



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chambers

31 Victor Street, Chatswood

on 1 December 2014

commencing at 7:00pm

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**TABLE OF CONTENTS**

<b>TABLE OF CONTENTS</b> .....	<b>2</b>
<b>1 PRESENT</b> .....	<b>5</b>
<b>2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF</b> .....	<b>5</b>
<b>3 CONFIRMATION OF MINUTES</b> .....	<b>5</b>
<b>4 APOLOGIES AND LEAVE OF ABSENCE</b> .....	<b>5</b>
<b>5 PETITIONS</b> .....	<b>7</b>
<b>6 OPEN FORUM</b> .....	<b>7</b>
<b>7 MAYORAL MINUTE</b> .....	<b>8</b>
7.1 MAYOR'S DIARY - COUNCIL MEETING NOTES FOR 24 NOVEMBER 2014 .....	8
7.2 DEATH OF PETER KENNY .....	9
<b>8 GENERAL MANAGER'S LATE REPORT</b> .....	<b>10</b>
<b>9 MATTERS FOR DEFERRAL, REFERRAL TO INSPECTION AND/OR PROCEDURAL PRIORITY</b> .....	<b>10</b>
<b>10 MATTERS BROUGHT FORWARD BY THE PUBLIC</b> .....	<b>10</b>
<b>11 MATTERS NOT REQUIRING ELABORATION OR DEBATE</b> .....	<b>10</b>
<b>12 REPORTS FROM COMMITTEES</b> .....	<b>11</b>
12.1 7 CAWARRAH ROAD, MIDDLE COVE - MIDDLE HARBOUR WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 27 NOVEMBER 2014 .....	11
<b>13 DEFERRED MATTERS</b> .....	<b>12</b>
<b>14 CORRESPONDENCE</b> .....	<b>13</b>
14.1 COUNCILLORS INFORMATION BOOKLET - 27 NOVEMBER 2014 .....	13
<b>15 REPORTS FROM OFFICERS - GENERAL MANAGER</b> .....	<b>14</b>
<b>16 REPORTS FROM OFFICERS - CORPORATE SERVICES DIRECTOR</b> .....	<b>15</b>
16.1 PUBLIC EXHIBITION OF UPDATED DELIVERY PROGRAM AND LONG TERM FINANCIAL PLAN.....	15
16.2 COUNCIL MEETING DATES AND CHRISTMAS/NEW YEAR RECESS .....	16
<b>17 REPORTS FROM OFFICERS - COMMUNITY SERVICES DIRECTOR</b> .....	<b>17</b>
17.1 CONCOURSE PERFORMING ARTS SUBSIDY .....	17
17.2 CIVIL HERITAGE COMMEMORATIVE PLAQUES PROJECT .....	18
17.3 GLOBAL FRIENDSHIP COMMITTEE MINUTES.....	19
<b>18 REPORTS FROM OFFICERS - ENVIRONMENTAL SERVICES DIRECTOR</b> .....	<b>20</b>
18.1 DELEGATIONS FOR LOCAL ENVIRONMENTAL PLANS .....	20
<b>19 REPORTS FROM OFFICERS - INFRASTRUCTURE SERVICES DIRECTOR</b> .....	<b>21</b>
<b>20 NOTICE OF MOTION</b> .....	<b>22</b>
20.1 NOTICE OF MOTION: MARINE PROTECTED AREAS .....	22
20.2 NOTICE OF MOTION: CENTURY VENUES THE CONCOURSE UPDATED REPORTS .....	24
20.3 NOTICE OF MOTION: NAMING OF PARK AFTER DR ELSIE WEARN.....	26

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**21 CONFIDENTIAL ITEMS.....27**

21.1 VERBAL UPDATE ON THE GORE HILL TECHNOLOGY PARK VPA .....27

21.2 CHANNEL 9 SITE, ARTARMON ROAD, WILLOUGHBY.....27

21.3 3 ABBOTT ROAD COUNCIL PROPERTY.....27

21.4 TALUS STREET RESERVE TRUST .....27

21.5 LEGAL PROSPECTS – DA 2014/116 – 32-34 NORTHCOTE STREET,  
NAREMBURN .....28

**22 QUESTIONS.....30**

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## 1 PRESENT

**Her Worship the Mayor Councillor G Giles-Gidney, Councillors H Eriksson, W Norton, T Mustaca, A Rozos, J Rutherford, L Saville, M Sloane and N Wright.**

### **Officers**

**Ms T Crouch (Acting General Manager), Ms M Smith (Community Services Director), Mr P Collings (Acting Infrastructure Services Director), Mr T Pizzuto (Financial Services Director), Mr Jeff Ellis (Acting Environmental Services Director), Mr V Grepl (Acting Administration Services Manager), and Ms B Jeffries (Executive Assistant).**

## 2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- The Mayor, Councillor Giles-Gidney declared a significant, non-pecuniary interest in Item 21.4 - Talus Street Reserve Trust, and will not be present in the Chamber when this item is debated.
- Councillor L Saville declared a non-significant, non-pecuniary interest in Item 20.1 Notice of Motion – Marine Protected Areas.
- Councillor W Norton declared a non-significant, non-pecuniary interest in Item 12.1 Middle Ward Councillors Inspection Committee Meeting 27 November 2014 (7 Cawarra Road, Middle Cove).
- Councillor J Rutherford declared a non-significant, non-pecuniary interest in Item 12.1 Middle Ward Councillors Inspection Committee Meeting 27 November 2014 (7 Cawarra Road, Middle Cove).
- Councillor H Eriksson declared a non-significant, non-pecuniary interest in Item 21.4 - Talus Street Reserve Trust.
- Councillor J Rutherford declared a non-significant, non-pecuniary interest in Item 21.4 - Talus Street Reserve Trust.
- Councillor L Saville declared a non-significant, non-pecuniary interest in Item 21.4 - Talus Street Reserve Trust.
- Councillor N Wright declared a non-significant, non-pecuniary interest in Item 21.4 - Talus Street Reserve Trust.

## 3 CONFIRMATION OF MINUTES

***That the Minutes of the Ordinary Meeting of Council held 24 November 2014, copies of which have been circulated to each member of Council, be confirmed.***

## 4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor M Stevens submitted an apology for non-attendance and requested leave of absence.

- Councillor R Hill submitted an apology for non-attendance and requested leave of absence.
- Councillors S Coppock was on leave previously granted.
- Councillor M Sloane requested leave of absence for the period 12 December 2014 to 17 December 2014.
- Councillor H Eriksson requested leave of absence for the period 23 December 2014 to 6 January 2015.
- Councillor J Hooper requested Leave of Absence for the period 1 December 2014 to 14 December 2014.

## RESOLUTION

That:

1. **The apology from Councillors Stevens and Hill be accepted and Leave of Absence be granted.**
2. **Council note that absence of Councillors Coppock and Hooper on leave previously granted.**
3. **Council grant leave of Absence to Councillor Sloane for the period 12 December 2014 to 17 December 2014 inclusive.**
4. **Council grant Leave of Absence to Councillor Eriksson for the period 23 December 2014 to 6 January 2015.**
5. **Council grant leave of Absence to Councillor Hooper for the period 1 December 2014 to 14 December 2014.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Nil

**5 PETITIONS**

NIL

**6 OPEN FORUM**

Mr Brent Clark spoke on the innovations in energy saving in the residential building at 3-5 Freeman Road, Chatswood.

**7 MAYORAL MINUTE****7.1 MAYOR'S DIARY - COUNCIL MEETING NOTES FOR 24 NOVEMBER 2014**

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

<b>WEDNESDAY 26 NOVEMBER</b>			
Mayor Crs Hill, Rutherford, Saville	12 noon	MOSAIC Christmas Celebrations	The Civic Pavilion
Cr Saville	2 pm	Greater Sydney Local Land Services Meeting	Baulkham Hills Council
Crs Eriksson, Hill	Evening	Northbridge Progress Association AGM	Northbridge Golf Club
<b>THURSDAY 27 NOVEMBER</b>			
Mayor Crs Norton, Sloane, Wright	3 pm	Farewell for Environmental Services Director, Greg Woodhams	Council Chambers
<b>MONDAY 1 DECEMBER</b>			
Mayor Cr Rutherford	1 pm	Christmas Lunch for Willoughby Park Centre	Castle Cove Café, Deepwater Road

**RESOLUTION**

That the Mayoral report be received.

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Nil



## 7.2 DEATH OF PETER KENNY

Peter was a past president of the Castle Cove Progress Association. He was very highly regarded in the Castle Cove community as a longstanding resident who was committed to our community, a lover of bushland and a respected academic.

Peter was a member of the Natural Heritage and Bushland Advisory Committee for over 10 years. He was particularly familiar with the reserves in Castle Cove, such as Explosives Reserve, North Arm Reserve and Robb Reserve and endeavoured to represent residents in their management. His background in science was of benefit in assisting the Committee and Council in developing Reserve Action Plans for these and other reserves.

I have served with Peter on the Natural Heritage and Bushland Advisory Committee for a number of years. He always impressed me with his considered contribution to issues and his incredible intellect.

Peter's funeral will be held at Macquarie Park in the Palm Chapel at 11.15 tomorrow (Tuesday 2 December).

Our thoughts and prayers are with Peter and also with Pamela, his loving wife and life partner.

### RESOLUTION

**That a letter of condolence be sent to the family of the late Peter Kenny.**

### MOVED COUNCILLOR GILES-GIDNEY

**CARRIED**

#### Voting

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

**Against:** Nil

Council observed a minute's silence in the memory of the late Peter Kenny.

**8 GENERAL MANAGER'S LATE REPORT**

NIL

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

NIL

**10 MATTERS BROUGHT FORWARD BY THE PUBLIC**

Item 21.5 32-34 Northcote Street, Naremburn – Prospects Advice

**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 16.1 Public Exhibition of Updated Delivery Program and Long Term Financial Plan
- Item 16.2 Council Meeting Dates and Christmas / New Year Recess
- Item 17.1 Concourse Performing Arts Subsidy
- Item 18.1 Delegations for Local Environmental Plans
- Item 20.1 Notice of Motion: Marine Protected Areas
- Item 20.2 Notice of Motion: Century Venues the Concourse Updated Reports
- Item 20.3 Naming of Park after Dr Elsie Wearn

**RESOLUTION**

**That the remaining items, viz:**

- Item 12.1 7 Cawarra Road, Middle Cove – Middle Harbour Ward Councillors Inspection Committee Meeting – 27 November 2014
- Item 14.1 Councillors Information Booklet – 27 November 2014
- Item 17.2 Civil Heritage Commemorative Plaques Project – Plaque sites in Chatswood CBD to celebrate the Willoughby Sesquicentenary
- Item 17.3 Global Friendship Committee Minutes

**be adopted in accordance with the recommendations in the reports.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

## 12 REPORTS FROM COMMITTEES

### 12.1 7 CAWARRAH ROAD, MIDDLE COVE - MIDDLE HARBOUR WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 27 NOVEMBER 2014

**RESPONSIBLE OFFICER:** IAN ARNOTT - DEVELOPMENT PLANNING  
MANAGER

**AUTHOR:** ANNIE LEUNG - DEVELOPMENT PLANNER

**MEETING DATE:** 1 DECEMBER 2014

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#### **Purpose of Report**

To list on the agenda the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 27 November 2014.

#### **RESOLUTION**

**That:**

1. The Minutes be received.
2. Council note the resolution adopted by the Committee.

**“That the Officer's recommendations be adopted and the development application be approved, subject to Condition 10 - Construction Management Plan being modified to incorporate the following:**

- The applicant is responsible to adhere to any terms and conditions concerning the Right-of-Way to the site with access from Heights Crescent.”

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**13 DEFERRED MATTERS**

NIL

## 14 CORRESPONDENCE

### 14.1 COUNCILLORS INFORMATION BOOKLET - 27 NOVEMBER 2014

**RESPONSIBLE OFFICER:** GREG WOODHAMS - ACTING GENERAL MANAGER

**AUTHOR:** TRISHA DUFFY

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

**MEETING DATE:** 1 DECEMBER 2014

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#### **Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 27 November 2014.

#### **RESOLUTION**

**That the Councillors Information Booklet be received.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**15 REPORTS FROM OFFICERS - GENERAL MANAGER**

NIL

## **16 REPORTS FROM OFFICERS - CORPORATE SERVICES DIRECTOR**

### **16.1 PUBLIC EXHIBITION OF UPDATED DELIVERY PROGRAM AND LONG TERM FINANCIAL PLAN**

<b>ATTACHMENTS:</b>	<b>DELIVERY PROGRAM 2013-2017 (DISTRIBUTED SEPARATELY)</b>
	<b>LONG TERM FINANCIAL PLAN (DISTRIBUTED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR</b> <b>TONY PIZZUTO - FINANCIAL SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>DARIUS TURNER – CORPORATE PLANNING AND GOVERNANCE CO-ORDINATOR</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>1 DECEMBER 2014</b>

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#### **Purpose of Report**

To seek approval of Council to place the updated Delivery Program 2013 – 2017 and Long Term Financial Plan 2013 -2025 on public exhibition.

#### **MOTION**

**That Council place the Draft Delivery Program 2013 – 2017 and Draft Long Term Financial Plan 2013 – 2025 on public exhibition until 16 January 2015.**

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

#### **Voting**

**For the Motion:** Councillors Giles-Gidney, Eriksson, Norton, Rutherford, Sloane and Wright.

**Against:** Councillors Mustaca, Rozos and Saville.

**16.2 COUNCIL MEETING DATES AND CHRISTMAS/NEW YEAR RECESS**

**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:** 1 DECEMBER 2014

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**Purpose of Report**

To consider the Council recess for the Christmas / New Year period and to delegate authority to the Mayor and General Manager to deal with any urgent matters that arise during the recess.

**RESOLUTION**

**That:**

1. Council holds its last meeting for 2014 on Monday, 1 December 2014, and resume with a Council Meeting on Monday, 2 February 2015.
2. the Mayor and the General Manager be delegated authority to deal with matters considered by them to be urgent during the Christmas/New Year recess, subject to:
  - a) the relevant legislation with the *Local Government Act, 1993*;
  - b) matters that are considered urgent in nature or would cause undue delays to stakeholders;
  - c) consultation with Ward Councillors for decisions involving development applications and planning proposals;
  - d) decision being deferred where Council policy provides no clear guidelines; and
  - e) a list of matters dealt with under delegated authority to be presented to Council at its first meeting in 2015.
  - f) That the Thomson Park Synthetic Surfacing and Associated Works - Tender No. 083286 be included as an item under in 2 b) above.

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil



## 17 REPORTS FROM OFFICERS - COMMUNITY SERVICES DIRECTOR

### 17.1 CONCOURSE PERFORMING ARTS SUBSIDY

<b>ATTACHMENTS:</b>	<b>OVERVIEW &amp; OFFICER RECOMMENDATIONS FOR THE DISTRIBUTION OF FUNDS – THE CONCOURSE PERFORMING ARTS SUBSIDY</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>MELANIE SMITH - COMMUNITY SERVICES DIRECTOR</b>
<b>CITY STRATEGY LINK:</b>	<b>1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>1 DECEMBER 2014</b>

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#### **Purpose of Report**

To seek Council's endorsement of the officer recommendations for the distribution of grant funds through Council's Concourse Performing Arts Subsidy – Round I.

#### **RESOLUTION**

**That Council endorses Officer recommendations for the distribution of grant funds for Round One of the 2014/15 Concourse Performing Arts Subsidy programme.**

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**17.2 CIVIL HERITAGE COMMEMORATIVE PLAQUES PROJECT**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHELE BURTON – MANAGER, LIBRARY &amp; COMMUNITY LEARNING SERVICES</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED</b>
<b>MEETING DATE:</b>	<b>1 DECEMBER 2014</b>

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**Purpose of Report**

To provide an update on the Willoughby Civil Heritage Commemorative Plaques Project to Council for the placement of a Civil Heritage Commemorative Plaque as scheduled in FY 2014/15

**RESOLUTION**

That:

- 1. Council endorses the notification of the proposed plaque site and the inscription on Council's Website for public comment.**
- 2. Council endorses the production and installation of the plaque for Willoughby Tram Terminus at 230-252 Penshurst Street, North Willoughby**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**17.3 GLOBAL FRIENDSHIP COMMITTEE MINUTES**

<b>ATTACHMENTS:</b>	<b>1. GLOBAL FRIENDSHIP COMMITTEE MINUTES 18 SEPTEMBER 2014</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>MELANIE SMITH – COMMUNITY SERVICES DIRECTOR</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED</b>
<b>MEETING DATE:</b>	<b>1 DECEMBER 2014</b>

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**Purpose of Report**

To seek Council's endorsement of the amended minutes of the Global Friendship Meeting – 18 September 2014.

**RESOLUTION**

**That Council endorses the amended Minutes of the Global Friendship Meeting – 18 September 2014.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

## 18 REPORTS FROM OFFICERS - ENVIRONMENTAL SERVICES DIRECTOR

### 18.1 DELEGATIONS FOR LOCAL ENVIRONMENTAL PLANS

ATTACHMENTS:	1. COUNCIL REPORT OF 12 NOVEMBER 2014
RESPONSIBLE OFFICER:	LINDA MCCLURE – STRATEGIC PLANNING MANAGER
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
MEETING DATE:	1 DECEMBER 2014

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#### Purpose of Report

This report is to nominate the Acting Environmental Services Director to be a delegate to process and finalise Draft Local Environmental Plans.

#### RESOLUTION

That Council writes to the Department of Planning & Environment to nominate Acting Environmental Services Director, Mr Jeff Ellis, and Strategic Planning Manager, Ms Linda McClure be nominated to be delegate and sub-delegate to process and finalise Draft Local Environmental Plans where Council has considered submissions and determined the outcome of a Draft Local Environmental Plan.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR WRIGHT

**CARRIED**

#### Voting

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

**Against:** Nil

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

NIL

## 20 NOTICE OF MOTION

### 20.1 NOTICE OF MOTION: MARINE PROTECTED AREAS

**RESPONSIBLE OFFICER:** GREG WOODHAMS - ACTING GENERAL MANAGER

**CITY STRATEGY LINK:** 2.1.1 CONSERVE AND MAINTAIN WILLOUGHBY'S NATURAL ECOSYSTEMS

**MEETING DATE:** 1 DECEMBER 2014

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#### **Purpose of Report**

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

That Willoughby City Council:

- a. Notes that NSW currently has six Marine Protected Areas (MPAs) which provide vital protection to Australia's fish stocks and sensitive marine environments.
- b. Notes that within these Marine Protected Areas, no-take sanctuary zones are one of the most critical components providing our precious marine ecosystems with protection from all forms of fishing.
- c. Notes that the NSW Coalition Government currently has an amnesty in place allowing recreational fishing within no-take sanctuary zones in an overwhelming majority of NSW MPAs and that this amnesty has been in place since March 2013 originally intended as a 12 month trial.
- d. Further notes that the NSW Coalition Government's delay in lifting the amnesty continues to undermine the precious marine ecology of NSW's Marine Parks' system.
- e. Recognises that a study by the University of Tasmania's Institute for Marine and Antarctic Studies has found that the most effective MPAs are those with well enforced no-take sanctuary zones with "on average eight times more large fishes, nine times more gopros and 14 times more sharks than fished areas".
- f. Notes that approximately 222 marine scientists from around Australia and the world have written to the current Coalition Government to convey the importance of Sanctuary Zones within NSW's Marine Parks' system.
- g. Further notes that in addition to the broad scientific support for Sanctuary Zones, 93% of the NSW public think marine sanctuaries are a good idea, including 91% support from recreational fishers.
- h. Also notes that hundreds of businesses have spoken out in support of marine park sanctuary zones as an integral part of effective marine conservation, including tourism and related businesses, diving associations and local chambers of commerce.
- i. Requests that Premier Baird and Minister Stokes:

1. Acknowledge scientific evidence as well as listen to the overwhelming public support for an immediate end to the amnesty allowing recreational fishing in no-take sanctuary zones.
2. Ensure that no-take sanctuary zones are well enforced allowing for a revitalisation of marine life in those areas.
3. Ensure that there will be no further risks to the scientific integrity of sanctuary zones and NSW's Marine Parks' system.

**RESOLUTION**

**The Council consider the Notice of Motion of Councillor Saville.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR NORTON**

**LOST**

**Voting**

**For the Resolution:** Councillors Norton, Saville and Wright.

**Against:** Councillors Giles-Gidney, Eriksson, Mustaca, Rutherford, Rozos and Sloane.

**20.2 NOTICE OF MOTION: CENTURY VENUES THE CONCOURSE UPDATED REPORTS****RESPONSIBLE OFFICER: GREG WOODHAMS - ACTING GENERAL MANAGER****AUTHOR: GREG WOODHAMS - ACTING GENERAL MANAGER****CITY STRATEGY LINK: 6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION****MEETING DATE: 1 DECEMBER 2014**

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**Purpose of Report**

Councillor N Wright has indicated his intention to move the following Notice of Motion:

That:

Whilst acknowledging the important role of Council in contributing to the strategic direction of the significant Willoughby City community asset that is The Concourse, Council notes that:

1. The General Manager (or their delegate) is responsible for addressing operational concerns as raised by Councillors or the community, with the venue manager(s);
2. The General Manager will report as appropriate to Council on any matters involving the operation of The Concourse that require consideration and determination by the Council as part of the Quarterly and Annual Reports;
3. The confidential report to the Cultural and Civic Committee meeting, including attendance by the Venue Manager, no longer be required as a standing item on the agenda.

**RESOLUTION**

That:

**Whilst acknowledging the important role of Council in contributing to the strategic direction of the significant Willoughby City community asset that is The Concourse, Council notes that:**

1. **The General Manager (or their delegate) is responsible for addressing operational concerns as raised by Councillors or the community, with the venue manager(s);**
2. **The General Manager will report as appropriate to Council on any matters involving the operation of The Concourse that require consideration and determination by the Council as part of the Quarterly and Annual Reports;**
3. **The confidential report to the Cultural and Civic Committee meeting, including attendance by the Venue Manager, no longer be required as a standing item on the agenda.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**



**Voting**

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

**Against:** Councillor Rozos.

**20.3 NOTICE OF MOTION: NAMING OF PARK AFTER DR ELSIE WEARN****RESPONSIBLE OFFICER: TRACEY CROUCH - ACTING GENERAL MANAGER****CITY STRATEGY LINK: 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS****MEETING DATE: 1 DECEMBER 2014**

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**Purpose of Report**

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

That Council:

1. Endorses the nomination of Dr Elsie Wearn as the name for the current Robert Street Park as proposed by the Artarmon Progress Association, and
2. Nominates Dr Elsie Wearn's name as the final name of the current Robert Street Park in the forthcoming community consultation on the upgrade and naming of the park.

**RESOLUTION**

That Council:

1. Endorses the nomination of Dr Elsie Wearn as the name for the current Robert Street Park as proposed by the Artarmon Progress Association, and
2. Nominates Dr Elsie Wearn's name as the final name of the current Robert Street Park in the forthcoming community consultation on the upgrade and naming of the park.

**MOVED COUNCILLOR SLOANE****SECONDED COUNCILLOR WRIGHT****CARRIED****Voting**

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

**Against:** 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 VERBAL UPDATE ON THE GORE HILL TECHNOLOGY PARK VPA

#### COMMITTEE RECOMMENDATION

That the verbal update be noted.

### 21.2 CHANNEL 9 SITE, ARTARMON ROAD, WILLOUGHBY

#### COMMITTEE RECOMMENDATION

That Council resolves to defend the appeal, and also grant delegated authority to the General Manager to settle the proceedings at the s34 conference if appropriate amendments can be made to the satisfaction of Council officers.

### 21.3 3 ABBOTT ROAD COUNCIL PROPERTY

#### COMMITTEE RECOMMENDATION

That this item remains confidential until such time as documents and agreements are finalised.

### 21.4 TALUS STREET RESERVE TRUST

#### COMMITTEE RECOMMENDATION

That Council seek judicial advice pursuant to section 63 of the *Trustee Act 1925* (NSW) with respect to the Talus Reserve in the following terms:

1. Whether the Talus Street (R73306) Reserve Trust ("Talus Trust") as trustee of Reserve No 73306 for public recreation published in the Government Gazette of 16

September 1949 (the “Talus Street Reserve”), would be justified in:

- a. giving its consent to, and
- b. seeking and obtaining from the Minister administering the *Crown Lands Act 1989* (NSW) consent to,

a proposed sublease of the Talus Street Reserve between Northern Suburbs Tennis Association Incorporated and Love’n Deuce Pty Ltd (“Love’n Deuce”), on terms set out in an affidavit to be filed in support of this application.

2. Whether the Talus Trust as trustee of the Talus Street Reserve, would be justified in:

- a. giving its consent to, and
- b. seeking and obtaining from the Minister administering the *Crown Lands Act 1989* (NSW) consent to,

a proposed licence of part of the Talus Street Reserve between Love’n Deuce and Humpty Dumpty Foundation Ltd, on terms set out in an affidavit to be filed in support of this application.

3. Whether the answer to the [questions for advice] is influenced or affected by the principles laid down by the High Court of Australia in *Council of the Municipality of Randwick v Rutledge* (1959) 102 CLR 54.

4. Councillors be provided a copy of the affidavit once it is filed.

#### CONSEQUENTIAL MOTION

That the delegation be granted to the Acting General Manager and Deputy Mayor to finalise the terms of the proposed sub-lease and proposed licence.

#### 21.5 LEGAL PROSPECTS – DA 2014/116 – 32-34 NORTHCOTE STREET, NAREMBURN

#### COMMITTEE RECOMMENDATION

That Council resolve to:

1. Delegation be granted to Council officers to enter a binding section 34 agreement (including the amendment or addition of conditions) with the Applicant.
2. In the event a section 34 agreement is not reached the matter proceed to a consent orders hearing before the Court.

#### RESOLUTION

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

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

## 22 QUESTIONS

NIL

**The meeting concluded at 9.02pm.**

**I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council held on 1 December 2014. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.**