



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

26 September 2016

commencing at 7:00pm

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1 PRESENT

Councillors

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

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr P Conroy (Planning & Infrastructure Director), Mr M McDonald (Acting Customer and Corporate Director), Ms A Leung (Acting Planning Manager), Mr C O'Brien (Strategic Planner), Ms N Shankie-Williams (Strategic Planning Team Leader), Ms M Hillman (Governance Manager) and Ms P Sheldrake (Minute Secretary)

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

NIL

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 12 September 2016, 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, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Stevens.

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillors Hill and Wright tendered an apology for Monday 26 September 2016.
- Councillor Coppock amended his Leave of Absence previously granted to Tuesday 27 September to Sunday 23 October 2016.
- Councillor Hooper tendered an apology for Monday 26 September 2016 and requested a two week leave of absence.

RESOLUTION**That Council:**

1. **Grant Leave of Absence to Councillors Hill and Wright for Monday 26 September 2016.**
2. **Grant Leave of Absence to Councillor Coppock from Tuesday 27 September to Sunday 23 October 2016.**
3. **Grant Leave of Absence to Councillor Hooper for Monday 26 September 2016 and for a further period of two weeks.**

CARRIED**Voting****For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Stevens.**Against:** Nil

5 PETITIONS

NIL

6 OPEN FORUM

NIL

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - TO PRESENT COUNCILLOR STEVENS WITH AN OUTSTANDING SERVICE AWARD

MEETING DATE: 26 SEPTEMBER 2016

Purpose of Report

To present Councillor Mandy Stevens with an Outstanding Service Award to recognise her service through Local Government NSW covering a period of 20 years as a member of Willoughby City Council.

Motion

On behalf of fellow Councillors and the staff of Willoughby Council it gives me great pleasure to present an Outstanding Service Award to Councillor Stevens in appreciation of services to the people through Local Government NSW covering a period of 20 years as a member of Willoughby City Council.

Councillor Stevens has served the Willoughby Community for over 30 years and is well known in community groups and clubs in the area, notably the West Ward Progress Association, the Chatswood RSL Club and West Ward Community Fire Unit. She has worked with Meals on Wheels for over 32 years and in fund raising for the Red Cross.

Mandy served on The Greek Orthodox Committee in helping to bring about positive changes to Aged Care. She was instrumental in providing more childcare facilities to the area including the Johnson Street and Pelican Childcare services and in updating the playground and amenities at Lowanna Park Children's Playground.

She supported moves to rename Western Park as Kenneth Slessor Park, supported the Progress Association in reducing the height of Meriton Twin Towers by 20 floors and supported the Artarmon Loop Bus and West Chatswood Bus.

She has been a tireless advocate for balance in development in Chatswood and environmental sustainability and for her work with the Bushland Preservation Committee.

She served on the NSW Local Government Women's Association and on the Welcoming Committee for the Friendly City Relationship with our Sister City Sugunami in Japan.

Our community is indeed fortunate to have people such as Councillor Stevens who are willing to give up their time and energy to contribute to and improve our society. It is pleasing to know that Councillor Stevens' commitment to providing leadership, guidance and facilitating communication between the West Ward community and Council has been acknowledged.

On behalf of everyone at Willoughby City Council, I would like to present the certificate and medal to Councillor Stevens with congratulations on receiving this Award.

RECOMMENDATION

That Council congratulates Councillor Stevens on receiving the Outstanding Service Award covering a period of 20 years as a member of Willoughby City Council.

MOVED COUNCILLOR GILES-GIDNEY**CARRIED**

Trent Zimmerman, Federal Member for North Sydney congratulated Councillor Stevens and acknowledged her efforts as a Councillor and her work with the community.

Councillor Mustaca offered his personal congratulations and acknowledged Councillor Stevens' commitment to the community.

Councillor Coppock offered his personal congratulations and congratulated Councillor Stevens on behalf of his fellow Councillors.

Councillor Stevens spoke in reply to thank her fellow Councillors, friends and family supporters.

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

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

TUESDAY 13 SEPTEMBER			
WEDNESDAY 14 SEPTEMBER			
Cr Norton	12 Noon	Concert: <i>Live at Lunch</i>	The Concourse
Mayor	4 pm	Opening of Willowood Art Show	297 Mowbray Road
Crs Norton, Rutherford	6 pm	Meeting with Ashley Street residents	Banksia Room
Cr Saville	6:30 pm	Save our Green Spaces and Crown Land	Total Environment Centre Forum Crows Nest Community Centre
THURSDAY 15 SEPTEMBER			
Cr Saville	7 pm	Chatswood West Progress Association	
FRIDAY 16 SEPTEMBER			
Mayor	7.15 am	Rotary Club of Chatswood Sunrise: Presentation of Club Grants	Dougherty Centre
Mayor	6.30 pm	Chinese Australian Health Association 10 th Anniversary	King Dynasty, Chatswood
SATURDAY 17 SEPTEMBER			
Mayor	10.45 am	Art of Tea by Four Sisters	Chinese Cultural Centre
Mayor	11.45 am	Matsuri Festival	Chatswood Mall
Mayor	4.45 pm	UTS Grass Games Presentation	Rotary Athletics Field
Cr Saville	7 pm	Willoughby Symphony Orchestra	Concourse
SUNDAY 18 SEPTEMBER			
Mayor Cr Norton	11 am	Welcome to Willoughby Picnic	Currey Park
Mayor Cr Norton	2 pm	WSO Concert & Presentation of Young Composer Award	The Concourse
Cr Saville	10 am	Bushcare – Major Day out	Ferndale Reserve
MONDAY 19 SEPTEMBER			
Mayor	7 pm	OLOD Creative Arts Festival 2016 and Presentation of Debutantes	The Concourse
Cr Saville	11 am	Currey Park family picnic	Currey Park
TUESDAY 20 SEPTEMBER			
Mayor	7 pm	Artarmon Public School Concert	The Concourse
WEDNESDAY 21 SEPTEMBER			
THURSDAY 22 SEPTEMBER			
Mayor	6 pm	NSROC Board Meeting	Council Chambers
FRIDAY 23 SEPTEMBER			
Mayor	6. pm	Northbridge Art Prize Presentations	Gallery 307
SATURDAY 24 SEPTEMBER			

8 GENERAL MANAGER'S LATE REPORT

NIL

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

NIL

10 MATTERS BROUGHT FORWARD BY THE PUBLIC

- Item 18.1 Submission regarding modification request for 6-30 Artarmon Road, Willoughby (Former Channel 9 site) (MP 10_0198 MOD 1)
- Item 19.1 Notice of Rescission Motion: Release of Council Meeting Sound Recordings to Councillors

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 15.1 Delivery Program Progress Report
- Item 16.1 Appointment of Councillor Representatives to Council Committees and to Statutory Committees, Boards and Miscellaneous Organisations
- Item 16.2 Election of Deputy Mayor

RESOLUTION

That the remaining items, viz:

- Item 14.1 **Councillors Information Booklets – 13 & 20 September 2016**
- Item 16.3 **Investment Report – August 2016**
- Item 17.1 **Community Grant Application – Taldumande Youth Services**
- Item 17.2 **Bales Park Playgroup – Concessional Hire**
- Item 18.2 **Proposed Classification Affordable Housing Units – 18 Thomas Street, Chatswood**
- Item 18.3 **Current Development Application and Planning Proposal Report as at 12 September 2016**
- Item 18.4 **Applications Determined under Delegated Authority 1 August 2016 to 31 August 2016**

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

NIL

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLETS - 13 AND 20 SEPTEMBER 2016

RESPONSIBLE OFFICER:	MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	RITA WOLOW – EXECUTIVE ASSISTANT
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	26 SEPTEMBER 2016

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 13 and 20 September 2016.

RESOLUTION

That Council receives the Councillors Information Booklet circulated to all Councillors on 13 and 20 September 2016.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

15.1 DELIVERY PROGRAM PROGRESS REPORT

ATTACHMENTS:	1. DELIVERY PROGRAM PROGRESS RESULTS 2. PROJECTS & CAPITAL WORKS RESULTS
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	BEN WICKS – HEAD OF GENERAL MANAGERS OFFICE
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	26 SEPTEMBER 2016

Purpose of Report

To update Council on the progress of the Delivery Program 2013 – 2017, in particular the 2015/16 financial year and to provide details of a review of performance measures and reporting systems implemented in 2015/16.

RESOLUTION

That Council:

- 1. Receive the Delivery Program Progress Report for the period January to June 2016.**
- 2. Note the improvements made in 2015/2016 and those proposed for 2016/2017.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO COUNCIL COMMITTEES AND 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:	26 SEPTEMBER 2016

Purpose of Report

To appoint Councillors for the 2016-2017 year to Council committees and statutory committees, boards and miscellaneous organisations with which Council is associated.

RESOLUTION

That Council:

- 1. Note that it deferred its decision on 8 February 2016 regarding appointment of Councillor representatives to Council advisory and management committees pending a decision on the merger proposal;**
- 2. Continue the current Councillor representatives for the following advisory and management committees for the ensuing year:**
 - Access Steering Committee**
 - Cultural Events Committee**
 - Global Friendship Committee**
 - Griffin Reserves Advisory Committee**
 - Home and Community Care Advisory Committee**
 - Multicultural One Stop Assistance and Information Centre (MOSAIC)**
 - Sustainability Reference Group**
 - Willoughby Park Centre Committee**
 - Castlecrag Community Centre Committee**
 - Haven Amphitheatre Castlecrag Committee**
- 3. Note the following withdrawals or changes to advisory and management committees for the ensuing year:**
 - Bicycle Consultative Committee – subject to acceptance that Councillors Hill and Hooper be removed***

- **Companion Animals Advisory Committee – subject to acceptance that Councillor Hooper be removed**
- **Heritage Advisory Committee – Councillor Sloane indicated her withdrawal**
- **Natural Heritage and Bushland Advisory Committee – Councillor Sloane indicated her withdrawal**
- **Willoughby Symphony Orchestra and Choir Advisory Committee – Councillor Coppock to additionally represent, subject to the Terms of Reference**

*At the Ordinary Council Meeting held 10 October 2016 it was noted that Councillors Hill and Hooper both withdrew from the Bicycle Consultative Committee the previous year.

4. Continue the current Councillor representation for the following committees and miscellaneous organisations for the ensuing year:

- **District Bush Fire Management Committee**
- **Dougherty Apartments Retirement Housing Project Board**
- **Joint Regional Planning Panel**
- **NSW Public Library Association**
- **Sydney Coastal Councils Group**
- **Shorelink Committee – Councillor Wright indicated via the Mayor his wish to continue**

5. Note the following withdrawal or changes to committees and miscellaneous organisations for the ensuing year:

- **Northern Sydney Regional Organisation of Councils – Councillor Eriksson tendered his resignation as voting delegate. The Mayor remains as voting delegate. Councillor Mustaca be appointed as voting delegate and Councillors Coppock and Norton as alternatives.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

16.2 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:	26 SEPTEMBER 2016

Purpose of Report

To consider the appointment of a Councillor to the position of Deputy Mayor.

MOTION

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

CARRIED

Voting

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

Against: Councillor Rozos

MOTION

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

CARRIED

Voting

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

Against: Councillor Rozos

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

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

Two nominations were received: Councillors Coppock and Sloane

The General Manager conducted the election using the Ordinary Ballot method. The vote resulted in Councillor Coppock receiving the majority of votes.

Councillor Coppock was duly elected Deputy Mayor for the 2016/17 year.

The Mayor thanked the outgoing Deputy Mayor, Councillor Sloane, for her support over the past year and congratulated Councillor Coppock and said that she looked forward to working with him.

Councillor Coppock thanked his colleagues for their support and thanked the outgoing Deputy Mayor, Councillor Sloane.

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

16.3 INVESTMENT REPORT - AUGUST 2016

ATTACHMENTS:	1. COUNCIL'S INVESTMENT HOLDINGS 2. COUNTERPARTY CHART
RESPONSIBLE OFFICER:	MARK MCDONALD- ACTING DIRECTOR CUSTOMER AND CORPORATE
AUTHOR:	BILL LOFTHOUSE - FINANCIAL ACCOUNTANT
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	26 SEPTEMBER 2016

Purpose of Report

To detail the Council Bank balances and Investment portfolio performance as at 31 August 2016.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings for August 2016.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 COMMUNITY GRANT APPLICATION - TALDUMANDE YOUTH SERVICES

RESPONSIBLE OFFICER: MELANIE SMITH - COMMUNITY, CULTURE & LEISURE DIRECTOR

AUTHOR: MICHAEL CASHIN - COMMUNITY LIFE MANAGER

CITY STRATEGY LINK: 1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY

MEETING DATE: 26 SEPTEMBER 2016

Purpose of Report

To seek Council's endorsement of the distribution of Out of Term grant funds through the 2016/17 Community Small Grants Program.

RESOLUTION

That Council Endorse the officer's recommendations to distribute grant funds through the 2016/17 Community Small Grants Program - Community Development 1A OF \$1,000 to Taldumande Youth Services.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

17.2 BALES PARK PLAYGROUPO - CONCESSIONAL HIRE

ATTACHMENTS:	1. LETTER OF SUPPORT- PLAYGROUPS NSW
RESPONSIBLE OFFICER	MELANIE SMITH - COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	26 SEPTEMBER 2016

Purpose of Report

To seek Council's approval for a 100% (Category D) concessional rate of hire at Bales Park Pavilion by the Bales Park Playgroup.

RESOLUTION

That Council approve a 100% (Category D) concessional rate of hire at the Bales Park Pavilion by the Bales Park Playgroup.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 SUBMISSION REGARDING MODIFICATION REQUEST FOR 6-30 ARTARMON ROAD WILLOUGHBY (FORMER CHANNEL 9 SITE) (MP 10_0198 MOD 1)

ATTACHMENTS:

- 1. COUNCIL'S PREVIOUS SUBMISSION DATED 15 MAY 2013**
- 2. PLANNING AND ASSESSMENT COMMISSION APPROVAL DATED 23 DECEMBER 2014**
- 3. MODIFIED CONCEPT PLANS**
- 4. DRAFT SUBMISSION – TO BE CIRCULATED**

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

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 SEPTEMBER 2016

Purpose of Report

The purpose of this report is to seek Council's endorsement of a draft submission to the Department of Planning & Environment from Willoughby Council. The submission relates to the public exhibition of the Modification request for 6-30 Artarmon Road, Willoughby (being the former Channel 9 site).

Procedural Motion

That Bob Taffel (Willoughby South Progress Association) address the meeting.

The Mayor thanked Mr Taffel as a representative of the Willoughby South Progress Association for their work and commitment.

RESOLUTION

That Council:

- 1. Receive and note the report.**
- 2. Lodge a submission to the Department of Planning and Environment.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

CONSEQUENTIAL MOTION

That Council brief the Greater Sydney Commission.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

**18.2 PROPOSED CLASSIFICATION AFFORDABLE HOUSING UNITS - 18
THOMAS STREET CHATSWOOD**

RESPONSIBLE OFFICER:	PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID DI BIASE – PROPERTY & CONSTRUCTION SERVICES MANAGER
CITY STRATEGY LINK:	4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE
MEETING DATE:	26 SEPTEMBER 2016

Purpose of Report

To obtain Council's consent for classifying the recently transferred affordable housing units at 18 Thomas Street, Chatswood, as 'operational land', under the Local Government Act.

RESOLUTION**That Council:**

- 1. Endorse that the recently acquired 11 affordable housing units located at 18 Thomas Street, Chatswood (Lot 23 in DP 1215977) to classified as 'operational' pursuant to the *Local Government Act 1993*.**
- 2. Provide the Mayor and General Manager with delegated authority to execute the classification documentation under the Common Seal of Council.**

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR STEVENS****CARRIED****Voting**

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

Against: Nil

18.3 CURRENT DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT AS AT 12 SEPTEMBER 2016

ATTACHMENTS:	1. LIST OF APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT – PLANNING MANAGER
AUTHOR:	DEVELOPMENT PLANNERS, BUILDING SURVEYORS
CITY STRATEGY LINK:	3.1.3 LOCAL CHARACTER
MEETING DATE:	26 SEPTEMBER 2016

Purpose of Report

To provide Councillors with details of all current Development Applications and Planning Proposals as at 12 September 2016.

RESOLUTION

That Council note the information on Development Applications (including those to be determined by the Joint Regional Planning Panel) and Planning Proposals Report to 12 September 2016.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

**18.4 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY 1
AUGUST 2016 TO 31 AUGUST 2016**

ATTACHMENTS:	1. LIST OF APPLICATIONS
RESPONSIBLE OFFICER:	PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
MEETING DATE:	26 SEPTEMBER 2016

Purpose of Report

To provide Council with a list of applications determined under delegated authority for the month of August 2016.

RESOLUTION

That Council note the information on Development Applications determined under delegated authority in August 2016.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

19 NOTICE OF MOTION

19.1 NOTICE OF RESCISSION MOTION: RELEASE OF COUNCIL MEETING SOUND RECORDINGS TO COUNCILLORS

ATTACHMENTS:	1. NOTICE OF RESCISSION MOTION
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DEBRA JUST – GENERAL MANAGER
MEETING DATE:	26 SEPTEMBER 2016

Purpose of Report

Councillors Coppock, Hooper, Saville and Wright have indicated their intention to move the following Rescission Motion.

MOTION

That the resolution adopted at the Council Meeting held on 22 August 2016, viz:

“That Council adopts the following principles from this meeting and that they be incorporated into a policy for Council’s approval:

- 1. Council meeting recordings will be available to Councillors for listening by using equipment on the Council premises;*
- 2. Councillors will be advised in writing at the time of disclosure that:*
 - a. the recordings can only be used for the purposes of confirming meeting minutes;*
 - b. the recordings cannot be used for any other purpose; and*
 - c. the recordings cannot be distributed or copied in any way.”*

BE RESCINDED

OFFICER'S RECOMMENDATION

That the Notice of Rescission Motion be considered.

THIS MATTER WAS DEFERRED TO THE NEXT COUNCIL MEETING.

19.2 NOTICE OF MOTION – TO PREPARE A DRAFT LITIGATION POLICY FOR CONSIDERATION FOR ADOPTION BY WILLOUGHBY CITY COUNCIL

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

AUTHOR: DEBRA JUST – GENERAL MANAGER

MEETING DATE: 26 SEPTEMBER 2016

PURPOSE OF REPORT

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

MOTION

- 1) That Council notes the judgement of Justice Mahoney in **Logue v Shoalhaven Shire Council [1979] 1 NSWLR 537**, where His Honour found that the Model Litigant principles apply to NSW Local Councils being statutory corporation. In his judgement, His Honour Justice Mahoney considered the approach adopted by the respondent Council in seeking to uphold a compulsory sale of property to recover unpaid rates, pursuant to a defective notice and noted that:

“the council is a corporation constituted by statute, and discharging public functions”: at 558F.

His Honour continued at 558-559:

“It is well settled that there is expected of the Crown the highest standards in dealing with its subjects: see Melbourne Steamship Co Ltd v Moorehead ..., per Griffiths CJ. What might be expected from others would not be seen as in full accord with the principles of equity and good conscience to be expected in the case of the Crown: see P & C Cantarella In my opinion, a standard of conduct not significantly different should be expected of a statutory corporation of the present kind.”

- 2) That a draft Litigation Policy be prepared for consideration for adoption by Willoughby City Council (similar to that adopted by both NSW State & the Federal Governments) embodying the Model Litigant Principles.

Background & Reference Material

The obligation to act as a model litigant extends beyond merely obeying the law and abiding by the ethical obligations which apply to legal practitioners. The courts have long expected that government litigants act in proceedings against private litigants in accordance with standards of conduct higher than those expected of their opponents. More recently, the governments of the Commonwealth and States and Territories have introduced policy guidelines to ensure adherence to those standards. The obligation to adhere to those standards is commonly referred to as the obligation to act as a model litigant. The NSW Model Litigant Policy

A Guide to Ethical Issues for Government Lawyers Second Edition 2010

Model Litigant Case Law:-

- Melbourne Steamship Co Ltd v Moorehead (1912) 15 CLR 333
- Logue v Shoalhaven Shire Council [1979] 1 NSWLR 537
- DPP (Cth) v Saxon (1992) 28 NSWLR 263
- Greiner v Independent Commission against Corruption (1992) 28 NSWLR 125
- SCI Operations Pty Ltd v Commonwealth (1996) 69 FCR 346
- Yong Jun Qin v Minister for Immigration and Multicultural Affairs (1997) 75 FCR 155
- Scott v Handley [1999] FCA 404
- One.Tel Ltd v Commissioner of Taxation (2000) 101 FCR 548
- ACCC v George Weston Foods Ltd (2003) 198 ALR 592

NSW Model Litigant Policy for Civil Litigation

General Manager's Comments

- The General Manager recognises the importance of the Model Litigant Principles.
- Council Officers currently exercise their duties in line with the Model Litigant Principles.
- Council's legal advisors are also governed by the Legal Profession Uniform Law which is consistent with the above principles.
- The Model Litigant Principles are widely recognised as "how things should be done" in government circles, independent of any formal policy.
- Council is currently recruiting for a Policy Officer who will be focusing, initially, on critical compliance-related policies, noting that in the event of a merger, all policies will be revisited by the new Council.
- It is not necessary for Council to develop a litigation policy in order to formally adopt model litigant principles. If Council was of a mind to more formally recognise the Model Litigant Principles, it could simply resolve to adopt the NSW Government *Model Litigant Policy for Civil Litigation* (attached), of which a revised version was released on 1 July 2016, subject to any required tailoring to reflect its application to a local Council.

OFFICER'S RECOMMENDATION

That Council consider the Notice of Motion from Councillor Hooper.

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 MODIFICATION REQUEST FOR 6-30 ARTARMON ROAD WILLOUGHBY (FORMER CHANNEL 9 SITE) (MP 10_0198 MOD 1)

Reason for confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(i) & (g) 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.
- (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 MODIFICATION REQUEST FOR 6-30 ARTARMON ROAD WILLOUGHBY (FORMER CHANNEL 9 SITE) (MP 10_0198 MOD 1)

Recommendation Summary

That Council receive and note the report.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos

RESOLUTION

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

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos

21 QUESTIONS

NIL

- **Councillor Rozos left the meeting at 8:01pm prior to debate on Confidential Item 20.1: Modification Request for 6-30 Artarmon Road Willoughby (Former Channel 9 site) MP 10_0198 MOD 1)**

The meeting concluded at 8:11pm

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 September 2016. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.