



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

28 September 2015

commencing at 7:00pm

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1 PRESENT

Councillors

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

Officers

Ms D Just (General Manager), Mr D Johnson (Acting Director Planning & Infrastructure) Mr P Conroy (Planning & Infrastructure Director), Mr M McDonald, (Acting Director Customer & Corporate Support), Ms M Smith (Community, Culture & Leisure Director) Ms M Hillman (Governance and Administration Manager) and Ms P Shel Drake (Minute Secretary).

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

NIL

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 14 September 2015, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Coppock indicated he may require Leave of Absence for Tuesday 6 October 2015.
- Councillor Hooper requested Leave of Absence from 26 May 2016 – 28 June 2016.

RESOLUTION

That Council:

1. Grants Leave of Absence to Councillor Coppock on Tuesday 6 October 2015 if required.
2. Grants Leave of Absence to Councillor Hooper from 26 May 2016 – 28 June 2016.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

5 PETITIONS

NIL

6 OPEN FORUM

- Mr Ted Wilson spoke on fencing between his and his neighbour's property and the lack of response to communications sent to Council.

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - THE ACHIEVEMENTS OF ZOE THOMPSON

MEETING DATE: 28 SEPTEMBER 2015

Purpose of Report

To consider the Mayoral Minute on the achievements of Zoe Thompson.

Motion

It is with great pride that I announce 17 year old Castle Cove resident, Zoe Thompson, has won Gold in The International Earth Science Olympiad, which took place in Pocos de Caldas, Brazil from 14 - 20 September.

A total of 91 students from 22 countries competed in the UNESCO-sanctioned Olympiad, which is considered to be one of the world's toughest science competitions in the world.

2015 was the first year Australia sent a nationally-selected team to the competition, and, in order to qualify for a place on the team, the Year 11 Redlands student competed against 3,914 other students and spent a year in exams and intensive training.

Zoe was the only Gold medallist for Australia this year, putting her in the top 10% of earth science students in the world. She is also the only female in the world to ever win gold in the competition.

Two other members of the Australian team, Sacha Mann from Girton Grammar School and Tim Hume from Mansfield Secondary College, joined her on the podium to receive silver medals as well.

Zoe's Gold medal recognised outstanding achievement in challenging theoretical and practical exams covering geology, meteorology, oceanography, astronomy and environmental science.

This incredible win outlines Zoe's exceptional aptitude, drive and passion for the Sciences and I wish her all the best in her future studies.

On behalf of the City of Willoughby, I would like to offer Zoe my warmest congratulations on this tremendous victory.

RESOLUTION

That Council adopts the Mayoral Minute congratulating Zoe Thompson on winning Gold at the International Earth Science Olympiad and writes a letter of congratulations to Zoe.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Voting

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

Against: Nil

7.2 MAYORAL MINUTE - THE LATE DR VICKI FREAME**MEETING DATE: 28 SEPTEMBER 2015**

Purpose of Report

To consider the Mayoral Minute on the passing of Dr Vicki Freame.

Motion

It is with sadness that I inform Council of the passing of Dr Vicki Freame.

Dr Freame passed away recently after a short illness. She was 59.

Vicki Freame was a GP at Castlecrag Medical Practice. Councillor Eriksson recalls that Dr Freame was his GP from birth until he became a young man. He recalls an incident as a 2 year old watching his mother put out the washing from her bedroom window and then falling through the fly screen only to wake up on the deck with Dr Freame watching over him.

Many local residents have commented on how caring she was to their children and young families. She was a dedicated GP and an owner of the practice and long-time resident of The Parapet.

Dr Freame leaves behind her former husband local GP Dr Geoffrey Nash and sons Michael and Jeremy.

RESOLUTION

That Council adopts the Mayoral Minute on the passing of Dr Vicki Freame and writes a letter of condolence to the family.

MOVED COUNCILLOR GILES-GIDNEY**CARRIED****Voting**

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

Against: Nil

Council observed a minute's silence in memory of the late Vicki Freame

7.3 MAYOR'S DIARY – COUNCIL MEETING NOTES – 28 SEPTEMBER 2015

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

TUESDAY 15 SEPTEMBER			
Mayor	12.30 pm	Speaker at War Widows Meeting	Chatswood RSL Club
Mayor Crs Norton, Saville	6.30 pm	Opening of <i>The Conversation Series – Media Ethics</i>	Chatswood Library
WEDNESDAY 16 SEPTEMBER			
Cr Saville	12.30 pm	GSLLS	Ku-ring-gai Council
THURSDAY 17 SEPTEMBER			
Mayor Crs Rutherford, Saville	6 pm	Launch of Book: <i>Visionaries in Suburbia: Griffin Houses</i>	The Incinerator Art Space
Mayor	6.45 pm	Opening of <i>The Legend of Mulan</i>	The Concourse
Cr Saville	7.30 pm	Chatswood West Ward P.A.	
FRIDAY 18 SEPTEMBER			
Cr Rutherford		Breakfast Meeting with Mrs Carrie Lam, Administrator of Hong Kong	Chief
SATURDAY 19 SEPTEMBER			
Mayor	11 am	Opening of Art Expo: <i>Flowers Blooming</i>	Chinese Cultural Centre, Chatswood
Crs Norton, Saville	12 pm	SCCG - AGM	Mosman Council
Mayor Cr Hooper	2 pm	Unveiling of Plaque: tribute to war efforts by Northbridge men, women & families	War Memorial Clock
SUNDAY 20 SEPTEMBER			
Cr Saville		Bushcare	Chatswood High School
Mayor Cr Rutherford	12.30 pm	Australia-China Cross-Border E-Commerce Forum & Expo	The Concourse
MONDAY 21 SEPTEMBER			
Mayor	9 am	Formal Briefing re The Greater Sydney Commission	The Mint, Macquarie Street

WEDNESDAY 23 SEPTEMBER			
Cr Eriksson	10 am	Launch of NSW/ACT Young Achiever Awards	SMC Conference Centre, Sydney CBD
Mayor	11.30 am	Citizenship Ceremony	Council Chambers
Cr Eriksson	6 pm	Reception: 66th Anniversary of the founding of PRC	39 Dunblane Street, Camperdown
FRIDAY 25 SEPTEMBER			
Cr Saville		Film Launch: <i>The Man who Saved the World</i>	ACU, North Sydney
SUNDAY 27 SEPTEMBER			
Deputy Mayor: Cr Mustaca	2 pm	Presentation of 2015 Young Composer Award	The Concourse Concert Hall
Crs Norton, Saville	7 pm	WSO Concert	The Concourse Concert Hall

8 GENERAL MANAGER'S LATE REPORT

NIL

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

9.1 ELECTION OF DEPUTY MAYOR

ATTACHMENTS:	1. SCHEDULE 7 LOCAL GOVERNMENT (GENERAL) REGULATION 2005
RESPONSIBLE OFFICER:	MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – GOVERNANCE AND CORPORATE PLANNING OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To consider the method to be used for electing the Deputy Mayor for the ensuing year, and to elect a Deputy Mayor.

MOTION

That Council conducts a secret ballot for electing the Deputy Mayor for the ensuing year.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

MOTION

That Council conduct an ordinary ballot for electing the Deputy Mayor for the ensuing year.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

The General Manager acted as Returning Officer and the Acting Director Customer & Corporate Support as Scrutineer.

The General Manager called for nominations for the position of Deputy Mayor.

Three nominations were received: Councillors Hooper, Rozos and Sloane.

The General Manager conducted the election using the Ordinary Ballot method. The first vote resulted in Councillor Hooper receiving 3 votes, Councillor Rozos receiving 4 votes and Councillor Sloane receiving 6 votes. Councillor Hooper with the least number of votes was excluded. The second vote resulted in Councillor Rozos receiving 6 votes and Councillor Sloane receiving 7 votes.

Councillor Sloane was duly elected Deputy Mayor for the 2015/2016 year.

Councillor Sloane thanked her colleagues for their support and pledged to work with the Mayor and her fellow councillors to form a productive Council.

Councillor Giles-Gidney congratulated Councillor Sloane and said she looked forward to working with her colleagues to achieve a well-functioning Council.

Councillor Hooper thanked his colleagues for their support and pledged to work with the Mayor and her fellow councillors to form a productive Council.

Councillor Rozos thanked his colleagues for their support and pledged to work with the Mayor and her fellow councillors to form a productive Council.

The Mayor thanked the outgoing Deputy Mayor, Councillor Mustaca, for his support over the past year.

Councillor Mustaca congratulated Councillor Sloane on her election and thanked the Mayor for her support during his term as the Deputy Mayor.

9.2 APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO STATUTORY COMMITTEES, BOARDS AND MISCELLANEOUS ORGANISATIONS

RESPONSIBLE OFFICER:	MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – GOVERNANCE AND CORPORATE PLANNING OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To appoint Councillors for the 2015-2016 year to statutory committees, boards and miscellaneous organisations with which Council is associated. A report on the appointment of Councillor representatives to all other Council committees will be prepared for the 26 October 2015 meeting.

Procedural Motion

That Mr Howard Harrison address the meeting with regard to Dougherty Apartments.

MOTION

That Council:

1. Removes the words “and Council Officers” in recommendation 1 of the Officer’s recommendation; and
2. Removes “Joint Consultative Committee” in recommendation 1 of the Officer’s recommendation under the list of committees and miscellaneous organisations.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

RESOLUTION**That Council:**

1. **Appoints Councillors to the following committees and miscellaneous organisations for the ensuing year:**
 - **District Bush Fire Management Committee – Councillor Rutherford**
 - **Dougherty Apartments Retirement Housing Project Board – Councillor Coppock (Chairperson), Councillor Norton (delegate)**
 - **Joint Regional Planning Panel – Mayor, Ms Linda McClure (until December 2015) Alternates: Deputy Mayor, Mr Peter Rowan (until December 2015)**
 - **NSW Public Library Association – Councillor Norton, Councillor Hill (Alternate)**
 - **Northern Sydney Regional Organisation of Councils – Councillor Eriksson (voting delegate), Councillors Hill and Norton (alternates with voting rights in Councillor Eriksson's absence)**
 - **Sydney Coastal Councils Group – Councillors Norton and Saville**
 - **Shorelink Committee – Councillor Wright, Councillor Norton (Alternate)**
2. **Notes a report will be presented to the 26 October 2015 Council meeting regarding appointment of Councillor representatives to other Council committees; and**
3. **Continues the delegations and representation arrangements for all other committees until the 26 October 2015 Council meeting.**

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

10 MATTERS BROUGHT FORWARD BY THE PUBLIC

- Item 12.1 11 Emerstan Drive, Castle Cove – Middle Harbour Ward Councillors
Inspection Committee Meeting – 16 September 2015

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 Councillors Expenses and Facilities Policy 2015
Item 17.1 Community Facilities Hire Policy

RESOLUTION

That the remaining items, viz:

- Item 12.2 70 Chandos Street, St Leonards – Naremburn Ward Councillors
Inspection Committee Meeting – 11 September 2015
Item 12.3 329 Edinburgh Road, Castlecrag – Sailors Bay Ward Councillors
Inspection Committee Meeting – 11 September 2015
Item 12.4 217 Eastern Valley Way, Middle Cove – Middle Harbour Ward
Councillors Inspection Committee Meeting – 17 September 2015
Item 14.1 Councillors Information Booklets – 17 and 24 September 2015
Item 16.2 Investments – July 2015
Item 16.3 Investments – August 2015
Item 16.4 2014-2015 Annual Financial Statements
Item 16.5 Draft Rating Administration Policy
Item 16.6 Request to Attend Training by Councillor Hooper
Item 18.1 Variations to Development Standards (Use of SEPP 1)
Item 18.2 Development Application and Planning Proposal Report to 14
September 2015

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

12 REPORTS FROM COMMITTEES

12.1 11 EMERSTAN DRIVE, CASTLE COVE - MIDDLE HARBOUR WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 16 SEPTEMBER 2015

ATTACHMENTS:	1. MINUTES AND WARD REPORT
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	CANDICE PON - DEVELOPMENT PLANNER
MEETING DATE:	24 SEPTEMBER 2015

Purpose of Report

To list on the agenda the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 16 September 2015.

Procedural Motion

That the following people address the meeting and answer questions of the Councillors:

- Catherine/Simon Mathis
- Gail Fox (for Rosalia Di'Iorio)
- Gail Fox (for Eulee & Graham Mattison)
- Trevor Fox
- Linda and Anthony Quinn

MOTION

That Council refuse the Development Application for 11 Emerstan Drive, Castle Cove for the following reasons:

1. That the use will contribute to existing car parking and traffic issues in the locality;
2. That the existing pool fence is non-compliant with council requirements;
3. That the existing side boundary fence is dilapidated and therefore is inadequate for the purposes of the proposed use;
4. The existing driveway does not allow access for children's push chairs and strollers and does not allow for disabled access;
5. That the site is located within a bush fire zone; and
6. That approval of the development application would not be in the public interest.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR ROZOS

LOST

Voting

For the Motion: Councillors Coppock, Eriksson, Rozos, Rutherford, Sloane and Wright.

Against: Councillors Giles-Gidney, Hooper, Hill, Mustaca, Norton and Saville.

Absent: Councillor Stevens

As the vote was equal, the Mayor exercised her casting vote against the motion.

MOTION

That Development Application DA2015/57 for the operation of a family day care centre at 11 Emerstan Drive, Castle Cove be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the conditions attached to the Ward Councillors Report.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Hill, Hooper, Mustaca, Norton and Saville.

Against: Councillors Coppock, Eriksson, Rozos, Rutherford, Sloane and Wright.

Absent: Councillor Stevens

As the vote was equal, the Mayor exercised her casting vote in favour of the motion.

**12.2 70 CHANDOS STREET, ST LEONARDS - NAREMBURN WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 11 SEPTEMBER
2015**

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	DOMINIC JOHNSON – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT - PLANNING MANAGER
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To present the minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 11 September 2015.

RESOLUTION

That Council:

- 1. Receives the minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 11 September 2015 relating to DA 2015/88 for 70 Chandos Street, St Leonards.**
- 2. Notes the resolution adopted by the Committee.**

“That the application be approved in accordance with the Officer's recommendation:

- 1. Support the application to vary the 20m height control in accordance with Clause 4.6 of WLEP 2012 lodged in conjunction with Development Application 2015/80 as it is considered unreasonable and unnecessary to comply with the development standard under Clauses 4.3 (Height of buildings) of WLEP 2012, noting the special circumstances of the proposed development being:**
 - The proposal is in keeping with the anticipated future commercial development and scale of high density housing in the locality.**
 - The proposed development does not result in significant or unreasonable adverse impacts on adjoining and nearby residents in terms of overshadowing or loss of privacy.**
- 2. Approve Development Application DA 2015/88 for alterations and adaptive reuse of an existing two storey commercial building, and the addition of another four levels, resulting in a 6 storey shop top housing development at 70 Chandos Street, and delegate authority to the General Manager to issue the development consent notice subject to the attached conditions, noting the special circumstances for the height variation under WLEP 2012, being those outlined above, and the special circumstances for the variation of the numerical controls under WDCP relating to allotment frontage, setbacks, depth of building private open space, communal open space, and car parking/loading, being:**

i) Allotment frontage

The proposal is for 'in fill' development and the existing allotment frontage is adequate to satisfy the intent of the 27.0m control to ensure a good relationship is maintained to adjoining development that is compatible with the general pattern and spacing of buildings in the commercial precinct.

ii) Setbacks

The setbacks are appropriate having regard to the existing development pattern in the locality which is in keeping with the desired future streetscape character of the locality. Further, the non-compliance with the setback controls do not contribute to any unreasonable loss of privacy or overshadowing to adjoining and nearby properties.

iii) Depth of building

The design of the building ensures that satisfactory natural lighting and ventilation can be achieved, and therefore the proposed development satisfies the secondary control under Part E1.5 of WDCP.

iv) Private open space

The size of balconies that do not comply with WDCP are consistent with the requirements under Residential Flat Design Code; therefore, it is considered that the non-compliances are acceptable for the proposed development.

v) Communal open Space

The proposal complies with the proposed draft amendment to WDCP to delete the requirement for communal open space for developments with less than 15 units.

vi) Car parking/loading

The proposal is for 'in fill' development and it is considered that the existing and proposed additional car parking, and the on street loading zone, are adequate to meet the needs of the proposed residential and commercial development of the site.

CONSEQUENTIAL

1. That weekend parking in Henry Lane be removed and Ward Councillors be advised through Council's Traffic Committee.
2. That Ward Councillors be advised of whether restricted parking on both sides of the residential streets in the Naremburn Heritage Conservation Area (C8) can be implemented immediately and that resident parking be increased to 3."

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

**12.3 329 EDINBURGH ROAD, CASTLECRAG - SAILORS BAY WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 11 SEPTEMBER
2015**

ATTACHMENTS: 1. MINUTES

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

AUTHOR: ANNIE LEUNG - TEAM LEADER

MEETING DATE: 28 SEPTEMBER 2015

Purpose of Report

To present the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 11 September 2015.

RESOLUTION**That Council:**

1. **Receives the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 11 September 2015 dealing with DA 2014/551 for 329 Edinburgh Road, Castlecrag.**
2. **Notes the resolution adopted by the Committee:**

“That the application be approved subject to Deferred Commencement Condition A (b) & (e) of Schedule 1 being amended as follows:

 - I. **A(b) The hard-stand parking area shall be amended to 6m x 6m to accommodate parking for two vehicles. The parking area shall be defined by an open style balustrade.**
 - II. **A(e) The kitchen in the proposed studio space be deleted with the exception of a laundry tub or wash basin. The proposed water closet is to be amended to allow external access only.”**

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

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

Against: Nil

Absent: Councillor Stevens

**12.4 217 EASTERN VALLEY WAY, MIDDLE COVE - MIDDLE HARBOUR WARD
COUNCILLORS INSPECTION COMMITTEE MEETING - 17 SEPTEMBER
2015**

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	ANNIE LEUNG - TEAM LEADER
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To present the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 17 September 2015.

RESOLUTION**That Council:**

- 1. Receives the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 17 September 2015 dealing with DA 2015/99 for 217 Eastern Valley Way, Middle Cove.**
- 2. Notes the resolution adopted by the Committee:**

“That the Development Application 2015/99, seeking consent for demolition of existing structures and construction of mixed use premises, car parking, landscaping and associated works, be refused in accordance with the Officer’s recommendation.”

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

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

Against: Nil

Absent: Councillor Stevens.

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLETS - 17 AND 24 SEPTEMBER 2015

RESPONSIBLE OFFICER:	DEBRA JUST - GENERAL MANAGER
AUTHOR:	TRISHA DUFFY - SECRETARY ADMINISTRATION
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 17 and 24 September 2015.

RESOLUTION

That Council receives the Councillors Information Booklets circulated to all Councillors on 17 and 24 September 2015.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens.

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 PUBLIC EXHIBITION OF COUNCILLORS EXPENSES AND FACILITIES POLICY 2015

ATTACHMENTS:	1. DRAFT FOR EXHIBITION - 2015 VERSION OF COUNCILLORS' EXPENSES AND FACILITIES POLICY
RESPONSIBLE OFFICER:	MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL - GOVERNANCE AND CORPORATE PLANNING OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To endorse the public exhibition of Council's *Payment of Expenses and the Provision of Facilities for the Mayor and Councillors* policy with feedback to be presented to Council for its consideration prior to adoption.

RESOLUTION

That Council:

1. Places on public exhibition the *Payment of Expenses and the Provision of Facilities for the Mayor and Councillors* policy and invites public comment on it;
2. Receives a further report at the conclusion of the exhibition period that considers any submissions prior to adoption of the policy by the Council; and
3. Inserts the following wording as an additional clause under 3.1.3.7 *Arrangements* in the revised policy *Payment of Expenses and the Provision of Facilities for the Mayor and Councillors* before the Council tonight and prior to its public exhibition:

“Where Council has approved attendance by a Councillor at a training course or a conference and it is postponed or cancelled, the approval is extended to the same course at a different location or time for period of 12 months from the date of the initial approval, provided no additional cost is incurred and there is an available budget to cover the expenses. This extension is only available within the term of the Council”

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens.

16.2 INVESTMENTS - JULY 2015

ATTACHMENTS:	1 COUNCIL'S INVESTMENT HOLDINGS 2. COUNTERPARTY CHART
RESPONSIBLE OFFICER:	MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	BILL LOFTHOUSE - FINANCIAL ACCOUNTANT
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To provide Council with the Schedule of Investments held for the month of July 2015.

RESOLUTION

That Council receives the Statement of Investment Holdings for July 2015.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens.

16.3 INVESTMENTS - AUGUST 2015

ATTACHMENTS:	1. COUNCIL'S INVESTMENT HOLDINGS 2. COUNTERPARTY CHART
RESPONSIBLE OFFICER:	MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	BILL LOFTHOUSE - FINANCIAL ACCOUNTANT
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To provide Council with the Schedule of Investments held for the month of August 2015.

RESOLUTION

That Council receives the Statement of Investment Holdings for August 2015.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens.

16.4 2014-2015 ANNUAL FINANCIAL STATEMENTS

ATTACHMENTS:	<ol style="list-style-type: none">1. DRAFT INCOME STATEMENT & STATEMENT OF FINANCIAL POSITION FOR THE GENERAL & SPECIAL PURPOSE FINANCIAL STATEMENTS2. DRAFT STATEMENT OF COMPREHENSIVE INCOME3. DRAFT STATEMENT OF CHANGES IN EQUITY4. DRAFT STATEMENT OF CASH FLOW5. NOTE 13 STATEMENT OF PERFORMANCE MEASUREMENT - INDICATORS FOR THE GENERAL PURPOSE FINANCIAL STATEMENTS6. DRAFT AUDITOR'S REPORTS-GENERAL PURPOSE (INCLUDING CONDUCT) & SPECIAL PURPOSE7. DRAFT STATEMENTS BY COUNCILLORS AND MANAGEMENT – GENERAL PURPOSE & SPECIAL PURPOSE FINANCIAL STATEMENTS
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	MARK MCDONALD - CHIEF FINANCIAL OFFICER
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To advise the Council that the Draft 2014/2015 Annual General Purpose Financial Statements and Special Purpose Financial Statements have been completed and audited and that Council is required to pass a resolution on the Draft Financial Statements as detailed within the Report. It should be noted that the 2014/2015 Special Schedules have also been completed with Special Schedule 9 being audited.

RESOLUTION

That Council, in accordance with Section 413 (2) (c) of the Local Government Act, 1993 as amended, adopts the following Statements as its opinion on the General Purpose and Special Purpose Financial Statements:

1. Council is of the opinion that the Draft Annual General Purpose Financial Statements and Special Purpose Financial Statements have been prepared in accordance with:
 - *The Local Government Act 1993 (as amended) and the Regulations made thereunder;*
 - *The Australian Accounting Standards and professional pronouncements;*
 - *The Local Government Code of Accounting Practice and Financial Reporting;*

- *The NSW Government Policy Statement “Application of National Competition Policy to Local Government” and*
 - *The Division of Local Government Guidelines “Pricing and Costing for Council businesses – A Guide to Competitive Neutrality”*
2. To the best of our knowledge and belief these statements:
- Present fairly the Council’s Financial Position and Operating Result for the year;
 - Present fairly the financial position and operating result for each of Council’s declared business units for the year; and
 - Accord with Council’s accounting and other records; and
 - That the Council is not aware of any matter that would render the reports false or misleading in any way.
3. The Statements by Councillors and Management be signed and attached to the General Purpose and Special Purpose Financial Statements.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

oting

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

Against: Nil

Absent: Councillor Stevens.

16.5 DRAFT RATING ADMINISTRATION POLICY

ATTACHMENTS:	1. DRAFT RATING ADMINISTRATION POLICY
RESPONSIBLE OFFICER:	MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	GLENN FITZGERALD - REVENUE MANAGER
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To provide Council with a Rating Administration policy which sets out key rating criteria and is reflective of the statutory guidelines set down in the *Local Government Act, 1993* and Regulations and which will assist staff in their day to day work.

RESOLUTION

That Council adopts the Rating Administration Policy

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens.

16.6 REQUEST TO ATTEND TRAINING BY COUNCILLOR HOOPER

ATTACHMENTS:	1. TRAINING PROGRAM
RESPONSIBLE OFFICER:	MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	DAVID PAGE
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To authorise Councillor Hooper's attendance at Executive Certificate for Elected Members training, provided by Local Government NSW.

RESOLUTION

That Council authorises Councillor Hooper to attend the Executive Certificate for Elected Members training in the Sydney CBD during October and November 2015, according to Council policy.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens.

ADDITIONAL ITEM**16.7 REQUEST TO ATTEND CONFERENCE BY COUNCILLOR SAVILLE****MEETING DATE: 28 SEPTEMBER 2015**

Purpose of Report

To authorise Councillor Saville to attend one day of the three day “*Smart Future Cities 2015*” conference on Friday 2 October 2015, to be held in Newcastle.

RESOLUTION

That Council authorises Councillor Saville to attend the “Smart Future Cities 2015” conference in Newcastle on Friday 2 October 2015, according to Council policy.

MOVED COUNCILLOR RUTHERFORD**SECONDED COUNCILLOR NORTON****CARRIED****Voting**

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 COMMUNITY FACILITIES HIRE POLICY

ATTACHMENTS:	1. COMMUNITY FACILITIES HIRE POLICY
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	CHRIS WAYGOOD - WILLOUGHBY PARK CENTRE MANAGER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

To seek approval for Council's Community Facilities Hire Policy.

MOTION

That Council do not provide Progress Associations with free premises.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

WITHDRAWN

RESOLUTION

That Council adopts the Community Facilities Hire Policy.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillors Hill, Rozos, Stevens and Wright.

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 VARIATIONS TO DEVELOPMENT STANDARDS (USE OF SEPP 1) QUARTER 4 - APRIL 2015 TO JUNE 2015

ATTACHMENTS:	1. LIST OF APPLICATIONS WITH VARIATIONS TO DEVELOPMENT STANDARDS QUARTER 4 – APRIL 2015 TO JUNE 2015
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

The attached schedule lists all development applications determined during the 4th Quarter (April 2015 to June 2015) with variations in development standards as reported to the Department of Planning and Infrastructure.

RESOLUTION

That Council notes the Applications with variations to development standards in the April to June 2015 quarter.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens.

**18.2 DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT TO
14 SEPTEMBER 2015**

ATTACHMENTS:	1. LIST OF APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	DEVELOPMENT PLANNERS, BUILDING SURVEYORS
MEETING DATE:	28 SEPTEMBER 2015

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 14 September 2015.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens.

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION: SAVE OUR COUNCILS COALITION

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

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

MEETING DATE: 28 SEPTEMBER 2015

Purpose of Report

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

Procedural Motion

That the following people address the meeting and answer questions of the Councillors.

- Mr Ted Wilson
- Mr Tom Sherlock, Mosman Councillor

MOTION

That Council:

1. Supports Save our Councils Coalition;
2. Respects our local communities and that community's right to have and participate in a local council;
3. Ensure amalgamations of local councils only proceed where the community of each local council area, via a valid referendum, has voted by majority in favour of the proposed amalgamation;
4. Not vote for any legislation nor support government action forcing any existing council to amalgamate with another council/s.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

LOST

Voting

For the Resolution: Councillors Coppock, Norton and Saville.

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

Absent: Councillors Stevens and Wright

19.2 NOTICE OF MOTION: LEGAL CHALLENGE TO ANY STATE GOVERNMENT DECISION TO FORCE AMALGAMATION ON WILLOUGHBY CITY COUNCIL

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	28 SEPTEMBER 2015

Purpose of Report

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

MOTION

That Willoughby City Council resolve to immediately commence a legal challenge (including an application for stay) against any decision by the State Government, including but not limited to any decision or order made by the Minister for Local Government or Chief Executive of Local Government to place Willoughby City Council into administration pending forced amalgamation or implementation of the State Government's Fit for the Future Policy in respect of amalgamation.

OFFICER'S RECOMMENDATION

That Council not progress any legal initiatives at this stage prior to likely changes to the *Local Government Act 1993* and other relevant legislation.

THIS MATTER WAS DEFERRED TO THE NEXT COUNCIL MEETING.

20 CONFIDENTIAL ITEMS

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the option 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 items.
2. Council resolve into Committee of the Whole in order to deal with these confidential items.

20.1 432 VICTORIA AVENUE, CHATSWOOD

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

20.1 432 VICTORIA AVENUE, CHATSWOOD

Recommendation Summary

That Council maintains confidentiality of this item pending finalisation of commercially sensitive actions authorised by the Council.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

Absent: Councillors Hill, Rozos, Stevens and Wright.

RESOLUTION

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

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillors Hill, Rozos, Stevens and Wright.

21 QUESTIONS

NIL

- Councillor Stevens left the meeting at 8:45pm.
- Councillor Wright left the meeting at 9:43pm.
- Councillor Hill left the meeting at 10:10pm.
- Councillor Rozos left the meeting at 10:15pm.
- At 10:30pm Council resolved, via a procedural motion, to extend its meeting time.

The meeting closed at 10:40pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council held on 28 September 2015. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.