



# **Willoughby City Council**

## **ORDINARY COUNCIL**

## **MINUTES**

Council Chamber, 31 Victor Street, Chatswood

24 August 2015

commencing at 7:00pm

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## 1 PRESENT

### Councillors

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

- Councillor Stevens left the meeting at 8:59pm.

### Officers

Ms D Just (General Manager), Mr D Johnson (Acting Director Planning & Infrastructure), Mr M McDonald, (Acting Director Customer & Corporate Support), Ms M Smith (Director Community, Culture and Leisure), Mr Gary Parsons (Manager Project Management Office), Ms M Hillman (Governance and Administration Manager) and Ms P Sheldrake (Minute Secretary).

## 2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary, substantial interest in Item 18.1 JRPP Report for Noting – 36-38 Hercules Street and 256 Victoria Avenue, Chatswood – DA2014/445.  
(Nature of Interest: I am a member of the JRPP Panel)
- Deputy Mayor Councillor T Mustaca declared, via a Disclosures of Interest form, a non-pecuniary, substantial interest in Item 18.1 JRPP Report for Noting – 36-38 Hercules Street and 256 Victoria Avenue, Chatswood – DA2014/445.  
(Nature of Interest: I am a member of the JRPP Panel)

## 3 CONFIRMATION OF MINUTES

### RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 10 August 2015, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR MUSTACA

**CARRIED**

### Voting

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

**Against:** Nil

## 4 APOLOGIES AND LEAVE OF ABSENCE

- Councillors Coppock, Eriksson and Sloane are on leave previously granted.
- Councillor Wright submitted an apology for non-attendance.

**RESOLUTION**

That Council:

1. Notes Councillors Coppock, Eriksson and Sloane on leave previously granted.
2. Notes Councillor Wright's apology for non-attendance.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

**Voting**

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

**Against:** Nil

**5 PETITIONS**

- Councillor Mustaca submitted petitions for Coolaroo Road, Lane Cove North.
- Councillor Saville submitted petitions in relation to Currey Park Trees.

**RESOLUTION**

That Council receives the petition relating to Coolaroo Road, Lane Cove North and Currey Park Trees.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR STEVENS**

**CARRIED**

**Voting**

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

**Against:** Nil

## 6 OPEN FORUM

- Mr Ross Wellings spoke on the publication by Mathers Bush Care Pty Ltd providing an account of bush regeneration work in Willoughby City and presented a copy to Her Worship the Mayor Councillor G Giles-Gidney.
- Mr Gary Anderson spoke on free speech and due process.
- Mr Craig Campbell spoke on the Mowbray Road Traffic Study.

## 7 MAYORAL MINUTE

### 7.1 MAYOR'S DIARY – COUNCIL MEETING NOTES – 24 AUGUST 2015

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

<b>THURSDAY 13 AUGUST</b>			
Mayor	12.30 pm	VP(J) Day Luncheon	Chatswood RSL Club
Cr Norton, Rutherford	7.30 pm	Middle Harbour Progress Assn	Willoughby Legion
<b>FRIDAY 14 AUGUST</b>			
Mayor	10 am	Visit to East Willoughby Pre-School: Group 1	Bales Park Centre
<b>SATURDAY 15 AUGUST</b>			
Mayor	12.30 pm	Reception – commemorating Anniversary of end of W.W. II	Sydney Opera House
Mayor	2 pm	Book Talk	Chatswood Library
Mayor	4.45 pm	Patron's Trophy Presentation	Northbridge Golf Club
<b>SUNDAY 16 AUGUST</b>			
Cr Saville		Bushcare	Chatswood High School
Mayor	11 am	Australian Fujian Club Launch	Petersham
Mayor	2 pm	Service for 50 <sup>th</sup> Anniversary of Chinese Christian Church	The Concourse
Mayor	4.30 pm	Presentation of Trophy	Northbridge FC
<b>MONDAY 17 AUGUST</b>			
Deputy Mayor: Cr Mustaca representing the Mayor	6 pm	Opening Ceremony of the 2 <sup>nd</sup> Annual North Korea Human Rights Week	Event Cinemas George Street, Sydney
Mayor	7 pm	<i>Willoughby Roos</i> Celebration	Robino's, Willoughby
Mayor	7.30 pm	SES Presentation Evening	SES HQ, Naremburn
<b>TUESDAY 18 AUGUST</b>			
Mayor	10.45 am	Rainbow Project: with children from Fukushima	Clive Park
Mayor Cr Rutherford	11.30 am	Press Conference re: 1 <sup>st</sup> Australia-China Cross-border E-Commerce Forum 2015	Kam Fook Restaurant
Cr Norton	8 pm	Chatswood East Progress Assn	Dougherty Centre



<b>WEDNESDAY 19 AUGUST</b>			
Mayor	10 am	Visit to East Willoughby Pre-School: Group 2	Bales Park Centre
Mayor	11.45 am	Opening of Huawei National Training & Innovation Centre	799 Pacific Highway
Cr Norton	12 noon	Live at Lunch	The Concourse
<b>THURSDAY 20 AUGUST</b>			
Mayor	9.30 am	Opening of new Nespresso Flagship Store	Chatswood Chase
Mayor	12.30 pm	Northside Council of Mayors	Coachwood Room
Mayor	3.30 pm	Visit by Sugunami Students	Council Chambers
Cr Saville	Evening	Chatswood West Progress Association Meeting	Dougherty Centre
<b>FRIDAY 21 AUGUST</b>			
Mayor	12 noon	Presentation to <i>Ubiquitous Cities</i> design studio	UNSW School of Architecture & Design
Mayor	6 pm	Opening of Art Expo	Wby Girls High School
Mayor	7 pm	Opening of Indoor Golf Centre	Chatswood Golf Club
Mayor	7.30 pm	NACS Dinner	Northbridge Golf Club
<b>SATURDAY 22 AUGUST</b>			
<b>SUNDAY 23 AUGUST</b>			
<b>MONDAY 24 AUGUST</b>			
Mayor	9.30 am	Talk to Year 9 Students	Council Chambers
Mayor	12 noon	TOWARDS PARIS 2015: Business & Climate Summit	Sydney Town Hall

**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 18.1 JRPP Report for Noting – 36-38 Hercules Street and 256 Victoria Avenue, Chatswood – DA2014/445

**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 12.1.2 (9.1) ROI Concession Application from Northside Community Forum  
Item 15.1 Proposed Cy Pres Scheme(s) for Compensation received for Land Compulsorily Acquired by RMS  
Item 15.2 Councillor Attendance at Local Government NSW 2015 Annual Conference

**RESOLUTION**

That the remaining items, viz:

Item 12.1 Cultural and Civic Committee Meeting – 17 August 2015 - Minutes  
Item 12.1.1 (8.2) Haven Amphitheatre Committee Meeting – 21 July 2015  
Item 12.1.3 (9.2) ROI Concession Application from Rotary Club of Chatswood Sunrise  
Item 12.2 Level 3, 12 Barcoo Street, Roseville – Middle Harbour Ward Councillors Inspection Committee Meeting – 6 August 2015  
Item 14.1 Councillors Information Booklet – 13 and 20 August 2015  
Item 18.2 General Matters – Joint Regional Planning Panel  
Item 18.3 Development Application and Planning Proposal Report to 17 August 2015  
Item 18.4 Memorial Seat Request – Northbridge Library

be adopted in accordance with the recommendations in the reports.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

## 12 REPORTS FROM COMMITTEES

### 12.1 CULTURAL AND CIVIC COMMITTEE MEETING - 17 AUGUST 2015 - MINUTES

**ATTACHMENTS:** 1. MINUTES

**RESPONSIBLE OFFICER:** ANGELA CASEY - ACTING COMMUNITY, CULTURE AND LEISURE DIRECTOR

**MEETING DATE:** 24 AUGUST 2015

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#### **Purpose of Report**

To present the minutes of the Cultural and Civic Committee Meeting held 17 August 2015.

#### **RESOLUTION**

**That Council:**

1. **Receives the Minutes of the Cultural and Civic Committee Meeting held 17 August 2015.**
2. **Council notes the resolutions adopted by the Committee.**
3. **Council adopts the Committee's recommendations.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**12.1.1 (8.2) HAVEN AMPHITHEATRE COMMITTEE MEETING - 21 JULY 2015**

<b>ATTACHMENTS:</b>	<b>1. MINUTES - HAVEN AMPHITHEATRE COMMITTEE - 21 JULY 2015</b> <b>2. TREASURER'S REPORT - HAVEN AMPHITHEATRE - 21 JULY 2015</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD - OPEN SPACE CO-ORDINATOR</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.4 ART AND CULTURAL ACTIVITIES PROVIDE ENRICHING OPPORTUNITIES FOR PEOPLE</b>
<b>MEETING DATE:</b>	<b>17 AUGUST 2015</b>

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**Purpose of Report**

To provide Council with the minutes and treasurer's report of the Haven Amphitheatre Committee meeting held 21 July 2015.

**RESOLUTION**

**That Council receives and notes the minutes and treasurer's report of the Haven Amphitheatre Committee meeting held 21 July 2015.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**12.1.2 (9.1) ROI CONCESSION APPLICATION FROM NORTHSIDE COMMUNITY FORUM INC.**

<b>ATTACHMENTS:</b>	<b>1. STATEMENT OF INCOME &amp; FINANCIAL POSITION - 30 JUNE 2014</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANGELA CASEY - ACTING COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.2 THE VULNERABLE ARE INVOLVED IN OUR COMMUNITY AND SUPPORTED WITH RESPECT AND INTEGRITY</b>
<b>MEETING DATE:</b>	<b>17 AUGUST 2015</b>

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**Purpose of Report**

To seek a decision on an out of term Category D (full concession) rate for Northside Community Forum Inc (NCF) to use office space at the Dougherty Community Centre and garaging of three 22 seater buses at Council's Gibbes St depot.

**MOTION**

- 1. That Council approve an out of term Category D (full concession) rate for Northside Community Forum Inc (NCF) to use office space at the Dougherty Community Centre and free garaging of three 22 seater buses at Council's Gibbes St depot**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR HOOPER**

**LOST**

**Voting**

**For the Motion:** Councillors Hooper, Mustaca, Stevens and Norton.

**Against:** Councillors Giles-Gidney, Hill, Rutherford, Rozos and Saville.

**Absent:** Nil

**AMENDMENT**

- 1. That Council not approve an out of term Category D (full concession) rate for Northside Community Forum Inc (NCF) to use office space at the Dougherty Community Centre and garaging of three 22 seater buses at Council's Gibbes St depot as the applicant does not meet the criteria for a Category D – Full Concession.**

2. That Council Officers under their delegated authority, assess NCF's application to determine if the organisation is eligible for Category B (25% discount) hire arrangement for office space and secure bus parking facilities, to support the continued delivery of NCF's services to those adults in the Willoughby LGA with physical disability who use wheelchairs.

**MOVED COUNCILLOR RUTHERFORD**

**SECONDED COUNCILLOR ROZOS**

**LOST**

**Voting**

**For the Amendment:** Councillors Giles-Gidney, Rutherford and Rozos.

**Against:** Councillors Hill, Hooper, Mustaca, Norton, Saville and Stevens.

**Absent:** Nil

**MOTION**

1. That Council not approve an out of term Category D (full concession) rate for Northside Community Forum Inc (NCF) to use office space at the Dougherty Community Centre as the applicant does not meet the criteria for a Category D – Full Concession.
2. That Council approves free garaging of three 22 seater buses at Council's Gibbes St Depot.
3. That Council Officers under their delegated authority, assess NCF's application to determine if the organisation is eligible for Category B (25% discount) hire arrangement for office space to support the continued delivery of NCF's services to those adults in the Willoughby LGA with physical disability who use wheelchairs.
4. That Council review the parking arrangement in twelve months.

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

**For the Motion:** Councillors Hill, Hooper, Norton, Rozos and Stevens.

**Against:** Councillors Giles-Gidney, Mustaca, Rutherford and Saville.

**Absent:** Nil

**12.1.3 (9.2) ROI CONCESSION APPLICATION FROM ROTARY CLUB OF CHATSWOOD SUNRISE**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANGELA CASEY – ACTING COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>CITY STRATEGY LINK:</b>	<b>1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE TO THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>17 AUGUST 2015</b>

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**Purpose of Report**

To seek approval for an out of term Category D (full concession) rate for the Rotary Club of Chatswood Sunrise for a small meeting room at the Dougherty Community Centre for their weekly breakfast meetings to plan their activities.

**RESOLUTION**

**That Council provides an out of term Category D (full concession) rate for the Rotary Club of Chatswood Sunrise for a small meeting room at the Dougherty Community Centre from August – December 2015.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**12.2 LEVEL 3, 12 BARCOO STREET, ROSEVILLE - MIDDLE HARBOUR WARD  
COUNCILLORS INSPECTION COMMITTEE MEETING - 6 AUGUST 2015**

<b>ATTACHMENTS:</b>	<b>1. MINUTES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>CANDICE PON - DEVELOPMENT PLANNER</b>
<b>MEETING DATE:</b>	<b>24 AUGUST 2015</b>

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**Purpose of Report**

To list on the agenda the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 6 August 2015.

**RESOLUTION****That Council:**

- 1. Receives the Minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 6 August 2015, dealing with DA 2014/421 for Level 3, 12 Barcoo Street, Roseville.**
- 2. Notes the resolution adopted by the Committee:**

**“That the application be approved in accordance with the Officer’s recommendation, subject to the amendments as follows:**

**A. New condition 1A to read:**

**Trial Period**

**This consent shall lapse twelve (12) months from the date of issue of any occupation certificate. After nine (9) months from the date of issue of an occupation certificate a Section 96 Modification Application may be lodged with Council to extend the occupation of the premises beyond the twelve (12) month trial period.**

**(Reason: Operation Management, Amenity)**

**B. New condition 1B to read:**

**Sign**

**A sign shall be erected at the exit of the building to include advice to staff that: ‘all vehicles must turn left only onto Barcoo Street and that when test driving vehicles employees are to observe the speed limit and leave quietly, and please respect the neighbours at all times’.**

**(Reason: Amenity)**



**C. New condition 1C to read:**

**Consultative Committee**

The Operation Management Plan shall be formulated in consultation with the Consultative Committee required to be established during the trial period in accordance with Condition 37.

(Reason: Operation Management, Amenity)

**D. Condition 37 is modified as follows:**

**Operation Management Plan**

An Operation Plan of Management must be prepared, maintained and adhered to for the operation and management of the facility. The Plan is to seek to ensure that activities occur in a manner that minimises impacts on neighbouring residential properties and must contain (but is not limited to) actions in regard to:

- loading/unloading procedures;
- testing of vehicle procedures, including the route;
- trading hours;
- administration;
- booking/managing of appointments;
- waste management;
- response to any reasonable directions from the NSW Police and Willoughby Council;
- complaint handling procedures;
- specific details of the size and contents of the internal sign required in accordance with Condition 1B; and,
- a consultative committee is to be established during the trial period to consider any community issues associated with the use of the premises; the committee must include a minimum of two (2) residents' representatives and representatives from proposed tenant.

A copy must be kept at the premises at all times and made available to Council upon request.

(Reason: Operation Management, Amenity)

**Consequential Motion**

That the following matters be referred to the Local Traffic Committee:

- Consideration be given to a 40km/hour zone for Barambah Road and that section of Ashley Street between Penshurst Street and Barambah Road; the implementation of parking limit restrictions along Barambah Road; and, review the operation of traffic lights at the intersection of Ashley Street and Penshurst Street.”

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**13 DEFERRED MATTERS**

NIL

## 14 CORRESPONDENCE

### 14.1 COUNCILLORS INFORMATION BOOKLET - 13 AND 20 AUGUST 2015

<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST - GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>TRISHA DUFFY - SECRETARY GOVERNANCE AND POLICY</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>24 AUGUST 2015</b>

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#### **Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 13 and 20 August 2015.

#### **RESOLUTION**

**That Council receives the Councillors Information Booklets circulated to all Councillors on 13 and 20 August 2015.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

## 15 REPORTS FROM OFFICERS - GENERAL MANAGER

### 15.1 PROPOSED *cy pres* SCHEME(S) FOR COMPENSATION RECEIVED FOR LAND COMPULSORILY ACQUIRED BY RMS

ATTACHMENTS:	1. DRAFT DECLARATION OF TRUST
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	PROJECT MANAGEMENT OFFICE MANAGER
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	24 AUGUST 2015

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#### Purpose of Report

To inform Council of a proposed *cy pres* scheme that has been drafted by Council's solicitors and recommend the submission of the scheme to the Attorney General of NSW for endorsement.

#### RESOLUTION

##### That Council:

1. Notes the amount of compensation available 30 June, 2015 (following the allocation of the interest on the principal) applicable to part of lots 39 and 40 in deposited plan 1140476 (being part of Richmond Avenue Reserve) is \$5,459,526 and \$960,130 for the land part of lots 54 and 55 in deposited plan 40302 (being part of Mowbray Park).
2. Authorises the General Manager to establish a *cy pres* scheme pursuant to section 11 of the *Charitable Trusts Act 1993* for the purpose of application of the compensation, including accruals thereto, paid by The Roads and Maritime Services ("RMS") to Council for resumption, including compensation attributable to the decreased value of residue land, by RMS of:
  - (a) part of lots 39 and 40 in deposited plan 1140476 (being part of Richmond Avenue Reserve); and
  - (b) part of lots 54 and 55 in deposited plan 40302 (being part of Mowbray Park).
3. Authorises the General Manager to establish a *cy pres* scheme in the form of and pursuant to the draft Declaration of Trust annexed to this resolution, subject to such amendments as may be necessary and/or appropriate in order that the *cy pres* scheme so established can be approved by the Supreme Court of NSW.

4. Authorises the General Manager to submit the draft *cy pres* scheme, including the Declarations of Trust annexed to this resolution, to the Attorney General for NSW for approval and thereafter take all necessary and/or appropriate action for the *cy pres* scheme so established to be approved by the Supreme Court of NSW.
5. Authorises the General Manager to instruct solicitors to act for Council and supervise the establishment and submission of the *cy pres* schemes, including the Declaration of Trust, to the Attorney General for NSW for approval and thereafter take all necessary and/or appropriate action for the *cy pres* scheme so established to be approved by the Supreme Court of NSW.
6. Authorises the General Manager to apply the Trust Funds pursuant to and in accordance with the relevant Declaration of Trust (as amended), upon establishment of the *cy pres* scheme.
7. Notes that a further report will be brought back to Council in relation to the outcome of Council's submissions to the NSW Attorney General and the Supreme Court of NSW.
8. Authorises the Mayor and General Manger to sign under seal the *cy pres* scheme approved by the Attorney General for submission to the NSW Supreme Court.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

**Voting**

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

**Against:** Nil

## 15.2 COUNCILLOR ATTENDANCE AT LOCAL GOVERNMENT NSW 2015 ANNUAL CONFERENCE

<b>RESPONSIBLE OFFICER:</b>	<b>MARK MCDONALD – A/CUSTOMER AND CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>VLADIMIR GREPL – GOVERNANCE AND CORPORATE PLANNING OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>10 AUGUST 2015</b>

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### Purpose of Report

To elect Councillor voting delegates to attend the Local Government NSW (LGNSW) Annual Conference and endorse possible motions to be presented to the Conference.

### RESOLUTION

That Council:

1. Determines the following Councillors be its voting delegates at the Local Government NSW Annual Conference to be held at Rosehill from 11-13 October 2015:
  - Her Worship the Mayor Councillor G Giles-Gidney
  - Councillors H Eriksson, J Hooper, T Mustaca and A Rozos
2. Nominates the following Councillors to attend the Conference as observers:
  - Councillors Norton, Rutherford and Saville

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

#### Voting

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

**Against:** Nil

**RESOLUTION**

That Council considers all motions shown in the report and endorses the particular motions to be submitted to Local Government NSW for debate at the Conference with the exception of the following sections:

- Point 5 Section e)
- Point 6
- Point 8

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

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

**Against:** Nil



**16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE  
SUPPORT DIRECTORATE**

NIL

**17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND  
LEISURE DIRECTORATE**

NIL

## 18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

### 18.1 JRPP REPORT FOR NOTING - 36-38 HERCULES STREET AND 256 VICTORIA AVENUE, CHATSWOOD - DA-2014/445

ATTACHMENTS:

1. NOTIFICATION MAP
2. JRPP ASSESSMENT REPORT - DA-2014/445
3. SUPPORTING DOCUMENTATION
4. PLANS - A3 @ SCALE 1:500 - SUPPORTING DOCUMENTATION AND DIAGRAMMATIC DRAWINGS

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

AUTHOR: ANA VISSARION – DEVELOPMENT PLANNER

MEETING DATE: 24 AUGUST 2015

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#### Purpose of Report

To inform Council that Development Application 2014/445 for '*Demolition of existing structures and construction of five (5) mixed use buildings containing retail premises, business premises, shop-top housing, car parking, childcare centre, landscaping, restoration of a heritage building and associated works*' will be considered by the Sydney East Joint Regional Planning Panel (JRPP) at its meeting on 10 September 2015.

Mr Ted Wilson made an application to address Council but was unable to attend due to illness. Council debated this item as there was interest from the gallery.

#### MOTION

That Council:

1. Receives and notes the Assessment Report to JRPP for DA-2014/445.
2. Members of the JRPP retire from the Council Chambers for the consideration of the application.
3. Resolves to attach Council seal to any Housing Transfer Deed and any other legal documents associated with the transfer of the affordable housing units to Council, in connection with DA-2014/445 for Demolition of existing structures and construction of five (5) mixed use buildings containing retail premises, business premises, shop-top housing, car parking, childcare centre, landscaping, restoration of a heritage building and associated works at 36-38 Hercules Street & 256 Victoria Avenue, Chatswood.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR RUTHERFORD

**CARRIED**

**Voting**

**For the Motion:** Councillors Hill, Norton, Rozos, Rutherford, Saville and Stevens.

**Against:** Councillor Hooper

**Absent:** Councillors Giles-Gidney and Mustaca.

**Councillors Giles-Gidney and Mustaca, both representatives of JRPP, left the meeting at 7:21pm for the duration of debate on this item and Councillor Norton took the Chair.**

**18.2 GENERAL MATTERS - JOINT REGIONAL PLANNING PANEL****RESPONSIBLE OFFICER: DOMINIC JOHNSON – ACTING DIRECTOR PLANNING AND INFRASTRUCTURE****AUTHOR: IAN ARNOTT – PLANNING MANAGER****MEETING DATE: 24 AUGUST 2015**

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**Purpose of Report**

To consider appointment of nominees to represent Council on the Joint Regional Planning Panel (JRPP) having regard to the organisational restructure.

**RESOLUTION****That Council:**

- 1. Engages Ms McClure at a mutually agreeable rate to act as Council's second representative on the Sydney East Joint Regional Planning Panel;**
- 2. Engages Mr Rowan at a mutually agreeable rate to act as alternate Council representative for Council on the Sydney East Joint Regional Planning Panel in Ms McClure's absence;**
- 3. Advises the Panel Secretariat of its decision;**
- 4. That in the event that both Ms McClure and Mr Rowan are unable to attend a scheduled meeting Council proceed with one representative, being the Mayor or her alternate, the Deputy Mayor;**
- 5. That Council's representation on the Sydney East Joint Regional Planning Panel be reviewed following recruitment of the Director Planning and Infrastructure and by December 2015 when the State Government's decision in relation to Council mergers is due to be announced.**

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

**18.3 DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT TO  
17 AUGUST 2015**

**ATTACHMENTS:** 1. LIST OF APPLICATIONS

**RESPONSIBLE OFFICER:** IAN ARNOTT –PLANNING MANAGER

**AUTHOR:** DEVELOPMENT PLANNERS, BUILDING SURVEYORS

**MEETING DATE:** 24 AUGUST 2015

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**Purpose of Report**

The attached schedule lists all current development applications grouped by suburb with development applications to be determined by the Joint Regional Planning Panel listed separately. Planning Proposals received by Council and not yet determined are contained in a further list at the end of the attachment.

**RESOLUTION**

**That Council notes the information on Development Applications (including those to be determined by the Joint Regional Planning Panel) and Planning Proposals Report to 17 August 2015.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.4 MEMORIAL SEAT REQUEST - NORTHBRIDGE LIBRARY**

<b>ATTACHMENT:</b>	<b>1. LETTER OF SUPPORT FROM NORTHBRIDGE PROGRESS ASSOCIATION</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD - OPEN SPACE CO-ORDINATOR</b>
<b>CITY STRATEGY LINK:</b>	<b>3.1.3 LOCAL CHARACTER</b>
<b>MEETING DATE:</b>	<b>24 AUGUST 2015</b>

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**Purpose of Report**

To approve the placing of a memorial seat outside the library in Namoi Road, Northbridge to commemorate the late Margaret Elsie Kaye's charitable work in Northbridge.

**RESOLUTION**

**That Council approves the placing of a memorial seat outside the library in Namoi Road, Northbridge in honour of the late Margaret Elsie Kaye.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**19 NOTICE OF MOTION**

NIL



## 20 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.

### 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 item.
2. Council resolve into Committee of the Whole in order to deal with this confidential item.

### 20.1 SECTION 34 CONCILIATION OUTCOMES ON DA 2012/363/A - 135 SAILORS BAY ROAD, NORTHBRIDGE (ANYTIME FITNESS)

#### 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.

### 20.2 OUTCOME OF COURT PROCEEDING ON DA2013/544 - 26 KENDALL ROAD, CASTLE COVE

#### 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.

### 20.3 POTENTIAL TO PURCHASE LAND

#### Reason for Confidentiality

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

### **20.1 SECTION 34 CONCILIATION OUTCOMES ON DA 2012/363/A - 135 SAILORS BAY ROAD, NORTHBRIDGE (ANYTIME FITNESS)**

#### **Recommendation Summary**

1. That Council notes the appeal was upheld, and;
2. That the enforcement of Development Consent DA2012/363 (as modified) issued for Relocation of inter-tenancy wall between Lot 34 and Lot 38, fit-out and occupation of Tenancy 34 (as altered) for a Gym be referred to Council's Compliance Unit.

### **20.2 OUTCOME OF COURT PROCEEDING ON DA2013/544 - 26 KENDALL ROAD, CASTLE COVE**

#### **Recommendation Summary**

That Council notes that the appeal is dismissed.

### **20.3 POTENTIAL TO PURCHASE LAND**

#### **Recommendation Summary**

That Council maintains confidentiality of this item pending the completion of all transactions in relation to this matter.

## **RESOLUTION**

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

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillors Hooper and Stevens.

**RESOLUTION**

**That the meeting revert to Open Council.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Hill, Hooper Mustaca, Norton, Rozos, Rutherford and Saville.

**Against:** Nil

**Absent:** Councillor Stevens.

## 21 QUESTIONS

NIL

The meeting closed at 9:20pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council held on 24 August 2015. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.