



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

26 June 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, T Mustaca, W Norton, A Rozos, J Rutherford, L Saville, M Sloane and N Wright

Officers

Ms D Just (General Manager), Mr B Wicks (Interim Customer & Corporate Director), Mr G McDonald (Interim Planning & Infrastructure Director), Ms M Smith (Community, Culture & Leisure Director), Ms T Stark (Community Engagement/Stakeholder Specialist), Mr I Arnott (Planning Manager), Ms N Shankie-Williams (Strategic Planning Team Leader) Mr G Fitzgerald (Acting Chief Financial Officer), Mr M Duffy (Finance Consultant), Ms J Gregson (Senior Management Accountant), Mr A Patterson (Acting Governance Manager), Mr V Grepl (Governance Officer) and Ms P Sheldrake (Minutes Secretary)

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

NIL

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 13 June 2017, copies of which have been circulated to each member of Council, be confirmed, noting that Councillor Saville voted against Confidential Item 20.2: Tender 107134 – Management of Affordable Housing.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillors Eriksson and Stevens requested Leave of Absence for Monday 26 June 2017
- Councillor Hill requested Leave of Absence from 28 June – 5 July 2017.

RESOLUTION

That Council:

1. **Grant Leave of Absence to Councillors Eriksson and Stevens for Monday 26 June 2017; and**
2. **Grant Leave of Absence to Councillor Hill from 28 June – 5 July 2017**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

5 PETITIONS

5.1 PETITION - CASTLE COVE GOLF COURSE - DRAFT PLAN OF MANAGEMENT (AMENDED) EXHIBITION

RESPONSIBLE OFFICER: ANDREW PATTERSON – ACTING GOVERNANCE MANAGER

AUTHOR: PATRICIA SHELDRAKE – MINUTES SECRETARY

CITY STRATEGY LINK: 2.1.2 THE COMMUNITY VALUES THE NATURAL ENVIRONMENT

MEETING DATE: 26 JUNE 2017

Purpose of Report

A petition, contained 18 signatures, has been sent to Council in opposition of the proposed Draft Plan of Management (Amended) Exhibition.

RESOLUTION

That Council receive and note the petition relating to the Draft Plan of Management (Amended) Exhibition and that it be referred to the relevant Planning Officer for consideration.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

**5.2 PETITION - CHATSWOOD RSL CLUB, 67 ALBERT AVENUE,
CHATSWOOD - DA2017/157****RESPONSIBLE OFFICER: ANDREW PATTERSON – ACTING GOVERNANCE
MANAGER****AUTHOR: PATRICIA SHELDRAKE – MINUTES SECRETARY****CITY STRATEGY LINK: 2.1.2 THE COMMUNITY VALUES THE NATURAL
ENVIRONMENT****MEETING DATE: 26 JUNE 2017**

Purpose of Report

A petition, contained 165 signatures, has been sent to Council and a further 138 online petitions were submitted in opposition of the proposed development of Council land at 67 Albert Avenue, Chatswood – DA2017/157. The proposal is for construction of a 16 storey commercial building, plaza, landscaping, car parking and associated works.

RESOLUTION

That Council receive and note the petition relating to DA2017/157 – 67 Albert Avenue, Chatswood, including an additional 68 petitions tabled at the meeting by Councillor Saville, and that it be referred to the relevant Planning Officer for consideration.

MOVED COUNCILLOR RUTHERFORD**SECONDED COUNCILLOR SAVILLE****CARRIED****Voting**

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

Against: Nil

Councillor Saville tabled an additional page, contained 10 signatures, to the Petition tabled at the Council Meeting held 13 June 2017 in opposition of the proposed development of 58 Eddy Road, Chatswood – DA2017/86. The proposal is for demolition of an existing dwelling and construction of a two storey dwelling, fencing and associated works.

RESOLUTION

That Council receive the additional page relating to DA2017/86 – 58 Eddy Road, Chatswood and that it be referred to the relevant Planning Officer for consideration.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

6 OPEN FORUM

NIL

7 MAYORAL MINUTE

7.1 MAYOR'S DIARY: COUNCIL MEETING NOTES – 26 JUNE 2017

| | | | |
|--|----------|---|-----------------------------|
| TUESDAY 13 JUNE | | | |
| Cr Rutherford | | Rotary International Dinner | King Dynasty – Westfield |
| WEDNESDAY 14 JUNE | | | |
| Cr Saville | 3.30 pm | Community Participation Committee | RNSH |
| Mayor Crs Norton, Rozos, Rutherford | 5.30 pm | Vivid VIP Event | The Concourse |
| Mayor | 7.45 pm | Speaker at Lower N. Shore JP Meeting | Dougherty Centre |
| THURSDAY 15 JUNE | | | |
| Mayor Crs Mustaca, Norton | 10.30 am | Funeral for Mark MacDonald | St Anne's Church, Bondi |
| Mayor Crs Eriksson, Hill, Norton | 6 pm | Better Business Awards | The Concourse |
| FRIDAY 16 JUNE | | | |
| Mayor | 8.30 am | Speaker at "Conviction" - Young Men's Health Forum | The Concourse |
| Mayor | 12 noon | Visit by new Japanese Consul-General | Mayor's Office |
| SATURDAY 17 JUNE | | | |
| Cr Rutherford | | Paul Fletcher's Community Briefing | Dougherty Centre |
| Mayor | 5 pm | End of Ramadan Event | Artarmon Public School Hall |
| Cr Norton | 7 pm | WSO Concert | The Concourse |
| SUNDAY 18 JUNE | | | |
| Mayor | 9.30 am | Induction of Senior Pastor Thomas Chin | Church of Christ, Chatswood |
| Mayor Crs Rozos, Saville | | National General Assembly of Local Government | Canberra |
| MONDAY 19 JUNE | | | |
| Mayor Crs Rozos, Saville | | National General Assembly of Local Government | Canberra |
| TUESDAY 20 JUNE | | | |
| Mayor Crs Rozos, Saville | | National General Assembly of Local Government | Canberra |
| Crs Norton, Rutherford | | Chatswood East Side Progress Assn Meeting | Dougherty Centre |
| WEDNESDAY 21 JUNE | | | |
| Crs Norton, Rutherford | 9.30 am | Traffic Committee | Banksia Room |
| Mayor Cr Rutherford | 11.30 am | Citizenship Ceremony | Council Chambers |
| Mayor | 7.45 pm | Artarmon Progress Association Meeting | Artarmon Library Hall |
| THURSDAY 22 JUNE | | | |
| Mayor | 6.30 pm | Official Opening of Exhibition – <i>Out in the Open</i> | Workshop Arts Centre |

| FRIDAY 23 JUNE | | | |
|--|---------|---|--|
| Mayor | 9 am | Wenona School Foundation Day | Wenona School |
| Mayor Crs Hooper, Mustaca, Rozos, Rutherford | 2 pm | Official opening of <i>Sienna</i> – Affordable Housing Project | 34 Penshurst Street |
| Mayor Cr Rutherford | 6 pm | Opening of Exhibition – <i>Passage to Pusan</i> | Korean Cultural Centre, Sydney |
| SATURDAY 24 JUNE | | | |
| Mayor Crs Norton, Rutherford, Saville | 8.30 am | <i>Streetwork</i> Supporters Breakfast | St Andrews Anglican Church, Roseville |
| Crs Norton, Saville | 12 noon | SCCG Full Group Meeting | City of Sydney Council Chambers |
| SUNDAY 25 JUNE | | | |
| Mayor Crs Norton, Rutherford | 9.30 am | Induction Service for Rector Tim Swan as Senior Minister | Wby Park Anglican Church |
| Cr Norton | 3 pm | Willoughby Band Concert | Zenith Theatre |

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 73 Reserve Road, Artarmon – DA2016/354
Item 18.3 Chatswood CBD Draft Planning and Urban Design Strategy Next Steps
Item 18.4 Willoughby Planning Strategy 2016-2036: Consultation Report and next steps for Housing, Local Centres and Industrial Land Position Statements
Item 18.8 Current Development Application and Planning Proposal Report as at 5 June 2017

11 MATTERS NOT REQUIRING ELABORATION OR DEBATE

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

- Item 16.1 Operational Plan and Budget 2017/18
Item 16.2 Updated Report 16.2 – Use and frequency of Closed Council Meetings
Item 16.3 Lane Hire – Willoughby Leisure Centre – Public Release of Council Decision
Item 19.1 Notice of Motion: UN Negotiations to outlaw Nuclear Weapons

RESOLUTION

That the remaining items, viz:

- Item 12.1 Access Advisory Committee Meeting held 10 May 2017
Item 14.1 Councillors' Information Booklet – 20 June 2017
Item 17.1 2017/18 Community Grants – Event Seed Funding
Item 18.2 46 Strathallen Avenue, Northbridge – DA2016/55 Outcome of Land and Environment Court proceeding
Item 18.6 Transfer of the Land at 2 Armstrong Street Willoughby from Formrite Pty Ltd to Willoughby City Council
Item 18.7 Applications Determined under Delegated Authority 1 May 2017 to 31 May 2017
Item 19.2 Notice of Motion: Chatswood Pool
Item 19.3 Notice of Motion: Strategies that promote smaller and/or energy efficient vehicles in Council car parks and using Council meters
Item 19.4 Notice of Motion: Independent hearing and Assessment Panels

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

12.1 ACCESS ADVISORY COMMITTEE MEETING HELD 10 MAY 2017

| | |
|-----------------------------|---|
| ATTACHMENTS: | 1. MINUTES - ACCESS ADVISORY COMMITTEE - 10 MAY 2017 |
| RESPONSIBLE OFFICER: | MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR |
| AUTHOR: | LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER |
| CITY STRATEGY LINK: | 1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY |
| MEETING DATE: | 26 JUNE 2017 |

Purpose of Report

To provide Council with the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 10 May 2017.

RESOLUTION

That Council receive and note the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 10 May 2017.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE**14.1 COUNCILLORS' INFORMATION BOOKLET - 20 JUNE 2017**

RESPONSIBLE OFFICER: BEN WICKS – 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 JUNE 2017

Purpose of Report

To list on the Council Agenda the weekly Councillors' Information Booklets, circulated to all Councillors on 20 June 2017.

RESOLUTION

That Council receive the Councillors' Information Booklets circulated to all Councillors on 20 June 2017.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 OPERATIONAL PLAN AND BUDGET 2017/18

- ATTACHMENTS:**
1. 2017/18 BUDGET SUMMARY OF FUNDING AND EXPENDITURE BY KEY STRATEGIC DIRECTION
 2. 2017/18 GRAPHICAL SUMMARIES OF FUNDING AND EXPENDITURE
 2. 2017/18 PROJECTED STATEMENT OF FINANCIAL PERFORMANCE BY TYPE
 4. PUBLIC SUBMISSIONS
 5. 2017/18 OPERATIONAL PLAN AND BUDGET

RESPONSIBLE OFFICER: BEN WICKS – ACTING CUSTOMER AND CORPORATE DIRECTOR

AUTHOR: GLENN FITZGERALD – ACTING CHIEF FINANCIAL OFFICER

CITY STRATEGY LINK: 6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION

MEETING DATE: 26 JUNE 2017

Purpose of Report

To adopt Council's Operational Plan and Budget for 2017/2018 which incorporates all activities of the extended 2013-2017 Delivery Plan and estimates of Income and Expenditure, Revenue Policy and Schedule of Fees and Charges.

MOTION

That Council identify progress of work in the next quarterly budget report and the following and that savings be allocated to Castle Cove shops in Deepwater Road.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR RUTHERFORD

LOST

Voting

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

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

Absent: Councillor Hill

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

MOTION

That Council:

1. Adopt the Operational Plan and Budget, including Fees and Charges and Revenue Policy for 2017-2018 as presented in Attachment 5 to this report.
2. Make a Domestic Waste Management Charge of \$515.00 per annum per service on all properties categorised as Residential for the 2017/2018 rating year in accordance with Section 496 of the *Local Government Act, 1993*.
3. Make a Domestic Waste Management charge for qualifying Self-Funded Retirees of \$390.00 per annum per service on all qualifying properties categorised as Residential for the 2017/2018 rating year in accordance with Section 496 of the *Local Government Act, 1993*.
4. Make a Domestic Waste Management charge for eligible Pensioners of \$390.00 per annum per service on all qualifying properties categorised as Residential for the 2017/2018 rating year in accordance with Section 496 of the *Local Government Act, 1993*.
5. Make, in accordance with Section 496 (A) of the *Local Government Act, 1993*, Stormwater Management Service Charges for the 2017/2018 rating year of:
 - \$25.00 per rateable residential property
 - \$12.50 per rateable strata titled property
 - \$25.00 per 350 sqm for business related properties (minimum charge \$5.00)
6. Aggregate the values of certain parcels of land subject to minimum rates in accordance with Section 548A of the *Local Government Act, 1993*.
7. Make the following ordinary rates and charges using land values dated July 2016 and the Ad-Valorem Rating Structure and Minimums for the 2017/2018 rating year in accordance with Section 494 of the *Local Government Act, 1993*:
 - (a) Residential:
 - Ad Valorem – 0.00078239 cents in the dollar
 - Minimum – \$815.25
 - Yield - \$28.6M
 - (b) Business:
 - Ad Valorem – 0.00570695 cents in the dollar
 - Minimum – \$1,164.30
 - Yield - \$11.6M
 - (c) CTC (Chatswood Town Centre)
 - Ad Valorem – 0.0071355 cents in the dollar
 - Minimum – \$1,238.30
 - Yield - \$6.7M
 - (d) Chatswood Major Retail – Chatswood Chase
 - Ad Valorem – 0.01502 cents in the dollar
 - Minimum – \$1,037.85
 - Yield - \$0.86M
 - (e) Chatswood Major Retail – Westfield

Ad Valorem – 0.014035 cents in the dollar
Minimum – \$1,037.85
Yield - \$1.09M

- (f) **Strata Storage Facility**
Ad Valorem – 0.005709 cents in the dollar
Minimum – \$787.15
Yield - \$0.09M

8. Resolve the interest rate applicable on overdue rates and charges is 7.5% per annum for the 2017/2018 rating year (Section 566 of the *Local Government Act, 1993*).

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Hooper, Rozos, Saville, Sloane and Wright.

Against: Councillors Coppock, Mustaca, Norton* and Rutherford*.

Absent: Councillor Hill

*Councillors Norton and Rutherford were present in the Chambers at the time of the vote and did not vote. According to clause 36 of Council's Code of Meeting Practice, "A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion".

The General Manager formally thanked staff for their efforts in producing Council's Operational Plan and Budget for 2017/2018.

16.2 UPDATED REPORT 16.2 - USE AND FREQUENCY OF CLOSED COUNCIL MEETINGS

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | BEN WICKS – ACTING CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | VLADIMIR GREPL – GOVERNANCE OFFICER |
| CITY STRATEGY LINK: | 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS |
| MEETING DATE: | 26 JUNE 2017 |

Purpose of Report

To report on the use and frequency of confidential items in closed Council meetings over the past five years.

RESOLUTION

That Council note the report.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

16.3 LANE HIRE - WILLOUGHBY LEISURE CENTRE - PUBLIC RELEASE OF COUNCIL DECISION

| | |
|-----------------------------|---|
| RESPONSIBLE OFFICER: | BEN WICKS – INTERIM CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | VLADIMIR GREPL – GOVERNANCE OFFICER |
| CITY STRATEGY LINK: | 1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY |
| MEETING DATE: | 26 JUNE 2017 |

Purpose of Report

To release publicly the resolution from the Ordinary Council Meeting held 8 May 2017 - Confidential Item 20.2: Lane Hire – Willoughby Leisure Centre.

RESOLUTION

That Council note the following resolutions from the Ordinary Council Meeting held 8 May 2017 Confidential Item 20.2: Lane Hire – Willoughby Leisure Centre is now made public following the conclusion of negotiations:

- 1. Accept Willoughby Swims Squads offer of \$7,727 for annual lane hire to be effective from 1 January 2017 at Willoughby Leisure Centre for a term of two years with a break clause in the agreement if pool lane construction commences earlier.**
- 2. Reject personal access for Mr Hardman to Willoughby Leisure Centre and gymnasium facilities as an inclusion in the annual lane hire fee.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 2017/18 COMMUNITY GRANTS - EVENT SEED FUNDING

| | |
|-----------------------------|--|
| ATTACHMENTS: | 1. SUMMARY – 2017/18 EVENT SEED FUNDING APPLICATIONS |
| RESPONSIBLE OFFICER: | MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR |
| AUTHOR: | SAMANTHA CONNOR – MEDIA MARKETING AND EVENTS MANAGER |
| CITY STRATEGY LINK: | 1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED |
| MEETING DATE: | 26 JUNE 2017 |

Purpose of Report

To seek Council's endorsement of the Officer's recommendations for the distribution of grant funds through Council's 2017/18 Community Small Grants Program – Events Seed Funding.

RESOLUTION

That Council endorse the distribution of grant funds through the Event Seed Funding stream of the 2017/18 Community Small Grants Program as follows:

| | |
|---|---------|
| Taiwan Festival Committee Inc. | \$2,000 |
| AVSAR DiwaliFEST | \$3,000 |
| Our Lady of Dolours Catholic Primary School | \$3,000 |
| Nutrition Australia | Nil |
| SHARE Southern Metropolitan Region Inc. | Nil |

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR HOOPER

CARRIED

Voting

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

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 73 RESERVE ROAD ARTARMON - DA 2016/354

ATTACHMENTS:

1. REASONS FOR REFUSAL
2. NOTIFICATION MAP
3. PROPOSED DISTRIBUTION OF CHILDREN PER ROOMS
4. PLANS & ELEVATIONS

MEETING DATE: 26 JUNE 2017

RECOMMENDATION: REFUSAL

LOCATION: 73 RESERVE ROAD, ARTARMON NSW 2064

APPLICANT: CHAPMAN PLANNING PTY LTD

OWNER: ORCA PROPERTY LONG TERM HOLDINGS PTY LTD

PROPOSAL: CHANGE OF USE AND FITOUT TO A CHILDCARE CENTRE AND ASSOCIATED WORKS.

VALID APPLICATION DATE: 27 MARCH 2017 (NUMBER OF CHILDREN REDUCED TO 108 AND FURTHER INFORMATION PROVIDED BY THE APPLICANT)

DATE OF LODGEMENT: 14 SEPTEMBER 2016

REPORTING OFFICER: ANA VISSARION - DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

DESCRIPTION OF PROPOSAL

The proposal involves internal fit out works and external changes to the elevations of the existing building to accommodate a 108 place childcare centre.

Procedural Motion

That Peter Egan address the meeting.

RESOLUTION

That Council:

1. Refuse DA-2016/354 for *Change of use and fit-out to a childcare centre and associated works* at 73 Reserve Road, Artarmon; *and*

2. Grant delegated authority to the General Manager to issue the refusal notice with the attached reasons for refusal including:
- The proposal exceeds the maximum Floor Space Area (FSR) standard for the site. A Clause 4.6 Variation request has not been submitted and the application technically cannot be approved in the form submitted.
 - The change of use results in overdevelopment reflected in the development's inability to cater for the additional car parking requirements associated with the childcare of the proposed size. A minimum of 30 car spaces are needed to cater for the development, while only 19 car spaces plus a turning bay are provided.
 - The proposal is of an unsatisfactory design in regard to the welfare of the children, providing for indoor play areas only - that do not receive adequate natural sunlight throughout the day.
 - The proposal lacks information in regard to potential site contamination, does not provide sufficient information to demonstrate compliance with relevant Australian Standards and contains a number of inconsistencies across submitted documentation.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

18.2 46 STRATHALLEN AVENUE, NORTHBRIDGE - DA 2016/55 OUTCOME OF LAND AND ENVIRONMENT COURT PROCEEDING

| | |
|-----------------------------|--|
| ATTACHMENTS: | 1. JUDGEMENT –BRIDGELANE 14 V WILLOUGHBY COUNCIL [2016] NSWLEC 295688 2. SUMMARY OF SECTION 34 PROCESS AND OUTCOME FROM COUNCIL SOLICITOR |
| RESPONSIBLE OFFICER: | IAN ARNOTT - PLANNING MANAGER |
| AUTHOR: | DIMITRI GOTSIS – DEVELOPMENT PLANNER |
| CITY STRATEGY LINK: | 3.1.3 LOCAL CHARACTER |
| MEETING DATE: | 26 JUNE 2017 |

Purpose of Report

To report on the outcome of Land and Environment Court appeal No 295688 of 2016 against the Council's refusal of Development Application 2016/55 that sought consent for demolition of existing structures and construction of shop top housing, carparking and associated works at 46 Strathallen Avenue, Northbridge.

RESOLUTION

That Council note that Development Application 2016/55 for demolition of existing structures and construction of shop top housing, carparking and associated works at 46 Strathallen Avenue, Northbridge is APPROVED as contained in the Court Order issued by the Land & Environment Court.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

18.3 CHATSWOOD CBD DRAFT PLANNING AND URBAN DESIGN STRATEGY NEXT STEPS

| | |
|-----------------------------|--|
| ATTACHMENTS: | 1. DRAFT CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY 2. OVERVIEW REPORT – DRAFT CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY |
| 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 |
| MEETING DATE: | 26 JUNE 2017 |

Purpose of Report

To seek Council endorsement for the *Chatswood CBD Planning and Urban Design Strategy* following submissions received during exhibition of a Draft Strategy.

Procedural Motion

That the following people address the meeting:

- Peter Egan
- Nick Juradowitch – Ingham Planning Pty Ltd (on behalf of Develotek Property Group)
- Toby Long – Mirvac Team
- Michael File – Mirvac Team
- Gary Flowers – Landowner 414-416 Victoria Avenue, Chatswood
- Adam Treffry – Australia Post – Landowner 45 Victor Street, Chatswood
- Eduard Litver – Mandarin Development
- Chris Charkos – Urbis
- Jim Murray – Principal Planner – JBA Urban
- Clare Swan – JBA Urban – Representing the landowner of 74-76 Archer Street, Chatswood

MOTION

That Council endorse recommendation 12 outlined below as the basis for the *Willoughby Council Chatswood CBD Draft Planning and Urban Design Strategy*:

- R12. That height limits in the CBD should be based on Figure 6, including raising to the airspace limits for core areas, except where sun access protection applies and in particular ensuring no additional overshadowing of Currey Park and Chatswood Park between 10:00am and 2:00pm mid-winter which in turn also protects Chatswood Oval.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Motion: Councillors, Coppock, Hooper, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Councillors Giles-Gidney, Hill and Mustaca.

MOTION

That Council rezone the Post Office site and the Mandarin Centre site to have mixed development zoned B4.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ROZOS

LOST

Voting

For the Motion: Councillors Mustaca and Rozos

Against: Councillors Giles-Gidney, Coppock, Hill, Hooper, Norton, Rutherford, Saville, Sloane and Wright.

MOTION

That Council endorse recommendation 22 outlined below as the basis for the *Willoughby Council Chatswood CBD Draft Planning and Urban Design Strategy*:

- R22. That substations be provided within buildings, not within the streets open spaces or setbacks and substation enclosures be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR COPPOCK

CARRIED**Voting****For the Motion:** Councillors Giles-Gidney, Coppock, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.**Against:** Nil**MOTION****That Council:**

1. **Endorse the recommendations 1-27 outlined below as the basis for the *Willoughby Council Chatswood CBD Draft Planning and Urban Design Strategy*:**
 - R1. **That the Chatswood CBD boundary should be extended to the north and south as per Figure1 (Fig 6.2.1 in draft Strategy).**
 - R2. **That the land uses in the LEP should be amended based on Figure 2 (fig 6.2.2 in the draft Strategy), to:**
 - i. **Protect the commercial core east and west of railway as commercial-only but permitting retail uses throughout.**
 - ii. **Rezone other areas beyond the B3 Commercial Core as B4 - Mixed Use.**

The existing DCP limits on office and retail use in the Commercial Core should be removed.
 - R3. **Serviced apartments should be removed as a permissible use from the B3 Commercial Core.**
 - R4. **That existing FSR controls be simplified and retained as a 'base' FSR (Figure 3).**
 - R5. **That any increased FSR be associated with a contributions scheme to provide the public and social infrastructure in the Chatswood CBD necessary to support growth. The scheme would:**
 1. **Apply to residential uses above the base FSR.**
 2. **Apply to commercial uses above 10:1 FSR.**
 3. **Operate in addition to the existing Section 94A contributions and Affordable Housing contributions.**
 4. **Contribute to public domain improvements in the CBD (including streets and parks) that would increase amenity and support growth.**
 - R6. **Design excellence is to be required for all developments exceeding the base FSR based on the following processes:**
 - i. **Competitive designs for developments over 35m high.**
 - ii. **Design Review Panel for developments up to 35m high.**
 - R7. **To achieve design excellence, developments must achieve higher building sustainability standards.**

- R8. The Architects selected for design excellence schemes should be maintained through the DA process and only be substituted with agreement of Council.
- R9. That simplified FSR controls for the CBD are agreed (Fig 3) providing a maximum base FSR which:
- iii. Is the maximum FSR for sites below the minimum site area;
 - iv. Forms the base above which value uplift sharing applies.
- R10. That the FSRs in Figure 4 be considered as maximums achievable in the CBD, subject to minimum site sizes and appropriate developer contribution agreements.
- No maximum FSR for commercial development in the CBD, generally within 400m of railway station;
 - 6:1 FSR in outer centre;
 - Retention of 2.5:1 FSR along Victoria Avenue north
- R11. That areas to benefit from sun access protection in Figure 5 should be incorporated into LEP controls.
- *R12. That height limits in the CBD should be based on Figure 6, including raising to the airspace limits for core areas, except where sun access protection applies and in particular ensuring no additional overshadowing of Currey Park and Chatswood Park between 10:00am and 2:00pm mid-winter which in turn also protects Chatswood Oval.
- R13. That the links and open space structure in Figure 7 should form part of a revised DCP.
- R14. That publicly accessible space and green landscaping be required as part of all new development, subject to design principles.
- R15. That all roofs up to 30m from the ground be designed as green roofs.
- R16. That street frontage heights be required based on Figure 8.
Note the site-specific need for open space may require further setbacks of frontages from the street.
- R17. That detailed controls for required active frontages be developed describing key streets where no blank walls, servicing and non-retail uses are permitted.
- R18. That building separation controls in the Apartment Design Guide are applied to residential uses and a minimum 6m from all boundaries are applied for commercial uses above street wall height.
- R19. That all buildings should be set back at a minimum 1:20 ratio of setback to building height from all boundaries and additional controls as identified in Fig 8.
- R20. That site isolation be discouraged but where unavoidable joined basements and zero-setback podiums should be provided.

- R21. That fine grain controls be applied, including retention of the traditional lot pattern along Victoria Ave east.
- *R22. That substations be provided within buildings, not within the streets open spaces or setbacks and substation enclosures be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.
- R23. That minimum site sizes of 1800sqm for office and 1200sqm for residential be achieved in order to pursue maximum FSR.
- R24. That there be a maximum tower size of 2000sqm GFA for office and 700sqm GFA for residential.
- R25. That all developments in Chatswood CBD achieving FSR uplift contribute towards public art in accordance with Willoughby's Public Art Policy.
- R26. That where commercial development is proposed on sites on less than the minimum 1800sqm increased height and FSR may be considered where design excellence is demonstrated and site consolidation cannot be achieved.
- R27. Notwithstanding the above, the principles and process of establishing design excellence are to be incorporated in planning documents following from this strategy.
2. Prepare a Council standalone document including these recommendations and supporting maps and justification and forward for endorsement to the Department of Planning and Environment, and the Greater Sydney Commission North District Commissioner.

Following this, begin preparation of amendments to *Willoughby Local Environmental Plan 2012* and *Willoughby Development Control Plan* based on the recommendations above.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Councillors Saville and Wright.

***Recommendations 12 and 22 have been updated to reflect the motions previously carried.**

Councillor Sloane formally thanked officers for their work in developing the Chatswood CBD Planning and Urban Design Strategy.

18.4 WILLOUGHBY PLANNING STRATEGY 2016-2036: CONSULTATION REPORT AND NEXT STEPS FOR HOUSING, LOCAL CENTRES AND INDUSTRIAL LAND POSITION STATEMENTS

| | |
|-----------------------------|---|
| ATTACHMENTS: | 1. WILLOUGHBY STRATEGIC PLANNING CONTEXT AND FRAMEWORK NOVEMBER 2016 2. CONSULTATION REPORT JUNE 2017, ACCESS MACQUARIE LTD 3. HOUSING POSITION STATEMENT 4. LOCAL CENTRES POSITION STATEMENT 5. INDUSTRIAL LANDS POSITION STATEMENT |
| 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 JUNE 2017 |

Purpose of Report

To consider consultation submissions and to resolve the next steps regarding the strategic planning work on Housing, Local Centres and Industrial Lands.

Procedural Motion

That the following people address the meeting:

- Peter Egan
- Peter Meacham
- Andrea Austin – Chatswood Public School P&C

MOTION

That Council:

1. Note the content of the Willoughby Planning Strategy 2016-2036: Consultation Report and Next Steps for Housing, Local Centres and Industrial Land Position Statements; and

2. Proceed to prepare draft Housing, Local Centres and Industrial Lands Strategies informed by the feedback received, which will be the subject of further public consultation.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Councillor Coppock

18.5 DELETED

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**18.6 TRANSFER OF THE LAND AT 2 ARMSTRONG STREET WILLOUGHBY
FROM FORMRITE PTY LTD TO WILLOUGHBY CITY COUNCIL**

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | GREG MCDONALD – INTERIM PLANNING & INFRASTRUCTURE DIRECTOR |
| AUTHOR: | ANNA VECCHIO – PROPERTY LEASING OFFICER |
| CITY STRATEGY LINK: | 6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION |
| MEETING DATE: | 26 JUNE 2017 |

Purpose of Report

To obtain Council's consent for the Transfer of the land at 2 Armstrong Street, Willoughby from Formrite Pty Ltd to Willoughby City Council.

RESOLUTION

That Council:

- 1. Approve the transfer of land from Formrite Pty Ltd to Willoughby City Council and it be incorporated into the road reserve; and**
- 2. Authorise the Mayor and General Manager to affix the seal of Council to the Transfer and any other associated legal documents between Council and Formrite Pty Ltd**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

18.7 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY 1 MAY 2017 TO 31 MAY 2017

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|-----------------------------|--|
| ATTACHMENTS: | 1. LIST OF APPLICATIONS |
| RESPONSIBLE OFFICER: | GREG MCDONALD – INTERIM PLANNING & INFRASTRUCTURE DIRECTOR |
| AUTHOR: | IAN ARNOTT – PLANNING MANAGER |
| CITY STRATEGY LINK: | 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS |
| MEETING DATE: | 26 JUNE 2017 |

To provide Council with a list of applications determined under delegated authority for the month of May 2017.

RESOLUTION

That Council note the information on Development Applications determined under delegated authority in May 2017.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

18.8 CURRENT DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT AS AT 5 JUNE 2017

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|-----------------------------|--|
| ATTACHMENTS: | 1. LIST OF APPLICATIONS |
| RESPONSIBLE OFFICER: | IAN ARNOTT - PLANNING MANAGER |
| AUTHOR: | DEVELOPMENT PLANNERS, BUILDING SURVEYORS |
| CITY STRATEGY LINK: | 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS |
| MEETING DATE: | 26 JUNE 2017 |

Purpose of Report

To provide Councillors with details of all current Development Applications and Planning Proposals as at 5 June 2017.

Procedural Motion

That Paula Dickey address the meeting.

RESOLUTION

That Council:

- 1. Note the information on Development Applications (including those to be determined by the Sydney North Planning Panel) and Planning Proposals Report to 5 June 2017; and**
- 2. Brief West Ward Councillors in respect to the property at 29 Bellevue Street, Chatswood West DA2017/63 with a view to arranging a Ward Councillor Inspection Committee Meeting.**

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillors Hill and Rozos.

19 NOTICE OF MOTION**19.1 NOTICE OF MOTION: UN NEGOTIATIONS TO OUTLAW NUCLEAR WEAPONS**

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

AUTHOR: DEBRA JUST – GENERAL MANAGER

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

MEETING DATE: 26 JUNE 2017

Purpose of Report

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

Motion

That Willoughby City Council approaches the Prime Minister, the Leader of the Opposition and their Federal MP to urge that Australia participates in the UN negotiations as per the Mayors for Peace recommendation.

MOVED COUNCILLOR SAVILLE

LAPSED FOR WANT OF A SECONDER

19.2 NOTICE OF MOTION: CHATSWOOD POOL

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | DEBRA JUST – GENERAL MANAGER |
| AUTHOR: | DEBRA JUST – GENERAL MANAGER |
| CITY STRATEGY LINK: | 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS |
| MEETING DATE: | 26 JUNE 2017 |

Purpose of Report

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

Motion

That Council expedite processes to:

- a) Provide Councillors with a chronological history of key agreements pertaining to the Chatswood Pool; and
- b) Return the swimming facility located in the Regency Building, Chatswood to the community for whom it was originally intended, with affordable access to the much needed community asset.

THIS MATTER WAS DEFERRED TO THE NEXT COUNCIL MEETING.

19.3 NOTICE OF MOTION: STRATEGIES THAT PROMOTE SMALLER AND/OR ENERGY EFFICIENT VEHICLES IN COUNCIL CAR PARKS AND USING COUNCIL METERS

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER
AUTHOR: DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK: 4.2.2 BALANCE TRAFFIC MANAGEMENT
MEETING DATE: 26 JUNE 2017

Purpose of Report

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

Motion

1. That Willoughby City Council allocate resources to investigate and prepare strategies that promote smaller and/or energy efficient vehicles in council car parks and using council meters.
2. That parking meters have a message inscribed or attached stating that Willoughby Council collects fees for parking and a portion of the fees contributes to active transport and community transport strategies such as the loop bus.

THIS MATTER WAS DEFERRED TO THE NEXT COUNCIL MEETING.

19.4 NOTICE OF MOTION: INDEPENDENT HEARING AND ASSESSMENT PANELS

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|-----------------------------|--|
| RESPONSIBLE OFFICER: | DEBRA JUST – GENERAL MANAGER |
| AUTHOR: | DEBRA JUST – GENERAL MANAGER |
| CITY STRATEGY LINK: | 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS |
| MEETING DATE: | 26 JUNE 2017 |

Purpose of Report

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

Motion

That Willoughby City Council considers options, and formally adopts a position regarding continuing council authority and/or supporting Independent Hearing and Assessment Panels (IHAPs) style systems

WITHDRAWN BY COUNCILLOR SAVILLE

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 73 RESERVE ROAD ARTARMON - DA 2016/354 - 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 73 RESERVE ROAD ARTARMON - DA 2016/354 - LEGAL PROSPECT

Recommendation Summary

That Council:

1. **Delegates to the General Manager the management of the Land and Environment Court Appeal (2017/00105243) commenced by Chapman Planning Pty Ltd against Council's deemed refusal of Development Application DA2016/354 for Change of use and fitout to Childcare Centre and associated works at 73 Reserve Road Artarmon, in accordance with the General Manager's delegations.**
2. **Make the recommendation public following this meeting.**

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Hill

RESOLUTION

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

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Absent: Councillor Hill

21 QUESTIONS

NIL

- Councillor Hill left the meeting at 9:34pm

The meeting concluded at 10:00pm

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 June 2017. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.