



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

26 April 2016

commencing at 7:00pm

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1 PRESENT

Councillors

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

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Ms H Liossis (Customer and Corporate Director), Mr P Conroy (Planning & Infrastructure Director), Mr I Arnott (Planning Manager), Ms M Hillman (Governance 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 18.2: Amended Planning Proposal and Development Control Plan for Gore Hill Technology Park Lots 1-6 DP 270714 (1-5 Broadcast Way, Artarmon)
(Nature of Interest: I am a member of the JRPP panel where the application is to be referred)
- Councillor M Sloane declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 18.2: Amended Planning Proposal and Development Control Plan for Gore Hill Technology Park Lots 1-6 DP 270714 (1-5 Broadcast Way, Artarmon)
(Nature of Interest: As Deputy Mayor I am a member of JRPP should this item proceed)
- Councillor S Coppock declared, via a Disclosures of Interest form, a non-pecuniary, less than substantial interest in Item 18.2: Amended Planning Proposal and Development Control Plan for Gore Hill Technology Park Lots 1-6 DP 270714 (1-5 Broadcast Way, Artarmon)
(Nature of Interest: I received a donation in 2008 for a mayoral campaign. Now a long time ago so not substantial)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 11 April 2016, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillors Hooper, Mustaca, Saville and Stevens tendered an apology for tonight's meeting and requested Leave of Absence.
- Councillor Coppock requested Leave of Absence from 30 April – 3 June 2016.

RESOLUTION

That Council notes the apology from Councillors Hooper, Mustaca, Saville and Stevens for Monday 26 April 2016 and grants Leave of Absence.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

RESOLUTION

That Council grants Councillor Coppock Leave of Absence from 30 April – 3 June 2016.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

5 PETITIONS

5.1 PETITION: 4 SCOTT CRESCENT, ROSEVILLE - DA 2014/561 (RE-NOTIFIED)

ATTACHMENTS:	1. SCOTT CRESCENT PETITION
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	TRISHA DUFFY - SECRETARY GOVERNANCE
MEETING DATE:	26 APRIL 2016

Purpose of Report

A petition, representing 16 properties (25 signatories), has been sent to Council in opposition to a re-notified Development Application for 4 Scott Crescent, Roseville (2014/561). The proposal is for the demolition of existing structures and construction of a two-storey boarding house for 12 adult lodgers and associated works.

RESOLUTION

That Council:

- 1. Receives the petition relating to DA 2014/561 for 4 Scott Crescent, Roseville.**
- 2. Refers the petition to the relevant Planning Officer.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

6 OPEN FORUM

NIL

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - THE LATE KENNETH EUSTACE BARTON VX142572

MEETING DATE: 26 APRIL 2016

Purpose of Report

To consider the Mayoral Minute on the passing of Ken Barton.

MOTION

Ken Barton, a resident in the Sailors Bay Ward for over 50 years, passed away peacefully on 30 March 2016 at Ashburn House, Gladesville NSW, aged 92.

Adelaide-born Ken Barton enlisted in the citizen military force in 1942 and at 19 years of age he transferred to the AIF 2/10 Infantry Battalion, the Adelaide Rifles. He saw active war service in Borneo.

During the battle of Balikpapan, a rather infamous story took place involving Ken and an American army officer who was in command of the landing craft. Legend has it that Ken was rather keen to open fire, using the boat's heavy machine gun, on the beach where the enemy were in waiting for the Australian and US forces. The army officer gave strict instructions not to open fire until he said so. Ken had other ideas and in usual Aussie fashion ignored the order and commenced fire. The temporarily deafened American officer in turn let Ken know what he thought of the Australians and their inability to take orders.

Ken Barton moved to Castlecrag from Adelaide in 1959 and remained a resident there with his wife, Yvonne and his three daughters Jennifer, Dianne and Melanie.

Ken was a senior executive with Australian Guarantee Corporation (AGC). He assisted in the establishment of many of the major motor trades in Sydney including the Alto Group and Peter Warren Motors, which businesses are still in operation today

After his wife Yvonne developed debilitating Parkinson's, Ken took devoted care of her. On her passing in 2001, he moved to Northbridge and lived there until 2010 when he transferred to retirement living at Ashburn House.

As this tribute is held so close to Anzac Day, it is important to remember the contribution made to this country by Ken and an ever reducing number of service men and women who saw active service in World War II.

Among Ken's family is one of his grandsons, Councillor Hugh Eriksson.

RESOLUTION

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

MOVED COUNCILLOR GILES-GIDNEY

Voting

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

Against: Nil

7.2 MAYOR'S DIARY – COUNCIL MEETING NOTES – 26 APRIL 2016

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

WEDNESDAY 13 APRIL			
Mayor Cr Norton	12 noon	Live at Lunch Concert	The Concourse
Mayor Cr Saville	6 pm	Opening of Smart Expressions	The ArtSpace at The Concourse
Mayor	7 pm	Presentation of Chatswood Rotary Community Service Awards	The Roseville RSL Club
THURSDAY 14 APRIL			
Mayor Deputy Mayor: Cr Sloane Crs Norton, Rozos, Rutherford, Saville	4.30 pm	Reception for Artarmon Bowling Club	The Concourse Foyer
Mayor Crs Norton, Rutherford, Saville	6.30 pm	Presentation of the Heritage Photo Awards	Council Foyer, Victor Street
Mayor Crs Norton, Rutherford, Rozos	7.30 pm	Middle Harbour Ward Progress Association Meeting	Club Willoughby
FRIDAY 15 APRIL			
Mayor	12.30 pm	Northbridge Rotary Seniors' Lunch	St Marks Hall
SATURDAY 16 APRIL			
Mayor	11 am	Opening of Chinese Calligraphy Expo	Chinese Cultural Centre
Mayor Crs Norton, Saville	7 pm	WSO Concert: Inspirations	The Concourse
SUNDAY 17 APRIL			
Mayor Crs Norton, Saville	2.30 pm	Opening of Heritage Week Exhibition: Willoughby's Rural Heritage	WDHS Museum
Mayor Cr Mustaca	7 pm	5 th Anniversary of Australian Dongbei Chinese Association	The Star Event Centre, Sydney
MONDAY 18 APRIL			
TUESDAY 19 APRIL			
Mayor Cr Norton	1 pm	Seniors Concert	The Pavilion on The Concourse
Crs Norton, Rozos	7.30 pm	Chatswood East Progress Association	Dougherty Centre
WEDNESDAY 20 APRIL			
Mayor	6.30 pm	Pre-Launch – Civic Plaza 88	The Concourse

THURSDAY 21 APRIL			
Mayor	10 am	Chatswood Croquet Club Open Day	699a Pacific Highway, Chatswood
Mayor Cr Rozos	12 noon	ANZAC Day Commemoration Lunch	Chatswood RSL Club
Cr Saville	1 pm	Library Talk: Lane Cove River	Chatswood Library
Cr Saville	7.30 pm	Chatswood West Ward P.A.	
FRIDAY 22 APRIL			
SATURDAY 23 APRIL			
Mayor Cr Rozos	10 am	Willoughby Roos Sausage Sizzle	Willoughby Park
Mayor Cr Rozos	11 am	Gordon Rugby Football Club - Ladies Day: Juniors & Seniors	Chatswood Oval
Cr Norton	6.30 pm	Baha'i Rivden Festival	Dougherty Centre
SUNDAY 24 APRIL			
Mayor Crs Coppock, Norton, Rutherford	10 am	ANZAC Service OF Remembrance & Thanksgiving	St Stephens Anglican Church, Mowbray Road.
Mayor	11.45 am	Armenian Commemoration	Armenian Church and Khachkar at Beauchamp Park
Mayor Crs Norton, Rozos, Rutherford		Armenian Genocide Commemoration	The Concourse
MONDAY 25 APRIL			
Mayor Crs Mustaca, Norton, Rozos, Wright	5.15 am	ANZAC Dawn Service	Garden of Remembrance, Chatswood
Mayor Crs Mustaca, Norton, Rozos, Rutherford	7 am	ANZAC Commemoration Service	The Obelisk, Club Willoughby
Mayor	11 am	ANZAC Morning Tea	Willoughby Retirement Village
Mayor Cr Rozos	Afternoon	Traditional ANZAC <i>Two-Up</i>	Club Willoughby

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 18.2 Amended Planning Proposal and Development Control Plan for Gore Hill Technology Park Lots 1-6 DP 270714 (1-5 Broadcast Way, Artarmon)

11 MATTERS NOT REQUIRING ELABORATION OR DEBATE

The Mayor invited Councillors to indicate the items not brought forward by the public that they wished to deal with separately:

Item 13.1 Notice of Motion – NSW Biodiversity Review

RESOLUTION

That the remaining items, viz:

- Item 12.1 Access Advisory Committee Meetings
- Item 12.2 Minutes of the Companion Animals Advisory Committee – 7 December 2015
- Item 12.3 Mosaic Advisory Committee meeting – 23 March 2016
- Item 12.4 Willoughby Park Centre Advisory Committee meeting – 23 February 2016
- Item 14.1 Councillors Information Booklet – 12 and 19 April 2016
- Item 16.1 Risk Management Policy and Framework
- Item 16.2 Representation at National General Assembly of Local Government
- Item 16.3 Fees for Councillors and Mayor 2016-2017
- Item 16.4 Update on Petitions
- Item 17.1 Concession Application from the Italian Christian Workers Association
- Item 18.1 2A Blakesley Street, Chatswood – DA 2015/368/A
- Item 18.3 Councillor Update – Changes to the Standard Instrument
- Item 18.4 Submission regarding modification to Royal North Shore Hospital Concept Plan to allow for demolition of buildings 7 & 9
- Item 18.5 Council Car Park Works and Car park Equipment Maintenance

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

12.1 ACCESS ADVISORY COMMITTEE MEETINGS

ATTACHMENTS:	1. MINUTES - ACCESS ADVISORY COMMITTEE - WEDNESDAY 9 MARCH 2016 2. MINUTES - ACCESS ADVISORY COMMITTEE - WEDNESDAY 10 FEBRUARY 2016 3. PRESENTATION FROM LINK HOUSING
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY CULTURE & LEISURE DIRECTOR
AUTHOR:	LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	26 APRIL 2016

Purpose of Report

To provide Council with the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 9 March 2016 and Wednesday 10 February 2016.

RESOLUTION

That Council notes the minutes of the Willoughby City Council Access Advisory Committee meetings held Wednesday 9 March 2016 and Wednesday 10 February 2016.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

12.2 MINUTES OF THE COMPANION ANIMALS ADVISORY COMMITTEE - 7 DECEMBER 2015

ATTACHMENTS:	1. MINUTES OF THE COMPANION ANIMALS ADVISORY COMMITTEE MEETING – 7 DECEMBER 2015
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	PETER SYNNOTT – ADMINISTRATION OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	26 APRIL 2016

Purpose of Report

For Council to note the minutes of the Willoughby Companion Animals Advisory Committee meeting held on Monday, 7 December 2015.

RESOLUTION

That Council receives and notes the minutes of the Companion Animals Advisory Committee Meeting held Monday, 7 December 2015.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

12.3 MOSAIC ADVISORY COMMITTEE MEETING - 23 MARCH 2016

ATTACHMENTS:	1. MINUTES - MOSAIC ADVISORY COMMITTEE - 23 MARCH 2016 2. REPORT - MOSAIC ADVISORY COMMITTEE - JANUARY TO MARCH 2016
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	RITA LEUNG - MULTICULTURAL SERVICES TEAM LEADER
CITY STRATEGY LINK:	1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED
MEETING DATE:	26 APRIL 2016

Purpose of Report

To provide Council with the minutes and report of the MOSAIC Advisory Committee meeting held 23 March 2016.

RESOLUTION**That Council:**

- 1. Notes the minutes and report of the MOSAIC Advisory Committee meeting held 23 March 2016.**
- 2. Endorses Ms Joanne Vear as a member of the MOSAIC Advisory Committee for the 2013-2016 term.**

MOVED COUNCILLOR ERIKSSON**SECONDED COUNCILLOR HILL****CARRIED****Voting**

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

Against: Nil

12.4 WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING - 23 FEBRUARY 2016

ATTACHMENTS:	1. MINUTES - WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING - 23 FEBRUARY 2016
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY CULTURE & LEISURE DIRECTOR
AUTHOR:	CHRISTINE WAYGOOD - WILLOUGHBY PARK CENTRE MANAGER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	26 APRIL 2016

Purpose of Report

To provide Council with the minutes of the Willoughby Park Centre Advisory Committee meeting held 23 February 2016.

RESOLUTION

That Council notes the minutes of the Willoughby Park Centre Advisory Committee meeting held 23 February 2016.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

13.1 NOTICE OF MOTION: NSW BIODIVERSITY REVIEW

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	26 APRIL 2016

Purpose of Report

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

MOTION

That Willoughby City Council communicates with the Baird Government to act as a matter of urgency, in order to halt species extinction in NSW; stop further loss of biodiversity; and protect vegetation protection for the present and future wellbeing of NSW communities, city and country.

Accordingly, Willoughby City Council requests the Baird Government to:

- 1. Ensure that the new Biodiversity Conservation Act does not lead to broad scale clearing (as defined in the Native Vegetation Act) or any further clearing of urban bushland.**
- 2. Ensure that the NSW Biodiversity Offsets Policy:**
 - a. prescribes a like-for-like requirement for any offsets;**
 - b. provides clear protection for environmentally sensitive areas; and**
 - c. does not allow supplementary measures such as cash payments.**
- 3. Recognise and comply with federal policies to protect biodiversity and combat climate change.**

THIS MATTER WAS DEFERRED TO THE NEXT COUNCIL MEETING.

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLET - 12 AND 19 APRIL 2016

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:	26 APRIL 2016

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 12 and 19 April 2016.

RESOLUTION

That Council receives the Councillors Information Booklet, circulated to all Councillors on 12 and 19 April 2016.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 RISK MANAGEMENT POLICY AND FRAMEWORK

ATTACHMENTS:	1. DRAFT RISK MANAGEMENT POLICY 2. DRAFT RISK MANAGEMENT FRAMEWORK
RESPONSIBLE OFFICER:	MARNIE HILLMAN - GOVERNANCE MANAGER
AUTHOR:	GRANT THOMAS - ENTERPRISE RISK MANAGEMENT SPECIALIST
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	26 APRIL 2016

Purpose of Report

To present a Draft Risk Management Policy and Draft Risk Management Framework to Council for consideration and adoption.

RESOLUTION

That Council adopts the Risk Management Policy and Risk Management Framework.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

16.2 REPRESENTATION AT NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

ATTACHMENTS:	1. NGA 2016 DRAFT PROGRAM
RESPONSIBLE OFFICER:	MARNIE HILLMAN – GOVERNANCE MANAGER
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:	26 APRIL 2016

Purpose of Report

To authorise the Mayor and the General Manager to attend the National General Assembly of Local Government to be held in Canberra between 19 and 22 June 2016.

RESOLUTION

That Council:

- 1. Authorises the Mayor and the General Manager to attend the 2016 National General Assembly of Local Government;**
- 2. Asks the National Local Government conference to make representations to the Minister for Primary Industry and the Minister for Agriculture and Water Resources on measures to limit further loss of productive food growing areas that include a comprehensive policy framework driven by long-term food security, and the establishment of a Food and Water Data Commission for the co-ordination of essential food and water related information.**
- 3. Asks the National Local Government conference to call on the Federal Government to support the protection of urban bushland and increase local biodiversity values across Australia. Urban bushland is being eroded through increasing development. Bushland needs whole of Government support for aesthetic, intrinsic, ecological system values and scientific reasons. Biodiversity is fundamental for the future. The following actions are required:**
 - a) Continuous funding for Councils to implement and deliver environmental programs, and for the Federal Government to protect and/or purchase private land on behalf of the community that has important ecological value;**
 - b) Assist in the creation of co-ordinated regional management policies and plans that outline objectives and methods to protect and enhance urban bushland, wildlife corridors, and endangered species and to also increase local biodiversity;**

- c) A co-ordinated whole of region approach for the delivery of environmental management programs that could include the sharing of resources and knowledge e.g. fox control, weed management etc; and
- d) Effective communication and engagement with community for the delivery and understanding of environmental programs.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

16.3 FEES FOR COUNCILLORS AND MAYOR 2016 - 2017

RESPONSIBLE OFFICER:	MARNIE HILLMAN – GOVERNANCE MANAGER
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:	26 APRIL 2016

Purpose of Report

To inform Council of the 2016 Annual Report and Determination from the Local Government Remuneration Tribunal and to adopt the Mayoral and Councillors' fees for the 2016 - 2017 financial year.

RESOLUTION

That Council sets the annual fees payable to the Councillors and Mayor from 1 July 2016 to 30 June 2017 at the maximum level for Metropolitan Centre category (\$23,950 Councillor Annual Fee and \$63,640 Mayor Additional Fee) based on the 2016 determination of the Local Government Remuneration Tribunal.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

16.4 UPDATE ON PETITIONS

ATTACHMENTS:	1. LISTING OF PETITIONS - APRIL 2016
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	TRISHA DUFFY - SECRETARY GOVERNANCE
MEETING DATE:	26 APRIL 2016

Purpose of Report

To present the current listing of petitions received by Council.

RESOLUTION

That Council receives and notes the updated listing of petitions.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 CONCESSION APPLICATION FROM THE ITALIAN CHRISTIAN WORKERS ASSOCIATION

RESPONSIBLE OFFICER: MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR

AUTHOR: ANGELA CASEY – CULTURE AND LEISURE MANAGER

CITY STRATEGY LINK: 1.2.2 PROVIDE AND ADVOCATE FOR APPROPRIATE FACILITIES AND SERVICES FOR ALL AGES

MEETING DATE: 26 APRIL 2016

Purpose of Report

To seek approval for an out of term Category D (full concession) rate for the Italian Christian Workers Association to use the Beauchamp Pavilion, Nicholson St, Chatswood, for five hours each week in term time.

RESOLUTION

That Council provides an out of term Category D (full concession at \$156.75 per session) rate to the Italian Christian Workers Association to use the Beauchamp Pavilion, Nicholson St Chatswood, for five hours each week in term time.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 2A BLAKESLEY STREET, CHATSWOOD - DA 2015/368/A

ATTACHMENTS: 1. SCHEDULE OF CONDITIONS TO BE DELETED

MEETING DATE: 26 APR 2016

RECOMMENDATION: APPROVAL

LOCATION: 2A BLAKESLEY STREET, CHATSWOOD

APPLICANT: SCHUBERT PLANNING PTY LTD

OWNER: A & H MUSTACA FAMILY TRUST

PROPOSAL: DELETE CONDITIONS 5, 28, 29, 30, 31, 32, 33, 34 AND 35 RELATING TO THE REQUIREMENTS FOR A 5KL RAINWATER TANK

DATE OF LODGEMENT: 11-MAR-2016

VALID APPLICATION DATE: 11-MAR-2016

REPORTING OFFICER: CANDICE PON- DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

DESCRIPTION OF PROPOSAL

The subject application is seeking Council's consent to delete conditions 5, 28, 29, 30, 31, 32, 33, 34 and 35 from DA-2015/362 for change of use and fitout to existing premises for use as a dental surgery and associated works. The conditions relate to requirements for a 5000L rainwater tank to be provided by the development.

RESOLUTION

That Council:

1. Approves Section 96 Modification Application DA-2015/362/A to delete conditions 5, 28, 29, 30, 31, 32, 33, 34 and 35 at 2A Blakesley Street, Chatswood; and
2. Delegates authority to the General Manager to issue the consent notice subject to the attached schedule of conditions.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

Schedule of conditions to be deleted

CONDITIONS OF CONSENT:

DA-2015/358 is modified as follows:

- A. Conditions 5, 28, 29, 30, 31, 32, 33, 34 and 35 are deleted.
- B. Compliance with all other conditions of development application consent DA-2015/368.

18.2 AMENDED PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN FOR GORE HILL TECHNOLOGY PARK LOTS 1-6 DP 270714 (1-5 BROADCAST WAY, ARTARMON)

ATTACHMENTS:	<ol style="list-style-type: none">1. COUNCIL REPORT DATED 10 DECEMBER 20122. COUNCIL REPORT DATED 24 FEBRUARY 20143. AMENDED PLANNING PROPOSAL CONCEPT PLANS (CIRCULATED SEPARATELY)4. DRAFT AMENDMENTS TO WILLOUGHBY DEVELOPMENT CONTROL PLAN (WDCP)5. CONSIDERATION OF THE PLANNING PROPOSAL UNDER CLAUSE 55(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 19796. COUNCIL TRAFFIC ENGINEER'S COMMENTS
RESPONSIBLE OFFICER:	IAN ARNOTT- PLANNING MANAGER
AUTHOR:	JANE HOSIE – STRATEGIC PLANNER
CITY STRATEGY LINK:	5.1.1 LOCAL BUSINESS
MEETING DATE:	26 APRIL 2016

Purpose of Report

This report relates to a Planning Proposal and an associated request to amend the existing Planning Controls in respect of a portion of the Gore Hill Technology Park at 1-5 Broadcast Way, Artarmon.

It includes references to a series of historical decisions, in particular:

- In 2012 a Planning Proposal to rezone part of the site from IN2- Light Industrial to B7- Business Park and to increase the floor space controls for Lots 5 and 6.
- In 2013 plans providing for the relocation of the proposed Sports and Community Centre from Lot 3 to Lot 6.
- In 2014 Council's resolution to investigate the relocation of the Sports and Community Centre to Gore Hill Oval at St Leonards.
- In 2015 a further revised Planning Proposal to rezone Lots 5 and 6 and to further increase the floor space controls relating to Lot 6.
- In all versions of the Planning Proposal, the Applicant has sought to increase the car parking rate above Willoughby Development Control Plan requirements.

This report considers the merits of the current Planning Proposal and recommends that Council:

- support the amended Planning Proposal in principle and refer it to the Gateway
- with the exception of car parking, support amendments to the site specific development controls in Willoughby Development Control Plan

- continue to work with Roads and Maritime Services to determine appropriate traffic and parking arrangements.

Procedural Motion

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

- David Flanagan and Leigh Manser (Lindsay Bennelong)

Procedural Motion

That the motion be put.

A show of hands showed no dissent to the motion being put.

MOTION

That Council:

1. Supports the revised Planning Proposal for Lots 1 to 6 Gore Hill Technology Park at 1-5 Broadcast Way, Artarmon and forwards it to the Department of Planning and Environment seeking a revised Gateway Determination under Section 56 of The Environmental and Planning Assessment Act 1979.
2. Supports draft amendments to Willoughby Local Environmental Plan 2012 for Lots 1 to 6 DP 270714 at 1-5 Broadcast Way, Artarmon for public exhibition as follows:
 - Change in the zoning of Lots 5 and 6 from IN2- Light Industrial to B7- Business Park;
 - Increase the maximum floor space ratio from 1.5:1 to 3.5 for Lot 5 subject to a maximum site cover of 60%;
 - Increase the maximum floor space ratio from 1.5 :1 to 4.5:1 for Lot 6; subject to a maximum site cover of 60% and a site area of 12,000sqm;
 - Increase the maximum site cover for Lots 2, 3, and 4 from 45% to 60%;
 - Include a new local clause in Part 6 of WLEP 2012 relating to the minimum size of floor plates for use as office and business premises as follows:

6.2.0 (1) This clause applies to Lots 5 and 6 of DP 270714 known as 2 and 4 Broadcast Way, Artarmon zoned B7 Business Park.

Development consent for the purposes of Office or Business premises must not be granted unless the consent authority is satisfied that:

- a. ***The occupant requires and will solely occupy a minimum gross floor area of 1,200sqm;***

- b. The applicant has demonstrated that owing to special building or floor plate requirements suitable land or premises is not available for development or occupation within any nearby business centre including Chatswood and St Leonards Central Business Districts; and*
 - c. The development would not detrimentally affect the viability of the Chatswood or St Leonards Central Business District office precincts.*
3. Requires a Phase1 Preliminary Investigation Contamination report to be submitted prior to exhibition of the Planning Proposal.
4. Supports the draft amendments to Part 1.5 -ABC Gore Hill Divestment Site of Willoughby Development Control Plan for Lots 1-6 DP 270714 at 1-5 Broadcast Way, Artarmon for public exhibition as recommended in Attachment 4 of this report to reflect the development approved for the site as well as to be consistent with the proposed Willoughby Local Environmental Plan 2012 amendments.
5. Notes the separate report on the Agenda regarding the Voluntary Planning Agreement for the Gore Hill Technology Park, in particular that the Agreement will:
 - a. document a proposed Community Benefit in recognition of the amended planning controls.
 - b. include community consultation to provide for public input into the process.
6. Requires car parking on Lot 6 to be provided at a ratio of 1 space/70sqm.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

For the Motion: Councillors Coppock, Eriksson, Hill, Norton, Rozos and Rutherford.

Against: Councillor Wright

Absent: Councillors Giles-Gidney and Sloane.

Due to Item 18.2 being a JRPP Matter, Councillors Giles-Gidney and Sloane declared a non-pecuniary substantial interest as members of the JRPP Panel and withdrew from the meeting taking no part in the discussion or voting.

Councillor Coppock assumed the Chair in the Mayor's and Deputy Mayor's absence for this item.

18.3 COUNCILLOR UPDATE - CHANGES TO THE STANDARD INSTRUMENT

ATTACHMENTS:	1. REPORT TO COUNCIL OF 14 DECEMBER 2015
RESPONSIBLE OFFICER:	PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY LINK:	5.1.1 LOCAL BUSINESS
MEETING DATE:	26 APRIL 2016

Purpose of Report

To advise Councillors of recent changes made to the Standard Instrument (Local Environmental Plans) Order 2006.

RESOLUTION

That Council:

- 1. Notes the changes to the Standard Instrument (Local Environmental Plans) Order 2006 and the consequential changes to Willoughby Local Environmental Plan 2012 regarding the permissibility of “hardware and building supplies” and “garden centres” in the in IN1 General Industrial, IN2 Light Industrial and B7 Business Park zones.**
- 2. Be provided with a further update in relation to the Minimum subdivision lot size clause in due course.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

18.4 SUBMISSION REGARDING MODIFICATION TO ROYAL NORTH SHORE HOSPITAL CONCEPT PLAN TO ALLOW FOR DEMOLITION OF BUILDINGS 7 & 9

ATTACHMENTS:	1. LOCATION PLAN A 2. LOCATION PLAN B 3. MODIFICATION LETTER
RESPONSIBLE OFFICER:	PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR
AUTHOR:	CRAIG O'BRIEN – STRATEGIC PLANNER
CITY STRATEGY LINK:	6.2.1. A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS
MEETING DATE:	26 APRIL 2016

Purpose of Report

The purpose of this report is to:

- Advise Council of the Major Project Modification to the Royal North Shore Hospital Concept Plan (MP 06_0051 MOD 6) to allow for demolition of Building 7 (Diabetic Unit) and 9 (Lanceley Cottage); and
- Seek Council's endorsement of a submission to be forwarded to the Department of Planning & Environment (the Department) on behalf of Willoughby Council prior to the extended closure date for comments.

RESOLUTION

That Council:

- 1. Endorses a submission raising no objection to Royal North Shore Hospital MP 06_0051 MOD 6 - Modification to Concept Plan to allow for demolition of Building 7 (Diabetic Unit) and Building 9 (Lanceley Cottage) subject to conditions including archival recording of the buildings and where possible, salvage of building fabric.**
- 2. Endorses the abovementioned submission being forwarded to the Department of Planning & Environment on behalf of Council.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

18.5 COUNCIL CAR PARK WORKS AND CAR PARK EQUIPMENT MAINTENANCE

RESPONSIBLE OFFICER: PETER CONROY – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHORS: DAVID DIBIASE – PROPERTY & CONSTRUCTION SERVICES MANAGER

WILLIAM KUANG –
PARKING FACILITY ENGINEER

PAUL GOMEZ –
GROUP LEADER INFRASTRUCTURE AND PARKING

CITY STRATEGY LINK: 4.1.1 EFFICIENT ASSET MANAGEMENT

MEETING DATE: 26 APRIL 2016

Purpose of Report

To seek Council's permission to:

- Undertake works to the Concourse car park to enable the 88 Archer Street development patrons access to their basement car parking via The Concourse car park.
- Seek exemption from Council's normal procurement policies and procedures for the supply of equipment for enabling access to 88 Archer Street.

RESOLUTION

That Council:

1. **Acknowledges that the agreement for works and maintenance is currently being drafted and that it will require Visionary Investment Group (VIG) to:**
 - a. **Fund the acquisition of the new equipment and associated works.**
 - b. **Fund their portion of any maintenance agreement conditions.**
2. **Accepts TMA Tech Pty Ltd's quotation for the supply and installation of parking equipment for The Concourse car park to enable VIG to access their car parking via The Concourse car park.**
3. **Provides an exemption from its procurement policies and procedures in this instance, as TMA Tech Pty Ltd is the sole Australian supplier of the additional S&B parking equipment required product to the development of 88 Archer Street.**

4. Authorises the General Manager and Mayor to execute the contract documents under the Common Seal of Council.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION: DOUGHERTY APARTMENTS RETIREMENT HOUSING PROJECT

ATTACHMENTS:

1. REPORT FROM ACS CONSULTANCY
2. EMAIL FROM MR NOEL REIDY
3. ADVICE FROM ATKINSON VINDEN
4. EMAIL FROM COUNCILLOR COPPOCK

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

MEETING DATE: 26 APRIL 2016

Purpose of Report

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

MOTION

That Council endorses the following drafting principles for amendments to be made and approved in altering the constitution of Dougherty Apartments Retirement Housing Project:

- **That two Chatswood/Willoughby based organisations be made Members of the Company.**
 - **(Reason: This is to replace the Founding Member Uniting Care who wishes to leave as a Founding Member and cease nominating two Board Directors).**
- **Willoughby City Council as a Founding Member agrees to one of its nominated directors becoming the Council Director who has the carriage of the management of the Dougherty Centre.**
- **Willoughby City Council agrees to relinquish one of its nominated director positions to a local Chatswood/Willoughby based organisation.**
 - **(Reason: to ensure that the original concept of a local community based aged care facility be retained in view of the likely impact a Council merger will have on the selection of board members).**
- **This Chatswood/Willoughby based organisation to be appointed as a nominator of one of the Willoughby City Council director positions be made a Member of the Company.**
 - **(Reason: with one Founding Member leaving this leaves only two Founding Members, Willoughby City Council and Department of Housing. For strong corporate governance reasons the number of Members of the company need to be increased.)**
- **All Directors be made Members of the Company as a Board Member whilst they are holding the position of a Director in the Company.**

- (Reason: This will allow a healthy number of Members of the Company and facilitate a meeting of Members and an AGM. In the last decade no Members have turned up to an AGM.)
- Where Board Directors all vote in the same manner and Members and Founding Members all vote to the opposite, the Members' and the Founding Member's vote will prevail.
 - (Reason: this measure is an integrity measure to ensure the Board Members cannot have total control of the Constitution changes and any other measures the members which to bring forward. As Board Members will have a greater numerical vote and the Members as a group unanimously vote again the Board Directors, it means that the ultimate control of the company will sit with independent Members.)
- A skill matrix be put into place for the appointment of directors from community organisations so that they have to be qualified in or experienced in the aged care sector, or professional skills and not be an employee or resident of Dougherty Apartments Retirement Housing Project or related to, or a partner of any such employee or resident.
 - (Reason: to ensure the board has a skill set that can oversight the aged care business or that no conflict of interests that might affect the board operations will occur.)
- Board members have to approve any nomination of a Director to ensure it accords with the skills matrix before that person goes to election by the Members and Board Members.
- That any alteration of directors to occur at the conclusion of the annual general meeting.
 - (Reason: particularly with Council elections the directors can alter before the month before the AGM and can mean the new chairman has to present the report for a period of which that person was not possibly even on the board.)
- That the chairman be appointed by the board.
 - (Reason: Willoughby City Council currently appoints the chairman. That arose out of the original triparted structure that established the housing project. The triparted arrangement ceased when the company limited by guarantee was formed and is now certainly gone in spirit with one of the Founding Members leaving and one other being altered in nature and form by being subjected to a merger. This measure also accords with good modern corporate governance.)
- The quorum of a meeting of directors will be formed by a majority of Directors being present.
 - (Reason: currently the quorum requires that at least one director from either Department of Housing, Willoughby City Council and Uniting Care needs to be present. This means sometimes scheduled meetings cannot occur.)
- The tenure of a director on the Board will be ten years.
 - (Reason: the constitution is silent on length of term.)

- Chatswood/Willoughby based organisations will be primarily be church groups and thereafter service organisations.

WITHDRAWN BY COUNCILLOR COPPOCK

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

20.1 COUNCILLOR UPDATE COMMERCIAL IN CONFIDENCE - REVIEW OF GORE HILL VPA

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

20.2 ADDITIONAL INFORMATION - COUNCIL CAR PARK WORKS AND CAR PARK EQUIPMENT MAINTENANCE

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would if disclosed
 - (i) prejudice the commercial position of the person who supplied it.

20.1 COUNCILLOR UPDATE COMMERCIAL IN CONFIDENCE - REVIEW OF GORE HILL VPA

Recommendation Summary

That Council:

1. Notes the previous reports and resolutions in relation to this matter;

2. Notes the analysis of the existing and proposed Voluntary Planning Agreement (VPA) for Gore Hill Technology Park;
3. Authorises the General Manager to instruct Council's legal advisors to draw up an amended VPA; and
4. Authorises Council officers to enter into negotiations with Lindsay Bennelong Pty Ltd in relation to this new VPA.

20.2 ADDITIONAL INFORMATION - COUNCIL CAR PARK WORKS AND CAR PARK EQUIPMENT MAINTENANCE

Recommendation Summary

That Council:

1. Acknowledges that the agreement is currently being drafted and that it will require Visionary Investment Group (VIG) to:
 - a. Fund the acquisition of the new equipment and associated works.
 - b. Fund their portion of any maintenance agreement conditions.
2. Accepts TMA Tech Pty Ltd's quotation for the supply and installation of parking equipment for The Concourse car park to enable VIG to access their car parking via the Concourse car park.
3. Provides an exemption from its procurement policies and procedures in this instance, as the S&B Equipment is required as an extension of the existing car-parking equipment used in The Concourse and TMA Tech Pty Ltd is the sole Australian supplier of the additional S&B parking equipment required for the integration of the 88 Archer Street development with The Concourse.
4. Authorises the General Manager and Mayor to execute the contract documents under the Common Seal of Council.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillors Coppock and Rozos

RESOLUTION

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

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

Absent: Councillors Coppock and Rozos

21 QUESTIONS

NIL

- **Her Worship the Mayor Councillor G Giles-Gidney and Deputy Mayor Councillor Sloane left the meeting at 7:13pm during debate on Item 18.2 Amended Planning Proposal and Development Control Plan for Gore Hill Technology Park Lots 1-6 DP 270714 (1-5 Broadcast Way, Artarmon) and returned after the vote at 8:03pm.**
- **Councillor Coppock left the meeting at 8:03pm.**
- **Councillor Rozos left the meeting at 8:28pm.**

The meeting concluded at 8:33pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 26 April 2016. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.