



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chambers
Level 6, 31 Victor Street, Chatswood

22 September 2014
commencing at 7.20 pm

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1 PRESENT

Councillors

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

Officers

Mr G Woodhams (Acting General Manager), Ms M Smith (Community Services Director), Mr Jeff Ellis (Economic & Property Development Director), Mr P Collings (Acting Infrastructure Services Director), Mr Tony Pizzuto (Financial Services Director), Ms Tracey Crouch (Corporate Support & Performance Director), Mr V Grepl (Acting Administrative Services Manager) and Ms E Keeling (Executive Assistant).

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Councillor Giles-Gidney declared a non-significant, non-pecuniary interest in Item 18.2 - 57 Minimbah Road, Northbridge.
- Councillor Giles-Gidney declared a non-significant, non-pecuniary interest in Item 19.2 - Castlecrag Footpath Masterplan.
- Councillor Eriksson declared a non-significant, non-pecuniary interest in Item 19.2 - Castlecrag Footpath Masterplan.
- Councillor Norton declared a non-significant, non-pecuniary interest in Item 18.1 - Chatswood High School, 24 Centennial Avenue, Chatswood.
- Councillor Saville declared a non-significant, non-pecuniary interest in Items 13.1 and 18.1 - Chatswood High School, 24 Centennial Avenue, Chatswood.
- Councillor Wright declared a non-significant, non-pecuniary interest in Item 16.3 - Castlecrag Marine Temporary Licence.

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 8 September 2014, copies of which have been circulated to each member of Council, be confirmed.

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor S Coppock submitted a request for leave of absence for the meeting and the period 26 September to 2 October 2014.
- Councillor A Rozos is on leave previously granted.
- Councillor G Giles-Gidney requested leave of absence from 27 September to 7 October and 16 November to 27 November.

RESOLUTION

That:

- 1. Councillor S Coppock be granted leave of absence for the meeting and from 26 September to 2 October.**
- 2. Council note the absence of Councillor Rozos on leave previously granted.**
- 3. Councillor G Giles-Gidney be granted leave of absence from 27 September to 7 October and 16 November to 27 November.**

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

5 PETITIONS

5.1 PETITION - MARGARET PLACE & FITZSIMMONS AVENUE, LANE COVE NORTH

ATTACHMENTS: 1. PETITION

RESPONSIBLE OFFICER: TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR

AUTHOR: TRISHA DUFFY

MEETING DATE: 22 SEPTEMBER 2014

Purpose of Report

The attached petition is from residents of Margaret Place and Fitzsimmons Avenue, Lane Cove North regarding the difficulty drivers have exiting those streets onto Mowbray Road.

RESOLUTION

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

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

6 OPEN FORUM

- Emma Brooks Maher addressed Council on issues pertaining to Crown Land.
- Suzie Gold addressed Council on issues pertaining to Crown Land.

7 MAYORAL REPORT

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

TUESDAY 9 SEPTEMBER			
Mayor	7:00 pm	Presentation of Debutantes - OLOD Kindy Group	The Concourse
WEDNESDAY 10 SEPTEMBER			
Mayor	10:00 am	Visit to East Willoughby Preschool	WPC
Mayor	6:30 pm	North Sydney Vivid Green Light Event	Palais Room, Luna Park
THURSDAY 11 SEPTEMBER			
Mayor	10:00 am	Visit to East Willoughby Preschool	WPC
Mayor	12 noon	Live @ Lunch	The Concourse
Mayor	2:30 pm	Taiwanese Community Meeting	Willoughby Library
Mayor, Cr Mustaca	6:00 pm	NSROC Meeting	Hunter's Hill Council
Mayor, Cr Sloane	7:30 pm	Naremburn Progress Assoc.	Naremburn Community Centre
Crs Eriksson & Rozos	Evening	Meeting with Japan Consul General (representing the Mayor)	Garden Island
FRIDAY 12 SEPTEMBER			
Mayor	10:30 am	Opening of Chinese Paintings Exhibition	Chinese Cultural Centre - Chatswood
Mayor	2:30 pm	Aboriginal Heritage Event	Manly Community Centre
Mayor	6:00 pm	Official Opening of Northbridge Art Prize	Northbridge
Mayor, Crs Coppock, Sloane, Wright, Mustaca & Rozos	7:00 pm	Artarmon Night Market	Artarmon
SATURDAY 13 SEPTEMBER			
Mayor	10:00 am	Taiwanese Festival	Chatswood CBC
Mayor, Crs Rozos & Coppock	11:30 am	Northern Suburbs Netball Presentation	Willoughby Leisure Centre
Cr Saville	10am-11:30	Urbis Community Info Sessions	126 Greville St, Chats.

Cr Saville	1pm-5pm	Sydney Coastal Council Group Meet	Randwick Council
Mayor	4:00 pm	Colourful Taiwan Moon Festival	The Concourse
SUNDAY 14 SEPTEMBER			
Mayor Crs Rozos & Hooper	1:00 pm	Opening of Beer Fair	Willoughby Hotel
WEDNESDAY 17 SEPTEMBER			
Clr Saville		Greater Sydney Land Services Local Gvt Advisory Committee	
THURSDAY 18 SEPTEMBER			
Mayor	11:00 am	Ensemble	The Concourse
Mayor, Clr Saville	6:00 pm	Opening of Expo - Enamelling & Sculpture	Council Foyer
Clr Saville	6:30 pm	WCC Energy Efficient Apartments	
Clr Saville		West Ward Progress Assoc.	
SATURDAY 20 SEPTEMBER			
Mayor, Clr Hooper	10:00 am	Annual Spring Fair	Willoughby Uniting Church
Mayor	1:00 pm	U3A Concert	DCC
Mayor Crs Rutherford & Hooper	2:00 pm	Official Opening: The Space Between: Mark-making as Meditation	The Incinerator Art Space
SUNDAY 21 SEPTEMBER			
Mayor	11:00 am	Roos Player Presentation	WPC
Mayor	3:00 pm	Armenian Concert: A Classical Recital	The Independent Theatre, North Sydney

RESOLUTION

That the Mayoral Report be received.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

7.1 MAYORAL MINUTE

THE LATE SHIRLEY HANSON

Councillor Rutherford read the following tribute to the late Shirley Hanson:

Shirley Hanson lived in Castle Cove for more than 53 years - she attended Bronte Primary School and Sydney Girls' High.

In the 1960s she was working at David Jones and met and married Geoff Hanson who was D.J.'s Financial Director. Sadly Geoff passed away in 1977.

Shirley was imbued with a strong sense of giving and that permeated her whole life, she was very involved in helping those less fortunate than herself. She delivered meals to people living in the inner city areas and also provided sandwiches to homeless men in the various city parks. She often said that homeless people appreciated a kindly word and conversation as well as the sustenance.

Shirley also did volunteer work at Sydney Hospital and was made a Life Governor of the hospital. When the proposal to redevelop the curtilage of Innisfallen Castle at Castle Cove was being considered Shirley was very active in this campaign and organised a petition to stop this proposal.

Shirley is survived by her son James, daughter-in-law Lakshmi and her beloved grandson Alexander. The number of people who were at her farewell service on 17th September to pay tribute to her is testament to this exceptional woman who made a difference to many people's lives. Castle Cove has lost a significant member of our community.

RESOLUTION

That a letter of condolence be sent to the family of the late Shirley Hanson

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Voting

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

Against: Nil

Council observed a minute's silence in the memory of the late Shirley Hanson.

8 GENERAL MANAGER'S LATE REPORT

NIL

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

Item 13.2 Notice of Motion - Councillor Coppock - Drop off Zone - Sergeants Lane, St Leonards

10 MATTERS BROUGHT FORWARD BY THE PUBLIC

Item 12.1.1 Review of Council's Advisory Committees

Item 18.2 57 Minimbah Road, Northbridge

Item 19.1 Crown Land Reserves in Willoughby LGA - Inventory

11 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 13.1 Chatswood High School, 24 Centennial Avenue, Chatswood DA 2014/237

Item 14.1 Councillors Information Booklets - 18 & 25 September 2014.

Item 18.1 Chatswood High School, 24 Centennial Avenue, Chatswood DA 2014/237

RESOLUTION

That the remaining items, viz:

Item 12.1 Cultural and Civic Committee Meeting - 15 September 2014

Item 12.1.2 Investments and Loan Borrowings as at July 2014

Item 16.1 Council's Public Officer

Item 16.2 Revised and Exhibited Councillors Expenses and Facilities Policy

Item 16.3 Castlecrag Marine Temporary Licence

Item 18.3 Development Application Report to 16 September 2014

Item 19.2 Castlecrag Footpath Masterplan

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

12.1 CULTURAL & CIVIC COMMITTEE MEETING - 15 SEPTEMBER 2014

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY SERVICES DIRECTOR
AUTHOR:	MELANIE SMITH
MEETING DATE:	22 SEPTEMBER 2014

Purpose of Report

To present the minutes of the Cultural and Civic Committee Meeting held 15 September 2014.

RESOLUTION

That:

- 1. The Minutes be received.**
- 2. Council note the resolutions adopted by the Committee.**
- 3. Council adopt the Committee's recommendations.**
- 4. In relation to the Confidential item regarding Century Venues Update Report the Committee Resolution should read "That the matter be deferred until Mr Khoury is in attendance to discuss"**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

12.1.1 (9.1) REVIEW OF COUNCIL'S ADVISORY COMMITTEES

RESPONSIBLE OFFICER:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
AUTHOR:	VLADIMIR GREPL - ACTING ADMINISTRATIVE SERVICES 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:	15 SEPTEMBER 2014

Purpose of Report

To provide recommendations on the operation and ongoing effectiveness of Council's advisory committees in line with a Council resolution from 5 August 2013 and in preparation for annual election of Councillors to Council's advisory committees.

PROCEDURAL MOTION

That the following people address the meeting:

1. Mr Paul Storm
2. Mr Rob Wilson
3. Mr David Hume
4. Mr Ross Wellings

Mr Storm, Mr Wilson, Mr Hume and Mr Wellings addressed the meeting and answered questions of the Councillors.

RESOLUTION

1. That the Council adopt the Officer's recommendation; except that
2. The following subcommittees continue as is and that the Officers seek further consultation with these subcommittees and that a further report on that consultation be brought back to Council in November 2014:
 - i) The Natural Heritage & Bushland Advisory Committee
 - ii) Griffin Reserves Advisory Committee
 - iii) Heritage Advisory Committee
 - iv) Willoughby Symphony Orchestra and Choir Advisory Committee

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

CONSEQUENTIAL MOTION

That Council establish a workshop to discuss the amalgamation of advisory committees.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Rutherford, Sloane, Stevens and Wright.

Against: Councillors Hooper, Norton and Saville.

12.1.2 (9.3) INVESTMENTS AND LOAN BORROWINGS AS AT JULY 2014

ATTACHMENTS:	1. STATEMENT OF BANK BALANCES 2. COUNCILS INVESTMENT HOLDINGS 3. COUNTERPARTY CHART
RESPONSIBLE OFFICER:	TONY PIZZUTO - FINANCIAL SERVICES DIRECTOR
AUTHOR:	BILL LOFTHOUSE - FINANCIAL ACCOUNTANT
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	15 SEPTEMBER 2014

Purpose of Report

To advise Council of the Bank Balances and Investment performance for July 2014 and update Council on the current investment portfolio.

OFFICER'S RECOMMENDATION

That the Statement of Bank Balances, Loan Borrowings and Investment Holdings for July 2014 be received.

RESOLUTION

That the Statement of Bank Balances, Loan Borrowings and Investment Holdings for July 2014 be received.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

13.1 CHATSWOOD HIGH SCHOOL, 24 CENTENNIAL AVENUE, CHATSWOOD - DA 2014/237

ATTACHMENTS: 1. DA PLANS
2. NOTIFICATION PLAN

MEETING DATE: 8 SEPTEMBER 2014

RECOMMENDATION: APPROVAL

LOCATION: CHATSWOOD HIGH SCHOOL, 24 CENTENNIAL AVENUE, CHATSWOOD

APPLICANT: WILLOUGHBY CITY COUNCIL

OWNER: THE DEPARTMENT OF EDUCATION AND COMMUNITIES

PROPOSAL: UPGRADING OF THE EXISTING SPORTING FACILITIES, THE TEMPORRAY CARPARK AND ASSOCIATED ANCILLARY WORKS AT CHATSWOOD HIGH SCHOOL FOR THE USE OF THE SCHOOL AND LOCAL SPORTING GROUPS

DATE OF LODGEMENT: 3 JULY 2014

VALID APPLICATION DATE: 3 JULY 2014

REPORTING OFFICER: CONSULTANT PLANNER LEONIE DERWENT, INGHAM PLANNING

RESPONSIBLE OFFICER: IAN ARNOTT - MANAGER - DEVELOPMENT PLANNING

DESCRIPTION OF PROPOSAL

The proposal is for the replacement of the existing turf surface and asphalt courts with a synthetic surface, installation of 4 new high light poles to the sports fields to comply with Australian Standards for training and games, upgrading of the existing temporary car park and associated works.

The proposal includes the following elements:

- The replacement of the existing turf surface on the sports ground and asphalt courts with a synthetic surface to create improved sporting facilities including 1 x Senior soccer pitch with 4 x mini –pitches, 1 x full sized cricket wicket, 3 x full sized basketball/netball courts, 2 x cricket practice nets and a handball court/games court area. The proposed layout of the sports facilities will provide flexibility for future use;

- The replacement of the existing 15 metre lighting with the installation of four (4) new 22-24 metre high light poles and new luminaries for the sports ground and courts to comply with the Australian Standard; and
- The upgrading of the existing temporary car parking area (former tennis courts) including drainage and line marking of spaces and ancillary works.

The DA is supported by reports which have been prepared by independent consultants including:

1. A Playing Field Lighting Audit report prepared by GRA Electrical Engineers
2. A Traffic Impact and parking requirements study prepared by Traffic Engineering Centre
3. An Ecological Impact Assessment Report prepared by Biosphere Environmental Consultants Pty Ltd.
4. A Geotechnical Investigation report prepared by JK Geotechnics
5. A preliminary waste classification report prepared by EIS Environmental Investigation Services (carried out in conjunction with the Geotechnical report).
6. A Stormwater Drainage Strategy prepared by Dalton Consulting Engineers

OFFICERS RECOMMENDATION

That the application be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the attached conditions.

MOTION

That the matter be referred to the West Ward Councillors Committee

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

NOT PUT TO THE VOTE

AMENDMENT

That the matter be referred to a full Council Inspection Committee on Saturday 27 September at 8:00am.

MOVED COUNCILLOR STEVENS

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Amendment: Councillors Giles-Gidney, Hill, Hooper, Mustaca, Norton, Stevens and Wright.

Against: Councillors Eriksson, Rutherford, Saville and Sloane.

13.2 NOTICE OF MOTION - COUNCILLOR S COPPOCK - DROP OFF ZONE - SERGEANTS LANE, ST. LEONARDS

RESPONSIBLE OFFICER: NICK TOBIN - GENERAL MANAGER
AUTHOR: NICK TOBIN - GENERAL MANAGER
CITY STRATEGY LINK: 4.2.2. BALANCE TRAFFIC MANAGEMENT
MEETING DATE: 8 SEPTEMBER 2014

Purpose of Report

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

"That a report be provided to Council after 15 September and before 15 October on the possibility of providing a drop off zone in Sergeants Lane, St Leonard's, or the vicinity to that Lane, to allow commuters to be dropped off with safety.

That the zone be available during the period 6.00 am to 9.30 am and 3.30 pm to 6.00 pm, or advice on other standard times and that the drop off zone revert to normal parking of the area at other times.

MOTION

That the matter be deferred until Councillor Coppock is present.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLETS - 18 & 25 SEPTEMBER 2014

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: 22 SEPTEMBER 2014

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 18 and 25 September 2014.

RESOLUTION

That the Councillors Information Booklets be received.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS - CORPORATE SERVICES DIRECTOR

16.1 COUNCIL'S PUBLIC OFFICER

RESPONSIBLE OFFICER: TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR

AUTHOR: TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR

CITY STRATEGY LINK: 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS

MEETING DATE: 22 SEPTEMBER 2014

Purpose of Report

To inform Council that the Public Officer role is held by the incumbent in the Administrative Services Manager role or the officer acting in that position.

RESOLUTION

That Council acknowledges that the Public Officer role has been delegated to and is held by the incumbent in the Administrative Services Manager role or the officer acting in that position.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

16.2 REVISED AND EXHIBITED COUNCILLORS EXPENSES AND FACILITIES POLICY

ATTACHMENTS:	1. DRAFT POLICY
RESPONSIBLE OFFICER:	TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR
AUTHOR:	VLADIMIR GREPL - ACTING ADMINISTRATIVE SERVICES MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	22 SEPTEMBER 2014

Purpose of Report

To consider adopting a revised Policy for the Payment of Expenses and the Provision of Facilities for the Mayor and Councillors following its public exhibition as resolved by Council on 21 July 2014. No comments were received.

RESOLUTION

That Council adopts the revised and publicly exhibited Policy for the Payment of Expenses and the Provision of Facilities for the Mayor and Councillors.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

16.3 CASTLECRAG MARINE TEMPORARY LICENCE

ATTACHMENTS:	1. NIL
RESPONSIBLE OFFICER:	JEFF ELLIS - ECONOMIC AND PROPERTY DEVELOPMENT DIRECTOR
AUTHOR:	JEFF ELLIS - ECONOMIC AND PROPERTY DEVELOPMENT DIRECTOR
CITY STRATEGY LINK:	5.1.3 ENGAGE WITH BUSINESS
MEETING DATE:	22 SEPTEMBER 2014

Purpose of Report

To seek Council's consent to enter into a temporary licence for a maximum of twelve (12) months with Yenset Pty Ltd for a portion of Sailors Bay Park, being Crown Land managed by Sailors Bay Park (D500032) Reserve Trust for access to the wharf and waterway.

RESOLUTION

That:

- 1. Council as the Reserve Trust Manager enter into a temporary licence agreement with Yenset Pty Ltd for a term of one year.**
- 2. The Mayor and the General Manager be authorised to executive the temporary licence agreement under the Common Seal of Council.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

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

NIL

**18 REPORTS FROM OFFICERS - ENVIRONMENTAL SERVICES
DIRECTOR**

**18.1 CHATSWOOD HIGH SCHOOL, 24 CENTENNIAL AVENUE, CHATSWOOD
DA2014/237**

**RESPONSIBLE OFFICER: GREG WOODHAMS - ENVIRONMENTAL SERVICES
DIRECTOR**

**AUTHOR: IAN ARNOTT - DEVELOPMENT PLANNING
MANAGER**

**CITY STRATEGY LINK: 1.3.1 ACCESSIBLE OPEN SPACE AND
RECREATIONAL FACILITIES FOR THE COMMUNITY
ARE PROVIDED**

MEETING DATE: 22 SEPTEMBER 2014

Purpose of Report

To provide clarification on the future use of the recreation facilities at Chatswood High School in respect to Development Application 2014/ 237.

(THIS ITEM WAS DEALT WITH IN CONJUNCTION WITH ITEM 13.1)

18.2 57 MINIMBAH ROAD, NORTHBRIDGE - DA 2014/197

- ATTACHMENTS:**
1. NOTIFICATION PLAN (SAME FOR ALL)
 2. EXTRACT CONSENT PLANS DA 2004/715
 3. LOCATION OF BUILDING CERTIFICATES
 4. A3 PLANS DEVELOPMENT APPLICATION 2014/197
 5. A3 PLANS DEVELOPMENT APPLICATION 2014/252
 6. A3 PLANS DEVELOPMENT APPLCIATION 2014/324
 7. AERIAL PHOTOS 2007 - 2012
 8. PHOTOGRAPHS OF SITE 23 AND 30 JULY 2014, RMS PHOTOS 2001, 1999

MEETING DATE: 22 SEPTEMBER 2014

RECOMMENDATION: REFUSAL

LOCATION: 57 Minimbah Road, NORTHBRIDGE NSW 2063.

APPLICANT: DICKSON ROTHSCHILD ARCHITECTS

OWNER: J R SCRENCI AND P M SCRENCI

- PROPOSALS:**
1. DA 2014/197 MODIFICATION TO THE EXISTING FORESHORE LANDSCAPED AREA PROVIDING NEW TIMBER STAIR, PERGOLA, PLANTING NEW NATIVE TREES, SHRUBS AND GROUND COVERS AND ASSOCIATED WORKS.
BC 2014/26 AUTHORISATION OF STONE RETAINING WALLS AND ASSOCIATED FOOTINGS SUPPORTING THE LANDSCAPE AREA BETWEEN DWELLING AND NORTHERN SITE BOUNDARY (MHWM) AND ANCILLARY STRUCTURES
 2. DA 2014/252 ALTERATION AND ADDITION TO THE EXISTING DWELLING FOR THE PURPOSE OF A SECONDARY DWELLING AND ANCILLARY OUTDOOR TERRACES WITH 2 PERGOLAS
BC 2014/38 AUTHORISATION OF REINFORCED CONCRETE RETAINING WALLS AND SLABS BUILT FOR PURPOSES OF TWO TERRACES, PAVING TO FORM TERRACES, ALTERATIONS CARRIED OUT TO STAIRS AROUND UNDERCROFT AREA, UNDERCROFT AREA.
 3. DA 2014/324 INTERNAL ALTERATIONS OF SUBFLOOR FOR THE PURPOSES OF A PANTRY, HOME THEATRE AND CORRIDOR AND RELOCATION OF POWDER ROOM.

BC 2014/52 AUTHORISATION OF INTERNAL ALTERATIONS OF SUBFLOOR FOR PROVISION OF A PANTRY, HOME THEATRE, CORRIDOR AND RELOCATION OF POWDER ROOM.

DATES OF LODGEMENT:	DA 2014/157 AND BC 2014/26 – 15-MAY-2014 DA 2014/252 AND BC 2014/38 – 26-JUN-2014 DA 2014/324 AND BC 2014/52 – 31-JUL-2014
VALID APPLICATION DATE:	20 JUNE 2014, 26 JUNE 2014 AND 31 JULY 2014 RESPECTIVELY
REPORTING OFFICERS:	NONI DE CARVALHO AND CHRIS GUY
RESPONSIBLE OFFICERS:	IAN ARNOTT AND PETER ROWAN

DESCRIPTION OF PROPOSAL

This Report considers six (6) applications that have been lodged with Council regarding construction works at 57 Minimbah Road Northbridge. The applications are in pairs consisting of a Development Application and a Building Certificate Application. The total of the six applications seek development approval and retrospective acceptance of unauthorised building works that have occurred at 57 Minimbah Road. It is unknown why the extent of work on the property has been split between the three pairs of applications.

As Council is aware a Development Consent may approve retrospective use of development but it cannot authorise retrospective construction works associated with the use. A Building Certificate may accept the existence of unauthorised construction works for a maximum of 7 years deferring for at least 7 years any legal action and requirement for demolition, alteration or rectification. A Building Certificate does not “approve” those construction works. After 7 years the unauthorised building works may still be subject to further litigation potentially leading to rectification and demolition.

1. *Development Application 2014/197 and Building Certificate 2014/26*

Development Application 2014/197 lodged on 15 May 2014 proposes modification to existing unauthorised landscaping works including provision of:

- A new pergola near the seawall;
- Changes to part of the stairs providing a section of new timber stair;
- Extensions to the retaining walls to connect in the locations where the existing stairs are changed;
- Provision of a concrete trough 1 metre wide and 500mm deep at the rear and top of the upper-most retaining wall for structural support of the retaining wall;
- Provision of an observation terrace and paved boardwalk; and,
- Provision of new plantings.

The coverage of the application is the part of the site from mean high water mark to forward of and excluding the unauthorised terraces and floor space in the dwelling. The application was incomplete until the lodgement of the Bush Fire Attack Level Assessment certificate that was received on 20 June although notification of the application still proceeded. The cost of the works in DA 2014/197 is noted on the application form to be \$22,000.

The new landscape planting work proposed indicates relocation of the exotic species currently planted on the lower levels to the higher terraced level.

It proposes tree planting provision of 4 *Angophora costata* (two each side of the site adjacent to the side boundaries), 2 *Banksia integrifolia*, 2 *Banksia serrata* and 2 *Glochidion ferdinandi*. Shrubs proposed include species such as Dwarf Lilly Pilly, Callistemon, Flannel Flower and Crowea with grasses (Lomandra, Dianella) and ground covers (Grevillea and Hibbertia)

Lodged at the same time as DA 2014/197 was Building Certificate Application 2014/26 seeking authorisation to retain the “ancillary landscape works” being the landscaped area between the existing dwelling and the northern site boundary which is mean high water mark to Sailors Bay. The cost of the construction works in the building certificate are advised to be \$55,000.00. A Home Warranty is provided by Livbuild Pty Ltd for “refurbishment of a dwelling with spa and swimming pool” dated 30 October 2009 for the address of 59 Minimbah Road (not 57). The warranty refers to a different property and does not include the work covered by BC 2014/26.

The applications DA 2014/197 and BC 2014/26 seek to retain the eight (8) unauthorised retaining walls and two (2) other retaining walls along the side boundaries to neighbours. It also seeks to retain the amount of earthworks (excavation and fill) that has occurred on the site to modify ground levels, to retain the unauthorised seawall and paved terrace and to retain part of the unauthorised stairs. All works are constructed on the foreshore side of the building.

The Statement of Environmental Effects lodged in support of both applications notes the following strategies in support of the applications:

1. In support of preservation of the retaining walls:
 - Avoidance of additional waste and energy generated by demolishing the retaining walls and undertaking earthworks to restore the site.
 - Avoidance of extended demolition and earthworks that creates significant noise and nuisance for neighbours.
 - Enhanced stormwater infiltration achieved through terracing.
 - Ease of access for maintenance of future landscape.
2. In support of the modifications proposed in the DA 2014/197:
 - The infill portion of existing stairs will break visual continuity and symmetry of the existing landscape design.
 - It will mitigate the dominance of hard surfaces when viewed from the Harbour.
 - The timber and paved stairs and walkway provides continuous access from the waterfront.
 - The timber stairs will introduce a light weight structure which breaks up the monotony of the existing stone walls and staircase.
 - The proposed pergola will screen existing walls, provide shade and create an aperture for creepers.
 - The proposed pergola will introduce a light weight timber structure at the foreshore that has a reduced bulk and scale compared with neighbouring sites with boat sheds, swimming pools and other structures.
3. In support of the planting regime:
 - The design will establish a native ecology on the site that has in the past been dominated by exotic species.
 - It will screen the existing retaining walls to achieve a balance of landscape and built form.
 - Planting of large trees will contribute to the canopy and screen the dwelling

Accompanying the applications DA 2014/197 and BC 2014/26 is a survey plan of the site showing the existing development and a Structural Engineer's advice on the retaining walls.

2. Development Application 2014/252 and Building Certificate 2014/38

The second pair of applications was lodged on 26 June 2014.

Development Application 2014/252 proposes alterations to the dwelling in the area of the enclosed undercroft space below the spa to provide a secondary dwelling or "granny flat". Included in the work is outdoor private open space "for the enjoyment of the secondary dwelling" which are the terraces already built each side. It is proposed to add pergolas for shade to each of the terraces. The application advises that the secondary dwelling does not contribute to gross floor space as it is a form of affordable housing. The application advises that the proposed secondary dwelling "is intended for use as a granny flat and as such the future occupant of the dwelling shall qualify as a low to medium income household. The documentation advises that a rental structure has not been formalised for the dwelling as it is intended to be used as a traditional "granny flat".

Nevertheless a Clause 4.6 objection has been lodged with the application in regard to the non-compliance with the FSR control for the existing dwelling excluding the proposed secondary dwelling.

The cost of the alterations proposed in the development application are noted to be \$40,550.

Lodged with DA 2014/252 was Building Certificate 2014/38 seeking authorisation for the retaining walls, stairs and two terraces that have been built. The application for the building certificate is silent on other alterations that have been carried out in the location. The estimated cost of the works covered by the building certificate is \$18,700. Accompanying BC 2014/38 is a statement of what the applicant views as the key considerations for Council assessment of the building certificate being:

- Avoidance of addition, significant waste and energy generated by demolishing the retaining walls and undertaking earthworks to create the impression of a "pre-development" landscaped area.
- Avoidance of an extended demolition and earthworks phase which creates significant noise and nuisance for neighbouring properties.
- Achievement of Council objectives to provide affordable housing options which accommodates an aging population.
- Ease of access to private open space for the proposed granny flat.

Also accompanying the application is a copy of the same Home Owners Warranty dated the 30/10/2009. The warranty again does not appear to cover the unauthorised works or reference the actual site of the works.

Development Application 2014/324 and Building Certificate 2014/52

The third pair of applications was lodged on 31 July 2014.

Development Application 2014/324 proposes approval to continue to use the alterations carried out to the primary dwelling that provided a home theatre, connecting corridor, pantry and relocation of the powder room. The cost of the alterations is identified in the development application and building certificate as \$19,500. The additional floor space in the dwelling as a result of the use of the subfloor area adds to the gross floor space of the dwelling. As a result the maximum premissable FSR in Clause 4.4 of 0.5:1 is exceeded and a Clause 4.6 objection is lodged with the application seeking variation of the FSR to 0.55:1.

Notwithstanding DA 2014/252 seeks exemption from the FSR for the floor space of the secondary dwelling, the Clause 4.6 objection lodged with DA 2014/324 seeks a variation of the FSR to 0.61:1 if the secondary dwelling proposed in the previous application is approved.

The Building Certificate 2012/52 seeks authorisation for the excavation and building works already carried out in the subfloor area to provide the pantry, relocated powder room and home theatre. Accompanying BC 2014/52 is a copy of the same Home Owners Warranty for the wrong property. In support of the application the documentation advises that Council should consider that:

- The space was non-habitable in the original approval in 2004.
- The conversion and use of the space does not impact on the exterior of the building.
- The conversion of the subfloor space does not contribute to the bulk and scale.
- It has no impact on neighbouring sites.
- The technical increase in floor space is minor.
- There is no increase in numbers of bedrooms or bathrooms.
- The conversion has no material affect.

The owner has commenced Appeal proceedings in the Land and Environment Court against Deemed Refusal of the first pair of applications DA 2014/197 and BC 2014/26 (Proceedings No. 2014/10527 and 2014/10529). Council has been advised that further appeals for the subsequent applications are to follow. Separate to this report is a Confidential Report providing advice from Council's solicitors on the matter. The Hearing date for the matter is set down for 9 and 10 October 2014.

PROCEDURAL MOTION

That the following people address the meeting:

- **Mr Joe Screnci**

Mr Screnci addressed the meeting and answered questions of the Councillors.

RESOLUTION

- 1. That Council does not support the Clause 4.6 objections to Clause 4.4 (Floor Space Ratio Control) in DA 2014/252 and DA 2014/324 as it is considered a variation is unreasonable in the circumstances and not in the public interest. It is not adequately justified in the context of the objectives of the E4 zone and the objectives of the FSR controls.**
- 2. That development consents for DA 2014/197, DA 2014/252 and DA 2014/324 be refused and authority delegated to the General Manager to issue the Refusal Notices with the attached reasons.**
- 3. That building certificates 2014/26, 2014/38 and 2014/52 be refused and authority delegated to the General Manager to issue Refusal Notices with the attached reasons.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

SCHEDULE OF CONDITIONS**REASONS FOR REFUSAL DA 2014/197**

1. Pursuant to Section 79C (a) (i) of the *Environmental Planning and Assessment Act 1979* the development is inconsistent with the objectives and provisions of SREP (Sydney Harbour Catchment) 2005, Sydney Harbour Foreshores and Waterways DCP and Willoughby Local Environmental Plan 2012. The development exceeds the height control of WLEP 2012 Clause 4.3A (7) and no Clause 4.6 objection has been submitted.
2. Pursuant to Section 79C (a) (iii) of the *Environmental Planning and Assessment Act 1979* the development is inconsistent with the objectives and provisions for the development in the E4 zone and the intended scale and character of development below the foreshore building line and the foreshore of Minimbah Road.
3. Pursuant to Section 79C (b) of the *Environmental Planning and Assessment Act 1979* the development is unacceptable because of the impacts on context and setting, views from the public domain, potential impact of proposed landscaping on views of neighbours, unknown water movement impacts and below ground seepage on the site and on neighbours, unacceptable landscaping solution to mitigate scale and mass, site design and construction.
4. Pursuant to Section 79C (c) of the *Environmental Planning and Assessment Act 1979* the development is unacceptable in the locality and does not have respect for the site attributes.
5. Pursuant to Section 79C (d) and (e) of the *Environmental Planning and Assessment Act 1979* the development is not in the public interest of the neighbourhood or the locality.

REASONS FOR REFUSAL DA 2014/252

1. Pursuant to Section 79C (a) (i) of the *Environmental Planning and Assessment Act 1979* the development is inconsistent with the objectives and provisions of SREP (Sydney Harbour Catchment) 2005, Sydney Harbour Foreshores and Waterways DCP and Willoughby Local Environmental Plan 2012. The development exceeds the height control of WLEP 2012 Clause 4.3A (6) and the FSR control of Clause 4.4 and the Clause 4.6 objection does not demonstrate that variation is justified.
2. Pursuant to Section 79C (a) (iii) of the *Environmental Planning and Assessment Act 1979* the development is inconsistent with the objectives and provisions for the development in the E4 zone and the intended scale and character of development on the foreshore sites on the low side of Minimbah Road.
3. Pursuant to Section 79C (b) of the *Environmental Planning and Assessment Act 1979* the development is unacceptable because of the impacts on context and setting, views from the public domain, privacy between the primary and secondary dwelling, potential impact of proposed landscaping on view of neighbours, unknown water movement impacts and below ground seepage on the site and on neighbours, unacceptable landscaping solution to mitigate scale and mass, site design and construction.

4. Pursuant to Section 79C (c) of the *Environmental Planning and Assessment Act 1979* the development is unacceptable in height, mass and bulk for the character of the location as it does not have respect for the site attributes.
5. Pursuant to Section 79C (d) and (e) of the *Environmental Planning and Assessment Act 1979* the development is not in the public interest of the neighbourhood or the locality.

REASONS FOR REFUSAL DA 2014/324

1. Pursuant to Section 79C (a) (i) of the *Environmental Planning and Assessment Act 1979* the development is inconsistent with the objectives and provisions of SREP (Sydney Harbour Catchment) 2005, Sydney Harbour Foreshores and Waterways DCP and Willoughby Local Environmental Plan 2012. The development exceeds the FSR control of WLEP 2012 Clause 4.4 and the Clause 4.6 objection does not demonstrate that compliance is unreasonable.
2. Pursuant to Section 79C (a) (iii) of the *Environmental Planning and Assessment Act 1979* the development is inconsistent with the objectives and provisions for the development in the E4 zone and the intended scale and character of development on the foreshore sites on the low side of Minimbah Road.
3. Pursuant to Section 79C (b) of the *Environmental Planning and Assessment Act 1979* the development is unacceptable because of the impacts on context and setting, unknown water movement impacts and below ground seepage on the site and on neighbours, unacceptable landscaping solution to mitigate scale and mass, site design and construction.
4. Pursuant to Section 79C (c) of the *Environmental Planning and Assessment Act 1979* the development is unacceptable in height, mass and bulk for the character of the location and does not have respect for the site attributes.
5. Pursuant to Section 79C (d) and (e) of the *Environmental Planning and Assessment Act 1979* the development is not in the public interest of the neighbourhood or the locality.

REASONS FOR REFUSAL BC 2014/26

1. The application is not supported by a certificate from a practicing Structural Engineer certifying the structural adequacy of the “as built” reinforced concrete footings, and the “as built” unreinforced stone retaining walls.
2. The application is not supported by a certificate from a practicing Geotechnical Engineer certifying the foundation material upon which the footings of the “as built” retaining walls are founded.

REASONS FOR REFUSAL BC 2014/38

1. The application is not supported by a certificate from a practicing Structural Engineer certifying the structural adequacy of the “as built” reinforced concrete footings, walls, columns and beams in accordance with Part 3.3.1.0 Unreinforced Masonry, of the Building Code of Australia (BCA) and the Australian Standard (AS) 3700 Masonry Structures or AS 4773 Parts 1 & 2.

2. The application is not supported by a certificate from a practicing Geotechnical Engineer certifying the foundation material upon which the “as built” footings are founded.

REASONS FOR REFUSAL BC 2014/52

1. The application is not supported by a certificate from a practicing Structural Engineer certifying the footings, walls and slabs of the unauthorised additions, (including but not limited to the home theatre, store & bathroom) comply with Part 3.2 Footings Slabs, BCA.
2. The application is not supported by a certificate from a licenced builder certifying that the vapour barriers have been installed in accordance with Part 3.2.2.6, Vapour Barriers, BCA.
3. The application is not supported by a glazing certificate from the installer that all glass installed in the unauthorised additions, comply with Part 3.6.4 c Human Impact Safety Requirements BCA and also to Part 3.6.4.5 Bathroom Ensuite Glazing, BCA.
4. The application is not supported by a certificate from an accredited Waterproof Installer certifying all wet areas have been protected in accordance with Part 3.8.1.2 Wet Area, BCA, and AS 3740 Waterproofing wet areas within residential buildings.
5. Natural Lighting is not provided to all habitable rooms (includes home theatre) in accordance with Part 3.8.4.2 Natural Lighting, BCA.
6. Natural Ventilation is not provided to all habitable rooms (includes home theatre) in accordance with Part 3.8.5.2 Ventilation requirements, BCA.

18.3 DEVELOPMENT APPLICATION REPORT TO 16 SEPTEMBER 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: 22 SEPTEMBER 2014

Purpose of Report

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

RESOLUTION

That the information be noted.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

19 REPORTS FROM OFFICERS - INFRASTRUCTURE SERVICES DIRECTOR

19.1 CROWN LAND RESERVES IN WILLOUGHBY LGA - INVENTORY

ATTACHMENTS:	1. CROWN RESERVES IN WILLOUGHBY LGA 2. LEASES/ LICENCES IN CROWN RESERVES
RESPONSIBLE OFFICER:	PAUL COLLINGS – ACTING DIRECTOR INFRASTRUCTURE SERVICES
AUTHOR:	JULIE WHITFIELD-OPEN SPACE MANAGER
CITY STRATEGY LINK:	6.3.4 COUNCIL WORKS WITH STATE AND REGIONAL ORGANISATIONS
MEETING DATE:	22 SEPTEMBER 2014

Purpose of Report

To provide information on Crown Land reserves that are managed and maintained by Council.

PROCEDURAL MOTION

That the following people address the meeting:

- Ms Suzie Gold
- Ms Emma Brooks Maher

Ms Gold and Ms Brooks Maher addressed the meeting and answered questions of the Councillors.

RESOLUTION

That the information provided in the report dated 22 September 2014 on the Crown Land Reserves managed and maintained by Willoughby City Council be noted and the officers be thanked for the information.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

19.2 CASTLECRAG FOOTPATH MASTERPLAN

RESPONSIBLE OFFICER:	PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR
AUTHOR:	DAVID SUNG - MANAGER ENGINEERING SERVICES
CITY STRATEGY LINK:	3.1.2 QUALITY LIVING AMENITY FOR RESIDENTS
MEETING DATE:	22 SEPTEMBER 2014

Purpose of Report

To provide Council with an update on the community consultation process for the Castlecrag Footpath Masterplan and to seek Council's endorsement for changes to the community consultation methodology.

RESOLUTION

That:

1. The proposed community consultation methodology based on street by street surveys for the development of a Castlecrag Footpath Master Plan be endorsed.
2. Sunnyside Crescent be the first street where such a survey be undertaken.
3. The results of the street by street survey be plotted onto a map, and all stake holders be invited to participate in the finalising of the plan.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

20 NOTICE OF MOTION

NIL

21 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.

21.1 57 MINIMBAH ROAD NORTHBRIDGE SOLICITORS ADVICE

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

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

Recommendation Summary

That the recommendation of the Solicitors be adopted.

MOTION

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

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Norton, Rutherford, Saville, Sloane, Stevens and Wright.

Against: Councillor Mustaca.

21.1 57 MINIMBAH ROAD NORTHBRIDGE SOLICITORS ADVICE

ATTACHMENTS:	1. PROSPECTS ADVICE - WCC ATS SCRECI CLASS 1
	2. RESPONDENT'S AMENDED STATEMENT OF FACTS AND CONTENTIONS IN REPLY
	3. STATEMENT OF FACTS AND CONTENTIONS IN REPLY
RESPONSIBLE OFFICER:	GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR
AUTHOR:	NONI DE CARVAHLO - CBD PLACE MANAGER
MEETING DATE:	22 SEPTEMBER 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

To present to Council the Legal Advice received from Council's Solicitors on the matters concerning 57 Minimbah Road, Northbridge.

COMMITTEE RECOMMENDATION

That the recommendation of the Solicitors be adopted.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Recommendation: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Norton, Rutherford, Saville, Sloane, Stevens and Wright.

Against: Councillor Mustaca.

22 QUESTIONS

NIL

The Meeting concluded at 9.20 pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 22 September 2014. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.