



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chamber, Level 6, 31 Victor Street, Chatswood

11 December 2017

commencing at 7:00pm

# TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>2</b>
<b>1 PRESENT</b> .....	<b>4</b>
<b>2 DISCLOSURES OF INTEREST - COUNCILLORS</b> .....	<b>4</b>
<b>3 CONFIRMATION OF MINUTES</b> .....	<b>5</b>
<b>4 APOLOGIES AND LEAVE OF ABSENCE</b> .....	<b>6</b>
<b>5 PETITIONS</b> .....	<b>7</b>
5.1    PETITION: PROPOSED DEVELOPMENT/BUILDING WORK 7 & 9 WARNERS AVENUE, WILLOUGHBY - DA2017/429 .....	7
<b>6 OPEN FORUM</b> .....	<b>8</b>
<b>7 MAYORAL MINUTE</b> .....	<b>9</b>
7.1    MAYOR'S DIARY: COUNCIL MEETING NOTES – 11 DECEMBER 2017 .....	9
<b>8 GENERAL MANAGER'S LATE REPORT</b> .....	<b>11</b>
8.1    INDEPENDENT HEARING AND ASSESSMENT PANEL - UPDATE REPORT .....	11
<b>9 MATTERS FOR DEFERRAL, REFERRAL TO INSPECTION AND/OR PROCEDURAL PRIORITY</b> .....	<b>13</b>
<b>10 MATTERS NOT REQUIRING ELABORATION OR DEBATE</b> .....	<b>13</b>
<b>11 MATTERS BROUGHT FORWARD BY THE PUBLIC</b> .....	<b>14</b>
<b>12 REPORTS FROM COMMITTEES</b> .....	<b>15</b>
<b>13 DEFERRED MATTERS</b> .....	<b>16</b>
13.1    NOTICE OF MOTION - SUPPORT OF PUBLIC TRANSPORT .....	16
<b>14 CORRESPONDENCE</b> .....	<b>17</b>
<b>15 REPORTS FROM OFFICERS - GENERAL MANAGER</b> .....	<b>17</b>
<b>16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE</b> .....	<b>18</b>
16.1    MODEL CODE OF CONDUCT COMPLAINT STATISTICS 2016-2017 .....	18
16.2    INVESTMENT REPORT FOR THE MONTH OF NOVEMBER 2017 .....	19
16.3    COUNCILLORS' DISCLOSURE OF INTEREST RETURNS.....	20
<b>17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE</b> .....	<b>21</b>
17.1    DRAFT SYNTHETIC SPORTSGROUNDS MANAGEMENT PLAN .....	21
17.2    LICENCE AGREEMENTS - DEPARTMENT OF EDUCATION AND THE COVE AND FORESTVIEW TENNIS CLUBS.....	23
17.3    COUNCILLOR NOMINATIONS TO AWARD PANEL TO ASSESS WILLOUGHBY AUSTRALIA DAY AWARDS .....	24
<b>18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE</b> .....	<b>25</b>
18.1    989-1015 PACIFIC HIGHWAY ROSEVILLE - DA 2017/18 - REPORT TO SYDNEY (NORTH) PLANNING PANEL .....	25
18.2    REPORT TO SYDNEY (NORTH) PLANNING PANEL FOR NOTING - 1 BROADCAST WAY, ARTARMON (DA2017/132) - AUSGRID.....	27

18.3 MOWBRAY ROAD PUBLIC SCHOOL, 635 MOWBRAY ROAD WEST, LANE COVE NORTH - INSTALLATION OF FLOODLIGHTS DA 2017/219 .....29

18.4 16-26 LINDEN WAY, CASTLECRAG - DA 2016-457 OUTCOME OF LAND AND ENVIRONMENT COURT PROCEEDINGS.....31

18.5 155-161 WILLOUGHBY ROAD, NAREMBURN - DA 2016/280 - LAND AND ENVIRONMENT COURT OUTCOME .....32

18.6 DRAFT SUBMISSION TO THE DEPARTMENT OF ENVIRONMENT AND PLANNING (DPE) IN RESPECT TO A SECOND PROPOSED MODIFICATION (MODIFICATION 2) TO THE PART 3A APPROVAL FOR 6-30 ARTARMON ROAD, WILLOUGHBY, BEING THE FORMER CHANNEL 9 SITE .....33

18.7 DRAFT SUBMISSIONS ON THE GREATER SYDNEY REGION PLAN, THE DRAFT FUTURE TRANSPORT STRATEGY 2056 AND THE REVISED DRAFT NORTH DISTRICT PLAN .....35

18.8 SPECIAL RATE VARIATION APPLICATION TO THE INDEPENDENT PRICING AND REGULATORY TRIBUNAL (IPART).....37

18.9 233 EDINBURGH ROAD, CASTLECRAG - VARIATION TO TERMS OF COVENANT .....38

18.10 TENDER 112448 - ASSESSMENT OF TENDERS FOR THE RECURRENT SERVICING OF ELEVATOR EQUIPMENT .....39

**19 NOTICE OF MOTION .....40**

19.1 NOTICE OF MOTION: GAMBLING WITHIN THE LGA.....40

19.2 NOTICE OF MOTION - TALUS STREET RESERVE LEASE .....41

**20 CONFIDENTIAL ITEMS.....42**

20.1 CONFIDENTIAL - TENDER 112448 - ASSESSMENT OF TENDERS FOR THE RECURRENT SERVICING OF ELEVATOR EQUIPMENT .....42

**21 QUESTIONS .....44**

## 1 PRESENT

### Councillors

**Her Worship the Mayor Councillor G Giles-Gidney, Councillors C Campbell, H Eriksson, D Fernandez, T Mustaca, W Norton, A Rozos, J Rutherford, L Saville, C Tuon, N Wright and B Zhu**

### Officers

**Ms D Just (General Manager), Mr G McDonald (Planning & Infrastructure Director), Ms M Smith (Community, Culture & Leisure Director), Mr D Frost (Customer & Corporate Director), Mr I Arnott (Planning Manager), Ms A Casey (Culture & Leisure Manager), Ms P Chugh (Development Assessment Officer) Mr A Patterson (Acting Governance Manager), Mr V Grepl (Governance Officer) and Ms P Sheldrake (Minutes Secretary)**

## 2 DISCLOSURES OF INTEREST - COUNCILLORS

- Councillor N Wright declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 16.2: Investment Report for the month of November 2017  
*(Nature of Interest: I am an employee of Westpac with whom Willoughby Council has financial holdings)*
- Councillor D Fernandez declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 17.1: Draft Synthetic Sportsground Management Plan  
*(Nature of Interest: The officer's plan and reports refer to consultation to Northbridge Football Club. My children are members of the Club and I have a previous history as a player and coach)*
- Councillor H Eriksson declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 18.1: 989-1015 Pacific Highway, Roseville – DA2017/181 – Report to Sydney (North) Planning Panel and Item 18.2: Report to Sydney (North) Planning Panel for Noting – 1 Broadcast Way, Artarmon (DA2017/132) - Ausgrid  
*(Nature of Interest: I am a member of the Sydney North Planning Panel)*
- Councillor L Saville declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 17.1: Draft Synthetic Sportsground Management Plan  
*(Nature of Interest: There is reference to Eddy Road, Chatswood in the report. I live in Eddy Road approximately 100m from the site to which reference is made)*
- Councillor C Campbell declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.3: Mowbray Road Public School, 635 Mowbray Road West, Lane Cove North – Installation of Floodlights DA2017/219)  
*(Nature of Interest: I previously served as President of the P&C at Mowbray Public School and my children are students there)*

- Councillor W Norton declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 17.2: Licence Agreements – Department of Education and the Cove and Forestview Tennis Clubs and Item 18.3: Mowbray Road Public School, 635 Mowbray Road West, Lane Cove North – Installation of Floodlights DA2017/219)  
*(Nature of Interest: I am a senior psychologist working for the Department of Education. I have no involvement with either matter in my employment. I will therefore be able to vote on the matters)*
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 18.1: 989-1015 Pacific Highway, Roseville – DA2017/181 – Report to Sydney (North) Planning Panel and Item 18.2: Report to Sydney (North) Planning Panel for Noting – 1 Broadcast Way, Artarmon (DA2017/132) - Ausgrid  
*(Nature of Interest: I am a member of the Sydney North Planning Panel)*

### **3 CONFIRMATION OF MINUTES**

#### **RESOLUTION**

**That the Minutes of the Ordinary Meeting of Council held 27 November 2017, 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, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

#### **4 APOLOGIES AND LEAVE OF ABSENCE**

- Councillor Coppock requested Leave of Absence on Monday 11 December 2017
- Councillor Giles-Gidney requested Leave of Absence from 10-15 January 2018 and 18-22 January 2018.

#### **RESOLUTION**

**That Council:**

- **Grant Councillor Coppock Leave of Absence on Monday 11 December 2017.**
- **Grant Councillor Giles-Gidney Leave of Absence from 10-15 January 2018 and 18-22 January 2018.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

## 5 PETITIONS

### 5.1 PETITION: PROPOSED DEVELOPMENT/BUILDING WORK 7 & 9 WARNERS AVENUE, WILLOUGHBY - DA2017/429

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>DEAN FROST – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>PATRICIA SHELDRAKE – MINUTES 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>11 NOVEMBER 2017</b>

---

### PURPOSE OF REPORT

To consider a petition containing 30 signatures in opposition to DA2017/429 for the proposed development work on 7 and 9 Warners Avenue, Willoughby.

Councillor Tuon tabled a further petition containing 403 signatures organised through change.org entitled “Establish a Sustainable Community Garden on the Artarmon Bowling Club”.

### RESOLUTION

That Council:

1. Receive and note the petition from residents opposed to the proposed development/building work on 7 and 9 Warners Avenue, Willoughby – DA2017/429 and refer it to the Planning Manager.
2. Receive and note the petition through change.org relating to the establishment of a sustainable community garden on the Artarmon Bowling Club site and refer it to the Culture & Leisure Manager.

MOVED COUNCILLOR TUON

SECONDED COUNCILLOR ZHU

**CARRIED**

### Voting

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**6 OPEN FORUM**

NIL



**7 MAYORAL MINUTE****7.1 MAYOR'S DIARY: COUNCIL MEETING NOTES – 11 DECEMBER 2017**

<b>TUESDAY 28 NOVEMBER</b>			
Cr Saville	6 pm	Naremburn Shops Workshop	Council Chambers
<b>WEDNESDAY 29 NOVEMBER</b>			
Mayor	11 am	Launch of "Little Blue Dinosaur"	Wahroonga Park
Mayor	2 pm	Destination NSW Meeting	Cumberland Street, Sydney
Mayor	3.30 pm	Opening of Willowood Art Show	297 Mowbray Road
Cr Norton	7.45 pm	Artarmon Public Meeting	Artarmon Library
<b>THURSDAY 30 NOVEMBER</b>			
Mayor All Councillors	6 pm	Christmas Reception	L.1 Foyer, The Concourse
<b>SATURDAY 2 DECEMBER</b>			
Mayor	8.50 am	NASC Open Day	Northbridge Baths
Mayor Crs Norton, Rutherford, Zhu	11 am	Korean OpenDoor Presentations	28 Smith Street
Cr Saville	11 am	Fair Trade Market	Chatswood Mall
Crs Norton, Saville	2 pm	WDHS Christmas Party	The Museum
Cr Zhu	Evening	Carols	St Marks Church - due to rain
<b>SUNDAY 3 DECEMBER</b>			
Mayor Crs Eriksson, Zhu	Afternoon	Christmas at The Men's Shed	Sailors Bay Road
<b>MONDAY 4 DECEMBER</b>			
Mayor Crs Norton, Saville, Eriksson, Zhu, Fernandez, Mustaca, Campbell, Tuon		Local Government Conference	
<b>TUESDAY 5 DECEMBER</b>			
Mayor Crs Norton, Saville, Eriksson, Zhu, Fernandez, Mustaca, Campbell, Tuon		Local Government Conference	
Cr Wright	6 pm	Reception at Japanese Embassy	3 Rose Bay Avenue, Bellevue Hill
<b>WEDNESDAY 6 DECEMBER</b>			
Mayor	9 am	Wby Public School Presentations	Wby Pabic School
Mayor Crs Norton, Saville, Eriksson, Zhu, Fernandez, Mustaca, Campbell, Tuon		Local Government Conference	
Mayor	6.30 pm	Chatswood Public School Presentations	The Concourse

**ORDINARY COUNCIL MEETING****11 DECEMBER 2017**

Mayor Crs Norton, Saville, Eriksson, Zhu, Fernandez, Mustaca, Campbell, Tuon	evening	Local Government Conference	
<b>THURSDAY 7 DECEMBER</b>			
Crs Norton, Rutherford	7.30 pm	Castle Cove Prog. Assn. Christmas Mtg.	Castle Cove Community Centre
<b>FRIDAY 8 DECEMBER</b>			
Cr Zhu	11.30 am	Presentation of Music Awards	Parsons Music, Chatswood
<b>SATURDAY 9 DECEMBER</b>			
Cr Saville		SCCG Full Group Meeting	Sydney City Council
Mayor Crs Norton, Saville, Zhu	5.30 pm	Bushcare Christmas Party	Warners Park
<b>SUNDAY 10 DECEMBER</b>			
Crs Norton, Zhu	2 pm	WSOC Christmas Concert	The Concourse
Mayor	7.30 pm	Carols By Candlelight	St Stephens, Mowbray Road
<b>MONDAY 11 DECEMBER</b>			
Mayor	10 am	Rotary Chatswood Tree of Joy	Chatswood Chase

## 8 GENERAL MANAGER'S LATE REPORT

### 8.1 INDEPENDENT HEARING AND ASSESSMENT PANEL - UPDATE REPORT

<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. IMPLICATIONS</li><li>2. POWERPOINT PRESENTATION PREVIOUSLY CIRCULATED TO COUNCILLORS</li><li>3. DRAFT IHAP DEVELOPMENT APPLICATION REFERRAL CRITERIA</li><li>4. DRAFT IHAP PLANNING PROPOSAL REFERRAL CRITERIA</li><li>5. DRAFT OPERATIONAL PROCEDURES FOR IHAP</li><li>6. CORRESPONDENCE FROM NSROC</li></ol>
<b>RESPONSIBLE OFFICER:</b>	GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR
<b>AUTHOR:</b>	IAN ARNOTT – PLANNING MANAGER
<b>CITY STRATEGY LINK:</b>	6.3.4 COUNCIL WORKS WITH STATE AND REGIONAL ORGANISATIONS
<b>MEETING DATE:</b>	11 DECEMBER 2017

---

#### PURPOSE OF REPORT

To inform Council of additional guidelines and documentation forwarded by the Department of Planning and Environment regarding procedures relating to Independent Hearing and Assessment Panels and update Council on the progress of appointment of Community Representatives on the Independent Hearing and Assessment Panel.

#### AMENDMENT

**That Willoughby Council calls on the NSW Parliament to amend legislation that mandates Independent Hearing and Assessment Panels (IHAPs) for all councils to have the option to have an IHAP.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR NORTON**

**LOST**

#### Voting

**For the Amendment:** Councillors, Campbell, Fernandez, Norton, Rozos, Saville and Wright

**Against:** Councillors Giles-Gidney Eriksson, Mustaca, Rutherford, Tuon and Zhu.

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

**MOTION**

That Council:

1. Delegate authority to the General Manager to prepare and forward a submission to the Department of Planning and Environment regarding draft Referral Criteria, Code of Conduct and Operational Procedures for Independent Hearing and Assessment Panels raising concerns regarding:
  - 1.1 The reliance on the number of submission rather than the complexity or contentiousness of applications for referral to IHAP for determination
  - 1.2 Lack of clarity in how an application will be determined to *'not have any significant adverse impact on the environment or adjoining land'*
  - 1.3 Inconsistency and lack of transparency associated with deliberations occurring in private.
2. Request the State Government increase the number of community members on the panel to two.
3. Delegate authority to the General Manager to prepare a *Submissions Policy* and report to Council for adoption in March 2018.
4. Note the update on the progress of appointment of Community Representatives on the Independent Hearing and Assessment Panel and the inclusion of the Mayor as a selection panel member and that the panel recommendations be brought back to Council for ratification

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR FERNANDEZ

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rutherford, Tuon, Wright and Zhu.

**Against:** Councillors Saville and Rozos.

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

NIL

## 10 MATTERS NOT REQUIRING ELABORATION OR DEBATE

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

- Item 13.1 Notice of Motion – Support of Public Transport
- Item 16.1 Model Code of Conduct complaint Statistics 2016-2017
- Item 17.1 Draft Synthetic Sportsgrounds Management Plan
- Item 17.2 Licence Agreements – Department of Education and the Cove and Forestview Tennis Clubs
- Item 17.3 Councillors Nominations to Award Panel to assess Willoughby Australia Day Awards
- Item 18.1 989-1015 Pacific Highway Roseville – DA2017/181 – Report to Sydney (North) Planning Panel
- Item 18.2 Report to Sydney (North) Planning Panel for Noting – 1 Broadcast Way, Artarmon (DA2017/132) – Ausgrid
- Item 18.8 Special Rate Variation Application to the Independent Pricing and Regulatory Tribunal (IPART)
- Item 18.10 Tender 112448 – Assessment of Tenders for the Recurrent Servicing of Elevator Equipment
- Item 19.1 Notice of Motion: Gambling within the LGA
- Item 19.2 Notice of Motion: Talus Street Reserve Lease

### RESOLUTION

That the remaining items, viz:

- Item 16.2 Investment Report for the month of November 2017
- Item 16.3 Councillors' Disclosure of interest Returns
- Item 18.4 16-26 Linden Way, Castlecrag – DA2016/457 Outcome of Land and Environment Court Proceedings
- Item 18.5 155-161 Willoughby Road, Naremburn – DA2016/280 – Land and Environment Court Outcome
- Item 18.7 Draft Submission on the Greater Sydney Regional Plan, the Draft Future Transport Strategy 2056 and the Revised Draft North District Plan
- Item 18.9 233 Edinburgh Road, Castlecrag – Variation to Terms of Covenant

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ZHU

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:**

**11 MATTERS BROUGHT FORWARD BY THE PUBLIC**

- Item 18.3 Mowbray Road Public School, 635 Mowbray Road West, Lane Cove North – Installation of Floodlights – DA2017/219
- Item 18.6 Draft Submission to the Department of Environment and Planning (DPE) in respect to a second proposed modification (Modification 2) to the Part 3A Approval for 6-30 Artarmon Road, Willoughby, being the former Channel 9 Site

## 12 REPORTS FROM COMMITTEES

NIL

## 13 DEFERRED MATTERS

### 13.1 NOTICE OF MOTION - SUPPORT OF PUBLIC TRANSPORT

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK:	4.2.1 INCREASED USE OF ACTIVE AND PUBLIC TRANSPORT
MEETING DATE:	11 DECEMBER 2017

---

#### PURPOSE OF REPORT

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

#### MOTION

That Council, in support of public transport:

1. State that it strongly supports affordable, safe, adequately resourced and funded public transport systems as essential for a sustainable city.
2. On behalf of WCC, the Mayor, and GM approach the NSW Premier (in writing and meeting with), to urge that the government continues to support, resource and fund public transport systems in Sydney. Copies of WCC correspondence sent to the Premier be forwarded to Minister for Transport, Leader of the Opposition, Shooters, Fishers and farmers, Christian Democrats and the Greens.
3. Urge the government to support and adopt the recommendations by State Transit to improve the performances of bus services
4. Ask the Minister for Transport if it intends to sell the Willoughby Depot and if so what is the timeline.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**LOST**

#### Voting

**For the Resolution:** Councillors Norton, Rozos, Saville, Tuon and Wright.

**Against:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Rutherford and Zhu.



**14 CORRESPONDENCE**

NIL

**15 REPORTS FROM OFFICERS - GENERAL MANAGER**

NIL

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

### 16.1 MODEL CODE OF CONDUCT COMPLAINT STATISTICS 2016-2017

ATTACHMENTS:                    1. IMPLICATIONS  
   2. CODE OF CONDUCT COMPLAINT STATISTICS  
   FOR OFFICE OF LOCAL GOVERNMENT

RESPONSIBLE OFFICER:        DEAN FROST – 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:                11 DECEMBER 2017

---

#### PURPOSE OF REPORT

To report on the 2016-2017 Code of Conduct complaints statistics to Council and the Office of Local Government.

#### RESOLUTION

That Council note the 2016-2017 report on Code of Conduct complaint statistics relating to Councillors and the General Manager as required by the *Procedures for the Administration of the Model Code of Conduct*.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ZHU

**CARRIED**

#### Voting

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**16.2 INVESTMENT REPORT FOR THE MONTH OF NOVEMBER 2017**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2017) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>DEAN FROST – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHAEL DUFFY – CHIEF FINANCIAL OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>11 DECEMBER 2017</b>

---

**PURPOSE OF REPORT**

To detail the Council Bank balances and Investment portfolio performance as at 30 November 2017.

**RESOLUTION**

**That Council receive the Statement of Bank Balances and Investment Holdings as at 30 November 2017.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**16.3 COUNCILLORS' DISCLOSURE OF INTEREST RETURNS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>DEAN FROST – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>VLADIMIR GREPL – GOVERNANCE OFFICER</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>11 DECEMBER 2017</b>

---

**PURPOSE OF REPORT**

To table Disclosure of Interest Returns required to be lodged by Councillors for the 12 months ending 30 June 2017.

**RESOLUTION**

**That Council acknowledge the tabling of the Disclosures of Interest by Councillors lodged for the 12 months ending 30 June 2017.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

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

### 17.1 DRAFT SYNTHETIC SPORTSGROUNDS MANAGEMENT PLAN

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT SYNTHETIC SPORTSGROUNDS MANAGEMENT PLAN
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD – OPEN SPACE CO-ORDINATOR
CITY STRATEGY LINK:	1.3.1 ACCESSIBLE OPEN SPACE AND RECREATIONAL FACILITIES FOR THE COMMUNITY ARE PROVIDED
MEETING DATE:	11 DECEMBER 2017

---

### PURPOSE OF REPORT

To seek Council's endorsement of the draft *Synthetic Sportsgrounds Management Plan* for consultation with neighbouring residents of synthetic sportsgrounds.

### Procedural Motion

That Mr Rory Grace address the meeting and answer questions of Councillors:

### MOTION

That Council:

1. Endorse the draft *Synthetic Sportsgrounds Management Plan* dated November 2017 for consultation with neighbouring residents of synthetic sportsgrounds.
2. Note the consultation undertaken on the draft *Synthetic Sportsgrounds Management Plan* with the four main users of synthetic fields in the City.
3. Receive a report by April 2018 on the results of consultation with neighbouring residents of synthetic sportsgrounds regarding the draft *Synthetic Sportsgrounds Management Plan*.
4. Amend the Draft Synthetic Sportsground Management Plan to allow an increase of hours of use of Gore Hill Oval from 7:00am to 6:00am on weekdays and to consider the increase in hours of use of Northbridge Oval from 6:00pm to 6:30pm on Sundays with one rest Sunday per month.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Rozos, Rutherford, Tuon and Zhu.

**Against:** Councillors Norton, Saville and Wright

**Absent:** Councillor Fernandez

Councillor D Fernandez declared a non-pecuniary substantial interest in Item 17.1: Draft Synthetic Sportsgrounds Management Plan and took no part in the debate or vote on this topic

**17.2 LICENCE AGREEMENTS - DEPARTMENT OF EDUCATION AND THE COVE AND FORESTVIEW TENNIS CLUBS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANGELA CASEY – CULTURE &amp; LEISURE 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>11 DECEMBER 2017</b>

---

**PURPOSE OF REPORT**

To receive Council's approval to delegate authority to the General Manager to execute Licence Agreements with the Department for Education, Forestview Tennis Club and the Cove Sports Club Limited.

**RESOLUTION**

That Council:

- 1. Delegate authority to the General Manager to execute the 2018 School Licence Agreements for use of Council Ovals.**
- 2. Delegate authority to the General Manager to execute the licence agreement for use of The Willis tennis facility until 31 March 2022 by the Forestview Tennis Club.**
- 3. Delegate authority to the General Manager to execute the licence agreement for use of The Willis tennis facility until 31 March 2022 by the Cove Sports Club Limited.**

**MOVED COUNCILLOR ROZOS**

**SECONDED COUNCILLOR RUTHERFORD**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**17.3 COUNCILLOR NOMINATIONS TO AWARD PANEL TO ASSESS  
WILLOUGHBY AUSTRALIA DAY AWARDS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>VLADIMIR GREPL – GOVERNANCE OFFICER</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>11 DECEMBER 2017</b>

---

**PURPOSE OF REPORT**

To nominate Councillor representatives to an award panel to assess the nominations for 2018 Willoughby Australia Day Awards.

**RESOLUTION**

**That Council nominate the Mayor and Councillors Mustaca and Wright to form an award panel to assess nominations for the 2018 Willoughby Australia Day Awards.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**Absent:** Councillor Eriksson



## 18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

### 18.1 989-1015 PACIFIC HIGHWAY ROSEVILLE - DA 2017/18 - REPORT TO SYDNEY (NORTH) PLANNING PANEL

ATTACHMENTS:	1. IMPLICATIONS 2. ASSESSMENT REPORT TO SYDNEY (NORTH) PLANNING PANEL (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	POOJA CHUGH – DEVELOPMENT PLANNER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS 5.1.1 LOCAL BUSINESS
MEETING DATE:	11 DECEMBER 2017

---

#### PURPOSE OF REPORT

To inform Council that Development Application 2017/181 for ‘adaptive reuse of heritage building, construction of a mixed use building consisting of part six (6) and part seven (7) storeys, 117 residential apartments, four (4) new commercial tenancies, car parking and associated works’ at 989-1015 Pacific Highway, Roseville’ will be considered by the Sydney (North) Planning Panel at its meeting of 20 December 2017.

The proposal is regionally significant development as identified in *Schedule 4A of the Environmental Planning and Assessment Act (EP&A Act)*. It has a capital investment value (CIV) over \$20million and therefore Sydney (North) Planning Panel is the determination authority.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during the consideration of the Agenda Item.

#### RESOLUTION

That Council receive the Assessment Report referred to the Sydney (North) Planning Panel for determination for DA-2017/181 seeking approval for the “adaptive reuse of heritage building, construction of a mixed use building consisting of part six (6) and part seven (7) storeys, 117 residential apartments, four (4) new commercial tenancies, carparking and associated works” at 989-1015 Pacific Highway, Roseville.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR ROZOS

**CARRIED**

**Voting**

**For the Resolution:** Councillors Campbell, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**Absent:** Councillors Giles-Gidney and Eriksson

Due to Item 18.1: 989-1015 Pacific Highway, Roseville – DA2017/181 – Report to Sydney (North) Planning Panel being a Sydney North Planning Panel (SNPP) matter, Councillors Giles-Gidney and Eriksson declared a non-pecuniary substantial interest as members of the SNPP and withdrew from the meeting taking no part in the discussion or voting on this topic.

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

**18.2 REPORT TO SYDNEY (NORTH) PLANNING PANEL FOR NOTING - 1  
BROADCAST WAY, ARTARMON (DA2017/132) - AUSGRID**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. ASSESSMENT REPORT – DA2017/132 (DISTRIBUTED SEPARATELY) 3. NOTIFICATION MAP 4. PLANS – A3 (DISTRIBUTED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>JOHN MCKEE – CONSULTANT PLANNER</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>11 DECEMBER 2017</b>

---

**1. PURPOSE OF REPORT**

To inform Council that Development Application 2017/132 proposing construction of a ten storey building at 1 Broadcast Way, Artarmon for an Ausgrid sub-station, depot, offices and ancillary facilities will be considered by the Sydney (North) Planning Panel (SNPP).

The Sydney (North) Planning Panel is the consent authority for the application as the cost of development is in excess of \$20 million.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during the consideration of the Agenda Item.

**RESOLUTION**

**That Council receives and notes the Assessment Report to SNPP for DA-2017/132 proposing construction of a ten storey building for an Ausgrid sub-station, depot, offices and ancillary facilities at 1 Broadcast Way, Artarmon.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR FERNANDEZ**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Campbell, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**Absent:** Councillors Giles-Gidney and Eriksson

Due to Item 18.2: Report to Sydney (North) Planning Panel for Noting – 1 Broadcast Way, Artarmon (DA2017/132) – Ausgrid being a Sydney North Planning Panel (SNPP) matter, Councillors Giles-Gidney and Eriksson declared a non-pecuniary substantial interest as members of the SNPP and withdrew from the meeting taking no part in the discussion or voting on this topic.

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

**18.3 MOWBRAY ROAD PUBLIC SCHOOL, 635 MOWBRAY ROAD WEST,  
LANE COVE NORTH - INSTALLATION OF FLOODLIGHTS DA 2017/219**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. SCHEDULE OF CONDITIONS 3. SITE DESCRIPTION, AERIAL PHOTO AND ZONING MAP 4. CONSIDERATION OF CLAUSE 4.6 VARIATION 5. SUBMISSIONS TABLE 6. REFERRAL COMMENTS 7. SECTION 79C ASSESSMENT 8. NOTIFICATION MAP 9. ARCHITECTURAL PLANS (DISTRIBUTED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>JOHN BRUNTON – PLANNING CONSULTANT</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 NOVEMBER 2017</b>

---

**PURPOSE OF REPORT**

To seek Council's determination of Development Application DA-2017/219 for the installation of five (5) floodlights at Mowbray Public School Oval, 635 Mowbray Road West, Lane Cove North. Council is the applicant for the development.

**Procedural Motion**

**That Ms Anna Blakeney address the meeting and answer questions of Councillors.**

**RESOLUTION**

**That Council:**

- 1. Support the request for variation submitted under Clause 4.6 of the *Willoughby Local Environment Plan 2012* in respect to the maximum height control specified in Clause 4.3 of the *Willoughby Local Environment Plan 2012*.**
- 2. Approve Development Application DA-2017/219 for installation of five (5) floodlights at Mowbray Public School Oval, 635 Mowbray Road West, Lane Cove North and grant delegated authority to the General Manager to issue the Consent Notice in accordance with the conditions contained in Attachment 2.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**18.4 16-26 LINDEN WAY, CASTLECRAG - DA 2016-457 OUTCOME OF LAND AND ENVIRONMENT COURT PROCEEDINGS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. SOLICITOR'S LETTER DETAILING OUTCOME OF LAND AND ENVIRONMENT COURT PROCEEDINGS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE 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>11 DECEMBER 2017</b>

---

**PURPOSE OF REPORT**

To advise Council of the outcome of Land and Environment Court Appeal 59460 of 2017 in respect to refusal of Development Application 2016/457 for demolition of existing structures and construction of an attached dual occupancy, swimming pool and associated works at 16-26 Linden Way, Castlecrag.

**RESOLUTION**

**That Council note that Development Application 2016/457 for demolition of existing structures and construction of an attached dual occupancy, swimming pool and associated works at 16-26 Linden Way, Castlecrag has been approved in a modified form through a negotiated settlement in Land and Environment Court proceedings (Appeal No. 59460 of 2017).**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**18.5 155-161 WILLOUGHBY ROAD, NAREMBURN - DA 2016/280 - LAND AND ENVIRONMENT COURT OUTCOME**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. OUTCOME OF COURT PROCEEDINGS – HWL EBSWORTH LAWYERS 3. JUDGEMENT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>ANA VISSARION - DEVELOPMENT PLANNER</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>11 DECEMBER 2017</b>

---

**PURPOSE OF REPORT**

To inform Council that on 17 August 2017 Commissioner O'Neill determined to dismiss the NSW Land and Environment Court (NSW LEC) Appeal and refuse the Development Application **DA-2016/280** for "*Demolition of structures and construction of six (6) storey, twenty-two (22) unit residential flat building, carparking, landscaping and associated works*" at 155-161 Willoughby Road, Naremburn NSW 2065.

**RESOLUTION**

**That Council notes the outcome of the NSW Land and Environment Court (NSW LEC) Appeal for Development Application DA-2016/280.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil



**18.6 DRAFT SUBMISSION TO THE DEPARTMENT OF ENVIRONMENT AND PLANNING (DPE) IN RESPECT TO A SECOND PROPOSED MODIFICATION (MODIFICATION 2) TO THE PART 3A APPROVAL FOR 6-30 ARTARMON ROAD, WILLOUGHBY, BEING THE FORMER CHANNEL 9 SITE**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. DRAFT SUBMISSION TO THE DEPARTMENT OF ENVIRONMENT &amp; PLANNING ON MODIFICATION 2 3. CONCEPT PLANS FOR MODIFICATION 2 (ATTACHED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>CRAIG O'BRIEN – STRATEGIC PLANNER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.4 COUNCIL WORKS WITH STATE AND REGIONAL ORGANISATIONS</b>
<b>MEETING DATE:</b>	<b>11 DECEMBER 2017</b>

---

### **PURPOSE OF REPORT**

The purpose of this report is to seek Council endorsement to a draft submission (**Attachment 2**) to the Department of Environment and Planning (DPE) in respect to a second proposed modification (Modification 2) to the Part 3A Approval for 6-30 Artarmon Road, Willoughby, being the former Channel 9 site.

### **Procedural Motion**

That Mr Bob Taffel address the meeting and answer questions of Councillors.

### **RESOLUTION**

That Council:

- 1. Endorse the attached draft submission raising significant concerns relating to matters including density, traffic impacts and public benefit, in response to notification of Modification 2 to the Part 3A Approval for 6-30 Artarmon Road, Willoughby (Former Channel 9 site).**
- 2. Delegate authority to the General Manager to make any minor amendments which do not alter the intent and forward the submission to the Department of Planning and Environment.**
- 3. Delegate authority to the General Manager to review and forward to the Department of Planning and Environment urban design and traffic advice obtained from consultants engaged on behalf of Council.**

**MOVED COUNCILLOR TUON**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**18.7 DRAFT SUBMISSIONS ON THE GREATER SYDNEY REGION PLAN, THE DRAFT FUTURE TRANSPORT STRATEGY 2056 AND THE REVISED DRAFT NORTH DISTRICT PLAN**

**ATTACHMENTS:**

1. IMPLICATIONS
2. DRAFT SUBMISSION ON *DRAFT GREATER SYDNEY REGION PLAN*
3. DRAFT SUBMISSION ON *REVISED DRAFT NORTH DISTRICT PLAN*
4. DRAFT SUBMISSION ON *DRAFT FUTURE TRANSPORT STRATEGY 2056*
- 5 SUPPLEMENTARY INFORMATION ON *DRAFT FUTURE TRANSPORT STRATEGY 2056*

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

**AUTHOR:** JANE GIBSON – STRATEGIC PLANNER  
CRAIG O'BRIEN – STRATEGIC PLANNER  
GORDON FARRELLY – TRAFFIC & TRANSPORT TEAM LEADER

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

**MEETING DATE:** 11 DECEMBER 2017

---

**PURPOSE OF REPORT**

The purpose of this report is to seek Council endorsement of 3 draft submissions to be forwarded to the Greater Sydney Commission and Transport for NSW in respect to the following documents:

- *Draft Greater Sydney Region Plan*
- *Revised Draft North District Plan*
- *Draft Future Transport Strategy 2056*

**Recommittal Motion**

**That Council recommit Item 18.7: Draft Submissions on the Greater Sydney Regional Plan, the Draft Future Transport Strategy 2056 and the Revised Draft North District Plan**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Norton, Rozos, Saville, Tuon, Wright and Zhu.

**Against:** Councillor Fernandez, Mustaca and Rutherford

**RESOLUTION**

That Council:

1. Endorse the attached 3 draft submissions on the *Draft Greater Sydney Region Plan*, the *Revised Draft North District Plan* and the *Draft Future Transport Strategy 2056*.
2. Include in the *Draft Greater Sydney Region Plan* reference to:
  - District waterways, harbours and estuaries; and
  - Support for protection of sensitive plant communities, habitat corridors and urban tree canopy.
3. Delegate authority to the General Manager to make any minor amendments which do not alter the policy intent and forward the submissions to the Greater Sydney Commission and Transport for NSW.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**18.8 SPECIAL RATE VARIATION APPLICATION TO THE INDEPENDENT PRICING AND REGULATORY TRIBUNAL (IPART)**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>GLENN FITZGERALD - REVENUE ACCOUNTANT</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>11 DECEMBER 2017</b>

---

**PURPOSE OF REPORT**

To update the resolution for the proposed application to IPART for a special rate variation commencing in the 2018/19 Financial Year for the Northbridge Plaza Car Park, in response to advice from the Independent Pricing and Regulatory Tribunal (IPART).

**RESOLUTION**

**That Council:**

- 1. Note IPART's request to update the dates indicated in its prior resolution of 28 November 2016.**
- 2. Note the timeframes for a Special Rate Variation to IPART in particular:**
  - i. IPART being notified of Council's intentions by 15 December 2017;**
  - ii. A final application being submitted to IPART (online and in hard copy) by 12 February 2018;**
  - iii. Proceed with confirming who will benefit from the proposal.**
- 3. Note consultation with key stakeholders in relation to the proposed works and the possible Special Rate Variation beginning in the 2018/19 Budget Year.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR FERNANDEZ**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Councillors Mustaca and Rozos

**18.9 233 EDINBURGH ROAD, CASTLECRAG - VARIATION TO TERMS OF COVENANT**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. CURRENT TERMS OF COVENANT 3. DA 2017/24 – PLAN OF PROPOSED DRIVEWAY 4. LETTER OF REQUEST TO VARY COVENANT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE 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>11 DECEMBER 2017</b>

---

**PURPOSE OF REPORT**

The purpose of this report is for Council to consider a request to modify a covenant to which Council is a party to enable driveway access through a restricted area of 233 Edinburgh Road, Castlecrag.

**RESOLUTION**

**That Council advise the applicant that modification of the covenant restricting development on portion of 233 Edinburgh Road, Castlecrag is not supported.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**18.10 TENDER 112448 - ASSESSMENT OF TENDERS FOR THE RECURRENT SERVICING OF ELEVATOR EQUIPMENT**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DAVID DI BIASE – PROPERTY AND CONSTRUCTION SERVICES MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE</b>
<b>MEETING DATE:</b>	<b>11 DECEMBER 2017</b>

---

**PURPOSE OF REPORT**

Award Tender 112448 for the recurrent servicing of elevator equipment with an estimated total contract value of \$450,000.

**RESOLUTION**

That Council:

- 1. Accept the tender from the Tenderer ranked number 1 in the attached confidential report for a period of 2 years with an option to extend this contract for an additional 3 years for an estimated total spend of \$450,000 over the term of the contract.**
- 2. That the successful tenderer's name be made public following the Council's resolution to accept the tender.**
- 3. Authorise the Mayor and the General Manager to affix the Common Seal of Council to the contract documents.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR FERNANDEZ**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

## 19 NOTICE OF MOTION

### 19.1 NOTICE OF MOTION: GAMBLING WITHIN THE LGA

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK:	1.3.2 HEALTHY LIVING AND WELLBEING ARE ENCOURAGED
MEETING DATE:	11 DECEMBER 2017

---

### PURPOSE OF REPORT

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

### MOTION

That Council:

1. Call on the State Government to cap and reduce the number of poker machines within the LGA
2. That council staff bring back a report within 4 months advising of actions Council may take, including the creation of a WCC Gambling and Poker Machine Harm Management Strategy

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

**LOST**

### Voting

**For the Motion:** Councillors Fernandez, Mustaca, Norton, Saville and Wright.

**Against:** Councillor Giles-Gidney, Campbell, Eriksson, Rozos, Rutherford, Tuon and Zhu.



**19.2 NOTICE OF MOTION - TALUS STREET RESERVE LEASE**

<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>DEBRA JUST – GENERAL 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>11 DECEMBER 2017</b>

---

**PURPOSE OF REPORT**

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

**OFFICER'S RECOMMENDATION**

**That Council consider the Notice of Motion from Councillor Saville.**

**3. MOTION**

That councillors be provided:

- a) a legal briefing on the chronological history
- b) advice that the new lease is lawful and complies with the principles of the Brereton judgement 2016
- c) Receive advice from an eminent barrister as to councils exposure regarding the Aboriginal Land Claim.

**THIS ITEM WAS DEFERRED TO THE NEXT MEETING**

## 20 CONFIDENTIAL ITEMS

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the option of the General Manager, the following business is confidential as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

### Procedural Motion

That:

1. Council resolve itself into Closed Session with the Press and Public excluded from the meeting to deal with the following confidential item.
2. Council resolve into Committee of the Whole in order to deal with this confidential item.

### 20.1 CONFIDENTIAL - TENDER 112448 - ASSESSMENT OF TENDERS FOR THE RECURRENT SERVICING OF ELEVATOR EQUIPMENT

#### Reason for Confidentiality

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

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

### 20.1 CONFIDENTIAL - TENDER 112448 - ASSESSMENT OF TENDERS FOR THE RECURRENT SERVICING OF ELEVATOR EQUIPMENT

#### Recommendation Summary

That Council:

1. **Accept the tender from Liftronic Pty Ltd for the recurrent servicing of the elevator equipment for an initial period of 2 years with an option to extend this contract for an additional 3 years for an estimated total spend of \$450,000 over the term of the contract.**
2. **Make the successful tenderer's name public following the Council's resolution to accept the tender.**
3. **Authorise the Mayor and the General Manager to affix the Common Seal of Council to the contract documents.**

**RESOLUTION**

That the meeting revert to Open Council.

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**Absent:** Councillor Eriksson

**RESOLUTION**

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

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**Absent:** Councillor Eriksson

## 21 QUESTIONS

NIL

- Her Worship the Mayor Councillor G Giles-Gidney and Deputy Mayor Eriksson left the meeting at 8:27pm during debate on Item 18.11: Item 18.1: 989-1015 Pacific Highway, Roseville – DA2017/181 – Report to Sydney (North) Planning Panel and Item 18.12: Report to Sydney (North) Planning Panel for Noting – 1 Broadcast Way, Artarmon (DA2017/132) – Ausgrid and took no part in the debate or vote on these topics.
- Former Deputy Mayor Mustaca took the chair during the vote on Item 18.11: Item 18.1: 989-1015 Pacific Highway, Roseville – DA2017/181 – Report to Sydney (North) Planning Panel and Item 18.12: Report to Sydney (North) Planning Panel for Noting – 1 Broadcast Way, Artarmon (DA2017/132) – Ausgrid.
- Councillor Fernandez left the meeting at 8:03pm during debate on Item 17.1: Draft Synthetic Sportsgrounds Management Plan and took no part in the debate or vote on this topic.

The Meeting concluded at 9:35pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 11 December 2017. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.