



Willoughby City Council

ORDINARY COUNCIL

MINUTES

27 June 2022

TABLE OF CONTENTS

TABLE OF CONTENTS	2
1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY	5
2 DISCLOSURES OF INTERESTS	5
3 CONFIRMATION OF MINUTES	6
4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS	6
5 PETITIONS	6
6 OPEN FORUM — MATTERS NOT ON THE MINUTES	7
7 MAYORAL MINUTE	7
7.1 MAYORAL MINUTE 09/2022 - 2022 QUEENS BIRTHDAY HONOURS AWARDS.....	7
7.2 MAYORAL MINUTE 08/2022 - NEW FEDERAL MEMBERS	7
7.3 MAYORAL MINUTE 10/2022 - PROPOSED RELOCATION OF SBS BY NSW GOVERNMENT.....	8
8 CHIEF EXECUTIVE OFFICER'S LATE REPORT	9
9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY	9
16.2 NOTICE OF MOTION 10/2022 - HENRY LAWSON CAVE.....	9
10 MATTERS REQUIRING ELABORATION OR DEBATE	9
11 PUBLIC FORUM — MATTERS ON THE MINUTES	10
15.10 PLANNING PROPOSAL 44-52 ANDERSON STREET CHATSWOOD	10
12 REPORTS OF COMMITTEES	12
13 DEFERRED MATTERS	12
14 CORRESPONDENCE	12
15 REPORTS FROM THE OFFICERS	12
CHIEF EXECUTIVE'S OFFICE	12
15.1 OUR FUTURE WILLOUGHBY 2032 - COMMUNITY STRATEGIC PLAN	12
15.2 DELIVERY PROGRAM 2022-2026 AND OPERATIONAL PLAN 2022/23	13
15.3 RESOURCING STRATEGY 2032	15
15.4 MEMORANDUM OF UNDERSTANDING - CHAMBERS OF COMMERCE	15
CUSTOMER & CORPORATE DIRECTORATE	17
15.5 INVESTMENT REPORT FOR MONTH OF MAY 2022	17
15.6 PUBLIC EXHIBITION OF DRAFT MAYOR AND COUNCILLORS EXPENSES AND FACILITIES POLICY 2022	17
15.7 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE WILLOUGHBY CITY COUNCIL CODE OF MEETING PRACTICE 2022.....	17
15.8 ELECTION TO FILL A CASUAL VACANCY ON THE LGNSW BOARD FOR THE OFFICE OF DIRECTOR (METROPOLITAN/URBAN COUNCIL).....	21
15.9 LEGAL MATTERS REPORT - JUNE 2022.....	21

PLANNING & INFRASTRUCTURE DIRECTORATE21

15.11 PUBLIC EXHIBITION - PLANNING AGREEMENT - 613 - 627 PACIFIC HIGHWAY, CHATSWOOD21

15.12 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF EXPLOSIVES RESERVE AND H.C. PRESS PARK RESERVE ACTION PLAN22

15.13 REQUEST TO ESTABLISH DEVELOPMENT ADVOCATE23

COMMUNITY, CULTURE & LEISURE DIRECTORATE23

15.15 ADOPTION OF BALES PARK PLAYGROUND IMPROVEMENTS PLAN23

15.16 GRANTS FOR THE COMMUNITY PROGRAM 2021/2022 - MAY APPLICANTS23

16 NOTICES OF MOTION24

16.1 NOTICE OF MOTION 09/2022 - SMITH STREET & EASTERN VALLEY WAY INTERSECTION24

16.3 NOTICE OF MOTION 11/2022 - REWORDING OF THE ACKNOWLEDGMENT OF COUNTRY24

16.4 NOTICE OF MOTION 12/2022 - COMPLYING DEVELOPMENT CODE25

16.5 NOTICE OF MOTION 13/2022 - REFERRAL OF THE WILLOUGHBY COUNCIL EXIT STRATEGY OF THE OOSH SERVICES TO THE AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)25

16.6 NOTICE OF MOTION 14/2022 - URBAN TREE CANOPY26

17 CONFIDENTIAL MATTERS26

17.1 CONFIDENTIAL - ALBERT AVENUE CAR PARK27

17.2 CONFIDENTIAL - POST OFFICE LANE28

15.14 PROPERTY LEASE PORTFOLIO28

18 QUESTIONS WITH NOTICE29

18.1 QUESTION WITH NOTICE 05/2022 - STREETScape AND PUBLIC OPEN SPACE MAINTENANCE29

18.2 QUESTION WITH NOTICE 06/2022 - WILLOUGHBY CITY COUNCIL OOSH SERVICES31

18.3 QUESTION WITH NOTICE 07/2022 - COMPASSION POLICY34

18.4 QUESTION WITH NOTICE 08/2022 - WEEKEND CONSTRUCTION35

18.5 QUESTION WITH NOTICE 09/2022 - CLIMATE CONVERSION PROGRAM36

18.6 QUESTION WITH NOTICE 10/2022 - UPDATE ON NORTHERN BEACHES TUNNEL LINK MOTION38

19 CONCLUSION OF THE MEETING39

**Minutes of an ordinary Council meeting
held on Monday, 27 June 2022
at the Council Chamber, Chatswood commencing at 7:00pm**

ATTENDANCE:

Councillors

Tanya Taylor (Her Worship the Mayor)
Brendon Zhu (Deputy Mayor)
Georgie Roussac
Anna Greco
Roy McCullagh
John Moratelli
Hugh Eriksson
Robert Samuel
Angelo Rozos
Sarkis Mouradian
Craig Campbell
Jam Xia
Nic Wright

Officers

Debra Just (Chief Executive Officer)
Maxine Kenyon (Customer and Corporate Director)
Samantha Connor (Acting Community, Culture & Leisure Director)
Hugh Phemister (Planning and Infrastructure Director)
Stephen Naven (Chief Financial Officer)
Ian Arnott (Planning Manager)
Mitchell Noble (Head of Planning)
Mark Skelsey (Engagement and Internal Communications Lead)
Michael Cashin (Community Life Manager)
John Elliott (Economic Development Manager)
Warwick Lawrence (Interim Governance, Risk and Corporate Planning Manager)
Sherryn Williams (Governance Team Leader)
Natalie Taylor (Governance Administration Officer)
Jason Racchi (Information Technology Team Leader)

1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY

As a sign of respect, Willoughby City Council acknowledges the traditional inhabitants of the land on which we stand, the Aboriginal people, their spirits and ancestors. We acknowledge the vital contribution indigenous people and cultures have made and still make to the nation we share, Australia.

2 DISCLOSURES OF INTERESTS

- Councillor Rozos declared a non-pecuniary less than significant interest in item 7.3 Mayoral Minute – Proposed Relocation of SBS by NSW Government. Councillor Rozos chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided was:

“My sister works there.”

- Councillor Campbell declared a non-pecuniary less than significant interest in item 15.4: Memorandum of Understanding – Chambers of Commerce. Councillor Campbell chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

“A personal friend of mine is a board member of the Chatswood Chamber of Commerce.”

- Councillor Wright declared a non-pecuniary less than significant interest in item 15.5: Investment Report for the month of May 2022. Councillor Wright chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

“I am an employee of Westpac Bank with whom Council has investments.”

- Councillor Xia declared a non-pecuniary less than significant interest in item 15.5: Investment Report for the month of May 2022. Councillor Xia chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

“I am a full time employee of Commonwealth Bank (Commercial Banking) with whom Council has investments.”

- Councillor Mouradian declared a non-pecuniary less than significant interest in item 15.9: Legal Matters Report. Councillor Mouradian chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“Other relationship - long term friendship mentioned in the legal matters.”

- Councillor Zhu declared a non-pecuniary significant interest in item 15.9: Legal Matters Report. Councillor Zhu chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“My wife works for Transport for New South Wales and is directly involved on the case involving Ooh!Media.”

- Councillor Taylor declared a non-pecuniary less than significant interest in item 15.10 – Planning Proposal 44-52 Anderson Street Chatswood. Councillor Taylor chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

“I am a member of the Sydney North Planning Panel.”

- Councillor Rozos declared a non-pecuniary less than significant interest in item 15.10 – Planning Proposal 44-52 Anderson Street Chatswood. Councillor Rozos chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

“I am a member of the Sydney North Planning Panel.”

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 23 May 2022, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

Against: Nil

That the Minutes of the Extraordinary Meeting of Council held 15 June 2022, copies of which have been circulated to each member of Council, be confirmed

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

NIL

5 PETITIONS

NIL

6 OPEN FORUM — MATTERS NOT ON THE MINUTES

Open Forum allows members of the public to address Council for a maximum of three (3) minutes on any issues (but not on an item on the Minutes).

- Anita Muljono (Secretary - Strata Committee of 10 Brown Street Chatswood) addressed Council, asking for consideration to allow long term use, such as, owner's using together with the serviced apartments.

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE 09/2022 - 2022 QUEENS BIRTHDAY HONOURS AWARDS****MOTION**

That Council acknowledge the Emeritus Professor Leigh Delbridge, Ms Margaret Dence and Ms Cristina Cifuentes on their awards in the 2022 Queen's Birthday Honours List and write a letter of congratulations.

MAYOR TAYLOR

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

7.2 MAYORAL MINUTE 08/2022 - NEW FEDERAL MEMBERS**MOTION**

That Council acknowledge the local Federal Members elected to the Parliament of Australia on Saturday 21 May 2002: Ms Kylea Tink and Mr Paul Fletcher, and write a letter of congratulations, extending an invitation to meet Council's elected body and executive management team.

MAYOR TAYLOR

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

7.3 MAYORAL MINUTE 10/2022 - PROPOSED RELOCATION OF SBS BY NSW GOVERNMENT**MEETING DATE: 27 JUNE 2022****1. PURPOSE OF REPORT**

To seek Council's endorsement to lobby the Federal and State Governments to advocate against the relocation of the Special Broadcasting Service (SBS) headquarters from Artarmon to Western Sydney.

2. DISCUSSION

The federal government has recently committed to commissioning a feasibility study into the relocation of the SBS headquarters and studios from Artarmon to Western Sydney.

SBS currently supports 900 staff at its headquarters in Artarmon. SBS has been in Willoughby for over 25 years and is well serviced by bus and rail links as well as a cluster of ancillary services including media, IT, production, and communications, which provide employment locally. The new metro and active transport corridors will further increase accessibility from and to SBS to the major transport hubs of Artarmon, St Leonards and Chatswood.

The relocation of SBS and staff will have a negative effect on the Artarmon industrial area and the City of Willoughby in general.

3. MOTION**That Council:**

- 1. Write to the Federal Minister for Communications, Michelle Rowland to gain clarity on the terms of reference and the process for submissions in relation to the feasibility study regarding the relocation of SBS headquarters from Artarmon to Western Sydney.**
- 2. Write to local Federal and State Ministers and the board of SBS to advocate against the relocation of SBS headquarters from Artarmon to Western Sydney and to seek a meeting to discuss the importance of retaining SBS headquarters at Artarmon, given the importance of SBS on the local economy, including the ancillary services of media, IT, production, and communications that the organisation supports.**

MAYOR TAYLOR**CARRIED****Voting**

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu

Against: Nil

Absent: Councillor Rozos

Note:

Councillor Rozos left the meeting at 7:14pm after having declared an interest in this item.

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

NIL

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY**16.2 NOTICE OF MOTION 10/2022 - HENRY LAWSON CAVE****MOTION**

That this matter be deferred to the next ordinary meeting of Council.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Xia and Zhu

Against: Nil

10 MATTERS REQUIRING ELABORATION OR DEBATE

The Mayor invited Councillors to nominate the items they wish Council to considered.

- 15.1 Our Future Willoughby 2032 – Community Strategic Plan
- 15.2 Delivery Program 2022-2026 and Operational Plan 2022/23
- 15.3 Resourcing Strategy 2032
- 15.4 Memorandum of Understanding – Chambers of Commerce
- 15.7 Outcome of Public Exhibition and Adoption of the Willoughby City Council Code of Meeting Practice 2022
- 15.8 Election to fill a Casula Vacancy on the LGNSW Board
- 15.9 Legal Matters Reports – June 2022
- 15.10 Planning Proposal – 44-52 Anderson Street, Chatswood
- 15.12 Outcome of Public Exhibition and Adoption of Explosives Reserve and H.C. Press Park Action Plan
- 15.13 Request to Establish Development Advocate
- 15.14 Property Lease Portfolio
- 15.15 Adoption of Bales Park Playground Improvements Plan
- 16.1 Notice of Motion 09/2022 – Smith Street & Eastern Valley Way Intersection
- 16.3 Notice of Motion 11/2022 – Rewording the Acknowledgement of Country
- 16.5 Notice of Motion 13/2022 – Referral of the Willoughby Council Exit Strategy of the OOSH Services to the Audit, Risk and Improvement Committee (ARIC)
- 16.6 Notice of Motion 14/2022 – Urban Tree Canopy
- 17.1 Confidential – Albert Avenue Car Park
- 17.2 Confidential – Post Office Lane

MOTION

That the staff recommendations for the following items be adopted en bloc:

- 15.5 Investment Report for month of May 2022
- 15.6 Public Exhibition of Draft Mayor and Councillors Expenses and Facilities Policy 2022
- 15.11 Public Exhibition – Planning Agreement – 613-627 Pacific Highway, Chatswood
- 15.16 Grants for the Community Program 2021/2022 – May Applicants
- 16.4 Notice of Motion 12/2022 – Complying Development Code

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

Against: Nil

11 PUBLIC FORUM — MATTERS ON THE MINUTES

The following member of the public addressed Council during Public Forum in relation to an item on the agenda:

- **Item 15.10 Planning Proposal – 44-52 Anderson Street, Chatswood**
Chris Charkos (on behalf of Heworth Holdings) addressed Council speaking in support of the officer's recommendation.

15.10 PLANNING PROPOSAL 44-52 ANDERSON STREET CHATSWOOD**MOTION**

That Council:

1. **Note the submissions and proposed responses to feedback on the Planning Proposal and draft site specific Development Control Plan for 44-52 Anderson Street, Chatswood, following the public exhibition period.**
2. **Support the Planning Proposal for 44-52 Anderson Street, Chatswood, on the basis of consistency with the Chatswood CBD Planning and Urban Design Strategy 2036, with particular regard to provision of required and additional setbacks, provision of public rights of way over the ground level setbacks, reduced car parking rates and the provision of loading / unloading and waste facilities within the basement.**

3. Require the following amendments and additional information to be provided with any development application for 44-52 Anderson Street:
 - a) Updated traffic analysis and modelling to be provided at development application stage.
 - b) Car parking provision for the proposal to be based on a reduced car parking rate, consistent with the requirements of SEPP 65 / constrained parking rates for new developments in the Chatswood CBD as supported by Transport for NSW.
 - c) A minimum of 1 secure bicycle parking space per apartment.
 - d) A minimum of 1 secure bicycle space per 100m² of commercial/retail floor space.
 - e) Adequate end of trip facilities including lockers, showers, etc. for use by commercial and retail tenants.
 - f) A bicycle rack within the site boundary for use by retail customers.
 - g) A minimum of three (3) freight and service vehicle spaces within the basement in addition to the two (2) Medium Rigid Vehicle spaces proposed within basement level 1 loading dock.
 - h) Evidence of consultation between the proponent and Sydney Trains, and any conclusions, to ensure that all relevant Sydney Trains matters of consideration are taken into account and are incorporated in the future design of the development.
 - i) Public access via public rights of way is to be provided over the Anderson Street, O'Brien Street and western boundary ground level setbacks.
 - j) A Green Travel Plan.
4. Support amendments to Willoughby Local Environmental Plan 2012 relating to 44-52 Anderson Street, Chatswood as outlined in Attachment 7 and forward to the Department of Planning and Environment for finalisation.
5. Support the site specific draft Development Control Plan subject to the amendments above.
6. Delegate authority to the Chief Executive Officer to make any minor amendments to the final planning proposal and Development Control Plan which do not alter the intent.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, and Zhu

Against: Councillor Xia

Note: Councillors Rozos and Taylor declared an interest in this item.

12 REPORTS OF COMMITTEES

NIL

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM THE OFFICERS

NIL

CHIEF EXECUTIVE'S OFFICE**15.1 OUR FUTURE WILLOUGHBY 2032 - COMMUNITY STRATEGIC PLAN****MOTION**

That Council:

1. Note the submissions and comments received through the public exhibition period and thank the community for their interest and considered responses.
2. Adopt *Our Future Willoughby 2032, Community Strategic Plan*.
3. Delegate authority to the Chief Executive Officer to make minor and administrative amendments to *Our Future Willoughby 2032, Community Strategic Plan* which do not alter the intent.
4. Place a copy of the final document on Council's website and provide a copy to the Office of Local Government.

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR WRIGHT

CARRIED**Voting****For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu**Against:** Councillor Rozos

15.2 DELIVERY PROGRAM 2022-2026 AND OPERATIONAL PLAN 2022/23

MOTION

That Council:

1. Note the submissions and comments received through the public exhibition period and thank the community for their interest and considered responses.
2. Adopt the *Willoughby City Council Delivery Program 2022-2026* and the *Operational Plan 2022/23* which includes the annual Budget, Revenue Policy and Fees and Charges as amended and attached.
3. Resolve to make a Domestic Waste Management Charge of \$561.50 per annum per service on all properties categorised as Residential for the 2022/23 rating year, pursuant to Section 496 and 535 of the *Local Government Act 1993*.
4. Resolve to make a Domestic Waste Management Charge for eligible Pensioners and qualifying Self-Funded Retirees of \$431.50 per service on all properties categorised as Residential for the 2022/23 rating year, pursuant to Sections 496 and 535 of the *Local Government Act 1993*.
5. Resolve to allow the aggregation of the values of certain parcels of land subject to minimum rates in accordance with Section 548A of the *Local Government Act 1993*.
6. Resolve to make the following Stormwater Management Service Charges for the 2022/23 rating year, pursuant to Sections 496A and 535 of the *Local Government Act 1993*: \$25.00 per rateable residential property \$12.50 per rateable strata titled property \$25.00 per 350 square metres for business related properties (minimum charge of \$5.00).
7. Resolve to make the following ordinary rates for the 2022/23 rating and financial year where such rates consist on an ad valorem amount and subject to a minimum amount, pursuant to Sections 492-294, 497-498, 533-535, 543 and 548 (inclusive) of the *Local Government Act 1993*:

Ordinary rates	2022/23 Rate (\$)
Residential	
Ad valorem*	.00085069
Minimum	849.80
Yield	30.74m
Business	
Ad valorem*	.0045531
Minimum	1,213.60
Yield	12.32m
Chatswood Town Centre	
Ad valorem*	.0066345
Minimum	1,290.75
Yield	7.18m
Chatswood Major Retail Centre – Chatswood Chase	
Ad valorem*	.015919
Minimum	1,081.75
Yield	0.91m

Chatswood Major Retail Centre – Chatswood Westfield	
Ad valorem*	.014811
Minimum	1,081.75
Yield	1.16m
Strata storage facility	
Ad valorem*	.0078375
Minimum	820.50
Yield	0.09m
Total yield rates	52.40m

*All Ad Valorem amounts are expressed as cents per dollar land value.

8. **Resolve to apply land valuations with a base date 1 July 2019, for rating purposes in the 2022/23 rating and financial year.**
9. **Resolve that the interest rate applicable on overdue rates and charges is 6.0% per annum for amounts overdue between 1 July 2022 to 30 June 2023. These charges for the 2022/23 rating year are pursuant to Section 566 of the Local Government Act 1993.**
10. **Delegate authority to the Chief Executive Officer to allocate the Projects and Capital Works (PCW) contingency budget for urgent and critical works arising between Quarterly Budget Reviews. The Chief Executive Officer will report any allocation of the PCW contingency budget to Council on a quarterly basis via the Quarterly Budget Review Process.**
11. **Note that the Independent Pricing and Regulatory Tribunal (IPART) approved Council's application for a permanent Additional Special Variation (ASV) of 1.3% from 2022/23 and that the rating revenue presented in the *Operational Plan 2022/23*, the Budget and Revenue Policy includes this ASV.**
12. **Delegate authority to the Chief Executive Officer to make minor and administrative amendments to the *Willoughby City Council Delivery Program 2022-2026* and the revised *Operational Plan 2022/23* which do not alter the intent.**
13. **Place a copy of the final documents on Council's website and provide to the Office of Local Government.**

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu

Against: Councillor Rozos

15.3 RESOURCING STRATEGY 2032**MOTION**

That Council:

1. Note the submissions and comments received through the public exhibition period and thank the community for their interest and considered responses.
2. Note that the Independent Pricing and Regulatory Tribunal (IPART) approved Council's application for a permanent Additional Special Variation (ASV) of 1.3% from 2022/23 and that the Long Term Financial Strategy has incorporated this rate.
3. Adopt the *Willoughby City Council Resourcing Strategy 2032*.
4. Delegate authority to the Chief Executive Officer to make minor and administrative amendments to the *Willoughby City Council Resourcing Strategy 2032* which do not alter the intent.
5. Place a copy of the final document on Council's website and provide a copy to the Office of Local Government.

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

Against: Councillors Greco and Wright

15.4 MEMORANDUM OF UNDERSTANDING - CHAMBERS OF COMMERCE**MOTION**

That Council:

1. Endorse the draft Memorandum of Understanding with the Chatswood Chamber of Commerce.
2. Endorse the draft Memorandum of Understanding with the Naremburn Chamber of Commerce.
3. Note that the Artarmon Village Inc has declined to participate in an Memorandum of Understanding at this time.
4. Delegate authority to the Chief Executive Officer to make minor amendments to the draft Memorandums of Understanding which does not alter the intent.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Taylor, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu

Against: Nil

Absent: Councillors Campbell and Rozos

Notes:

1. *The following amendment moved by Councillor Moratelli and seconded by Councillor McCullagh was lost:*

That Council:

1. *Endorse the draft Memorandum of Understanding with the Chatswood Chamber of Commerce subject to the deletion of clause 6(a).*
2. *Endorse the draft Memorandum of Understanding with the Naremburn Chamber of Commerce subject to the deletion of clause 6(a).*
3. *Note that the Artarmon Village Inc has declined to participate in an MOU at this time.*
4. *Delegate authority to the Chief Executive Officer to make minor amendments to the draft Memorandums of Understanding which does not alter the intent.*

Voting

For the Amendment: Nil

Against: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

2. *Councillor Campbell left the meeting at 7:48pm after having declared an interest in this item.*
3. *Councillor Rozos left the meeting at 7:48pm.*

PROCEDURAL MOTION – MOTION BE PUT

That the motion be put.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR TAYLOR**CARRIED****Voting**

For the Motion: Councillors Taylor, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu

Against: Nil

Absent: Councillors Campbell and Rozos

CUSTOMER & CORPORATE DIRECTORATE**15.5 INVESTMENT REPORT FOR MONTH OF MAY 2022****RESOLUTION**

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 May 2022.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED EN BLOC

Note: Councillors Wright and Xia declared an interest in this item.

15.6 PUBLIC EXHIBITION OF DRAFT MAYOR AND COUNCILLORS EXPENSES AND FACILITIES POLICY 2022**RESOLUTION**

That Council:

1. Endorse the public exhibition of the draft *Willoughby City Council's Mayor and Councillors Expenses and Facilities Policy* for a period of 28 days.
2. Receive a further report at the conclusion of the exhibition period that considers any submissions prior to adopting the policy.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED EN BLOC

15.7 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE WILLOUGHBY CITY COUNCIL CODE OF MEETING PRACTICE 2022**MOTION**

That Council adopt the *Willoughby City Council Code of Meeting Practice (June 2022)* subject to the following amendments:

1. Amend 3.36 to read as follows:

"Councillors must not use pre-meeting briefing sessions to make preliminary decisions on items of business they are being briefed on, and any decision-making must be left to the formal council or committee meeting at which the item of business is to be considered."

2. Amend 4.4 and 4.11 to revert to the current practice to be noon on the day of the Council meeting.
3. Delete 4.8, 4.9 and 4.10
4. Amend 17.13 to refer to clause 17.8 not 17.7.
5. Amend 4.23 by adding to the end of the clause “and must give reasons in writing.”
6. The replacement of clause 4.1 with clause 4.1 of the Code currently in force, namely:

“4.1. The council may hold a public forum either prior to each ordinary meeting of the council, or as part of the order of business for an ordinary meeting of Council, for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the Council.”
7. Any consequent re-numbering.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ROUSSAC

AMENDMENT

That Council adopt the Willoughby City Council Code of Meeting Practice (June 2022) subject to the following amendments:

1. Amend 3.36 to read as follows:“Councillors must not use pre-meeting briefing sessions to make preliminary decisions on items of business they are being briefed on, and any decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.”
2. Amend 4.4 and 4.11 to revert to the current practice to be noon on the day of the Council meeting.
3. Delete 4.8, 4.9 and 4.10
4. Amend 17.13 to refer to clause 17.8 not 17.7.
5. Amend 4.23 by adding to the end of the clause “and must give reasons in writing.
6. The replacement of clause 4.1 with clause 4.1 of the Code currently in force, namely:

“4.1. The council may hold a public forum either prior to each ordinary meeting of the council, or as part of the order of business for an ordinary meeting of Council, for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the Council.”
7. Any consequent re-numbering.
8. Clause 8.1 (3) - Order of Business; change from "Oath" to "Reflection or Prayer."
9. Clause 10.22 and 10.23 amend the length of speaking time for Councillors from five (5) minutes to three (3) minutes.

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR ZHU**CARRIED****Voting****For the Amendment:** Councillors Taylor, Campbell, Eriksson, Mouradian, Rozos, Samuel, Xia and Zhu**Against:** Councillors Greco, McCullagh, Moratelli, Roussac and Wright

The amendment on being put to the meeting was CARRIED and became the Motion.

The motion on being put to the meeting became the resolution of Council.

Voting**For the Motion:** Councillors Taylor, Campbell, Eriksson, Mouradian, Samuel, Xia and Zhu**Against:** Councillors Greco, McCullagh, Moratelli, Roussac, Rozos and Wright**PROCEDURAL MOTION – RECOMMIT AN ITEM**

That item 15.7 Outcome of Public Exhibition and Adoption of the Willoughby City Council Code of Meeting Practice 2022 be recommitted.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON**CARRIED****Voting****For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu**Against:** Nil**MOTION**

That Council adopt the *Willoughby City Council Code of Meeting Practice (June 2022)* subject to the following amendments:

1. Amend 3.36 to read as follows:

“Councillors must not use pre-meeting briefing sessions to make preliminary decisions on items of business they are being briefed on, and any decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.”

2. Amend 4.4 and 4.11 to revert to the current practice to be noon on the day of the Council meeting.
3. Delete 4.8, 4.9 and 4.10
4. Amend 17.13 to refer to clause 17.8 not 17.7.
5. Amend 4.23 by adding to the end of the clause “and must give reasons in writing.”

6. The replacement of clause 4.1 with clause 4.1 of the Code currently in force, namely:

“4.1. The council may hold a public forum either prior to each ordinary meeting of the council, or as part of the order of business for an ordinary meeting of Council, for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the Council.”

7. Any consequent re-numbering.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ROUSSAC

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

FURTHER MOTION

That Council adopt the *Willoughby City Council Code of Meeting Practice (June 2022)* subject to a further amendment, to Clause 8.1 (3) - Order of Business; change from "Oath" to "Reflection or Prayer."

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Councillors Greco and McCullagh

FURTHER MOTION

That Council adopt the *Willoughby City Council Code of Meeting Practice (June 2022)* subject to a further amendment, to Clause 10.22 and 10.23; amend the length of speaking time for Councillors from five (5) minutes to three (3) minutes.

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR TAYLOR

LOST

Voting

For the Motion: Councillors Taylor and Samuel

Against: Councillors Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Wright, Xia and Zhu

15.8 ELECTION TO FILL A CASUAL VACANCY ON THE LGNSW BOARD FOR THE OFFICE OF DIRECTOR (METROPOLITAN/URBAN COUNCIL)**MOTION**

That Council appoint Councillors Taylor, Rozos, Campbell, Moratelli and Xia, as Council's voting delegates for the election to fill the casual vacancy.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MORATELLI

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu.

Against: Nil

15.9 LEGAL MATTERS REPORT - JUNE 2022**MOTION**

That Council note the legal services report.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Roussac, Rozos, Samuel, Wright and Xia

Against: Nil

Absent: Councillors Mouradian and Zhu

Notes:

Councillors Mouradian and Zhu left the meeting at 8:36pm after having declared an interest in this item.

PLANNING & INFRASTRUCTURE DIRECTORATE**15.11 PUBLIC EXHIBITION - PLANNING AGREEMENT - 613 - 627 PACIFIC HIGHWAY, CHATSWOOD****RESOLUTION**

That Council:

1. **Endorse the draft Voluntary Planning Agreement for 613-627 Pacific Highway, Chatswood for public exhibition in accordance with Section 7.5 of the *Environmental Planning and Assessment Act 1979* and Clause 204 of the *Environmental Planning and Assessment Regulation 2021*.**

2. Authorise the Chief Executive Officer to execute the Planning Agreement following public exhibition and to make appropriate amendments to the Planning Agreement which do not alter the intent of the draft Planning Agreement as exhibited, or result in material changes to the Planning Agreement following consideration of public submissions.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED EN BLOC

PROCEDURAL MOTION – AJOURN THE MEETING

That, in accordance with clause 19.2 of the Code of Meeting Practice, the meeting be adjourned to rectify a technical issue.

MOVED COUNCILLOR TAYLOR / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

Against: Nil

Note:

The Council meeting adjourned at 8:39pm and recommenced at 8:43pm.

15.12 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF EXPLOSIVES RESERVE AND H.C. PRESS PARK RESERVE ACTION PLAN

MOTION

That Council:

1. Adopt the *Explosives Reserve and H.C. Press Park Reserve Action Plan 2022* as amended and attached to this report at Attachment 2.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the *Explosives Reserve and H.C. Press Park Reserve Action Plan 2022* which do not alter the intent.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

15.13 REQUEST TO ESTABLISH DEVELOPMENT ADVOCATE**MOTION**

That Council consider this report.

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.15 ADOPTION OF BALES PARK PLAYGROUND IMPROVEMENTS PLAN****MOTION**

That Council:

1. **Adopt the *Bales Park Playground Improvements Plan*.**
2. **Delegate authority to the Chief Executive Officer to make minor amendments to the *Bales Park Playground Improvement Plan* which do not alter the intent.**

MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

15.16 GRANTS FOR THE COMMUNITY PROGRAM 2021/2022 - MAY APPLICANTS**RESOLUTION**

That Council endorse the distribution of funds through the 2021/22 Grants for the Community Program as follows:

Rotary Club of Northbridge Incorporated

\$4,400

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED EN BLOC

16 NOTICES OF MOTION**16.1 NOTICE OF MOTION 09/2022 - SMITH STREET & EASTERN VALLEY WAY INTERSECTION****MOTION**

That Council writes to the NSW Minister for Transport, Willoughby MP Tim James and Davidson MP Jonathan O’Dea to request:

1. Transport for NSW review and address community concerns of increased congestion at the intersection of Eastern Valley Way and Smith Street, Chatswood and High Street and Victoria Avenue, Willoughby resulting from the construction of the new Woolworths Supermarket on Smith Street and projected increased density in the Chatswood CBD and at the intersection of Victoria and Penshurst.
2. The prioritisation of the already proposed road widening works on the eastern side of Eastern Valley Way through the creation of an additional turning lane to Smith to address present and future traffic congestion issues at this intersection.
3. Increase Active transport via significantly increased frequency of public transport services to and from the Castle Cove Peninsula and improve safety for all road users and pedestrians including cyclists.

MOVED COUNCILLOR MOURADIAN / SECONDED COUNCILLOR SAMUEL

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

16.3 NOTICE OF MOTION 11/2022 - REWORDING OF THE ACKNOWLEDGMENT OF COUNTRY**MOTION**

That, subject to consultation with appropriate Aboriginal organisations, Council reports back to the next meeting of Council with a proposed reworded acknowledgment of country which replaces the words “Aboriginal inhabitants” with one of the following “Aboriginal owners”, “Aboriginal custodians”, or “Aboriginal owners and custodians” and, if possible to identify the people or peoples who were the owners and/or custodians of the land where Council meets replace “Aboriginal” with the name or names of that people or peoples.

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR GRECO

LOST

Voting**For the Motion:** Councillors Greco, McCullagh and Moratelli,**Against:** Councillors Taylor, Campbell, Eriksson, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu**16.4 NOTICE OF MOTION 12/2022 - COMPLYING DEVELOPMENT CODE****RESOLUTION**

That Council writes to our local state member, Tim James MP, asking for his support in advocating for changes to the Complying Development Code process to address community and council concerns.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT**CARRIED EN BLOC****16.5 NOTICE OF MOTION 13/2022 - REFERRAL OF THE WILLOUGHBY COUNCIL EXIT STRATEGY OF THE OOSH SERVICES TO THE AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)****MOTION****That Council:**

1. Refer Reports (briefing reports, confidential reports, public reports for the rescission motion, questions with notice and other documentation relating to OOSH service operating model that currently exist) to the Audit, Risk and Improvement Committee (ARIC).
2. Respectfully request ARIC to consider the inclusion of the above Reports on the agenda for the ARIC meeting of 3 August 2022 for noting, comment and advice from the committee members at the meeting.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR MCCULLAGH**LOST****Voting****For the Motion:** Councillors Greco, McCullagh and Rozos**Against:** Councillors Taylor, Campbell, Eriksson, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu*Note:**The following Amendment was moved by Councillor Wright and seconded by Councillor Campbell was lost:*

“That Council:

- 1. Refer Reports (briefing reports, confidential reports, public reports for the rescission motion, questions with notice and other documentation relating to OOSH service operating model that currently exist) to the Local Traffic Committee.*
- 2. Respectfully request the Local Traffic Committee to consider the inclusion of the above Reports on the agenda, comment and advice from the committee members at the meeting.*

Voting

For the Motion: Councillors Wright and Xia

Against: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel and Zhu”

16.6 NOTICE OF MOTION 14/2022 - URBAN TREE CANOPY

MOTION

That Council provide a report to the next meeting of Council as to whether:

- 1. Benefit may be obtained by sending a welcome pack to new owners of property in the City containing information including the importance of urban tree cover, suitable trees for planting on their property, and access to free or subsidised saplings.**
- 2. Council’s system of marking locations for the planting of street trees by contractors might be improved and how.**

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR MCCULLAGH

LOST

Voting

For the Motion: Councillors Greco, McCullagh, Moratelli and Rozos

Against: Councillors Taylor, Campbell, Eriksson, Mouradian, Roussac, Samuel, Wright, Xia and Zhu

17 CONFIDENTIAL MATTERS

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the Chief Executive Officer, 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.

The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the Minutes of the Council meeting.

The Chair asked the Governance, Risk and Corporate Planning Manger whether there were any public representations relating to the confidential items listed. There were no public representations.

In accordance with the requirements of section 10A(2) of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- **17.1 – Confidential – Albert Avenue Carpark** – This report is confidential as it provides Councillors with information regarding the proposed renewal of the Albert Avenue Carpark Management Agreement. On balance, it is not in the public interest to release information that contains details of a commercial offer.
Section 10A(2)(c) of the *Local Government Act 1993*.
- **17.2 – Confidential – Post Office Lane** – This report is confidential as it provides Councillors with information about a commercial offer. On balance, it is not in the public interest to release information that contains a commercial offer.
Section 10A(2)(d)(i) of the *Local Government Act 1993*.

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

That Council move into closed session.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

Against: Nil

Absent: Councillors Samuel and Eriksson

Notes:

1. Councillors Samuel and Eriksson left the meeting at 9:41.
2. Council moved into closed session at 9:41pm.

17.1 CONFIDENTIAL - ALBERT AVENUE CAR PARK**MOTION**

That Council reject Scentre Group request to extend the existing Carpark Management Agreement, which expires on 8 May 2029, for a further 50 years, and that Scentre Group will be consulted as the future use of the car park is determined.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Wright, Xia and Zhu

Against: Nil

Absent: Councillors Eriksson and Samuel

17.2 CONFIDENTIAL - POST OFFICE LANE**MOTION**

That Council reject the proposal from Australia Post and Northern Star Investments Pty Ltd (NSI) to acquire air stratum above and below Post Office Lane.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

Notes:

1. Councillor Samuel returned to the meeting at 9:43pm
2. Councillor Eriksson returned to the meeting at 9:44pm

PROCEDURAL MOTION – MOVE INTO OPEN SESSION

That Council move into open session.

MOVED COUNCILLOR TAYLOR / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Xia and Zhu

Against: Nil

Notes:

1. Council moved into open session at 9:50pm.
2. The Chair reported the resolutions adopted in closed session.

15.14 PROPERTY LEASE PORTFOLIO**MOTION**

That Council note the report on Council's property lease portfolio and the confidential property information as contained in Attachment 4 to the report.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

18 QUESTIONS WITH NOTICE**18.1 QUESTION WITH NOTICE 05/2022 - STREETScape AND PUBLIC OPEN SPACE MAINTENANCE**

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MONICA TANYOUS – WORKS MANAGER
CITY STRATEGY OUTCOME:	1.1 – CREATE AND ENHANCE GREEN SPACES 3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	27 JUNE 2022

Submitted by: Councillor Anna Greco

QUESTION:**1. What were the actual service levels delivered regarding garden and street maintenance over the past 2 years?**

Service levels for our park spaces and recreational spaces follows the Open Space Level of Service Manual, consulted and endorsed by the community and Council in 2013.

The service levels for streetscape maintenance are not documented in a Service Level Manual, but the Streetscapes team has three crews (of two staff per crew) that maintain street trees, street gardens, some roadside verges, and roadway weeding. In 2019, Council resolved to increase the FTE count in the Streetscapes team by two (from four to six), these additional positions helped address some general streetscape maintenance scheduling shortfalls.

The service levels for all public area maintenance has been severely impacted by range of COVID, supply chain, resourcing and weather impacts over the last two years.

During COVID there were periods of time where it was only possible to undertake essential maintenance services, which has been further compounded by day labour staff and contractor availability, staff and contractors being off with COVID (or in isolation), and a wetter than normal rain period from mid-2021 onwards which included an extraordinary period where an unprecedented amount of rain fell from January 2022 to March 2022 and prevented normal mowing regimes.

2. What were the cost of delivering these services at this level for the last 2 years?

Operational costs for works associated with garden and street maintenance, for the past two years are shown in Figure 1.

Figure 1 Operational costs – garden and street maintenance works

	2020/21 Actual (12 Months)	2021/22 Year to Date (11 Months)	Projected 12 month spend to 30 June 2022
Open Space Non-Organised Passive Recreation Assets	\$1,846,531	\$1,737,018	\$1,972,384
Open Space Streetscapes	\$1,551,819	\$1,031,088	\$1,264,502
Total	\$3,398,350	\$2,768,106*	\$3,236,886

*Note the 11-month expenditure has been impacted by wet weather and resource availability

3. What is 22/23 budget for garden and street maintenance and the associated service levels?

Figure 2 outlines the draft operational budget for the teams associated with garden and street maintenance, for 2022-2023. The final budget will be adopted by Council at this meeting.

Figure 2: Draft Operational budget – garden and street maintenance teams

Team	Budget 2022-2023
Open Space Non-Organised Passive Recreation Assets	\$2,149,027
Open Space Streetscapes	\$1,432,481
Total	\$3,581,508

Service levels are publicly available on Willoughby Council's Website, within the Asset Management Plans and Resourcing Strategy landing page. These are specifically referred to in the *Sports Ground Asset Management Plan 2013* and the *Parks Asset Management Plan 2013*, both of which are currently under review.

4. Regarding the 22/23 budgeted cost, what is the breakdown in percentages of work done by contractors and council employed personal?

Typically, half the work will be undertaken by contractors and half by Council employees. This will fluctuate according to seasonal and other factors. Contractors also supply their own heavy plant and equipment.

5. Regarding contracted services in garden and street maintenance, how is the contract managed to ensure the service levels are delivered in accordance with the contract?

Council contracts are managed by the relevant team officer who issues work orders for the planned or reactive work. Contractors return the completed work order once the work has been carried out. Council officers undertake site inspections and have regular site meetings with contractors to ensure progress, confirm service levels are being met, and discuss any issues that may be identified.

18.2 QUESTION WITH NOTICE 06/2022 - WILLOUGHBY CITY COUNCIL OOSH SERVICES
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ATTACHMENTS:	1. OOSH CARE FINANCIAL DATA
RESPONSIBLE OFFICER:	SAMANTHA CONNOR – ACTING COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	27 JUNE 2022

QUESTION

1. Regarding Q4 actual results to 9 June 2022 for the Willoughby City Council OOSH Services:

(a) Bales Park: What did Employee Benefit and on cost of \$26,000 actual expense relate to?

Summary

The \$26k Year to Date variance as at 9 June, 2022, compared to the Quarter 3 forecast, is due to Bales Park staff expenses being charged to an incorrect cost centre. The cause of this incorrect charge was the re-deployment of Bales Park staff during vacation care and not re-allocating these staff to the correct cost centre on their return to OOSH. This error was discovered and rectified in the Actual results for Quarter 4 post the Quarter 3 review and was referenced in the updated report to Council as part of the Extraordinary Meeting of Council held on 15 June 2022.

It is noteworthy that the forecast error for Bales Park Employee Benefit and on cost did not impact on the recommendation to cease service at Bales Park, as the report prepared for the Council on 23 May, 2022, used the more conservative Quarter 3 forecast. Had the forecast error been identified and corrected at this point, the overall loss at Bales Park would have been greater, strengthening the case for cessation on the grounds of financial viability.

Details

As officers were not aware that Bales Park OOSH staffing costs had been incorrectly allocated to another cost centre, the actual expenses at the Quarter 3 budget review showed savings, therefore the forecast budget for Employee Benefit and on costs at Bales Park was reduced.

Subsequently, the incorrect allocation of staffing costs was identified and an adjustment was made to the actual results in Quarter 4 to correctly allocate Bales Park staff expenses. This adjustment negatively impacted the Bales Park Year to Date result to 9 June, 2022, when compared to the earlier Quarter 3 forecast, contributing to the \$26k variance.

Finance have advised (**Attachment 1**) that the estimated Year End expenses for Employee benefit and on-costs at Bales Park will be \$128k. This is \$28k higher than the Quarter 3 forecast, but still \$4k less than the original \$132k budget.

(b) Artarmon: What did Employee Benefit and on cost of \$15k cost saving relate to?

The salary savings relate to unspent staffing budget as at 9 June, 2022. Please note these results are as at 9 June, 2022 and further employee expenses will be incurred for the remainder of June, 2022. An amount of \$15k is budgeted to be paid to employees in the three weeks to 30 June, 2022.

Finance have advised (**Attachment 1**) the expected Year End expenses for Artarmon Employee benefit and on-costs will be similar to the Quarter 3 forecast of \$211k.

(c) Chatswood: What did Employee and on cost of \$14k cost saving relate to?

The salary savings relate to unspent staffing budget as at 9 June, 2022. Please note these results are as at 9 June, 2022 and further Employee expenses will be incurred for the remainder of June, 2022. An amount of 11k of wages and leave provision adjustment is budgeted to be paid to employees in the three weeks to 30 June, 2022.

The finance team advise (**Attachment 1**) that the Year End result will be around \$150k for Chatswood Employee benefits and on-costs, which is approximately \$5k higher than the Quarter 3 forecast of \$145k.

(d) Why are Artarmon and Chatswood Employee and on costs at a historical low?

The Employee benefit and on costs are at a historical low at Artarmon and Chatswood OOSH due the low utilisation of these centres compared to previous years as result of COVID lockdowns and parents working from home. As Chatswood and Artarmon OOSH use a mix of casual and permanent staff, the use of casual staff can be adjusted to levels of demand in order to reduce variable employee expenses.

(e) Why are Bales Park Employee and on costs at a historical high?

The Employee and on costs are higher at Bales Park in the current year for a number of reasons. In summary, the cumulative effect the ceasing of vacation care at Bales Park, combined with a limited ability to manage variable staff costs and a diminished capacity to re-deploy permeant staff, has resulted in a high Employee and on costs at Bales Park in the current year in comparison to previous results.

Up until February 2020, Bales Park ran a Vacation Care program in addition to OOSH. Due to low utilisation, the vacation care program was consolidated to the Chatswood location from mid-2020.

The operation of Vacation Care at Bales Park permitted employee expenses and on costs to be distributed across the Vacation Care and OOSH cost centres. As Vacation Care no longer operates, employee expenses, leave entitlements and on costs are now solely attributed to the Bales Park OOSH cost centre.

The Bales Park utilisation is lower than in the other OOSH locations, resulting in a higher ratio of staff to children in order to maintain the required level of care. Bales Park employees are also all permanent, meaning variable employee costs cannot be managed as readily as in other OOSH locations. OOSH attendance was greatly diminished during the 2020 and 2021 COVID lockdown periods. In order to reduce costs during lockdowns, OOSH provision at Bales Park and Chatswood were, at times, consolidated to Chatswood only.

During this period, children from Bales Park were transported to Chatswood and back to Bales Park for collection by parents. In addition, during 2020 and 2021, permanent Bales Park staff were able to be re-deployed to Artarmon or Chatswood services in order to reduce casual employee's costs. Had these measures not been implemented, the Employee and on costs for the 2020 and 2021 at Bales Park would have been higher.

2. Inspire OOSH:

a) Is Willoughby Council negotiating new lease arrangements with Inspire for Willoughby Park Centre?

No, Council is not negotiating new lease arrangement with Inspire OOSH at Willoughby Park Centre.

b) Is there a current lease with Inspire at Willoughby Park Centre?

Council does not have a lease agreement with Inspire OOSH.

Council has a license agreement with Inspire OOSH, under which Inspire pay a license fee for the use of Willoughby Park Centre.

c) If yes, what are the terms of the current lease?

The current license terms relate to an hourly rate of \$31.25 for the use of Chowne Hall at Willoughby Park Centre.

The nominated annual license fee is \$46,062 plus GST. Please note the license fee includes vacation care use in addition to OOSH.

This pricing was established by market appraisal based on size and amenities of the facilities provided.

The license amount may vary depending on actual hours of use.

d) When does the current lease expire?

The current license expires on June 30, 2022. It is proposed that the agreement will be renewed with CPI adjustment, and amended to reflect the agreed hours of use.

18.3 QUESTION WITH NOTICE 07/2022 - COMPASSION POLICY

RESPONSIBLE OFFICER:	MAXINE KENYON – DIRECTOR CUSTOMER AND CORPORATE
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 JUNE 2022

QUESTION

Do we have a Compassion Policy for residents extenuating circumstances, in situations where the Council process and official position is not in question, however the resident has asked for flexibility and or understanding due to their situation?

There is no specific policy titled Compassion Policy applied to residents in extenuating circumstances. Rather, individual circumstance is considered in terms of supporting residents within the subject matter that is being considered.

Residents generally interact with Council either through a Council policy, or through Council administering legislation which it is responsible for enforcing. Council has significantly less ability to provide flexibility where legislation is being enforced compared to the enforcement of a Council Policy.

A greater ability to afford flexibility exists when administering a matter that relates to policy of Council as it is an instrument created by Council and there is scope for it to be waived or deferred by a resolution of Council. If Council waives or defers (gives a longer period of time to comply with) a policy, it needs to clearly indicate the reason why it has been done and ensure that it is prepared and able to extend that same waiver or deferral transparently and consistently.

Matters involving breaches legislation have less flexibility. For example, it is the officers of Council who discharge compliance activities (enforcing the law) either through delegation by Council, or by powers directly bestowed upon them through legislation. Council cannot direct officers in their compliance duties.

Flexibility in enforcing compliance issues may be sought in terms of waiver or around providing the resident or subject person time to achieve compliance. Depending on the breach, extension of time to comply is often a preferred outcome in these compliance matters as it is fairer and more equitable, and also less subject to challenge by others affected by the breach. This can be a good outcome when Council is dealing with more common issues such as encroachments or compliance with development matters. Further, some matters are dealt with by an independent arbitrator such as the NSW Government's Revenue NSW, which reviews requests or challenges relating to parking enforcement matters.

Some discretion may exist depending on the nature of an issue depending on whether it is:

- minor or trivial, and does not impact the environment
- impacts on the health or safety of the community
- is not in the public interest to enforce
- does not impact on other parties.

Further, any consideration about exercising discretion needs to be balanced with the:

- need for Council to act consistently, impartially, transparently and fairly according to law
- age, intelligence, physical health, mental health or special disability or infirmity of the individual involved
- openness, honesty and cooperation demonstrated by the individual
- efficiency and cost to Council of the compliance and enforcement option
- necessity to maintain public confidence in Council for appropriate enforcement.

In some instances, Council has resolved to regularise an encroachment through the use of a licence fee. Such a decision must be made by the elected Council and would need to consider the merits of the subject matter as previously outlined.

Council also has a *Financial Hardship Policy – Rates and Annual Charges* which outlines how an individual resident's financial hardship is considered in context of payment of rates and charges, and in turn supported, when they are in a difficult financial position. This policy can be found on Council's website at <https://www.willoughby.nsw.gov.au/Council/Policies-Publications/Policies/Financial-Hardship-Policy>.

Ratepayers who are experiencing difficulty in paying their Rates or other charges are encouraged to contact Council to discuss their individual circumstances, with Council consistently negotiating flexible arrangements for ratepayers with numerous such arrangements in place.

Residents may also be able to utilise Council's complaints policy, for certain matters, if they feel their issue has not been appropriately dealt with by Council. The Complaints Policy can be found on Council's website at <https://www.willoughby.nsw.gov.au/Council/Contact-us/Complaints>.

18.4 QUESTION WITH NOTICE 08/2022 - WEEKEND CONSTRUCTION

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTOR
AUTHOR:	MITCHELL NOBLE – HEAD OF PLANNING
CITY STRATEGY OUTCOME:	5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	27 JUNE 2022

Submitted by Councillor Roy McCullagh

QUESTION

Does the Council intend to oppose government plans to green- light weekend construction without Council approval?

Ministerial Orders to permit construction work hours on weekends, including Sundays were implemented during the COVID-19 pandemic to provide economic stimulus. These Orders ceased to have effect from 31 March 2022. Whilst it is understood there has been some public debate about potential to increase construction hours on the weekend, Council has not been advised of any proposed changes for comment.

At present, Council's conditions of consent limit hours of construction to between 7:00am and 5:00pm weekdays and 7:00am to midday on Saturdays. The condition also provides the ability to vary these hours on a case by case basis through an Out of Hours Work permit application.

There would be concern if the State Government proposed to direct Councils to allow broader hours of construction. Key issues are likely to be the impacts on residential amenity and traffic movements. Officers will advise Council if any changes to the current policy guiding construction hours are proposed.

18.5 QUESTION WITH NOTICE 09/2022 - CLIMATE CONVERSION PROGRAM

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT MANAGER
CITY STRATEGY OUTCOME:	1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES
MEETING DATE:	27 JUNE 2022

Submitted by Councillor Roy McCullagh

QUESTION

I have a number of questions and concerns about the Climate Conversation Program:

1. How much is this program costing?

The total program budget is \$14,833 and funded using the Environment Levy. It is run by Climate for Change, a not for profit organisation.

2. Were Councillors informed about this pending program? I myself was not aware of it.

Climate Conversations is part of the Live Well in Willoughby program. It was made public through a number of sources including:

- Willoughby Council website – posted on March 2022
- Live Well in Willoughby e-news – 21 March 2022 and upcoming e-news 22 June 2022
- Willoughby City Council Facebook post – 24 March 2022 and 15 June 2022
- Willoughby City Council Instagram, Twitter & LinkedIn post – 5 April 2022
- Direct email to Bushcarers, Community Groups, Food Swap, Northbridge Sustainability Group, local Wilderness Society – 24 March 2022
- Posted on 1 Million Women App in Willoughby Group – 28 March 2022 and 20 June 2022
- Shared on Northbridge Sustainability Action Group Facebook page – 28 March 2022 and 20 June 2022
- Emailed to Schools contacts – 29 March 2022 and 20 June 2022
- Included in Council News eDM – 30 March 2022
- Sent to Mosaic Coordinators – 30 March and 20 June 2022
- Posted on Willoughby Living Facebook group and jobs board – 1 April 2022 and 20 June 2022

3. Are the facilitators speaking on behalf of Council?

No. These volunteers are not representing or volunteering for Willoughby City Council. Council is empowering residents to become Climate for Change facilitators. It helps build community resilience and volunteering.

4. Have Council directed the facilitators on what content should be covered?

Council staff reviewed and approved the content prior to use.

5. How will the information be collated for viewing by Council?

Climate for Change will provide Council with progress reports with data including:

- Number of conversations run
- Number attendees participating
- What actions the participants commit to taking

Data can be made available to Council via a Councillor Memo if requested.

6. Will the participants be made aware that their expressed views are their personal views and may not be the views officially endorsed by Council or the Councillors?

The following statement is [on the webpage](#) and is reinforced with participants during the training of Climate for Change facilitators:

The [Position description](#) is also available to download on the webpage and states that participants are Climate for Change volunteers and agree to their volunteer agreement.

7. Is this the right project to be taken on by Council when there are already a multitude of Climate Change forums for residents to participate in, in particular when we are struggling to provide resources and services in other critical areas?

This program is run by an external organisation, Climate for Change. It does not require much work from Council officers once the recruitment of volunteers is established.

Research and previous experience from Climate for Change shows that if 25 facilitators are trained through the program, there is the potential to directly reach 500 new people and indirectly reach around 7,500 new people.

Climate for Change's impact report can be downloaded on their website here: https://www.climateforchange.org.au/our_impact.

8. Is this not a replication or doubling up of what we are doing as Councillors on a daily basis in our Wards?

The purpose of this program is to empower our residents to not only take action on climate change in their lives but also to encourage their own social networks to do so, without Council's needing to be involved.

The aim is to create a network of climate community champions who have the knowledge and commitment to build climate action in their own families, workplaces, friends groups and community groups. These are often residents we wouldn't normally reach with our current environmental programs.

Peer to peer education has been shown to be one of the most effective ways to reach people on climate change issues. Social research shows that people make sense of complex information and decide what to do about it through conversations with people that they know and trust, so we are using the social diffusion method to reach more residents that we would normally be able to.

9. Will the Program be held in the Council Office or in the Wards?

The program is held online. Residents who participate can then choose to run conversations in their homes, online or at any chosen location.

10. Can Councillors attend if they wish to?

Yes, they can attend any of the sessions or participate in the online training. All details can be found on Council's website.

18.6 QUESTION WITH NOTICE 10/2022 - UPDATE ON NORTHERN BEACHES TUNNEL LINK MOTION

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTOR

AUTHOR: IAN ARNOTT – PLANNING MANAGER

CITY STRATEGY OUTCOME: 2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY

MEETING DATE: 27 JUNE 2022

QUESTION

- 1. The motion passed in March required Council to “publicise to residents ... this motion and the reasons for it and encourage residents to write to their ... MPs accordingly.” What steps have been taken by Council in this respect?**

Council has written to Tim James MP, Member for Willoughby, to detail the full Notice of Motion from the 28 March 2022 Council meeting and make further representation to the NSW Government.

- 2. The motion also required Council to “Attempt to obtain media coverage for this motion and the main reasons for it.” What steps have been taken by Council in this respect?**

Mayor Tanya Taylor has mentioned the matter in her monthly Mayoral video on 29 March 2022. The video was posted to Facebook and the available relevant section is between 0.44 seconds and 1 minute 28 seconds in the link below:
<https://www.youtube.com/watch?v=kfACZiePrnU>.

19 CONCLUSION OF THE MEETING

Council meeting concluded at 9:51pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the ordinary Council meeting held on 27 June 2022. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

Mayor Tanya Taylor