Rose Garden at Beauchamp to honour Mrs Peggy Canfield, OAM.

RESOLUTION

That Council approve the placing of a memorial plaque on a seat at the Rose Garden at Beauchamp Park in honour of Mrs Canfield.

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

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

Against the Resolution: Nil.

22 NOTICE OF MOTION

22.1 NOTICE OF MOTION: PACIFIC HIGHWAY, CHATSWOOD

RESPONSIBLE OFFICER: NICK TOBIN – GENERAL MANAGER

AUTHOR: NICK TOBIN – GENERAL MANAGER

MEETING DATE: 24 FEBRUARY 2014

Purpose of Report

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

THAT the Roads and Maritime Services be requested to provide an audit of traffic and pedestrian condition along the Pacific Highway between Boundary Road, Chatswood and Christie Street, St Leonards and provide a summary of actions to be undertaken to improve both traffic flow and pedestrian safety, together with a proposed timeframe for works to be undertaken.

THAT Council request RMS to provide the results of the audit in three months, together with proposed action plans.

MOTION

That the Roads and Maritime Services be requested to provide an audit of traffic and pedestrian condition along the Pacific Highway between Boundary Street, Chatswood and Christie Street, St Leonards provide a summary of actions to be undertaken to improve both traffic flow and pedestrian safety, together with a proposed timeframe for works to be undertaken.

That recognising that the project could be staged, Council request RMS to provide the results of the audit in three months, together with proposed action plans.

That Council write to Lane Cove Council asking it to move a similar motion and to proceed jointly.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Coppock, Hooper, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against the Motion: Councillors Eriksson and Mustaca.

22.2 NOTICE OF MOTION - PACIFIC HIGHWAY STREETSCAPE**RESPONSIBLE OFFICER: NICK TOBIN – GENERAL MANAGER****AUTHOR: NICK TOBIN – GENERAL MANAGER****MEETING DATE: 24 FEBRUARY 2014**

Purpose of Report

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

THAT Willoughby City Council develops a strategy for, and provides funding to improve the amenity, streetscapes and footpaths, with tree planting and vegetation, within WCC, along Pacific Highway between Boundary Road and St. Leonards.

RESOLUTION

That a report be prepared outlining costs and options for implementation of a streetscape improvement program for the Pacific Highway.

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR NORTON****CARRIED****Voting**

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

Against the Resolution: Nil.

22.3 NOTICE OF MOTION - PROCEEDINGS IN THE SUPREME COURT EQUITY DIVISION CASE NO. 2013/299553**RESPONSIBLE OFFICER: NICK TOBIN – GENERAL MANAGER****AUTHOR: NICK TOBIN – GENERAL MANAGER****MEETING DATE: 24 FEBRUARY 2014**

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

Purpose of Report

Councillor S Coppock has indicated his intention to move the following Notice of Motion:

THAT Council direct its Officers to commence settlement discussion with the plaintiffs immediately for the settlement of the proceedings in the SUPREME COURT, EQUITY DIVISION No 2013/2995533 (the Talus Reserve litigation) on the basis that each Party pays its own costs.

Procedural Motion

That this matter be dealt with in Confidential session.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against the Motion: Nil.

23 CONFIDENTIAL ITEMS

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion 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.

Pursuant to Section 10A(4) of the *Local Government Act 1993*, the Deputy Mayor informed the Meeting that no written representations had been received from members of the public.

Procedural Motion

That:

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

23.1 ADDITIONAL INFORMATION - PROVISION OF WEB SERVICES

*That the above item be considered in Closed Session to the exclusion of the press and public in accordance with **Section 10A(2) (c) of the Local Government Act, 1993**, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

This matter is confidential because it contains commercial information which has been provided to Council on a confidential basis and, if made public, could jeopardise commercial negotiations to the detriment of Council or another entity or entities with which Council is dealing. On balance, it is not in the public interest to reveal this information as it may prejudice the Council's position in a commercial transaction under consideration.

23.2 ADDITIONAL INFORMATION - ASSESSMENT OF TENDER FOR THE SUPPLY OF A ROAD SWEEPER - TENDER NO. 1409/0905

*That the above item be considered in Closed Session to the exclusion of the press and public in accordance with **Section 10A(2) (d) of the Local Government Act, 1993**, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed:*

(ii) confer a commercial advantage on a competitor of the council;

This matter is confidential because it contains information which, if it became public, would disadvantage the commercial position of Council in the transaction under consideration. On balance, it is not in the public interest for Council to be placed in a disadvantaged position when negotiating with commercial organisations as it could affect the ability of Council to maximise its commercial position on behalf of its ratepayers.

23.3 ADDITIONAL INFORMATION - REHABILITATION, RELINING & REPAIR OF STORMWATER ASSETS & ASSOCIATED WORKS - TENDER NO 075379

*That the above item be considered in Closed Session to the exclusion of the press and public in accordance with **Section 10A(2) (c) of the Local Government Act, 1993**, on the grounds that the report contains information that would, if disclosed, confer a*

commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

This matter is confidential because it contains commercial information which has been provided to Council on a confidential basis and, if made public, could jeopardise commercial negotiations to the detriment of Council or another entity or entities with which Council is dealing. On balance, it is not in the public interest to reveal this information as it may prejudice the Council's position in a commercial transaction under consideration.

23.4 SHOP 2, 31 VICTOR STREET, CHATSWOOD - NEW LEASE

*That the above item be considered in Closed Session to the exclusion of the press and public in accordance with **Section 10A(2) (c) of the Local Government Act, 1993**, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

This matter is confidential because it contains commercial information which has been provided to Council on a confidential basis and, if made public, could jeopardise commercial negotiations to the detriment of Council or another entity or entities with which Council is dealing. On balance, it is not in the public interest to reveal this information as it may prejudice the Council's position in a commercial transaction under consideration.

23.5 31-35 DEVONSHIRE STREET, CHATSWOOD NSW 2067 - DA2013/501 - PROSPECTS ADVICE

*That the above item be considered in Closed Session to the exclusion of the press and public in accordance with **Section 10A(2) (g) of the Local Government Act, 1993**, on the grounds that the report contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

This matter is confidential because it contains privileged legal advice that has been prepared for Council by its legal advisors that may be used in legal proceedings. On balance, it is not in the public interest for this information to be disclosed because it would prejudice Council's legal position.

23.6 NOTICE OF MOTION - PROCEEDINGS IN THE SUPREME COURT EQUITY DIVISION CASE NO. 2013/299553

*That the above item be considered in Closed Session to the exclusion of the press and public in accordance with **Section 10A(2) (g) of the Local Government Act, 1993**, on the grounds that the report contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

This matter is confidential because it contains privileged legal advice that has been prepared for Council by its legal advisors that may be used in legal proceedings. On balance, it is not in the public interest for this information to be disclosed because it would prejudice Council's legal position.

Upon resumption of the Open Council Meeting, the General Manager referred to the recommendations from the Committee of the Whole.

23.1 ADDITIONAL INFORMATION - PROVISION OF WEB SERVICES**Recommendation Summary**

That:

1. Council accept the tender from Seamless for the provision of Web Services.
2. That the General Manager and the Mayor be authorised to execute the contract documents.

23.2 ADDITIONAL INFORMATION - ASSESSMENT OF TENDER FOR THE SUPPLY OF A ROAD SWEEPER - TENDER NO. 1409/0905**Recommendation Summary**

That:

1. the tender for the supply of a Schwarze A6500 GS Road Sweeper from Schwarze Industries be accepted.
2. the Mayor and the General Manager be authorised to affix the Common Seal of Council to the successful tender documents.

23.3 ADDITIONAL INFORMATION - REHABILITATION, RELINING & REPAIR OF STORMWATE ASSETS & ASSOCIATED WORKS - TENDER NO 075379**Recommendation Summary**

That:

1. Council engage Insituform to undertake all relining work to a value of \$1.2m (incl GST) for packages 1 and 2 with the remaining funds available under the LIRS list of project.
2. Package 3 work to be undertaken by Insituform in 2015/2016 & 2016/2017 and is to be funded from budget allocation under the corresponding years' Stormwater Levy and PIP project allocations.
3. the General Manager and Acting Mayor be authorised to execute the contract documents under the Common Seal of Council.

23.4 SHOP 2, 31 VICTOR STREET, CHATSWOOD - NEW LEASE**Recommendation Summary**

That:

1. Council enter into a new retail lease with the current Lessee, Danzah Pty Ltd, for a term of five years.

2. the General Manager and Mayor be authorised to execute to the lease documentation including any subsequent assignment under the Common Seal of Council.

23.5 31-35 DEVONSHIRE STREET, CHATSWOOD NSW 2067 - DA2013/501 - PROSPECTS ADVICE

Recommendation Summary

That Council resolve to defend the appeal.

23.6 NOTICE OF MOTION - PROCEEDINGS IN THE SUPREME COURT EQUITY DIVISION CAST NO. 2013

Recommendation Summary

That Council direct its Officers to commence discussion with the plaintiffs immediately for discontinuance of the proceedings in the SUPREME COURT, EQUITY DIVISION No 2013/2995533 (the Talus Reserve litigation) on the basis that each Party pays its own costs.

RESOLUTION

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

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against the Resolution: Nil.

24 QUESTIONS

24.1 QUESTIONS ON NOTICE FROM COUNCILLOR L SAVILLE - CROWN LAND MANAGEMENT

RESPONSIBLE OFFICER: NICK TOBIN - GENERAL MANAGER

AUTHOR: NICK TOBIN - GENERAL MANAGER

MEETING DATE: 24 FEBRUARY 2014

Question

Will the Council management of Crown Lands within the Willoughby LGA be affected in any way with the passing of the Crown Lands Amendment (Multiple Land Use) bill 2013 on 20th November?

Can you please outline any changes particularly with regards to the legal validity of secondary tenures over Crown reserves in Willoughby that may result from the Bill?

Were any crown lands in Willoughby in jeopardy prior to the passing of the bill?

Does the bill provide more certainty for Council's role in the management of crown lands within this LGA?

Answer

The following advice has been received from Council's solicitor in relation to the above:

Question 1: Can you please outline any changes particularly with regards to the legal validity of secondary tenures over Crown reserves in Willoughby that may result from the Bill?

Secondary tenures which might previously have been the subject of doubt will no longer be subject to challenge if they meet the requirements of Section 34AA (2).

Reasoning: The Act now ensures the legal validity of second use interests that may otherwise have become invalid in the wake of the NSW Court of Appeal decision in *Minister Administering the Crown Lands Act 1989 v NSW Aboriginal Land Council (2012) NSWCA 358 ("The Goomallee Claim")*

Question 2: Were any Crown Lands in Willoughby in jeopardy prior to the passing of the Bill?

Any secondary interest granted over land subject to a reserve trust may have been in jeopardy prior to the passing of the Bill.

Reasoning: the decision of the NSW Court of Appeal in *Minister Administering the Crown Lands Act 1989 v NSW Aboriginal Land Council (2012) NSWCA 358* had the potential to render many second use tenures invalid. The effect of the decision was that any secondary use, not for the purpose of the reserve, or in furtherance of or incidental to the purpose of the reserve, may have become invalid. Any lease, licence, permit, easement or right of way (secondary interests) granted over a Crown Reserve in Willoughby that was not for the purpose of the reserve was in jeopardy of invalidation.

Question 3: Does the bill provide more certainty for Council's role in the management of Crown Lands within this LGA?

The Bill does provide more certainty for Council's role in the management of its Crown Lands. In particular the Act provides clear guidance as to the factors relevant to the grant of second use tenures.

Reasoning: Section 34AA provides a clear test as to when the Minister may grant a second use tenure and sets out the factors relevant to the determination of whether that second use or occupation is valid.

Conclusion: the amendments made to the Crown Lands Act 1989 by the Crown Lands Amendment (Multiple Land Use) Bill 2013 will assist Council in determining whether it has power to grant second use tenures of Crown Reserves and will protect existing second use tenures which meet the requirements of Section 34AA.

The meeting concluded at 9:20 p.m.