



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chamber, 31 Victor Street, Chatswood

13 February 2017

commencing at 7:00pm

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## 1 PRESENT

### Councillors

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

### Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr P Conroy (Planning & Infrastructure Director), Mr L Di Lerna (Interim Director, Customer & Corporate), Mr I Arnott (Planning Manager), Mr V Grepl (Governance Officer) and Ms P Sheldrake (Minute Secretary)

## 2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Ian Arnott declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.1: 58-70 Sailors Bay Road Northbridge Council Report - DA-2016/317 and Item 20.2: 58 to 70 Sailors Bay Road Northbridge - Legal Prospect  
*(Nature of Interest: One of the correspondents in respect to the application is known to me personally)*
- Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.2: Submission regarding modification to Royal North Shore Hospital Concept Plan to amend the footprint of the two precinct building envelopes into one building, as well as make changes to approved conditions and Commitments  
*(Nature of Interest: 1) I am employed as "sessional academic" at one of the universities and over the last two weeks have been responsible for some nursing students on placement at several locations including the RNSH Campus; 2) I am a member of the RNSH Community Participation Committee, however I believe I can think critically and vote independently with regards to this item.)*
- Her Worship the Mayor Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 20.1: Talus Reserve Proceedings  
*(Nature of Interest: Relationship with Steve Healy)*

## 3 CONFIRMATION OF MINUTES

### RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 12 December 2016, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR MUSTACA

**CARRIED**

**Voting**

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

**Against:** Nil

**4 APOLOGIES AND LEAVE OF ABSENCE**

- Councillor Eriksson requested Leave of Absence from 27 February to 2 March 2017 (inclusive)
- Councillor Hooper requested Leave of Absence on 13 March 2017
- Councillor Rozos requested Leave of Absence on 20 February 2017

**RESOLUTION**

**That Council:**

1. **Grant Councillor Eriksson Leave of Absence from 27 February to 2 March 2017 (inclusive)**
2. **Grant Councillor Hooper Leave of Absence on 13 March 2017**
3. **Grant Councillor Rozos Leave of Absence on 20 February 2017**

**MOVED COUNCILLOR HILL**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

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## 5 PETITIONS

### 5.1 PETITION - 88 PENSHURST STREET, WILLOUGHBY - DA2016/459

<b>ATTACHMENTS:</b>	<b>1. PETITIONS – COMMUNITY MEMBERS AND PATRONS OF FRAME 88</b>
<b>RESPONSIBLE OFFICER:</b>	<b>ELIZABETH WALL – GOVERNANCE MANAGER</b>
<b>AUTHOR:</b>	<b>PATRICIA SHELDRAKE – MINUTE SECRETARY</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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#### **Purpose of Report**

The attached petition, containing 137 signatures, has been sent to Council in opposition to a Development Application for 88 Penshurst Street, Willoughby – DA2016/459. The proposal is for demolition of existing structures and construction of a 3 storey shop top housing development (incorporating 8 apartments), basement parking, ground floor office/commercial and site landscaping); strata and subdivision included.

#### **RESOLUTION**

**That Council receive and note the petition relating to DA2016/459 – 88 Penshurst Street, Willoughby and that it be referred to the relevant Planning Officer for consideration.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR HILL**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**6 OPEN FORUM**

NIL



## **7 MAYORAL MINUTE**

### **7.1 MAYORAL MINUTE - 2017 AUSTRALIA DAY HONOURS AWARDS**

**MEETING DATE: 13 FEBRUARY 2017**

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#### **Purpose of Report**

To inform Council of the residents in Willoughby who received awards in the 2016 Australia Day Honours List.

#### **Motion**

I am pleased to inform Council that the following residents were recognised in the 2017 Australia Day Honours Awards.

#### **Member of the Order of Australia (AM)**

##### **BAILEY, Ian Harley**

Artarmon

For significant service to the law, particularly in the area of dispute resolution in the construction industry, and to education.

#### **Medal or the Order of Australia (OAM)**

##### **BERESFORD, John Francis**

Chatswood West

For service to the community through a range of organisations.

#### **Public Service Medal (PSM)**

##### **PENNELL, Michael Robert**

Willoughby East

For outstanding public service in the development of the terrorism insurance scheme.

#### **RECOMMENDATION**

**That Council congratulates the recipients on their awards in the 2017 Australia Day Honours List.**

**MOVED COUNCILLOR GILES-GIDNEY**

**CARRIED**

Councillor Coppock acknowledged the Hon Justice Stephen John Gageler, High Court Judge who was awarded a Companion of the Order of Australia (AC) in the 2017 Australia Day Honours for eminent service to the law and to the judiciary through contributions in the areas of constitutional, public, international, common and criminal law, to legal reform, education and academic discourse, and to professional.

**7.2 MAYORAL MINUTE - THE LATE JUDITH YVONNE BRADY****MEETING DATE: 13 FEBRUARY 2017**

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**Purpose of Report**

To consider the Mayor Minute on the passing of Judith (Judy) Yvonne Brady.

**Motion**

Judy Brady passed away in November 2016 aged 88 years. She was a long-time Willoughby resident and started contributing to our community when she was a little girl and her father, Sidney Whatson, was involved in developing the Northbridge area.

Over the years Judy had been involved with many groups including 53 years volunteering for Meals on Wheels; Northbridge Combined Probus where she was President in 2008; St Marks Anglican Church; Northbridge Lady Golfers Knitting Guild and Northbridge Golf Course bushcare. Judy also played a large part in establishing the community radio station, 2NSB-FM, now Northside Radio, where she used to broadcast her own golf program each Saturday.

Judy joined Northbridge Golf Club at the age of 20 and had been an active member for 67 years, including serving as Lady Captain from 1986 to 1988. Judy was a key intermediary between the wider community and the Club and its high participation rate of lady members is testimony to her efforts. In more recent times Judy was made a life member of both Northbridge Golf Club and the Willoughby Park Centre where she was on the Management Committee.

Judy was awarded joint Willoughby Citizen of the Year at the Annual Australia Day ceremony in 2016. The award justly recognised her significant contribution to the community over many years.

Judy will be much missed by her children, Peter and Sandra, and extended family members and friends in the wider Willoughby area.

**RECOMMENDATION**

**That Council adopts the Mayoral Minute on the passing of Judy Brady and writes a letter of condolence to the family.**

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

### **7.3 MAYORAL MINUTE – CONGRATULATING STATE MEMBERS OF PARLIAMENT**

**MEETING DATE: 13 FEBRUARY 2017**

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#### **PURPOSE OF REPORT**

To note the appointment of three Willoughby-area local members in the NSW Cabinet and offer Council's congratulations.

#### **MOTION**

##### **Gladys Berejiklian – Member for Willoughby – Premier**

Following her unanimous election as Leader of the NSW Liberal Party, the Hon Gladys Berejiklian became the first female NSW Premier on 23 January 2017.

Ms Berejiklian joined the Liberal Party in 1993 and was president of the New South Wales Young Liberal Party in 1997–1998, being the third female president in its history.

Elected to NSW Parliament in 2003, following the departure of Peter Collins who had been the Member since 1981, she served as Shadow Minister for Transport from 2006 to 2011.

Following the election of the O'Farrell government in April 2011, Ms Berejiklian was appointed Transport Minister.

On 17 April 2014 she was elected Deputy Leader of the New South Wales Liberal Party. This followed the resignation of Barry O'Farrell and the election of Mike Baird as Leader of the New South Wales Liberal Party and Premier.

Following the 2015 state election, Ms Berejiklian was appointed as Treasurer of New South Wales and Minister for Industrial Relations following a cabinet reshuffle announced on 1 April 2015 by Premier Baird.

##### **Anthony Roberts – Member for Lane Cove – Minister for Planning, Minister for Housing and Special Minister of State**

On 30 January 2017 the Hon Anthony Roberts MP became Minister for Planning, Minister for Housing and Special Minister of State. Mr Roberts continues in the role of Leader of the House.

Elected to NSW Parliament in 2003, he succeeded Kerry Chikarovski in Lane Cove.

Between 2008 and 2011 Mr Roberts was Shadow Minister in several portfolios: Juvenile Justice, Emergency Services and Citizenship.

Mr Roberts became Minister for Fair Trading in 2011, and went on to hold Special Minister of State, Resources and Energy and since April 2015 the Industry, Resources and Energy portfolios.

**Jonathan O’Dea – Member for Davidson – Parliamentary Secretary to the Premier and the Treasurer**

On 30 January 2017 Jonathan O’Dea was appointed Parliamentary Secretary to the Premier and the Treasurer.

Mr O’Dea is the Member for Davidson succeeding Andrew Humpherson in March 2007.

Mr O’Dea was appointed as Parliamentary Secretary for Major Events and Tourism in March 2015. In April 2016 Premier Baird conferred the additional title of Parliamentary Secretary for Trade and Investment.

**RECOMMENDATION**

**That Council sends its congratulations to Local Members Gladys Berejiklian, Anthony Roberts and Jonathan O’Dea for their recognition in the NSW Government and Cabinet.**

**MOVED COUNCILLOR GILES-GIDNEY**

**CARRIED**

**7.4 MAYOR'S DIARY: COUNCIL MEETING NOTES – 13 FEBRUARY 2017**

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

<b>TUESDAY 13 DECEMBER</b>			
Mayor	12 noon	Vision Times 10 <sup>th</sup> Anniversary Lunch	King Dynasty, Chatswood
Cr Norton	12 noon	MOSAIC Italian Ladies Gp. Xmas Party	Beauchamp Park
Mayor Crs Eriksson, Norton, Rozos, Rutherford, Saville	5.30 pm	Community Christmas Drinks with the Federal Member for North Sydney	Cammeray Golf Club
<b>WEDNESDAY 14 DECEMBER</b>			
Mayor Cr Norton	12 noon	Meals on Wheels Christmas Lunch	Dougherty Centre
Mayor	5 pm	Street Library Launch	Castlecrag
Mayor, Cr Rozos	6.30 pm	NSW Justice Association Dinner	Thai Naan, Chatswood
Clr Rutherford		Community Drinks with Paul Fletcher	
<b>THURSDAY 15 DECEMBER</b>			
Mayor	10 am	Farewell for Principal and Teacher	OLOD Church and School
Mayor	12.30 pm	RSL Christmas Lunch	Chatswood RSL Club
<b>FRIDAY 16 DECEMBER</b>			
<b>SATURDAY 17 DECEMBER</b>			
<b>SUNDAY 18 DECEMBER</b>			
Mayor	7.30 pm	Carols by Candlelight	St Stephen's Church, Willoughby
<b>MONDAY 19 DECEMBER</b>			
<b>TUESDAY 20 DECEMBER</b>			
<b>WEDNESDAY 21 DECEMBER</b>			
Mayor Crs Hooper, Norton and Saville	7 pm	Community Carols	Chatswood Oval
<b>JANUARY 2017</b>			
<b>SATURDAY 14 JANUARY</b>			
Mayor	7 pm	Lunar New Year Celebrations: Australian Shanghainese Assn	The Zilver Restaurant, Haymarket
<b>WEDNESDAY 18 JANUARY</b>			
Cr Norton	10 am	Mini-Maestros Concert	The Concourse Pavilion
<b>FRIDAY 20 JANUARY</b>			
Mayor	7 pm	CNY Lantern Festival Opening	Tumbalong Park
<b>TUESDAY 24 JANUARY</b>			
Mayor	11 am	CNY Media Launch	Council Chambers
<b>WEDNESDAY 25 JANUARY</b>			
Mayor	2 pm	Summer Reading Club Presentations	Chatswood Library

THURSDAY 26 JANUARY			
Mayor Deputy Mayor: Cr Coppock Crs Hooper, Mustaca, Norton, Rozos, Rutherford	9.30 am	Australia Day Celebrations	The Concourse Pavilion
Cr Saville	10 – 3 pm	Australia Day Yabun Festival	Sydney
FRIDAY 27 JANUARY			
Mayor	6.30 pm	Australian Chinese Joint Committee – CNY Celebrations	MCA Building, Sydney
FEBRUARY 2017			
WEDNESDAY 1 FEBRUARY			
Clr Hooper		China Town/Haymarket Chamber of Commerce Luna New Year with the Premier of NSW and member for Willoughby	China Town and Marigold Restaurant
THURSDAY 2 FEBRUARY			
Mayor	6.30 pm	Opening of Painting Exhibition	Ewart Gallery, Willoughby
FRIDAY 3 FEBRUARY			
Mayor	6.30 pm	Westpac Chinese New Year Celebrations & 200 Years of Westpac Bank in Australia	King Dynasty, Chatswood
SATURDAY 4 FEBRUARY			
Mayor Deputy Mayor: Cr Coppock Crs Eriksson, Norton, Rozos, Rutherford, Saville	10.30 am	CNY Celebrations	Chatswood
Clr Rutherford		CNY Lion Dance	The Concourse
Mayor	6 pm	Thank you Dinner: CNY Volunteers	Fook Yuen, Chatswood
SUNDAY 5 FEBRUARY			
MONDAY 6 FEBRUARY			
TUESDAY 7 FEBRUARY			
Mayor	1 pm	Chatswood Chamber CNY Lunch	Fook Yuen, Chatswood
WEDNESDAY 8 FEBRUARY			
Mayor Crs Rozos, Rutherford	11.30 am	Citizenship Ceremony	Council Chambers
Cr Saville	3.30-5 pm	Community Participation Committee	RNSH
Mayor	6.30 pm	Chatswood Rotary: <i>Tree of Joy</i> Dinner	Roseville Memorial Club
THURSDAY 9 FEBRUARY			
Mayor	12.30 pm	Presentations: <i>Jiafei Huazi</i> Workshop	Chatswood Mall
Cr Saville	5-7 pm	Sydney Local Land Services Forum - Regional Weeds	Dougherty Centre
FRIDAY 10 FEBRUARY			
Clr Hooper		Luna New Year Fund Raising Banquet China Town/Haymarket Chamber of Commerce	The Eight Restaurant

SATURDAY 11 FEBRUARY			
Cr Norton	2 pm	AGM of Wby District Historical Society	Chatswood Library
Clr Hooper		Luna New Year Celebration of Ryde Council & Community	Eastwood Mall
Clr Hooper		Luna New Year Fund Raising Banquet Australian Chinese Cultural Council	King Dynasty Sea Food Restaurant
SUNDAY 12 FEBRUARY			
Mayor	11 am	Opening of <i>That Great Market</i>	Outside 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 16.1 Council and Councillors' roles, responsibilities and liabilities as reserve trust manager in relation to the Crown Lands Act 1989
- Item 18.1 58-70 Sailors Bay Road Northbridge Council Report - DA-2016/317
- Item 18.2 Submission regarding modification to Royal North Shore Hospital Concept Plan to amend the footprint of the two precinct building envelopes into one building, as well as make changes to approved conditions and Commitments

## 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 19.1 Notice of Motion - Apartment - Building Defects and Compliance

### RESOLUTION

That the remaining items, viz:

- Item 12.1 Minutes and Plans - Natural Heritage and Bushland Advisory Committee
- Item 12.2 Bicycle Consultative Committee Minutes - Meeting 6 December 2016
- Item 12.3 Sailors Bay Ward Councillors Inspection Committee Meeting - 18 The Battlement, Castlecrag - BC2016/36
- Item 12.4 West Ward Councillors Inspection Committee Meeting - 5 Daisy Street, Chatswood - DA2016/242
- Item 12.5 Middle Harbour Ward Councillors Inspection Committee Meeting - Unit 31, 28 Barcoo Street, Roseville - DA2016/250
- Item 12.6 Middle Harbour Ward Councillors Inspection Committee Meeting - 4 Daymar Place, Castle Cove - DA2016/279
- Item 12.7 Willoughby Park Centre Advisory Committee Meeting - 22 November 2016
- Item 14.1 Councillors Information Booklets - 17 January, 24 January, 31 January and 6 February 2017
- Item 16.2 Gifts and Benefits Annual Report 2016
- Item 16.3 Investment Report November 2016
- Item 16.4 Petitions Update
- Item 17.1 Concession application for Rotary Club of Northbridge
- Item 17.2 Castle Cove Park Path Extension and Naming of James White Path



- Item 17.3 The Concourse Performing Arts Subsidy - Out of Term Application
- Item 18.3 Affixing Council's Seal - Documentation Associated with Affordable Housing Units at 52-54 Eastern Valley Way, Northbridge (DA2016/368)
- Item 18.4 Current Development Application and Planning Proposal Report as at 23 January 2017
- Item 18.5 Variations to Development Standards (Use of Clause 4.6)
- Item 18.6 Draft Amendments to Section 94A Plans
- Item 18.7 Applications Determined Under Delegated Authority 1 November 2016 to 31 December 2016

be adopted in accordance with the recommendations in the reports.

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

## 12 REPORTS FROM COMMITTEES

### 12.1 MINUTES AND PLANS - NATURAL HERITAGE AND BUSHLAND ADVISORY COMMITTEE

<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. MINUTES - NATURAL HERITAGE AND BUSHLAND ADVISORY COMMITTEE – 3 NOVEMBER 2016</li><li>2. CLIVE PARK RESERVE ACTION PLAN - DISTRIBUTED SEPARATELY</li><li>3. COMMUNITY COMMENTS - CLIVE PARK PLAN</li><li>4. ARTARMON RESERVE ACTION PLAN – DISTRIBUTED SEPARATELY</li><li>5. COMMUNITY COMMENTS - ARTARMON RESERVE</li><li>6. ARTARMON PARK ACTION PLAN – DISTRIBUTED SEPARATELY</li><li>7. LANDSCAPE IMPROVEMENT PLAN – EDINBURGH ROAD CASTLECRAG – DISTRIBUTED SEPARATELY</li></ol>
<b>RESPONSIBLE OFFICER:</b>	PETER CONROY - PLANNING & INFRASTRUCTURE DIRECTOR
<b>AUTHOR:</b>	ALFRED BERNHARD – BUSHLAND TEAM LEADER
<b>CITY STRATEGY LINK:</b>	2.1.1 CONSERVES AND MAINTAIN WILLOUGHBY'S NATURAL ECOSYSTEMS
<b>MEETING DATE:</b>	13 FEBRUARY 2017

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#### Purpose of Report

To present to Council the Minutes of the Natural Heritage and Bushland Advisory Committee meeting held on 3 November 2016.

#### RESOLUTION

That Council adopt the:

1. Clive Park Reserve Action Plan 2016-2021.
2. Artarmon Reserve Action Plan 2016-2021.
3. Artarmon Park Reserve Action Plan 2016-2021
4. Landscape Improvement Plan for 296-298 Edinburgh Road.

5. Council note that in relation to item 9.1 of the Minutes, the Bushland Team has initiated a process to work with Council Rangers to enforce reserve regulations regarding dogs off leads.
6. Balance of the Minutes from 3 November 2016.

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**12.2 BICYCLE CONSULTATIVE COMMITTEE MINUTES - MEETING 6  
DECEMBER 2016**

<b>ATTACHMENTS:</b>	<b>1. BICYCLE CONSULTATIVE COMMITTEE MINUTES OF 6 DECEMBER 2016</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>NEIL STRICKLAND – SENIOR TRAFFIC ENGINEER</b>
<b>CITY STRATEGY LINK:</b>	<b>4.2.2 BALANCE TRAFFIC MANAGEMENT</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

To advise Council of the outcome of the Bicycle Consultative Committee Meeting held on 6 December 2016.

**RESOLUTION**

**That Council receive and note the minutes of the Bicycle Consultative Committee Meeting of 6 December 2016.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

### 12.3 SAILORS BAY WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 18 THE BATTLEMENT, CASTLECRAG - BC2016/36

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT – PLANNING MANAGER
AUTHOR:	MARK GRACZYK – CERTIFICATION OFFICER
MEETING DATE:	13 FEBRUARY 2017

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#### Purpose of Report

To list on the agenda the Minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 15 December 2016.

#### RESOLUTION

That Council:

1. Receive the Minutes of the Sailors Bay Councillors Inspection Committee Meeting held 15 December 2016, relating to BC2016/36 – Building Certificate for construction of an unauthorised front fence/retaining walls.
2. Note the resolution adopted by the Committee:

*That the approval of the Building Certificate Application (2016/36) for the retaining wall/fence at 18 The Battlement be deferred subject to the completion of the following works below:*

- A. *Submission of amended plans for the front retaining works including changes to meet points 2 to 5 from Item B below. These plans are to be to the satisfaction of Council and must be submitted within 30 days from the date of this letter. Upon Council being satisfied with the design, a letter confirming such design acceptance will be issued to the applicant.*
- B. *The following works below are to be undertaken on the subject retaining wall and completed to the satisfaction of Council within 60 days of the written endorsement of the architectural design from item A:*
  1. *Submit structural engineering certification for the retaining wall structure.*
  2. *Remove all masonry capping from the front sandstone retaining wall/fence.*
  3. *Reduce the height of the fence (excluding the height of the capping) by 800mm to the south western side of the driveway.*
  4. *Reduce the height of the fence (excluding the height of the capping) by 570mm to the south eastern side of the driveway.*
  5. *Plant indigenous climber vegetation on the top of the wall to screen the appearance of the sandstone wall.*
  6. *Submit certification from a licensed plumber stating that the stormwater drainage and disposal has been designed and connected to an*

*appropriate system complying with Australian Standards 3500.3 and 3500.5.*

- C. Delegated authority be given to The General Manager to issue The Building Certificate upon the satisfactory completion of The Schedule of Works.**
- D. The applicant be advised that failure to submit a satisfactory architectural plan from Item A above and completion of building works from Item B above within their specified time will result in Council refusing the Building Certificate and serving the owner with an order under the provisions of Section 121b of The Environmental Planning and Assessment Act 1979 for the demolition of the retaining wall structure.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**12.4 WEST WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 5  
DAISY STREET, CHATSWOOD - DA2016/242**

<b>ATTACHMENTS:</b>	<b>1. MINUTES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>ANNIE LEUNG – DEVELOPMENT PLANNING TEAM LEADER</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

To list on the agenda the Minutes of the West Ward Councillors Inspection Committee Meeting held 24 January 2017.

**RESOLUTION**

**That Council:**

- 1. Receives the Minutes of the West Ward Councillors Inspection Committee Meeting held 24 January 2017, relating to DA2016/242 for alterations and additions to an existing dwelling and a new secondary dwelling.**
- 2. Note the resolution adopted by the Committee:**

*That the application be approved in accordance with the Officer's recommendation subject to the following additional conditions/amendments:*

- A. A copy of the Survey Certificate required by Condition 29 shall be submitted to Council if Council is not principal certifying authority for the development.*
- B. Condition 8 to be amended to clarify that the required unglazed terracotta tiles are to be used for both the existing roof and roof of the additions.*
- C. An additional condition be imposed to require that the floor to ceiling height of the first floor is to be reduced from 2800mm to 2700mm.*
- D. An additional condition be imposed to require that screen planting with mature height of at least 4m be provided along the eastern boundary of the development site adjoining No 3 Daisy Street Chatswood and must be maintained.*

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil



**12.5 MIDDLE HARBOUR WARD COUNCILLORS INSPECTION COMMITTEE MEETING - UNIT 31, 28 BARCOO STREET, ROSEVILLE - DA2016/250**

<b>ATTACHMENTS:</b>	<b>1. MINUTES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>ANNIE LEUNG – DEVELOPMENT PLANNING TEAM LEADER</b>
<b>AUTHOR:</b>	<b>CANDICE PON – DEVELOPMENT ASSESSMENT OFFICER</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

To list on the agenda the Minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 19 January 2017

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

- 1. Receive the Minutes of the Middle Harbour Councillors Inspection Committee Meeting held 19 January 2017, relating to DA2016/250 for change of use to a personal training studio (indoor recreation facility)**
- 2. Note the resolution adopted by the Committee:**

*That the application be approved in accordance with the Officer's recommendation subject to the following additional conditions/amendments:*

- A. Condition 3 - Plan of Management is to include a requirement for a sign to be placed at a prominent location near the entry of the premise with the operator's contact details for dealing with complaints or issues associated with the approved use.**
- B. An additional condition is imposed to require a six (6) month trial period for the approved use. To extend the approved use, a Section 96 Modification Application to modify this condition is required to be lodged four (4) months after the commencement date of the trial period.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**12.6 MIDDLE HARBOUR WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 4 DAYMAR PLACE, CASTLE COVE - DA2016/279**

<b>ATTACHMENTS:</b>	<b>1. MINUTES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>LAWRENCE BENTLEY – DEVELOPMENT ASSESSMENT OFFICER</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

To list on the agenda the Minutes of the Middle Harbour Councillors Inspection Committee Meeting held 14 December 2016.

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

- 1. Receive the Minutes of the Middle Harbour Councillors Inspection Committee Meeting held 14 December 2016 relating to DA2016/279 for demolition of existing dwelling, construction of two storey dwelling, basement parking and associated works.**
- 2. Note the resolution adopted by the Committee:**

*That the application be deferred subject to discussions with Council's Development Officer regarding an amended proposal which satisfies Council's requirements. The amended proposal is to be referred to a Ward Council Inspection Committee Meeting between 16 January and 31 January 2017.*

**MOVED COUNCILLOR HOOPER****SECONDED COUNCILLOR ERIKSSON****CARRIED****Voting**

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

**Against:** Nil

**12.7 WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING - 22 NOVEMBER 2016**

<b>ATTACHMENTS:</b>	<b>1. MINUTES - WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING - 22 NOVEMBER 2016</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>CHRISTINE WAYGOOD - WILLOUGHBY PARK CENTRE MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

To provide Council with the minutes of the Willoughby Park Centre Advisory Committee meeting held 22 November 2016.

**RESOLUTION**

That Council note the minutes of the Willoughby Park Centre Advisory Committee meeting held 22 November 2016.

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**13 DEFERRED MATTERS**

NIL

## 14 CORRESPONDENCE

### 14.1 COUNCILLORS INFORMATION BOOKLETS - 17 JANUARY, 24 JANUARY, 31 JANUARY AND 6 FEBRUARY 2017

**RESPONSIBLE OFFICER:** LINO DI LERNIA - INTERIM 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:** 13 FEBRUARY 2017

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#### **Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklets, circulated to all Councillors on 17 January, 24 January, 31 January and 6 February 2017.

#### **RESOLUTION**

**That Council receive the Councillors Information Booklets circulated to all Councillors on 17 January, 24 January, 31 January and 6 February 2017.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**15 REPORTS FROM OFFICERS - GENERAL MANAGER**

NIL

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

### **16.1 COUNCIL AND COUNCILLORS' ROLES, RESPONSIBILITIES AND LIABILITIES AS RESERVE TRUST MANAGER IN RELATION TO THE CROWN LANDS ACT 1989**

<b>ATTACHMENTS:</b>	<b>1. LEGAL ADVICE – RESERVE TRUST MANAGEMENT – GENERAL ADVICE 2. COUNCIL REPORT 27 APRIL 2015</b>
<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>GRANT THOMAS – ACTING GOVERNANCE MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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#### **Purpose of Report**

To provide a further update on Council and Councillors' roles, responsibilities and liabilities as reserve trust manager in relation to the *Crown Lands Act 1989*.

#### **Procedural Motion**

That Emma-Brooks-Maher (Secretary of Crown Land Our Land Inc) address the meeting:

#### **RESOLUTION**

That Council, based on the legal advice of 30 January 2017 that updates previous advice of 27 April 2015:

- 1. Note the legal advice on the roles, responsibilities and liabilities in relation to being a reserve trust manager, including that individual Councillors are not appointed as reserve trust managers and therefore are not personally liable under the *Crown Lands Act 1989* for actions of the Council in its capacity as a reserve trust manager.**
- 2. Receive a briefing in February 2017 and a subsequent report on the implication of changes to the Crown lands legislation by April 2017.**

**MOVED COUNCILLOR ROZOS**

**SECONDED COUNCILLOR ERIKSSON**



**CARRIED**

**Voting**

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

**Against:** Nil

**16.2 GIFTS AND BENEFITS ANNUAL REPORT 2016**

<b>RESPONSIBLE OFFICER:</b>	<b>ELIZABETH WALL – GOVERNANCE MANAGER</b>
<b>AUTHOR:</b>	<b>PATRICIA SHELDRAKE – MINUTE SECRETARY</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>27 FEBRUARY 2017</b>

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**Purpose of Report**

To present a summary of the Gifts and Benefits Register to Council for the 2016 calendar year in accordance with the requirements of Council's Gifts and Benefits Policy and Code of Conduct.

**RESOLUTION**

**That Council notes the 2016 Gifts and Benefits Annual Report as required by the Council's Gifts and Benefits Policy.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**16.3 INVESTMENT REPORT NOVEMBER 2016**

<b>ATTACHMENTS:</b>	<b>1. COUNCIL'S INVESTMENT HOLDINGS 2. COUNTERPARTY CHART</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINO DI LERNIA - ACTING DIRECTOR CUSTOMER AND CORPORATE</b>
<b>AUTHOR:</b>	<b>BILL LOFTHOUSE - FINANCIAL ACCOUNTANT</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

To detail the Council Bank balances and Investment portfolio performance as at 30 November 2016.

**RESOLUTION**

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

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**16.4 PETITIONS UPDATE**

<b>ATTACHMENTS:</b>	<b>1. LISTING OF PETITIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINO DI LERNIA – INTERIM CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>PATRICIA SHELDRAKE – MINUTES SECRETARY</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

To present an updated list of petitions that have been submitted to Council.

**RESOLUTION**

**That Council receive and note the updated listing of petitions.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

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

### 17.1 CONCESSION APPLICATION FOR ROTARY CLUB OF NORTHBRIDGE

ATTACHMENTS:	NIL
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ERIN COLWELL – SPORTSGROUND ADMINISTRATION AND TECHNICAL OFFICER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE TO THE COMMUNITY
MEETING DATE:	13 FEBRUARY 2017

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#### Purpose of Report

To seek Council approval for a fee waiver of 100% for the Rotary Club of Northbridge to use Northbridge Oval, Sailors Bay Road, Northbridge on Saturday 13 May 2017 from 1.00pm-10.00pm for a Community Fireworks Event.

#### RESOLUTION

That Council approve a full concession to Rotary Club of Northbridge for the hire of Northbridge Oval on Saturday 13 May 2017 from 1.00pm - 10.00pm for a Community Fireworks Event.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

**CARRIED**

#### Voting

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

**Against:** Nil

**17.2 CASTLE COVE PARK PATH EXTENSION AND NAMING OF JAMES WHITE PATH**

<b>ATTACHMENTS:</b>	<b>1. CASTLE COVE PARK PATH EXTENSION SITE PLAN 2. CASTLE COVE PARK PATH EXTENSION COMMUNITY CONSULTATION SUMMARY REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MEREDITH PATERSON – OPEN SPACE PROJECTS OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.3.1 ACCESSIBLE OPEN SPACE AND RECREATIONAL FACILITIES FOR THE COMMUNITY ARE PROVIDED</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

To inform Council of the feedback from the public exhibition for the Castle Cove Park perimeter path extension and, to seek endorsement to name the path after the late James Ernest White.

**RESOLUTION**

**That Council:**

- 1. Adopt the Castle Cove Park path extension plan dated January 2017.**
- 2. Approve the naming of the perimeter path at Castle Cove Park to be called James White Path after the late James Ernest White.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**17.3 THE CONCOURSE PERFORMING ARTS SUBSIDY - OUT OF TERM APPLICATION**

**RESPONSIBLE OFFICER:** MELANIE SMITH - DIRECTOR COMMUNITY, CULTURE AND LEISURE

**AUTHOR:** MICHAEL CASHIN – MANAGER COMUMMITY LIFE

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

**MEETING DATE:** 13 FEBRUARY 2017

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**Purpose of Report**

To seek Council's endorsement for distribution of The Concourse Performing Arts Subsidy grant funds.

**RESOLUTION**

**That Council endorse the Officer's recommendation for the distribution of grant funds of \$3,000 under The Concourse Performing Arts Subsidy Program.**

**Recommended Applicant:**

**Chabad House of the North Shore Limited - \$3,000**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

## 18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

### DEVELOPMENT APPLICATIONS

#### 18.1 58-70 SAILORS BAY ROAD NORTHBRIDGE COUNCIL REPORT - DA-2016/317

**ATTACHMENTS:**

1. NOTIFICATION MAP
2. DEVELOPMENT STATISTICS
3. SEPP 64 ASSESSMENT & G.5 OF THE WDCP
4. NEIGHBOUR NOTIFICATION ISSUES
5. PLANS & ELEVATIONS (PROVIDED SEPARATELY)

**MEETING DATE:** 13 FEBRUARY 2017

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**RECOMMENDATION:** REFUSAL

**LOCATION:** 58 TO 70 SAILORS BAY ROAD NORTHBRIDGE

**APPLICANT:** ARTMADE ARCHITECTURAL

**OWNER:** MRS K O'BRIEN, MR S COGAN, MR J HOLMES, MRS E HOLMES AND MS G YOON

**PROPOSAL:** DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF A NEW 154 PLACE CHILDCARE CENTRE AND SIGNAGE

**DATE OF LODGEMENT:** 19 AUGUST 2017

**REPORTING OFFICER:** CANDICE PON – DEVELOPMENT PLANNER

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

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### DESCRIPTION OF PROPOSAL

Development Application DA-2016/317 seeks Council's consent for the demolition of the existing dwellings and construction of a new 154 place childcare centre at 58 to 70 Sailors Bay Road, Northbridge.

### RESOLUTION

That Council:

1. Refuse DA-2016/317 proposing demolition of existing dwellings and erection of a childcare centre at 58 to 70 Sailors Bay Road, Northbridge
2. Grant delegated authority to the General Manager to issue the refusal notice with the attached reasons for refusal including:

Inadequate design in regard to loading and unloading, waste

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- storage and disposal, car parking egress, setback for shared path/bike lane,
- Traffic impacts on the local road network
- Inadequate facilities and staff to sufficiently supervise children
- Unreasonable amenity impacts on the adjoining residential properties

**MOVED COUNCILLOR HILL**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

**Voting**

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

**Against:** Nil

**REASONS FOR REFUSAL**

The reasons for **REFUSAL** are:

1. Pursuant to **S.79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979** The proposed development is inconsistent with the Aims of the Willoughby Local Environmental Plan 2012 Clause 1.2 (2)(j)(ii)(iii) having regard to its inadequate design of the car parking and loading area.
2. Pursuant to **S.79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979** The proposed development is inconsistent with the Aims of the Willoughby Local Environmental Plan 2012 Clause 1.2 (2)(j)(i) the development fails to provide adequate setback for the purposes of a shared pathway identified by Part D.2.16 Controls for Specific Areas of the WDCP for the use of active transport by walking, cycling and the use of public transport.
3. Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause 1.2 of the Aims of Plan of the Willoughby Local Environmental Plan 2012 ("WLEP"), specifically subclause (2)(d)(A)(B)(iii) and (2)(e)(i)(ii). The proposed development will have a unacceptable presentation to the streetscape and have unreasonable impacts on the amenity of the surrounding residential properties.
4. Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives of the R3 Medium Density Residential Zone of Plan of the Willoughby Local Environmental Plan 2012 ("WLEP"). The proposed development is incompatible with the scale and character of the surrounding residential development. The application fails to demonstrate that the proposal will not have adverse impacts on the efficiency and safety of the road network. The development site directly adjoins properties that are zoned R2 Low Density Residential, the design of the proposal is not sensitive to the amenity of the surrounding detached dwellings.
5. Pursuant to **S.79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979** The application fails to demonstrate compliance with Clause 4.4 Floor Space Ratio of the Willoughby Local Environmental Plan 2012. The bulk and scale of the development is unacceptable in its current form. Consent cannot be granted to the development if it exceeds the FSR standard and a request to vary the standard has not been submitted.
6. Pursuant to S.79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed signage is incompatible with residential zoning. The proposed signage in regard the size, location and number fails to meet the requirements of Part G.5.4.3 Advertising in Residential and E4 Zones of the WDCP.
7. Pursuant to S.79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development proposal fails to provide adequate vehicle access. The submitted design and layout of the proposed car parking areas fails to meet the requirements of AS2890.1:2004 and Part C.4 of the WDCP.
8. Pursuant to S.79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development proposal fails to demonstrate safe and suitable access for waste disposal and adequate area for storage of waste as contained in Part C.8 Waste Management of WDCP.

9. Pursuant to S.79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development precludes a 2m setback along Sailors Bay Road frontage to accommodate a shared path or separated bike lane as contained in Part D.2.16 Controls for Specific Areas of the WDCP.
10. Pursuant to S.79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not meet requirements or the intent of the control contained in Part G.8 of WDCP for childcare centre development, in particular:

•	Design/layout and adequate supervision of children
•	Sufficient staff for the operation of the childcare centre
•	Nappy changing facilities
•	Evacuation plan refers to the incorrect street/roads

11. Pursuant to S.79C (1) (b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to result in the following unreasonable impacts:
- potential unacceptable cumulative traffic impacts on the existing road network.
  - visual bulk of the proposed built form as viewed from surrounding residential properties and incompatibility with surrounding low and medium density residential developments
  - the development results in unreasonable amenity impacts on the adjoining and surrounding residential properties
12. Pursuant to S.79C (1) (d) of the Environmental Planning and Assessment Act 1979, having regards to the issues raised in the public submissions and the adverse impacts of the proposed development, the approval of the application is not considered to be in the interest of the public.
13. Pursuant to S.79C (1) (e) of the Environmental Planning and Assessment Act 1979, given the inadequacy of the application and the development's potential impacts the approval of the development is not considered to be in the public interest.

Plan numbers and specifications used in this determination:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Cover Sheet	A00.00	A	10/08/2016	Artmade Architects
Demolition Plan	A01.01	A	10/08/2016	Artmade Architects
Proposed Site Plan	A02.01	A	10/08/2016	Artmade Architects
Architectural Plan	A03.01	A	10/08/2016	Artmade Architects
Architectural Plan	A03.02	A	10/08/2016	Artmade Architects
Architectural Plan	A03.03	A	10/08/2016	Artmade Architects
Architectural Plan	A03.04	A	10/08/2016	Artmade Architects
Architectural Plan	A04.01	A	10/08/2016	Artmade Architects
Architectural Plan	A04.02	A	10/08/2016	Artmade Architects
Architectural Plan	A05.01	A	10/08/2016	Artmade Architects
Architectural Plan	A05.02	A	10/08/2016	Artmade Architects
Architectural Plan	A05.03	A	10/08/2016	Artmade Architects
Landscape Plan	1/2	-	11 August 2016	Tessa Rose
Landscape Plan	2/3	-	3 August 2016	Tessa Rose

## GENERAL MATTERS

### 18.2 SUBMISSION REGARDING MODIFICATION TO ROYAL NORTH SHORE HOSPITAL CONCEPT PLAN TO AMEND THE FOOTPRINT OF THE TWO PRECINCT BUILDING ENVELOPES INTO ONE BUILDING, AS WELL AS MAKE CHANGES TO APPROVED CONDITIONS AND COMMITMENTS

<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. LETTER FROM DEPARTMENT OF PLANNING DATED 7 DECEMBER 2017</li><li>2. LETTER FROM HEALTH INFRASTRUCTURE DATED 6 DECEMBER 2017</li><li>3. ADDITIONAL INFORMATION LETTER FROM HEALTH INFRASTRUCTURE DATED 17 JANUARY 2017</li><li>4. MODIFICATION PLANS</li><li>5. LETTER FROM DEPARTMENT OF PLANNING DATED 13 JANUARY 2017</li><li>6. COUNCIL SUBMISSION</li></ol>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>CRAIG O'BRIEN – STRATEGIC PLANNER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.2.1. A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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### Purpose of Report

The purpose of this report is to:

- Advise Council of the Modification to Precinct 4 of the Royal North Shore Hospital (RNSH) Concept Plan (MP 06\_0051 MOD 7) to:
  - Change the proposed land uses from residential and commercial to solely commercial involving administrative and other ancillary functions for NSW Health.
  - Change the footprint from two buildings to one building.
- Advise Council that the proponent, Health Infrastructure, have requested that the Modification be dealt with as a State Significant Development.
- Seek Council's endorsement of a submission, a draft of which has already been forwarded to the Department of Planning & Environment (the Department) on behalf of Willoughby Council in order to meet the deadline for comments (2 February 2017).

## Procedural Motion

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

- Dr Richard Piper
- Dr Tony Joseph
- Dr Bruce Cooper (Head, Department of Renal Medicine, Chair, Medical Staff Council, RNSH)

## RESOLUTION:

That Council:

1. In response to letters dated 17/12/2016 19/01/2017 from the Department of Planning prepared a submission and forwarded to the Department.
2. Note the attached submission, which has been forwarded to the Department of Planning and Environment on behalf of Council in order to meet the 2 February 2017 deadline for comment, which seeks:
  - a) Additional information;
  - b) Modifications to the built form of the building, setbacks and landscaping.
3. Provide an additional submission to the Department of Planning and Environment indicating Council's objection to:
  - a) The location of child care facilities (whether temporary or not) within close proximity to the Community Health Facility. In this respect it is understood that the temporary relocation of child care was approved under Part 5 of the Environmental Planning and Assessment Act by means of a Review of Environmental Factors with no public consultation or referral to Council.
  - b) Any reduction in temporary residential accommodation associated with the hospital use below the commitments contained in the Concept Approval and in particular Condition M1.1(e)(ii), namely:
    - A minimum of 15,000m<sup>2</sup> overall;
    - A minimum of 10,000m<sup>2</sup> being nursing and student accommodation;
    - A minimum of 5,000m<sup>2</sup> being short term hotel style accommodation.Such accommodation to include:
    - a) Staff accommodation/on call accommodation
    - b) Carer Accommodation
    - c) Respite care
    - d) Medi-hotel
    - e) Childcare
  - c) Any future development on Lot 4B that does not include:
    - Retail
    - Short term accommodation, serviced apartments, medi hotel or the like

**MOVED COUNCILLOR COPPOCK**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**CONSEQUENTIAL MOTION:**

**That Council:**

- 1. Strongly objects to the proposed changes to the Master Plan and is concerned about the impact on our community.**
- 2. Supports the Royal North Shore campus being used for clinical and medical facilities and not for accommodating major State-wide health administration at the expense of the community.**
- 3. In relation to the broader Public Policy position, liaise with local RNSH medical representatives, the Premier and the Ministers for Health and Planning regarding the Master Plan initiated subsequent to 2011 and ascertain the elements of that Master Plan that are missing from the current concept approval and that based on those discussions Council makes representations to relevant parties that will progress the implementation of the Master Plan, thereby enhancing the delivery of health services in the region.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR RUTHERFORD**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.3 AFFIXING COUNCIL'S SEAL - DOCUMENTATION ASSOCIATED WITH AFFORDABLE HOUSING UNITS AT 52-54 EASTERN VALLEY WAY, NORTHBRIDGE (DA2016/368)**

**RESPONSIBLE OFFICER:** PETER CONROY  
**AUTHOR:** IAN ARNOTT  
**CITY STRATEGY LINK:** 3.1.1 PLAN FOR HOUSING CHOICE  
**MEETING DATE:** 13 FEBRUARY 2017

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**Purpose of Report**

To seek Council's consent to affix Council Seal to any documentation concerning dedication to Council of affordable housing units within the approved residential flat development at 52-54 Eastern Valley Way, Northbridge.

**RESOLUTION**

That Council authorise the Mayor and General Manager to affix the seal of Council to any Housing Transfer Deed and any other legal documents associated with the transfer of the affordable housing units to Council, in connection with condition 10 of DA-2015/368 for demolition of existing structures and construction of a residential flat building containing 33 units at 52-54 Eastern Valley Way, Northbridge.

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.4 CURRENT DEVELOPMENT APPLICATION AND PLANNING PROPOSAL  
REPORT AS AT 23 JANUARY 2017**

<b>ATTACHMENTS:</b>	<b>1. LIST OF APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>DEVELOPMENT PLANNERS, BUILDING SURVEYORS</b>
<b>CITY STRATEGY LINK:</b>	<b>3.1.3 LOCAL CHARACTER</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

To provide Councillors with details of all current Development Applications and Planning Proposals as at 23 January 2017.

**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 23 January 2017.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil



**18.5 VARIATIONS TO DEVELOPMENT STANDARDS (USE OF CLAUSE 4.6)**

<b>ATTACHMENTS:</b>	<b>1. LIST OF APPLICATIONS WITH VARIATIONS TO DEVELOPMENT STANDARDS QUARTER 2</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - INFRASTRUCTURE &amp; PLANNING DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

The attached schedule lists all development applications determined during the second Quarter from 1 October to 31 December 2016 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 second quarter.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.6 DRAFT AMENDMENTS TO SECTION 94A PLANS**

<b>ATTACHMENTS:</b>	<b>1. REPORT TO COUNCIL DRAFT AMENDMENTS TO THE SECTION 94A PLANS FOR WILLOUGHBY CITY AND CHATSWOOD CENTRAL BUSINESS DISTRICT</b> <b>2. DRAFT AMENDMENT TO WILLOUGHBY AND CHATSWOOD SECTION 94A PLANS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JANE GIBSON – STRATEGIC PLANNER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

To advise Council of the outcome of the public exhibition of the Draft amendments to the Willoughby City and Chatswood Central Business District Section 94A Plans.

**RESOLUTION**

**That Council adopt the draft amendments to Willoughby City Section 94A Contributions Plan 2011 and Chatswood Central Business District Section 94A Contributions Plan 2011 by removing references to “Building Price Index (Enterprise Bargaining Agreement)” and replacing them with “The Sydney All Groups Consumer Price Index” as published by the Australian Bureau of Statistics.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.7 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY 1  
NOVEMBER 2016 TO 31 DECEMBER 2016**

<b>ATTACHMENTS:</b>	<b>1. LIST OF APPLICATIONS – 1 NOVEMBER 2016 TO 30 NOVEMBER 2016</b> <b>2. LIST OF APPLICATIONS – 1 DECEMBER 2016 TO 31 DECEMBER 2016</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PETER CONROY - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>3.1.3 LOCAL CHARACTER</b>
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2017</b>

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**Purpose of Report**

To provide Council with a list of applications determined under delegated authority for the months of November and December 2016.

**RESOLUTION**

**That Council note the information on Development Applications determined under delegated authority in November and December 2016.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

## 19 NOTICE OF MOTION

### 19.1 NOTICE OF MOTION - APARTMENT - BUILDING DEFECTS AND COMPLIANCE

**RESPONSIBLE OFFICER:** DEBRA JUST – GENERAL MANAGER

**AUTHOR:** DEBRA JUST – GENERAL MANAGER

**MEETING DATE:** 13 FEBRUARY 2017

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#### **Purpose of Report**

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

#### **Motion**

**That Council:**

1. Approach the Premier, relevant government ministers and LGNSW to outline the prevalence of defects in apartment buildings and urge better assessment processes to ensure apartment building compliance.
2. Urge the State government to incorporate better ways to ensure protection for apartment owners.
3. Forward data from the University of NSW to the Building Professionals Board and make a submission to the Consultation Exposure Bill.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR HOOPER**

**LOST**

#### **Voting**

**For the Motion:** Councillors Coppock, Hill, Hooper, Saville and Stevens.

**Against:** Councillors Giles-Gidney, Eriksson, Mustaca, Rozos, Rutherford, Sloane and Wright.

Councillor Norton did not vote

## 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.

Due to Councillor Giles-Gidney declaring a substantial non-pecuniary interest in Item 20.1: Talus Reserve Proceedings due to her relationship to Stephen Healy, she withdrew from the meeting taking no part in the discussion or voting on this topic.

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

### 20.1 TALUS RESERVE PROCEEDINGS

#### 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

#### Procedural Motion

**That Emma-Brooks-Maher (Secretary of Crown Land Our Land Inc) address the meeting.**

### 20.2 58 TO 70 SAILORS BAY ROAD NORTHBRIDGE - 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

**20.1 TALUS RESERVE PROCEEDINGS**

**Recommendation Summary**

That Council keep confidential its decision on the grounds of legal professional privilege.

**20.2 58 TO 70 SAILORS BAY ROAD NORTHBRIDGE - LEGAL PROSPECT**

**Recommendation Summary**

That Council keep confidential its decision on legal prospects on the grounds of legal professional privilege.

**RESOLUTION**

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

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Coppock, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright

**Against:** Nil

**Absent:** Councillor Giles-Gidney

**RESOLUTION**

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

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Coppock, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright

**Against:** Nil

**Absent:** Councillors Giles-Gidney

## 21 QUESTIONS

### 21.1 QUESTION ON NOTICE: GROUNDS FOR INCLUDING MATERIAL INTO "LATE CORRESPONDENCE"

**RESPONSIBLE OFFICER:** DEBRA JUST – GENERAL MANAGER

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

**MEETING DATE:** 13 FEBRUARY 2017

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#### Question

On what grounds was correspondence requested by Councillor Wright not placed into late correspondence (circulated to Councillors before a Council meeting and commonly known as the “pinks”) for the 12 December 2016 meeting, with specific mention to our code of meeting practice or the relevant local government legislation?

#### Answer

The Code of Meeting Practice refers to the inclusion of late correspondence as follows:

##### ***(80) Late Correspondence***

*(1) Correspondence to be circulated as part of the Late (Pink) Agenda must be received by the General Manager before 12 noon on the day of the Meeting.*

*(2) Other correspondence addressed to individual Councillors relating to the meeting will be received by the General Manager until 3:00pm on the day of the meeting.*

*Note: This correspondence will not form part of the Agenda for the Meeting.*

*(3) Council will not permit correspondence to be distributed to Councillors and/or Staff immediately prior to or during the meeting.*

The document that Councillor Wright wished to be circulated was not, in the opinion of officers, correspondence but rather a Judgement on a matter unrelated to any item on the agenda.

The Governance Team at the Office of Local Government has advised that communication to Councillors that forms part of the late agenda must be directly related to an agenda item and cannot be related to a matter not on the agenda. That is, the material must relate to business of which due notice has been given (as provided for under Clause 17 of the Code of Meeting Practice).

There is no specific obligation on the General Manager in the legislation or the Code of Meeting Practice to circulate information provided to her by a Councillor unless it is an explanatory note accompanying a motion of which notice has been duly given by the nominating Councillor.



- **The meeting was in recess from 8:18pm to 8:25pm**
- **Her Worship the Mayor Councillor G Giles-Gidney left the meeting at 9:00pm during debate and voting on Confidential Item 20.1: Talus Reserve Proceedings.**
- **Deputy Mayor Councillor Coppock took the chair during debate and voting on Confidential Item 20.1: Talus Reserve Proceedings.**

**The meeting concluded at 09:37pm**

**I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 13 February 2017. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.**