



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

9 November 2015

commencing at 7:00pm

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1 PRESENT

Councillors

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

Officers

Ms D Just (General Manager), Mr P Conroy (Planning & Infrastructure Director), Ms M Smith (Community, Culture & Leisure Director), Ms H Liossis (Customer and Corporate Director), Mr M McDonald, (Chief Financial Officer), Mr I Arnott (Planning Manager), Ms M Hillman (Governance and Administration Manager) and Ms P Sheldrake (Minute Secretary).

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

NIL

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 26 October 2015, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillors Coppock and Saville are on leave previously granted.

RESOLUTION

That Council notes Councillors Coppock and Saville on leave previously granted.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

5 PETITIONS

NIL

6 OPEN FORUM

NIL

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - THE LATE LILY MAESTRI

MEETING DATE: 9 NOVEMBER 2015

Purpose of Report

To consider the Mayoral Minute on the passing of Lily Maestri.

Motion

It is with sadness that I inform Council of the passing of Lily Maestri.

Lily passed away recently. She was 103.

Lily was a resident of Castle Cove from the early 1960s until she moved to a retirement facility following some falls in 2012. Lily was born into the Boffa family in Paddington, one of eight children, all of whom have lived productive lives into their nineties. Lily's acuity and energy belied her age. Her surviving sibling, Rose, lives in Castle Cove.

I wish to make a particular welcome to Lily's sister Rose and her family who are attending tonight.

After her husband died, many years ago, Lily boarded school teachers from Castle Cove Public School which adjoins her home. In her later years she was often in her garden chatting to those who passed by, always friendly, generous with plant cuttings and busily sweeping. Always a tiny woman, the only change in Lily was that she grew smaller as the years passed but her attitude of gratitude and joy in beauty never diminished.

Lily was a Castle Cove institution and will be sadly missed.

RESOLUTION

That Council adopts the Mayoral Minute on the passing of Lily Maestri and writes a letter of condolence to the family.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Voting

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

Against: Nil

Councillor Mustaca offered his personal condolences to the family.

Council observed a minute's silence in memory of the late Lily Maestri.

7.2 MAYORAL MINUTE – DANI FOGARTY – AUSTRALIAN ROTARACTOR OF THE YEAR 2015

MEETING DATE: 9 NOVEMBER 2015

Purpose of Report

To consider the Mayoral Minute on Dani Fogarty being awarded Australian Rotaractor of the Year 2015.

Motion

Dani Fogarty was the Willoughby City Young Citizen of the Year in 2001, awarded to her for her work as President of the Willoughby Youth Council. This led to her being selected by Chatswood Rotary to undertake the Rotary Young Leader's Award program. Subsequently she joined Rotaract, sponsored by Rotary International. Dani has just been awarded Australian Rotaractor of the Year 2015.

Rotaract is a global organisation that empowers students and young professionals to create positive change in their local communities and around the world. Rotaract Clubs across Australia are part of a worldwide organisation of 210,000 individuals in 9,100 clubs covering 170 countries that Dani can call on to assist with her humanitarian endeavours.

After joining Rotaract Dani co-founded the Macquarie University Rotaract Club and was a Charter Member of the Lower North Shore Rotaract Club (founded by her sister Jacqueline). She was appointed as the District Rotaract Representative for 2011/12 and Rotaract Australia, Eastern District Coordinator for 2012/13 and was awarded the Paul Harris Fellow. She was RYLA Facilitator from 2010 to 2014.

One of Dani's most challenging projects was to convince Rotary International to allow Australian Rotaract Clubs to amend Rotary's Standard Constitution to comply with Australian Law.

Dani was the first Australian Rotaractor to manage a RAWCF International Project. She has organised international aid projects in Vanuatu, Thailand and Laos. She liaised with Rotary District to allow Rotaract Clubs to apply for Rotary International Grants through their Rotary Sponsor Club. She subsequently secured a Pink Umbrella grant for her Laos project. In Australia, she has organized numerous social and humanitarian events for fellow Rotaractors.

RESOLUTION

That Council sends Dani Fogarty a letter of congratulations on being made Australian Rotaractor of the Year 2015.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Voting

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

Against: Nil

7.3 MAYOR'S DIARY – COUNCIL MEETING NOTES – 9 NOVEMBER 2015

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

TUESDAY 27 OCTOBER			
Mayor	10 am	Cooking Presentation	MOSAIC
WEDNESDAY 28 OCTOBER			
Mayor	11.30 am	Citizenship Ceremony	Chambers
Mayor Cr Rozos	3.30 pm	Commemoration for the ANZACs in Greece	ANZAC Memorial, Hyde Park
THURSDAY 29 OCTOBER			
Cr Saville	9.30 am	ShoreCare Anniversary	LifeSource Christian Church
Mayor Crs Hooper, Norton, Rutherford	10 am	Gandong-gu Korea Friendly City Celebration & Flag-Raising Ceremony	Council Chambers
Mayor Crs Eriksson, Norton, Rozos	6 pm	"Interchange Transformed" Celebration	Chatswood Interchange
FRIDAY 30 OCTOBER			
Cr Saville		Consumer Health Training	Ryde Hospital
SUNDAY 1 NOVEMBER			
Mayor	9.30 am	Church Service & Book Launch	St Marks, Northbridge
MONDAY 2 NOVEMBER			
Mayor	12.30 pm	"Beating Time" Open Day and Concert	Dougherty Centre
THURSDAY 5 NOVEMBER			
Mayor Cr Saville	1.30 pm	Wildlife Storybook Launch	Chatswood Library
Mayor	6.30 pm	Dinner with Korean Consul General	Consul's Residence, Bellevue Hill
FRIDAY 6 NOVEMBER			
Mayor	1 pm	Celebrity Chef Demonstration	Chatswood Mall
Mayor	6.30 pm	Atelier Evening – Bambini House	Gallery 88

SATURDAY 7 NOVEMBER			
Mayor	12.30 pm	Launch of Book: "Cricket Club at War"	Chatswood Oval
Mayor Crs Hooper, Rozos	7 pm	NSFA President's Dinner	Killara Golf Club
SUNDAY 8 NOVEMBER			
Mayor	7.15 am	Willoughby Fun Run	Willoughby Leisure Centre
Mayor	1 pm	Mass & Liturgy: Blessing of Our Lady of the Assumption	St Leonards, Naremburn
Mayor Deputy Mayor: Cr Sloane Crs Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford	4 pm	Unveiling of Khachkar	Beauchamp Park & Armenian Church, Macquarie Street
MONDAY 9 NOVEMBER			
Mayor Cr Rutherford	11 am	Diwali Celebration	MOSAIC

8 GENERAL MANAGER'S LATE REPORT

NIL

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

9.1 VOLUNTARY MERGER OPTIONS

ATTACHMENTS:	1. IPART FINDINGS 2. PARLIAMENTARY INQUIRY FINDINGS AND RECOMMENDATIONS 3. FORCED AND VOLUNTARY AMALGAMATIONS FLOW CHART 4. WILLOUGHBY CITY COUNCIL <i>FIT FOR THE FUTURE</i> CONSULTATION SUMMARY 5. FREQUENTLY ASKED QUESTIONS AND ANSWERS – OFFICE OF LOCAL GOVERNMENT 6. FIT FOR THE FUTURE INDICATORS – MERGER OPTIONS 7. SUMMARY OF COSTS AND SAVINGS – MERGER OPTIONS
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DARIUS TURNER – CORPORATE STRATEGIC PLANNER
DELIVERY PROGRAM ITEM:	6.3.4 COUNCIL WORKS WITH STATE AND REGIONAL ORGANISATIONS
MEETING DATE:	9 NOVEMBER 2015

1.1 Purpose of Report

To resolve Council's response to the State Government's request to submit voluntary merger preferences by 18 November 2015.

Procedural Motion

That the following people address the meeting.

- Kate Westoby
- Mark Crew
- Gay Spies
- Tim Donohoo
- Suzie Gold
- Jill Newton
- Bob Taffel
- David Hulme

Procedural Motion

That Council resolve into Committee of the Whole in order to deal with this item.

RESOLUTION

That Council delegates to the General Manager the drafting of a response to IPART relating to its *Fit for the Future* findings, in particular the Infrastructure and Service Management criteria findings, via the online template provided by the Department of Premier and Cabinet by 18 November 2015 in accord with Council's resolution on 22 June 2015.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

MOTION

That Council submits a preference or preferences for voluntary merger.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Councillor Norton

Absent: Councillor Stevens

MOTION

That Council submits Willoughby and North Sydney as its first preference.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

Absent: Councillor Norton and Stevens.

MOTION

That Council submits Willoughby, North Sydney and Lane Cove as its second preference.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

LOST

Voting

For the Motion: Councillors Giles-Gidney, Eriksson, Mustaca and Sloane.

Against: Councillors Hill, Hooper, Rozos, Rutherford and Wright.

Absent: Councillors Norton and Stevens.

MOTION

That Council submits Willoughby, North Sydney and Mosman as its second preference.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR RUTHERFORD

LOST

Voting

For the Motion: Councillors Mustaca, Rozos and Rutherford.

Against: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Sloane and Wright.

Absent: Councillors Norton and Stevens.

MOTION

That Council submits Willoughby, Hunters Hill, Lane Cove, 2/3rd Ryde, Mosman and North Sydney as its second preference.

MOVED COUNCILLOR MUSTACA

The motion lapsed for want of a seconder.

MOTION

That Council submits no second preference.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Councillors Mustaca and Rozos

Absent: Councillor Stevens

AMENDMENT

That Council:

- 1. Delegates to the General Manager the drafting of the 50 word response regarding the above preferences based upon continued opposition against forced amalgamation, communities of interest, community consultation, merger complexity and consideration of the long term anticipated savings.**
- 2. Writes to the Premier, local member and Mr Toole to voice Council's opposition against forced amalgamation.**

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR HOOPER

LOST

Voting

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

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

Absent: Councillor Stevens

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

AMENDMENT

That Council delegates to the General Manager the drafting of the 50 word response regarding the above preferences based upon continued opposition against forced amalgamation, communities of interest, community consultation, merger complexity and consideration of the long term anticipated savings.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR NORTON

LOST

Voting

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

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

Absent: Councillor Stevens

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

MOTION

That Council delegates to the General Manager the drafting of the 50 word response regarding the above preferences based upon communities of interest, community consultation, merger complexity and consideration of the long term anticipated savings.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Councillors Norton and Wright.

Absent: Councillor Stevens

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

RESOLUTION

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

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

10 MATTERS BROUGHT FORWARD BY THE PUBLIC

- Item 9.1 Voluntary Merger Options
- Item 13.1 102 The Bulwark, Castlecrag – DA 2015/115
- Item 18.1 165 Ashley Street, Roseville – DA 2015/149
- Item 18.2 Planning Proposal – 10 Herbert Street, St Leonards and Draft Amendments to Willoughby Development Control Plan

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 12.3 Traffic Committee Minutes – 21 October 2015
- Item 19.1 Notice of Motion: Parking Restrictions Naremburn Shopping Precinct

RESOLUTION

That the remaining items, viz:

- Item 12.1 Companion Animals Advisory Committee Meeting – 8 September 2015
- Item 12.2 Natural Heritage & Bushland Advisory Committee Meeting – 1 October 2015
- Item 14.1 Councillors Information Booklet – 29 October and 5 November 2015
- Item 16.1 Bank Balances and Investments as at 30 September 2015
- Item 16.2 Council Meeting Dates and Christmas/New Year Recess
- Item 18.3 Amendments to Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan
- Item 18.4 Variations to Development Standards (Use of Clause 4.6 Variation) Quarter 1 – July 2015 to September 2015
- Item 18.5 Development Application and Planning Proposal Report to 26 October 2015

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

12 REPORTS FROM COMMITTEES

12.1 COMPANION ANIMALS ADVISORY COMMITTEE MEETING - 8 SEPTEMBER 2015

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	PETER SYNNOTT - ADMINISTRATION
MEETING DATE:	9 NOVEMBER 2015

Purpose of Report

To present the minutes of the Companion Animals Advisory Committee Meeting held on 8 September 2015.

RESOLUTION

That Council notes the minutes of the Companion Animals Advisory Committee Meeting held on 8 September 2015.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

**12.2 NATURAL HERITAGE & BUSHLAND ADVISORY COMMITTEE MEETING
OF 1 OCTOBER 2015**

ATTACHMENTS:	1. MINUTES OF MEETING OF 1 OCTOBER 2015 2. RESERVE ACTION PLAN 3. COMMENTS AND COUNCIL RESPONSE
RESPONSIBLE OFFICER:	PETER CONROY - DIRECTOR INFRASTRUCTURE & PLANNING
AUTHOR:	ALFRED BERNHARD – BUSHLAND MANAGER
CITY STRATEGY LINK:	1.1.1 THE COMMUNITY CAN PARTICIPATE IN CITY LIFE
MEETING DATE:	9 NOVEMBER 2015

Purpose of Report

To present to Council the Minutes of the Natural Heritage and Bushland Advisory Committee meeting as of 1 October 2015.

RESOLUTION

That Council notes the minutes of the Natural Heritage & Bushland Advisory Committee Meeting held on 1 October 2015.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

12.3 TRAFFIC COMMITTEE MINUTES - 21 OCTOBER 2015

ATTACHMENTS:	1. TRAFFIC COMMITTEE MINUTES OF 21 OCTOBER 2015
RESPONSIBLE OFFICER:	PETER CONROY - DIRECTOR PLANNING & INFRASTRUCTURE
AUTHOR:	MICHAEL FOSKETT - ACTING GROUP LEADER TRAFFIC & TRANSPORT
CITY STRATEGY LINK:	4.2.2 BALANCE TRAFFIC MANAGEMENT
MEETING DATE:	9 NOVEMBER 2015

Purpose of Report

To advise Council of the outcome of the latest Traffic Committee Meeting held on 21 October 2015.

RESOLUTION

That Council adopts the recommendations of the Traffic Committee Meeting held on 21 October 2015.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

13 DEFERRED MATTERS

13.1 102 THE BULWARK, CASTLECRAG - DA 2015/115

ATTACHMENTS:

1. NOTIFICATION PLAN
2. APPLICANT'S RESPONSES TO PUBLIC SUBMISSIONS
3. A3 PLANS OF THE PROPOSED DEVELOPMENT
4. HERITAGE ASSESSMENT BY DAVID LOGAN, GML

MEETING DATE: 9 NOVEMBER 2015

RECOMMENDATION: REFUSAL

LOCATION: 102 THE BULWARK, CASTLECRAG

APPLICANT: ARCHITECTURAL PROJECTS PTY LTD

OWNER: FRANCES MARINOVIC

PROPOSAL: CONSTRUCTION OF CAR LIFT, DRIVEWAY, TURNTABLE, PARTIALLY ELEVATED PEDESTRIAN STEP RAMP AND PASSENGER LIFT AND DELETION OF PREVIOUSLY APPROVED CAR PORT AND INCLINATOR, NEW AWNING OVER TERRACE AND FIREPLACE FLUE

DATE OF LODGEMENT: 8 APRIL 2015

VALID APPLICATION DATE: 8 APRIL 2015

REPORTING OFFICER: DESIGN COLLABORATIVE

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

DESCRIPTION OF PROPOSAL

Development application 2015/115 seeks Council's consent for the provision of new vehicular access, parking and pedestrian access arrangements at 102 The Bulwark, Castlecrag. Also proposed is a new powder coated steel framed awning over a NE terrace at Level 2 and a new fireplace flue to an existing non-operational fireplace in the living room.

Procedural Motion

That the following people address the meeting.

- Pete Finlay
- Terry Wiesner
- Toni Foster
- Jennifer Hill (Applicant)
- James Lidis, Design Collaborative Pty Ltd

Jennifer Hill and James Lidis answered questions of the Councillors.

MOTION

That Council refuses Development Application 2015/115 for construction of a car lift, driveway, step ramp, awning and fireplace flue at 102 The Bulwark, Castlecrag and delegated authority be granted to the General Manager to issue the refusal notice for the following reasons:

1. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the Clause 4.4A of WLEP 2012 exceeding the 0.32:1 FSR. No Clause 4.6 variation has been submitted with the application addressing this breach and therefore Council cannot approve the application.
2. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is contrary to the objectives of the E4 Environmental Living zone under WLEP 2012.
3. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is contrary to the objectives of Clause 5.10 – Heritage under WLEP 2012 as it will not conserve the environmental heritage of Willoughby or the heritage significance of the Griffin Conservation Area.
4. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is contrary to the objective of Clause 6.2 – Earthworks under WLEP 2012 as it will have a detrimental impact on the features of the site and surrounding land.
5. Pursuant to Section 79C(1)(a)(iii) and 1(b) of the Environmental Planning and Assessment Act 1979, the development proposal is contrary to the intent of the provisions of Willoughby Development Control Plan (WDCP) being inconsistent with the Desired Future Character for Castlecrag specified in D.1.2 and with the objectives and performance criteria of D.1.4, D.1.8, D.1.11 and D.1.16.
6. Pursuant to Section 79C(1)(a)(iii) and 1(b) of the Environmental Planning and Assessment Act 1979, the development proposal is contrary to the intent of the provisions of Willoughby Development Control Plan (WDCP) being inconsistent with the general development guidelines in relation to sustainable development (C.3), transport requirements for development (C.4) and water management (C.5).
7. Pursuant to Section 79C(1)(a)(iii) and 1(b) of the Environmental Planning and Assessment Act 1979, the development proposal is contrary to the intent of the provisions of Willoughby Development Control Plan (WDCP) being inconsistent with the Griffin Conservation Area Development Controls and Management Policies specified in Part H.3.5 of WDCP.
8. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development will result in adverse impacts on the amenity of the neighbouring properties in terms of loss of visual and aural privacy and loss of outlook and adverse visual impact.

9. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development would not be in the public interest in the circumstances of the case.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Councillor Mustaca

Absent: Councillor Stevens

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLET - 29 OCTOBER AND 5 NOVEMBER 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:	9 NOVEMBER 2015

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 29 October and 5 November 2015.

RESOLUTION

That Council receives the Councillors Information Booklets circulated to all Councillors on 29 October and 5 November 2015.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, 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 BANK BALANCES AND INVESTMENTS AS AT 30 SEPTEMBER 2015

ATTACHMENTS:	1. COUNCIL'S INVESTMENT HOLDINGS 2. COUNTERPARTY CHART
RESPONSIBLE OFFICER:	MARK MCDONALD-CHIEF FINANCIAL OFFICER
AUTHOR:	BILL LOFTHOUSE - FINANCIAL ACCOUNTANT
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	9 NOVEMBER 2015

Purpose of Report

To detail the Council Bank balances and Investment portfolio performance as at 30 September 2015.

RESOLUTION

That Council receives the Statement of Bank Balances and Investment Holdings for September 2015.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

16.2 COUNCIL MEETING DATES AND CHRISTMAS/NEW YEAR RECESS

ATTACHMENTS:	NIL
RESPONSIBLE OFFICER:	HELEN LIOSSIS - 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:	9 NOVEMBER 2015

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 urgent matters that may arise during the recess.

RESOLUTION

That:

1. Council holds its last meeting for 2015 on Monday, 14 December, and resumes with a Transport, Access and Environment Committee meeting on 1 February 2016 and a Council meeting on Monday, 8 February 2016;
2. Ward Councillor Committees hold their last meeting on 18 December 2015 and resume on 18 January 2016;
3. Council delegates authority to the Mayor and General Manager to deal with matters considered by them to be urgent during the Christmas/New Year recess, subject to:
 - a) the limitations to delegations under section 377 of 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
 - d) decision being deferred where Council policy provides no clear guidelines;
4. A list of matters dealt with under delegated authority be presented to Council at its first meeting in 2016.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

NIL

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 165 ASHLEY STREET, ROSEVILLE - DA 2015/149

ATTACHMENTS:

1. NOTIFICATION MAP
2. SUMMARY OF SUBMISSIONS
3. PLANS & ELEVATIONS
4. SAFETY AUDIT REPORT (AUG 2015)

MEETING DATE: 9 NOVEMBER 2015

RECOMMENDATION: REFUSAL

LOCATION: LAND BOUNDED BY ASHLEY STREET, GIBSON AVE, & QUINN LANE (LOT 11 & LOT 12 DP 1184413)

APPLICANT: MR NAN WANG

OWNER: MR Q YU AND MS M HE

PROPOSAL: 53 PLACE CHILD CARE CENTRE, CAR PARKING AND ASSOCIATED WORKS.

DATE OF LODGEMENT: 01-MAY-2015

REPORTING OFFICER: ANNIE LEUNG – DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

DESCRIPTION OF PROPOSAL

Development application 2015/149 seeks Council's consent for the development of a childcare centre for 53 children (aged 0-2 x 8, aged 2-3 x 20, aged 3- 5 x 25).

Car parking to the proposed centre will be provided as follows:

- 3 tandem staff car parking spaces with access via Quinn Lane
- 6 indented/parallel car spaces along Gibson Lane's frontage of the site for children drop off/pick up.

Hours of operation: 7am -6pm (Monday – Friday)

RESOLUTION

That Council:

1. Refuses the application DA2015/149 seeking Council's consent for a childcare centre development at No 165 Ashley Street, Roseville; and
2. Grants delegated authority to the General Manager to issue the refusal notice with the reasons for refusal.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rutherford and Stevens.

18.2 PLANNING PROPOSAL - 10 HERBERT STREET, ST LEONARDS AND DRAFT AMENDMENTS TO WILLOUGHBY DEVELOPMENT CONTROL PLAN

ATTACHMENTS:	1. COUNCIL REPORT – 13 APRIL 2015 2. COUNCIL REPORT – 1 JUNE 2015 3. SUMMARY OF SUBMISSIONS 4. DRAFT AMENDMENTS TO WDCP
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY LINK:	1.1.2 THE VULNERABLE ARE INVOLVED IN OUR COMMUNITY AND SUPPORTED WITH RESPECT AND INTEGRITY
MEETING DATE:	9 NOVEMBER 2015

Purpose of Report

This report is to advise Council of the public exhibition for the Planning Proposal submitted by Akalan Projects relating to part Lot C, DP 401303 at 10 Herbert Street (fronting Frederick Street), St Leonards. The report recommends that Council supports the Planning Proposal by amending Willoughby Local Environmental Plan 2012 (WLEP 2012) to permit a “Hospital” as an additional permitted use for the site and increase the Floor Space Ratio from 1.5:1 to 2.5:1. The report also recommends that Council adopts the site specific draft amendments to Willoughby Development Control Plan (WDCP).

RESOLUTION

That Council:

1. Supports the planning proposal to enable Hospital as a permissible use with a maximum FSR of 2:5:1 for part Lot C, DP 401303 at 10 Herbert Street St Leonards subject to a satisfactory Stage 3 Remedial Action Plan being submitted to Council in accordance with the Environment Protection Authority’s “*Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites*” and “*Managing Land Contamination Planning Guidelines SEPP 55 Remediation of Land*”.
2. Adopts and makes the amendment to Willoughby Local Environmental Plan 2012 in accordance with Section 59 of the *Environmental Planning and Assessment Act 1979*, so as to change Willoughby Local Environmental Plan 2012 and give effect to the Planning Proposal in the following manner:
 - Amends Schedule 1 by adding:
72 Use of certain land at part 10 Herbert Street, St Leonards
(1) This clause applies to Part 10 Herbert Street, St Leonards, being Part Lot C, DP 401303.

- (2) Development for the purpose of a hospital is permitted with development consent.
- Removes the land Part Lot C DP 401303 known as Part 10 Herbert Street, St Leonards from 'Area 6' on the Floor Space Ratio Map and identified as 'Area 17'
 - Add following sub clause 4.4A (22):
 - (22) The maximum floor space ratio for a building on land identified as 'Area 17' on the Floor Space Ratio Map may exceed 1:1 if:
 - (a) i. the site area is greater than 1,000 square metres, and
 - ii. The floor space ratio will not exceed 1.5:1, and
 - iii. the site coverage will not exceed 45% of the site area; or
 - (c) the site is to be developed for a hospital and the FSR does not exceed 2.5:1.
3. Advises the Department of Planning & Environment that the site should not be included in the Height of Building Map.
4. Supports and adopts draft Willoughby Development Control Plan Part F.3.9 for the site as indicated in Attachment 4 of this report.
5. Advises the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rutherford, Rozos and Stevens.

18.3 AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 AND WILLOUGHBY DEVELOPMENT CONTROL PLAN

ATTACHMENTS:	<ol style="list-style-type: none">1. PREVIOUS REPORT TO COUNCIL2. LETTER FROM DEPARTMENT OF EDUCATION AND COMMUNITIES DATED 20 FEBRUARY 20153. SUMMARY OF SUBMISSIONS4. INDEPENDENT ASSESSORS REPORT ON PUBLIC HEARING5. PROPOSED CHANGES TO WLEP 20126. PROPOSED CHANGES TO WDCP
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY LINK:	3.1.1 PLAN FOR HOUSING CHOICE 3.1.3 LOCAL CHARACTER 5.1.1 LOCAL BUSINESS
MEETING DATE:	9 NOVEMBER 2015

Purpose of Report

The purpose of this report is to advise Council of the public exhibition for:

- (1) the “Housekeeping” Planning Proposal prepared by Council Officers which seeks to amend Willoughby Local Environmental Plan 2012 (WLEP 2012) by:
 - The correction of anomalies and discrepancies
 - The reclassification of land at 7-13 Herbert Street, St Leonards from community to operational
- (2) Proposed amendments to the Willoughby Development Control Plan (WDCP) comprising of corrections and firming of controls where there have been issues regarding clarification and implementation.

The report recommends that Council supports the Planning Proposal and adopts the amendments to Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan.

RESOLUTION

That Council:

1. Adopts the amendments to Willoughby Local Environmental Plan 2012 in accordance with Section 59 of the *Environmental Planning and Assessment Act 1979* as detailed in Attachment 5 of this report and summarised as follows:

- a) Amend Clause 4.3A to clarify the height of building clause relating to certain foreshore land at Minimbah Road and Coolawin Road Northbridge in Area 1 of the Height of Building Map.
 - b) Correct the Clause Heading title in Schedule 1 Item 34 relating to industrial land in East Chatswood and Roseville.
 - c) Update of a lot and DP reference in Schedule 1 Item 12 relating to 38 Albert Avenue Chatswood.
 - d) Clarification of Sub Clause Heading 6.10 (4)(e) regarding minimum lots sizes in land bounded by Julian, Street, Edward Street and Borlaise Street, Willoughby.
 - e) Clarification of Clause 4.1 Minimum Subdivision Lot Size relating to commercial strata subdivision within Chatswood CBD.
 - f) Clarification of Clause 4.1B(1) that the minimum lot size restriction for subdivision does not apply to the residential component of shop top development in Chatswood CBD that is permitted in Schedule 1,
 - g) Clarification of the Subdivision of Dual Occupancy Clause 4.1A with regard to FSR and 5 year period for subdivision.
 - h) Various updates of Clause 6.8 Affordable Housing to reflect current practice for the dedication to Council of affordable housing / or monetary contributions as well as the inclusion of affordable housing into Clause 1.2 Aims of Plan,
 - i) Reclassification of 10 Council owned housing units at 7-13 Herbert Street St Leonards from community to operational.
 - j) Correction of a colour error in Map 7 of the Lot Size Map at Coolawin Road / Dorset Road.
 - k) Removal of 2 properties at 54 and 56 Mowbray Place which are incorrectly included in Map 7 of the Special Provisions Area Map.
 - l) Provision of a height limit and inclusion of additional permitted uses at 28 Archer Street Chatswood.
 - m) Update to Height of Building Map and Floor Space Ratio Map to reflect a minor change to the cadastre at 1-5 Railway Street Chatswood.
2. Reclassifies the land at Lots 98, 99, 174, 178, 179 and 184 SP 69609 and Lots 25, 30, 32 and 33 SP 67931 at 7-13 Herbert Street, St Leonards from community land to operational land.
3. Adopts the amendments to Willoughby Development Control Plan as detailed in Attachment 6 of this report and summarised as follows:
- a) Part B.4 Category C - amend the notification period to include Boarding houses.
 - b) Part D.1.10.3 Private Recreation Facilities for Dwelling Houses, Dual Occupancies and Secondary Dwellings –include a note for information on non-climbable planting consistent with Australian Standard for Swimming Pool Safety.
 - c) Part E1.7 Specific Controls for Commercial and Shop Top Housing Development – amend the controls to communal areas for developments with less than 15 units.
 - d) Part G.2 Controls for Specific Development Types Boarding Houses – clarification of specific considerations which need to be addressed for Boarding Houses, consistent with State policy.
 - e) Part G.4 Controls for Specific Development Types Affordable Housing – various clarifications including DA requirements and the inclusion of a Transfer Deed.

- f) **Part G.8 Controls for Specific Development Types Child Care Centres – inclusion of objective regarding safety issues associated with the prohibition of child care centres being located in culs-de-sac.**
4. **Forwards the Planning Proposal to the Minister for Planning to finalise the draft amendments to Willoughby Local Environmental Plan 2012.**

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

18.4 VARIATIONS TO DEVELOPMENT STANDARDS (USE OF CLAUSE 4.6 VARIATION) QUARTER 1 - JULY 2015 TO SEPTEMBER 2015

ATTACHMENTS:	1. LIST OF APPLICATIONS WITH VARIATIONS TO DEVELOPMENT STANDARDS QUARTER 1 – JULY 2015 TO SEPTEMBER 2015
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
MEETING DATE:	9 NOVEMBER 2015

Purpose of Report

The attached schedule lists all development applications determined during the 1st Quarter (July 2015 to September 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 first Quarter July 2015 to September 2015 quarter.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

**18.5 DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT TO
26 OCTOBER 2015**

ATTACHMENTS:	1. LIST OF APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT – PLANNING MANAGER
AUTHOR:	DEVELOPMENT PLANNERS, BUILDING SURVEYORS
MEETING DATE:	9 NOVEMBER 2015

Purpose of Report

To provide Councillors with details of all current Development Applications and Planning Proposals as at 26 October 2015.

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 26 October 2015.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION: PARKING RESTRICTIONS NAREMBURN SHOPPING PRECINCT

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

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

MEETING DATE: 9 NOVEMBER 2015

Purpose of Report

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

Motion

That Council requests a change in parking restrictions around the Naremburn shopping precinct with the view of introducing short stay (15 minute, 30 minute and 1 hour) parking around the shopping strip as soon as possible.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ROZOS

CARRIED

Voting

For the Motion: Councillors Hill, Mustaca, Norton, Rozos, Rutherford, Sloane and Wright.

Against: Councillors Giles-Gidney, Eriksson and Hooper

Absent: Councillor Stevens

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 4 SCOTT CRESCENT, ROSEVILLE - DA 2014/561 - LEGAL PROSPECTS

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 16 TULLOH STREET, WILLOUGHBY - DA 2012/406/A - LEGAL PROSPECT

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

20.3 165 ASHLEY STREET, ROSEVILLE - DA 2015/149 - LEGAL ADVICE

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 4 SCOTT CRESCENT, ROSEVILLE - DA 2014/561 - LEGAL PROSPECTS**Recommendation Summary**

That Council maintains confidentiality of this item pending legal process.

20.2 16 TULLOH STREET, WILLOUGHBY - DA 2012/406/A - LEGAL PROSPECT**Recommendation Summary**

That Council maintains confidentiality of this item pending legal process.

20.3 165 ASHLEY STREET, ROSEVILLE - DA 2015/149 - LEGAL ADVICE**Recommendation Summary**

That Council maintains confidentiality of this item pending legal process.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

RESOLUTION

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

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

21 QUESTIONS

NIL

- Councillor Stevens left the meeting at 8:58pm
- At 10:30pm Council resolved, via a procedural motion, to extend its meeting time.

The meeting closed at 11:24pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 9 November 2015. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.