



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chambers, 31 Victor Street, Chatswood

14 July 2014

commencing at 7:00pm

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1 PRESENT

Councillors

Her Worship the Mayor Councillor G Giles-Gidney, Councillors S Coppock, H Eriksson, R Hill, J Hooper, T Mustaca, W Norton, A Rozos, L Saville, J Rutherford, M Sloane and M Stevens.

Councillor N Wright arrived in the Chambers at 8.19 and took part in meeting.

Officers

Mr N Tobin (General Manager), Mr G Woodhams (Environmental Services Director), Ms M Smith (Community Services Director), Ms T Crouch (Corporate Support and Performance Director), Mr T Pizzuto (Financial Services Director), Mr V Grepl (Governance and Corporate Planning Officer) and Ms B Jeffries (Executive Assistant).

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Councillors Rutherford, Coppock, Eriksson, Saville and Mustaca and the General Manager and Environmental Services Director declared a non-significant, non-pecuniary interest in Item 17.1 Talus Street Reserve Questions
- Councillor Giles-Gidney declared a significant, non-pecuniary interest in Item 17.1 Talus Street Reserve Questions.
- Councillors Giles-Gidney and Coppock declared a significant, non-pecuniary interest in Item 20.1 - 28, 32, 36 Anderson Street, 1 Help Street and 2A McIntosh Street, Chatswood - DA 2013/309/A due to this matter going to a JRPP Meeting.

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 10 June 2014, copies of which have been circulated to each member of Council, be confirmed subject to the following corrections:

Item 14.1.3 (9.3) - Chatswood CBD Traffic Study Update to include Councillor Rutherford as voting against the Motion.

Item 14.1.3 (9.3) - Chatswood CBD Traffic Study Update to show Councillor Saville as Seconding the Motion.

Item 22.1 - Notice of Motion: Concerns with the Federal Government's 2014/15 Budget, to include in Point 2 after the word "Opposition" the words "and Independents".

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor N Wright submitted an apology for non-attendance and requested leave of absence.
- Councillor J Rutherford requested leave of absence from the 28 August 2014 to 14 September 2014 inclusive.

- Councillor W Norton requested leave of absence from 26 August 2014 to 14 September inclusive.
- Councillor S Coppock requested leave of absence from 16 July 2014 to 20 July 2014, 6 August 2014 to 8 August 2014 and 21 August to 14 September 2014.

RESOLUTION

That:

1. **The apology from Councillor Wright be accepted and leave of absence be granted.**
2. **That leave of Absence is granted to Councillor Rutherford from 28 August 2014 to 14 September 2014.**
3. **That Leave of Absence is granted to Councillor Norton from 26 August 2014 to 14 September 2014.**
4. **That Leave of Absence is granted to Councillor Coppock from 16 to 20 July 2014, 6 to 8 August 2014 and 21 August to 14 September 2014.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

5 INTERVIEWS

NIL

6 PETITIONS

6.1 PETITION REGARDING PEDESTRIAN SCHOOL CROSSING - HIGH STREET/OAKVILLE ROAD

Councillor Hill tabled a petition requesting further action be taken to safeguard all users of the crossing during school zone times.

RESOLUTION

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

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

7 OPEN FORUM

NIL

8 MAYORAL REPORT

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

MAYOR'S DIARY – COUNCIL MEETING NOTES FOR 14 JULY 2014

WEDNESDAY 11 JUNE			
Mayor Crs Rozos, Wright	11.30 am	Citizenship Ceremony	Council Chambers
Mayor	12.30 pm	Meeting: North Sydney Council of Mayors	Coachwood Room
THURSDAY 12 JUNE			
Mayor	12.30-5pm	JRPP Meeting re 45 Victor Street	Christies Convention Centre
Cr Saville		Art Exhibition	The Incinerator Art Space
Mayor	5.15 pm	Link Housing 30 th Anniversary	Parliament House, Sydney
Mayor Crs Sloane, Wright	7 pm	Street Parking Consultation Meeting	St Leonard's Church Naremburn
Crs Norton, Rozos	Evening	Middle Harbour Progress Assn. Meeting	Club Willoughby
FRIDAY 13 JUNE			
Cr Norton	Evening	Dance to the Nines	Dougherty Centre
SATURDAY 14 JUNE			
Cr Norton	9.30 am	FPA Meeting	Dougherty Centre
Mayor	11 am	Official Opening of Sensory Garden	Beauchamp Park
Crs Norton, Saville		SCCG Meeting	Sydney City Council
Mayor	2 pm	Willoughby District Historical Society	Chatswood Library
SUNDAY 15 JUNE			
Mayor	15-18 June	National Assembly of Local Government	Canberra
Deputy Mayor: Cr Coppock Cr Norton	Afternoon	Bush Poetry & Music Event	Henry Lawson Cave
TUESDAY 17 JUNE			
Cr Saville	5.30 pm	Guringai Festival Writing Competition: Prize Giving	Chatswood Library
Crs Norton, Rutherford	Evening	Chatswood East Progress Assn. Meeting	Dougherty Centre
THURSDAY 19 JUNE			
Mayor Crs Norton, Saville	7 pm	Street Parking Consultation Meeting	Dougherty Centre
FRIDAY 20 JUNE			
Mayor	7pm	Guringai Festival Concert	Dee Why
SATURDAY 21 JUNE			
Cr Norton	Evening	WSOC Concert	The Concourse
WEDNESDAY 25 JUNE			
Mayor Crs Hill, Hooper	6 pm	Meeting with Northbridge Community Groups	The Concourse ArtSpace
Cr Saville	7 pm	North Sydney Girls High School Centenary Concert	The Concourse

THURSDAY 26 JUNE			
Mayor Crs Norton, Rutherford, Saville	7 pm	Street Parking Consultation Meeting	Willis Recreation Centre
SATURDAY 28 JUNE			
Mayor Cr Sloane	10 am	Biggest Morning Tea	The Concourse
Mayor Cr Saville	2 pm	Opening of Expo: From the Land	The Incinerator Art Space
Mayor Deputy Mayor: Cr Coppock	6.30 pm	ACETCA Changeover Dinner	Star Event Centre
SATURDAY 28 JUNE			
Crs Hooper, Norton, Rozos	28-29 June	Bingara Orange Festival Events	Bingara
SUNDAY 29 JUNE			
Cr Saville		Harbour City Opera Company	Zenith Theatre
TUESDAY 1 JULY			
Mayor	4.30 pm – 6.30 pm	WCRA Board Meeting & <i>Christmas in July</i> Event	Willoughby Retirement Village
Mayor	7 pm	Changeover Dinner: Northbridge Rotary	Northbridge Golf Club
WEDNESDAY 2 JULY			
Mayor Cr Norton	12 noon	“Live at Lunch” with Jane Rutter	The Concourse
Mayor	7 pm	Changeover Dinner: Chatswood Rotary	Chatswood Golf Club
THURSDAY 3 JULY			
Mayor Crs Rozos, Saville	6 pm	Opening of Guringai Festival Art Expo	Foyer on Ground Floor
Mayor Crs Hooper, Sloane	7 pm	Artarmon Public Information Meeting	Artarmon Bowling Club
FRIDAY 4 JULY			
Mayor Cr Norton	3 pm	“Headspace” Anniversary Celebrations	Chatswood Mall
THURSDAY 10 JULY			
Mayor Cr Saville	6.30 pm	Population Conversation Event	Chatswood Library
SATURDAY 12 JULY			
Mayor Crs Eriksson, Norton, Sloane	2 pm	Street Parking Consultation Meeting	10 Clanwilliam Street
Crs Eriksson	3 pm	N.Sydney v. Balmain Rugby League Match	North Sydney Oval
SUNDAY 13 JULY			
Mayor Cr Norton	1.30 pm	“Magic of the Musicals” Willoughby Theatre Company Production	The Concourse
Mayor Cr Eriksson	5 pm	Launch of <i>Crysabel</i> Restaurant	Willoughby Road

RESOLUTION

That the Mayoral report be received.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

9 MAYORAL MINUTE

9.1 THE LATE KEN EWEN OAM

AUTHOR COUNCILLOR GILES-GIDNEY

MEETING DATE: 14 JULY 2014

Purpose of report

To consider the following Mayoral Minute.

Motion

I am saddened to inform the meeting that Ken "Kenya" Ewen passed away on June 30, 2014, just 12 days short of his 93rd birthday.

After his own family, the 1st East Roseville Scout Group was foremost in Ken's life. In 1959 he commenced as an Assistant Scoutmaster, subsequently becoming a Scoutmaster, Group Leader and eventually Group Adviser.

In 1964, Ken organised the re-building from the ashes of the old Nissan hut, creating 1ER's wonderful Scout Hall 'Kalloona'.

He gave over 50 years of devoted service to 1st East Roseville Scout Group, contributing to a total of more than 80 years as a loyal Scout.

Ken was awarded a Medal of the Order of Australia in 1989, *'in recognition of his service to youth'* and also gave outstanding service to many other community organisations over his lifetime, including Rotary and Men's Sheds. After such tireless work, we say thank you and Rest in Peace.

A Memorial Service will be held at 10 am on Sunday, 20 July 2014, at 'Kalloona', the 1st East Roseville Scout Hall.

I move that Council send a letter of condolence to the family of the late Ken Ewen.

RESOLUTION

That a letter of condolence be forwarded to Mr Ewen's family.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Voting

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

Against: Nil

Council observed a minute's silence in memory of the late Ken Ewen.

10 GENERAL MANAGER'S LATE REPORT

NIL

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

NIL

12 MATTERS BROUGHT FORWARD BY THE PUBLIC

At this stage, the 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 17.1 Talus Street Reserve - Questions
Item 20.2 28 Archer Street, Chatswood - DA 2014/41

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 Cultural & Civic Committee Meeting - 16 June 2014 - Minutes
- Item 18.1 Review of the General Managers Delegation in the Writing Off of Debts
- Item 19.1 2014/2015 Community (Small) Grants Program - Officer Recommendations
- Item 20.1 28, 32, 36 Anderson Street, 1 Help Street & 2A McIntosh Street, Chatswood - DA 2013/309/A
- Item 20.3 345 Victoria Avenue, Chatswood - DA 2014/184 - Changes to Parking Arrangements
- Item 20.4 745 Pacific Highway, Chatswood, DA 2013/287 - Affixing Council Seal

That the remaining items, viz:

- Item 14.1.1 **(8.2) Cultural Events Committee Meeting - 3 June 2014**
- Item 14.1.2 **(8.4) Home and Community Care (HACC) Services Advisory Committee Meeting - 13 May 2014**
- Item 14.1.3 **Urban Tree Management Policy - Public Exhibition**
- Item 14.2 **Ward Councillors Meeting held during Council Recess**
- Item 16.1 **Councillors Information Booklets**
- Item 17.2 **Matters Deal with Under Delegated Authority**
- Item 18.2 **Affixing Council's Seal - Loan Documents**
- Item 18.3 **Consent to Mortgage over lease at 67 Albert Avenue Chatswood**
- Item 18.4 **Disclosure of Interest return - Councillor Rachel Hill**
- Item 18.5 **Tenders Received for Repairs at Commercial Units - 27 Gibbes Street Chatswood - Tender No. 076555**
- Item 20.5 **Planning Proposal Report to 9 July 2014**
- Item 20.6 **Applications Determined Under Delegated Authority for the Month of June 2014**
- Item 20.7 **Development Application Report to 7 July 2014**

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

14 REPORTS FROM COMMITTEES

14.1 CULTURAL & CIVIC COMMITTEE MEETING - 16 JUNE 2014 - MINUTES

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR
AUTHOR:	GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR
MEETING DATE:	14 JULY 2014

Purpose of Report

To list on the agenda the minutes of the Cultural & Civic Committee Meeting held 16 June 2014.

RESOLUTION

That:

- 1. The Minutes be received.**
- 2. Council note the resolutions adopted by the Committee.**
- 3. Council adopt the Committee's recommendations, except for Item 9.1 - 1 Anderson Street, Chatswood which has been dealt with by the Deputy Mayor and the General Manager under delegated authority.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

14.2 WARD COUNCILLOR MEETINGS HELD DURING COUNCIL RECESS

ATTACHMENTS: 1. MINUTES

RESPONSIBLE OFFICER: TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR

AUTHOR: TRISHA DUFFY

MEETING DATE: 14 JULY 2014

Purpose of Report

To advise of the Ward Councillor Meetings held during the recess period. The minutes of those meetings are attached hereto.

RESOLUTION

That the information be noted.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

15 DEFERRED MATTERS

NIL

16 CORRESPONDENCE

16.1 COUNCILLORS INFORMATION BOOKLETS

RESPONSIBLE OFFICER:	NICK TOBIN - GENERAL MANAGER
AUTHOR:	TRISHA DUFFY
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	14 JULY 2014

Purpose of Report

To advise that the Councillors Information Booklets were circulated to Councillors on the following dates:

12 June 2014
19 June 2014
26 June 2014
3 July 2014
10 July 2014

RESOLUTION

That the information be noted.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS - GENERAL MANAGER

17.1 TALUS STREET RESERVE - QUESTIONS

RESPONSIBLE OFFICER:	NICK TOBIN - GENERAL MANAGER
AUTHOR:	NICK TOBIN - GENERAL MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	14 JULY 2014

Purpose of Report

To supply answers to a series of questions requested in a Notice of Motion passed by Council on 3 February 2014.

Procedural Motion

That the following people address the meeting:

1. **Mr J Owens**
2. **Ms S Gold**

Mr Owens and Ms Gold addressed the meeting and answered questions of the Councillors.

RESOLUTION

That the report be received.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR NORTON

CARRIED

Voting

For the Resolution: Councillors Coppock, Eriksson, Hill, Mustaca, Norton, Rozos, Saville and Sloane.

Against: Councillors Hooper, Rutherford and Stevens.

The Mayor, Councillor G Giles-Gidney, declared a significant, non-pecuniary interest in the above matter and withdrew from the Chamber taking no part in the discussion or voting on the matter.

The Deputy Mayor, Councillor Coppock assumed the Chair in the absence of Councillor Giles-Gidney.

Councillors Eriksson, Mustaca, Saville, Stevens and Rutherford declared non-significant, non-pecuniary interests in the above matter.

17.2 MATTERS DEALT WITH UNDER DELEGATED AUTHORITY**RESPONSIBLE OFFICER: NICK TOBIN - GENERAL MANAGER****AUTHOR: NICK TOBIN - GENERAL MANAGER****CITY STRATEGY LINK: 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE
AND REPRESENTS ITS CONSTITUENTS****MEETING DATE: 14 JULY 2014**

Purpose of Report

To report to Council on matters dealt with by the Mayor and General Manager under delegated authority during the Council mid-year recess from 23 June 2014 to 11 July 2014.

RESOLUTION**That the report be received.****MOVED COUNCILLOR SAVILLE****SECONDED COUNCILLOR HOOPER****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Stevens.**Against:** Nil

18 REPORTS FROM OFFICERS - CORPORATE SERVICES DIRECTOR

18.1 REVIEW OF THE GENERAL MANAGER'S DELEGATION IN THE WRITING OFF OF DEBTS

RESPONSIBLE OFFICER: TONY PIZZUTO - FINANCIAL SERVICES DIRECTOR

AUTHOR: MARK MCDONALD - MANAGER FINANCIAL SERVICES

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

MEETING DATE: 14 JULY 2014

Purpose of Report

To review the existing instrument of delegation of authority to the General Manager in the writing off of debts.

MOTION

That the existing instrument of delegation of authority to the General Manager in the writing off of debts as detailed in Schedule 2 – Corporate Services Matters (Part 3, c) be amended to read:

To write off individual debts to a maximum of \$5,000.00.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR NORTON

NOT PUT TO THE VOTE

AMENDMENT

That the existing instrument of delegation of authority to the General Manager in the writing off of debts as detailed in Schedule 2 – Corporate Services Matters (Part 3, c) be amended to read:

To write off individual debts to a maximum of \$500.00.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Amendment: Councillors Coppock, Hill, Hooper, Mustaca, Rozos, Rutherford and Saville.

Against: Councillors Giles-Gidney, Eriksson, Norton, Sloane and Stevens.

THE AMENDMENT BECAME THE MOTION AND WAS CARRIED

CARRIED

Voting

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

Against: Councillors Giles-Gidney, Norton, Sloane and Stevens.

18.2 AFFIXING COUNCIL'S SEAL - LOAN DOCUMENTS**RESPONSIBLE OFFICER:** TONY PIZZUTO - FINANCIAL SERVICES DIRECTOR**AUTHOR:** TONY PIZZUTO - FINANCIAL SERVICES DIRECTOR**CITY STRATEGY LINK:** 6.3.1 COUNCIL MAINTAINS A STRONG
SUSTAINABLE FINANCIAL POSITION**MEETING DATE:** 14 JULY 2014

Purpose of Report

To request that the Council Seal be affixed to the ANZ Letter of Offer dated 25 June 2014 and any other necessary documents.

RESOLUTION**That:**

1. Council accept the revised offer from ANZ Banking Group Ltd to fund the remaining \$5m portion of the 2010/2011 Loan Borrowing Program.
2. Council's Seal be affixed to the ANZ Letter of Offer dated 25 June 2014, and any other necessary documents.

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

**18.3 CONSENT TO MORTGAGE OVER LEASE AT 67 ALBERT AVE
CHATSWOOD**

RESPONSIBLE OFFICER: NICK TOBIN - GENERAL MANAGER
AUTHOR: TRACEY LEE- PROJECT OFFICER LEASING
CITY STRATEGY LINK: 5.1.3 ENGAGE WITH BUSINESS
MEETING DATE: 14TH JULY 2014

Purpose of Report

To seek Council's consent for The Trust Company (RE Services) Limited as Trustee for VAF Sub-Trust 8 to mortgage Head Lease Y910526 to Westpac Banking Corporation.

RESOLUTION

That:

- 1. That Council consents to the mortgage of Lease Y910526 to Westpac Banking Corporation.**
- 2. That delegated authority be granted to the Mayor and General Manager to execute all documents relating to the mortgage of the lease under the Common Seal of Council.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

18.4 DISCLOSURE OF INTEREST RETURN - COUNCILLOR RACHEL HILL**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: 14 JULY 2014**

Purpose of Report

To advise Council that Councillor Rachel Hill has submitted her Primary Disclosure of Interest Return in accordance with Section 449 of the Local Government Act 1993.

RESOLUTION

That Council notes the Disclosure of Interest Return submitted by Councillor Rachel Hill.

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR HOOPER****CARRIED****Voting**

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

Against: Nil

**18.5 TENDERS RECEIVED FOR REPAIRS AT COMMERCIAL UNITS - 27
GIBBES ST CHATSWOOD - TENDER NO. 076555****RESPONSIBLE OFFICER:** TRACEY CROUCH - CORPORATE SUPPORT AND
PERFORMANCE DIRECTOR**AUTHOR:** DAVID PAGE**CITY STRATEGY LINK:** 4.1.1 PLANNING, MAINTENANCE AND OPERATION
OF INFRASTRUCTURE**MEETING DATE:** 14 JULY 2014

Purpose of Report

To advise Council of the tenders received for Repairs at Commercial Units – 27 Gibbes St Chatswood – Tender No. 076555.

RESOLUTION

That the information be noted.

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR HOOPER****CARRIED****Voting**

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

Against: Nil

19 REPORTS FROM OFFICERS - COMMUNITY SERVICES DIRECTOR

2014/15 COMMUNITY (SMALL) GRANTS PROGRAM - OFFICER RECOMMENDATIONS

ATTACHMENTS:	1. OVERVIEW & OFFICER RECOMMENDATIONS FOR THE DISTRIBUTION OF FUNDS - CATEGORY 1 - COMMUNITY DEVELOPMENT 2. OVERVIEW & OFFICER RECOMMENDATIONS FOR THE DISTRIBUTION OF FUNDS - CATEGORY 2 - ARTS & CULTURE 3. OVERVIEW & OFFICER RECOMMENDATIONS FOR THE DISTRIBUTION OF FUNDS - SPORTS / INDIVIDUAL
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY SERVICES DIRECTOR
AUTHOR:	MELANIE SMITH - COMMUNITY SERVICES DIRECTOR
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	14 JULY 2014

Purpose of Report

To seek Council's endorsement of the officer recommendations for the distribution of grant funds through Council's 2014/15 Community (Small) Grants Program.

RESOLUTION

That:

- 1. Council endorse Officer recommendations for the distribution of grant funds through Categories 1 & 2 of the 2014/15 Community (Small) Grant program.**
- 2. All unallocated grant funds remain in the Community (Small) Grant budget for allocation to "out of term" applications received by Council within the 2014/15 financial year and which comply with the Grant Program Guidelines.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

CONSEQUENTIAL MOTION

At the next Cultural and Civic Committee Meeting, a report be presented outlining the current processes for the community grants program and a timeline for a review to be conducted.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR ROZOS

CARRIED

Voting

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

Against: Nil

20 REPORTS FROM OFFICERS - ENVIRONMENTAL SERVICES DIRECTOR

20.1 28, 32, 36 ANDERSON STREET, 1 HELP STREET & 2A MCINTOSH STREET, CHATSWOOD - DA 2013-309-A

ATTACHMENTS:

1. JRPP ASSESSMENT REPORT
2. NOTIFICATION PLAN
3. PLANS (SEPARATELY CIRCULATED)

MEETING DATE: 14 JUNE 2014

RECOMMENDATION: APPROVAL

LOCATION: 28, 32, 36 Anderson Street, 1 Help Street & 2A McIntosh Street, CHATSWOOD NSW 2067

APPLICANT: ASCOT PROJECT MANAGEMENT

OWNER: LESTER WU HOLDINGS PTY LTD AND REYHODA PTY LIMITED AND OWNERS CORP STRATA PLAN 211 AND OWNERS CORP STRATA PLAN 57732 AND MR A YORTIS AND MRS A A YORTIS

PROPOSAL: S96 (2) - MODIFY ORIGINAL PROPOSAL TO INCLUDE INCREASE OF UNITS, ADAPTABLE UNITS, CAR PARKING SPACES, CHANGES TO COMMERCIAL AND SHOP-TOP HOUSING FLOOR SPACE LAYOUT AND ASSOCIATED WORKS.

DATE OF LODGEMENT: 08-APR-2014

VALID APPLICATION DATE: 08-APR-2014

REPORTING OFFICER: NONI DE CARVALHO - DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR

DESCRIPTION OF PROPOSAL

This s.96(2) application for variation of Development Consent 2013/309 and assessment report is forwarded to Council for its information. The assessment report will be considered by the Sydney East JRPP at its meeting scheduled for 23 July 2014.

The changes proposed to the approved development are discussed in more detail in the attached assessment report. The key matters to note are that there is no change proposed to the approved development statistics of floor space ratio and height. A small increase is proposed to the proportion of commercial floor space compared with residential floor space.

An increase in the number of units is proposed from 136 units to 145 units within the approved floor space ratio by changes to the unit mix. Also proposed are changes to the architectural form to remove angled walls within the units and splayed balcony lines. The documentation accompanying the application indicates the changes arise from marketing advice.

MOTION

- 1. That the Assessment Report to Sydney east JRPP for DA 2013/309/A be received and noted.**
- 2. That the Council Members of the JRPP retire from the Council Chambers for consideration of the application.**
- 3. That Council make a submission to the JRPP on the application on the basis that consent be granted subject to the following conditions being imposed:**
 - A. That the development be modified to maintain a NatHERS rating of 5.3, details are to be submitted and incorporated in the Construction Certificate.**
 - B. That following 12 months of the final occupation certificate being issued, the applicant is to engage a suitably qualified traffic consultant to undertake a traffic safety assessment of the development in relation to the Help St access and at the Help Street/ Anderson St intersection such report to document the assessment and provide recommendations to Council to address any issues identified.**
 - C. That no additional on-site resident parking allocated to units be provided and the applicant pay the cost of creating a car share pod in McIntosh St adjoining the site at no cost to Council and, through the owners corporation of the proposed development, an annual levy in perpetuity be raised to subsidise the operation of the car share pod by a private operator that will be made available to the occupants of the development within 2 months of the final occupation certificate being issued for the development.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

LOST

Voting

For the Motion: Councillors Mustaca, Saville and Stevens.

Against: Eriksson, Hill, Hooper, Norton, Rozos, Rutherford, Sloane and Wright.

AMENDMENT

- 1. That the Assessment Report to Sydney east JRPP for DA 2013/309/A be received and noted.**
- 2. That the Council Members of the JRPP retire from the Council Chambers for consideration of the application.**
- 3. That Council make a submission to the JRPP on the application on the basis that consent be granted subject to the following conditions being imposed:**

- A. That the development be modified to maintain a Nat hers rating of 5.3, details are to be submitted and incorporated in the Construction Certificate.
- B. That following 12 months of the final occupation certificate being issued, the applicant is to engage a suitably qualified traffic consultant to undertake a traffic safety assessment of the development in relation to the Help St access and at the Help Street/ Anderson St intersection such report to document the assessment and provide recommendations to Council to address any issues identified.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

For the Amendment: Councillors Eriksson, Hill, Hooper, Norton, Rozos, Rutherford, Sloane and Wright.

Against: Councillors Mustaca, Saville and Stevens.

THE AMENDMENT BECAME THE MOTION AND WAS CARRIED

Councillors Gail Giles-Gidney and Coppock withdrew from the Chamber and took no part in the discussion or voting on the matter on the basis that they are Council's members of the JRPP and had declared a significant, non-pecuniary interest in this agenda item.

The former Deputy Mayor, Councillor Norton, assumed the Chair in the absence of Councillors Giles-Gidney and Coppock.

20.2 28 ARCHER STREET, CHATSWOOD - DA 2014/41

ATTACHMENTS:

1. PHOTO MONTAGE SUBMITTED WITH APPLICATION (ATTACHED SEPARATELY)
2. PLANS AND ELEVATIONS (ATTACHED SEPARATELY)
3. NOTIFICATION MAP

MEETING DATE: 14 JULY 2014

RECOMMENDATION: REFUSAL

LOCATION: 28 ARCHER STREET, CHATSWOOD

APPLICANT: MF HOLDINGS NSW PTY LTD

OWNER: MF HOLDINGS NSW PTY LTD

PROPOSAL: DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A BOARDING HOUSE COMPRISING 56 UNITS, CARPARKING AND ASSOCIATED WORKS.

DATE OF LODGEMENT: 3 FEBRUARY 2014

VALID APPLICATION DATE: 1 APRIL 2014

REPORTING OFFICER: ANA VISSARION - DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING MANAGER

DESCRIPTION OF PROPOSAL

The application is lodged pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposal seeks development approval for demolition of the existing building and structures on site known as "The Legacy building" and construction of a nine (9) level boarding house comprising of:

- Basement parking for 13 cars and 12 motorcycles;
- One (1) manager unit, entry, lobby with lift, communal room and open space, 12 bicycle spaces at ground floor level;
- 56 boarding rooms (each room of approximately 20-26m²) over 8 storeys on open corridors of 50m² on each of the 8 levels (approx. 400m² in total); and
- Landscaping works.

Vehicular access is proposed from Claude Street via a combined entry/exit driveway.

The application is reported to Council for determination due to the number of submissions received.

RESOLUTION

That the application be refused and delegated authority be granted to the General Manager to issue the refusal notice with the attached reasons.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

REASONS OF REFUSAL:

The reasons for **REFUSAL** are:

1. Pursuant to S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979, the proposed development is not compatible with the character of the local area as required by *Clause 30A Character of local area in Part 2 of SEPP (Affordable Rental Housing) 2009*.
2. Pursuant to S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979, the proposed development disregards the Design Quality Principles identified in *Part 2 of the SEPP 65 - Design Quality of Residential Flat Development*, resulting in a design that does not respond to the context, provides for a built form that adversely impacts public domain, is inappropriate in density, does not demonstrate that it achieves internal amenity, but in turn reduces the amenity of adjoining properties, fails to use elements and textures that respond to the environment and the context in an aesthetically acceptable manner and, in summary, fails to achieve good design.
3. Pursuant to S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979 the proposed development disregards the *Aims of the Plan in Part 1 of WLEP 2012*, failing to achieve quality urban design in *point (d)*, adversely impacting on adjoining residential properties and on the amenity of the local community in *point (e)* and detrimentally impacting the local heritage character in *point (i)* as established by the South Chatswood Conservation Area and the adjacent heritage listed item at no. 27 Archer Street.
4. Pursuant to S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979 the proposed development disregards the Objectives of the Zone in *R2 Low Density Residential in the Land Use Table in Part 2 of WLEP 2012*, providing for a high density development that is incompatible with the scale and character of the surroundings and that adversely impacts on the residential amenity of adjoining properties and on the adjoining heritage values.
5. Pursuant to S.79C (1) (a) and (b) of the Environmental Planning and Assessment Act 1979 the proposed development disregards *Clause 5.10 Heritage Conservation of WLEP 2012* by impacting in a detrimental way the significance of the South Chatswood Conservation Area and the adjacent heritage listed item.
6. Pursuant to S.79C (1) (c) of the Environmental Planning and Assessment Act 1979, the site is found to be unsuitable for the size, shape and bulk of the proposed development.
7. Pursuant to S.79C (1) (e) of the Environmental Planning and Assessment Act 1979, having regard to the public submissions and the adverse impacts of the proposed development, the approval of the application is not considered to be in the interest of the public.

20.3 345 VICTORIA AVENUE, CHATSWOOD - DA 2014-184 - CHANGES TO PARKING ARRANGEMENTS**MEETING DATE: 14 JULY 2014**

RECOMMENDATION: APPROVAL**LOCATION: 345 VICTORIA AVENUE, CHATSWOOD NSW 2067.****APPLICANT: COLONIAL FIRST STATE GLOBAL ASSET MANAGEMENT****OWNER: CC NO 1 PTY LTD AND CC NO 2 PTY LTD****PROPOSAL: REDUCTION OF FREE PARKING FROM THREE HOURS TO TWO HOURS.****DATE OF LODGEMENT: 08-MAY-2014****VALID APPLICATION DATE: 08-MAY-2014****REPORTING OFFICER: NONI DE CARVALHO - DEVELOPMENT PLANNER****RESPONSIBLE OFFICER: GREG WOODHAMS - DIRECTOR ENVIRONMENTAL SERVICES**

DESCRIPTION OF PROPOSAL

Development Application 2014/184 proposes variation of the car parking arrangements at Chatswood Chase Shopping Centre to reduce the number of hours of free parking from three hours to two hours. The charge that would apply in the 3rd hour is proposed to be \$3 for 2 to 2.5 hours and \$3 for 2.5 to 3 hours. A 'trial' validation system is proposed allowing customers free parking in the 3rd hour subject to a minimum spend of \$50.

MOTION**That the application be refused.****MOVED COUNCILLOR ROZOS****SECONDED COUNCILLOR NORTON****CARRIED****Voting****For the Motion:** Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Stevens and Wright.**Against:** Councillors Coppock and Sloane.

AMENDMENT

That the matter be deferred for further negotiations with the applicant.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

LOST

Voting

For the Amendment: Councillors Mustaca, Saville, Stevens and Wright

Against: Councillors Giles-Gidney, Coppock, Eriksson, Hill, Hooper, Norton, Rozos, Rutherford and Sloane.

As the decision of the Council is Refusal of the development application, the Council Officers will bring back a report detailing the specific reasons for refusal for endorsement by Council.

20.4 745 PACIFIC HIGHWAY, CHATSWOOD, DA 2013/287 - AFFIXING COUNCIL SEAL**RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING MANAGER****AUTHOR: SIMON SMITH - DEVELOPMENT PLANNER****MEETING DATE: 14 JULY 2014**

Purpose of Report

For Council to resolve to affix the Council seal to the 88B/E Instrument in respect of the dedication of an affordable housing unit (Unit 4) at 745 Pacific Highway in accordance with the requirements of condition 5 of Development Application 2013/0287 for '*Demolition of existing building and construction of five (5) storey residential flat building comprising sixteen (16) units, basement car parking and associated works*'.

RESOLUTION

That Council resolve to attach Council seal to any Housing Transfer Deed and any other legal documentation associated with the transfer of the affordable housing units to Council.

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR HOOPER****CARRIED****Voting**

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

Against: Nil

20.5 PLANNING PROPOSAL REPORT TO 9 JULY 2014

ATTACHMENTS:	1. LIST OF PLANNING PROPOSALS
RESPONSIBLE OFFICER:	LINDA MCCLURE - STRATEGIC PLANNING MANAGER
AUTHOR:	JANE GIBSON - STRATEGIC PLANNER
MEETING DATE:	14 JULY 2014

Purpose of Report

The attached Schedule lists all current planning proposals received by Council.

RESOLUTION

That the information be noted.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

20.6 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY FOR THE MONTH OF JUNE 2014

ATTACHMENTS:	1. LIST OF DETERMINED APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT - DEVELOPMENT PLANNING MANAGER, PETER ROWAN - BUILDING SERVICES MANAGER
AUTHOR:	BUILDING SURVEYORS, DEVELOPMENT PLANNERS
MEETING DATE:	14 JULY 2014

Purpose of Report

The attached schedule lists all applications determined under delegated authority for the month of June 2014.

RESOLUTION

That the information be noted.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

20.7 DEVELOPMENT APPLICATION REPORT TO 7 JULY 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:	14 JULY 2014

Purpose of Report

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

RESOLUTION

That the information be noted.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

**21 REPORTS FROM OFFICERS - INFRASTRUCTURE SERVICES
DIRECTOR**

NIL

22 NOTICE OF 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 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 ECONOMIC DEVELOPMENT STUDY TENDER

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

23.1 ECONOMIC DEVELOPMENT STUDY TENDER

Recommendation Summary

That:

1. The SGS Economics and Planning tender for the Economic Development Study be accepted.
2. The consultants be engaged by the Director of Environmental Services.

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, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

Against the Resolution: Nil

24 QUESTIONS

Councillor N Wright asked the following questions:

1. What is the financial impact to the Willoughby City Council of the funding cuts in the Commonwealth Budget 2014-2015, including the changes to the indexation of Federal Assistance Grants and changes to the fuel excise?
2. Will the Council need to delay or cut any spending as a result of the Commonwealth Budget 2014-2015?
3. If so, which current or future programs, projects, or initiatives will be affected?
4. How much funding will the Willoughby City Council lose due to the freeze on indexation of the Federal Assistance Grants?

25 GENERAL BUSINESS

NIL

- Councillor N Wright arrived at 8.19 pm.

The meeting concluded at 9.50pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council held on 14 July 2014. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.