



Willoughby City Council

ORDINARY COUNCIL

MINUTES

22 August 2022

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**Minutes of an ordinary Council meeting
held on Monday, 22 August 2022.
at the Council Chamber, Chatswood commencing at 7:02pm**

ATTENDANCE:

Councillors

Brendon Zhu (Deputy Mayor)
Craig Campbell
Hugh Eriksson
Anna Greco
Roy McCullagh
John Moratelli
Sarkis Mouradian
Georgie Roussac
Robert Samuel
Nic Wright
Jam Xia

Officers

Debra Just (Chief Executive Officer)
Maxine Kenyon (Customer and Corporate Director)
Hugh Phemister (Planning and Infrastructure Director)
Linda Perrine (Community, Culture & Leisure Director)
Mitchell Noble (Head of Planning)
Michael Cashin (Community Life Manager)
Mark Skelsey (Engagement and Internal Communications Lead)
Popy Mourgelas (Governance, Risk and Compliance Manager)
Natalie Taylor (Council and Corporate Support Officer)
Jason Racchi (Information Technology Team Leader)
Matthew Long (Network Support Officer)

1 OPEN MEETING

2 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.

3 REFLECTION OR PRAYER

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

That Council accept the apologies from Councillors Taylor and Rozos for the 22 August Council meeting.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

That Council accept the leave of absence submitted by Councillor Moratelli for 24 August to 12 October which includes the 19 September 2022 Council Meeting and Councillor Roussac for the 19 September 2022 Council meeting.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

5 CONFIRMATION OF MINUTES

That the Minutes of the ordinary meeting of Council held 27 June 2022, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

6 DISCLOSURES OF INTERESTS

In accordance with Part 16 of the Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

- Councillor Wright declared a non-pecuniary less than significant interest in item 12.1 - Investment Report for the month of June 2022. Councillor Wright chose to stay 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 12.1 - Investment Report for the month of June 2022. Councillor Xia chose to stay 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 Wright declared a non-pecuniary less than significant interest in item 12.2 - Investment Report for month of July 2022. Councillor Wright chose to stay 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 12.2 - Investment Report for month of July 2022. Councillor Xia chose to stay 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 Zhu declared a non-pecuniary significant interest in item 12.8 - 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 Roussac declared a non-pecuniary significant interest in item 12.18 - Grants for the Community Program 2022-2023 – June & July Applications. Councillor Roussac chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“Prior to the Local Government elections in December 2021 I was the President of the Artarmon Progress Association and have been a member of the Artarmon Public School P&C committee. I have a close working relationship with the Artarmon Progress Association executive team and members of Artarmon Village Inc.”

7 PETITIONS

7.1 PETITION FOR NOTING - COMPREHENSIVE LEP AND DCP PLANNING PROPOSAL

MOTION

That Council:

1. Note the petition on the proposed Comprehensive LEP and DCP requesting Council to:

‘Object to the scale of height and floor space increases, significant increase in motor vehicle movements, reduced privacy, reduced sun access or shadowing of current buildings and public / private open spaces as a result of the proposed northern extension of the Chatswood CBD in the proposed Willoughby City Council draft Local Environmental Plan (WLEP) and Development Control Plan (WDCP).

Ensure the proposed changes to planning rules do NOT result in new structures that negatively affects Local Amenity, including Solar loss and shadowing and loss of privacy to neighbouring public open spaces, communal recreational facilities, and neighbouring residents, inadequate Building Separation, and do NOT place Excessive Pressure on Transport, Schools, Child care and Open Spaces, including Sporting facilities in central Chatswood, or loss of views of our homes that for many of us are our greatest asset. We also request there is a gradual increase in building height from Ashley Street to the current Chatswood CBD along Pacific Highway and Anderson Streets.’

2. Refer the matter to the Planning and Infrastructure Director for his consideration.

MOVED COUNCILLOR XIA / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

8 OPEN AND PUBLIC FORUM

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).

- Peter Komaromi addressed Council on process and corruption.

9 MAYORAL MINUTE**9.1 MAYORAL MINUTE 11/2022 - RESIGNATION OF TRICIA WINN - EXECUTIVE ASSISTANT TO THE MAYOR****MOTION**

That Council recognise and thank Tricia Winn for her significant contribution to the City of Willoughby and wish her every success in her new role and all future endeavours.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

Absent: Councillors Taylor and Rozos

10 CHIEF EXECUTIVE OFFICER'S LATE REPORT

NIL

11 MATTERS BY EXCEPTION

At this stage the Mayor will invite Councillors to nominate the items they wish Council to consider separately and these matters will then be dealt with in the order so nominated.

- 7.2 Petition for noting - Unjust Outsourcing of Devonshire Daycare by Willoughby Council
- 12.4 Advisory Committees
- 12.7 Motions for the Local Government NSW Annual Conference – 23 October 2022
- 12.8 Legal Matters Report – August 2022

- 12.12 Public Exhibition - Planning Agreement - 629-639 Pacific Highway, Chatswood
- 12.13 Public Exhibition - Planning Agreement - 9-11 Nelson Street, Chatswood
- 12.14 Request to waive road closure fee for Horsley Avenue by St Thomas Primary School
- 12.17 Adoption - Disability Inclusion Action Plan
- 12.18 Grants for the Community Program 2022-2023 - June & July Applications
- 13.1 Notice of Motion 15/2022 - Better, clearer and more available voter information for all the people of Willoughby
- 13.3 Notice of Motion 17/2022 - Azerbaijan's Violations of the Nagorno Karabakh Ceasefire
- 15.1 Confidential - Maintenance of On-Street Parking Meters
- 15.2 Confidential - Property Agreement
- 15.3 Confidential - 12 Brown Street, Chatswood - Offers to Lease

MOTION

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

- 12.1 Investment Report for the Month of June 2022
- 12.2 Investment Report for Month of July 2022
- 12.3 Review of Organisational Structure
- 12.5 Delivery Program – Six Month Progress Reports January – June 2022
- 12.6 Outcome of Public Exhibition of the Mayor and Councillors Expenses and Facilities Policy 2022
- 12.9 Outcome of Public Exhibition and Adoption of Artarmon Park - Reserve Action Plan 2022
- 12.10 Outcome of Public Exhibition and Adoption of Artarmon Reserve - Reserve Action Plan 2022
- 12.11 Development Assessment Report - 1 April to 30 June 2022
- 12.15 Minutes - Traffic Committee Meeting Held on 9 May 2022 and 4 July 2022
- 12.16 Property Lease Portfolio
- 13.2 Notice of Motion 16/2022 - Ukrainian Displaced People in our City - How Willoughby Council can make a difference by providing coordinated organised access to our Libraries

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED

Voting

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

Against: Nil

PROCEDURAL MOTION – BRING FORWARD MATTERS ON THE AGENDA

That items:

- 7.2 Petition for noting - Unjust Outsourcing of Devonshire Daycare by Willoughby Council**
- 13.3 Notice of Motion 17/2022 - Azerbaijan's Violations of the Nagorno Karabakh Ceasefire**
- 12.4 Advisory Committees**

be brought forward and dealt with immediately and

12.8 Legal Matters Report – August 2022 be moved to immediately precede Closed session.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

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

Against: Nil

Public Forum allows members of the public to address Council for a maximum of three (3) minutes on an issue on the Minutes.

- **Item 7.2 Petition for Noting – Unjust Outsourcing of Devonshire Daycare by Willoughby Council**
Zain Zawahreh (on behalf of the parents of Devonshire daycare) addressed Council in support of the petition submitted.
- **Item 15.3 Confidential – 12 Brown Street, Chatswood – Offers to Lease**
Sandie Hogarth-Scott (on behalf of Sunnyfield) addressed Council in support of their submission to lease the property.
- **Item 13.3 Notice of Motion 17/2022 Azerbaijan’s Violations of the Nagorno Karabakh Ceasefire**
George Najarian (on behalf of the Armenian Church Youth of Australia) and Olivia Dilanchian addressed Council speaking in support of the officer’s recommendation.
- **Item 12.4 Advisory Committees**
Kim Kendall, Noel Cislowski, Janet France, Kristina Dodds, Mary-Jane Morgan and Carolyn New addressed Council speaking against the officer’s recommendation.

7.2 PETITION FOR NOTING - UNJUST OUTSOURCING OF DEVONSHIRE DAYCARE BY WILLOUGHBY COUNCIL

MOTION

That Council:

1. **Note the petition on the outsourcing of Devonshire Street Long Day Care Centre by Willoughby City Council requesting that Council:**
‘Revoke the Devonshire Street Long Day Care outsourcing decision and cease any activities related to this decision till the matter is reviewed again.’
2. **Refer the matter to the Community, Culture and Leisure Director that Council officers continue to engage with parents throughout the expression of interest process.**

MOVED COUNCILLOR XIA / SECONDED COUNCILLOR WRIGHT

CARRIED**Voting****For the Motion:** Councillors Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu**Against:** Nil**PROCEDURAL MOTION – MOTION BE PUT**

That the motion be put.

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

That item 7.2 Petition for Noting – Unjust Outsourcing of Devonshire Daycare by Willoughby Council be recommitted.

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**13.3 NOTICE OF MOTION 17/2022 - AZERBAIJAN'S VIOLATIONS OF THE NAGORNO KARABAKH CEASEFIRE****MOTION**

That Council:

1. **Condemn Azerbaijan's violations of the Nagorno Karabakh ceasefire agreement dated 9 November 2020, including Azerbaijan's most recent offensive against the Republic of Artsakh on 28 July 2022;**
2. **Recognise the concerns of the Australian Armenian community regarding the continuing violation of human rights and international humanitarian law in Nagorno Karabakh; and**

3. **Recognise the local Armenian community's appeal to their elected representatives at all levels of government to stand for the rights of the Indigenous Armenians of Nagorno Karabakh;**
4. **Write to local State member Tim James MP and Federal member Kylea Tink MP within the month to advocate to the Federal and State Governments to:**
 - (a) **Call on Azerbaijan to cease all hostilities and honour the Nagorno Karabakh ceasefire agreement dated 9 November 2020;**
 - (b) **Recognise the right to self-determination of the Indigenous Armenians of the Republic of Artsakh and the independence of the Republic of Artsakh;**
 - (c) **Call on the governments of Azerbaijan and Turkey to respect the OSCE Minsk Group peace process for the Karabakh/Artsakh conflict, in particular the non-use of force;**
 - (d) **Call on Azerbaijan to release all Armenian prisoners of war remaining in forced captivity since the cease fire agreement dated 9 November 2020; and**
 - (e) **Condemn Azerbaijan's desecration of ancient Armenian Christian and cultural sites.**

MOVED COUNCILLOR MOURADIAN / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Absent: Councillors Taylor and Rozos

Notes:

1. *The following amendment moved by Councillor Moratelli lapsed for want of a seconder.*

That Council:

1. *Expresses its concerns regarding Azerbaijan's alleged violations of the Nagorno Karabakh ceasefire agreement dated 9 November 2020, including Azerbaijan's most recent offensive against the Republic of Artsakh on 28 July 2022;*
2. *Recognise the concerns of the Australian Armenian community regarding the continuing violation of human rights and international humanitarian law in Nagorno Karabakh; and*
3. *Recognise the local Armenian community's appeal to their elected representatives at all levels of government to stand for the rights of the Indigenous Armenians of Nagorno Karabakh;*
4. *Write to local State member Tim James MP and Federal member Kylea Tink MP within the month to advocate to the Federal and State Governments to:*

- (a) *Call on Azerbaijan to cease all hostilities and honour the Nagorno Karabakh ceasefire agreement dated 9 November 2020;*
- (b) *Recognise the right to self-determination of the Indigenous Armenians of the Republic of Artsakh;*
- (c) *Call on the governments of Azerbaijan and Turkey to respect the OSCE Minsk Group peace process for the Karabakh/Artsakh conflict, in particular the non-use of force;*
- (d) *Call on Azerbaijan to release all Armenian prisoners of war remaining in forced captivity since the cease fire agreement dated 9 November 2020; and*
- (e) *Condemn any desecration of ancient Armenian Christian and cultural sites.*

12.4 ADVISORY COMMITTEES

MOTION

That Council defer the Advisory Committee report to the September 2022 Council meeting.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

Note:

The following amendment moved by Councillor Moratelli lapsed for want of a seconder.

That Council:

1. *Puts the following documents out for public consultation via Have Your Say for a period of 21 days:*
 1. *The DRAFT Advisory Committees Policy 2022, which is proposed to replace the former Advisory Committees and Reference Groups Policy but amended to make it clear that councillors cannot be members or chairs of the committees but can be observers and will have speaking rights equivalent to members.*

2. *DRAFT Terms of Reference in relation to each of the three proposed Advisory Committees namely:
 1. Sustainability, Climate Change and Environment
 2. Access, Community and Inclusion
 3. Active and Integrated Transportin accordance with Attachment 1 commencing at page 49 of the Officers' Report but taking into account the amendment mentioned above.*
2. *Consider and receive a further report on the results of the consultation and any consequent recommendations*
3. *Notifies all members of the 2021 Advisory Committees of the public consultation.*
4. *This Council delegates to the CEO to prepare DRAFT terms of reference realising this will only give members of the public guidance as to the officer's views of the objectives of the 3 committees.*

PROCEDURAL MOTION – MOTION BE PUT

That the motion be put.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

Voting

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

Against: Nil

12 REPORTS TO COUNCIL**CUSTOMER & CORPORATE DIRECTORATE****12.1 INVESTMENT REPORT FOR THE MONTH OF JUNE 2022****RESOLUTION**

That Council receive the Statement of Bank Balances and Investment Holdings as at 30 June 2022.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED EN BLOC

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

12.2 INVESTMENT REPORT FOR MONTH OF JULY 2022**RESOLUTION**

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

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED EN BLOC

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

12.3 REVIEW OF ORGANISATIONAL STRUCTURE**RESOLUTION**

That Council:

1. Endorse the current Senior Staff structure as shown in Attachment 2.
2. Note this structure is fully funded though the 2022/2023 Operational Plan and Budget.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED EN BLOC

12.5 DELIVERY PROGRAM - SIX MONTHLY PROGRESS REPORT JANUARY-JUNE 2022**RESOLUTION**

That Council note:

The six monthly progress report on Council's Delivery Program 2017-2022 and the Operation Plan 2021/22 as at 30 June 2022

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED EN BLOC

12.6 OUTCOME OF PUBLIC EXHIBITION OF THE MAYOR AND COUNCILLOR EXPENSES AND FACILITIES POLICY 2022**RESOLUTION**

That Council:

1. Adopt the *Mayor and Councillors Expenses and Facilities Policy 2022* which will replace the former *Mayor and Councillors Expenses and Facilities Policy 2018*.
2. Authorise the Chief Executive Officer to make necessary amendments which do not alter the intent or result in material changes and execute all necessary documentation to give effect to this resolution.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED EN BLOC

12.7 MOTIONS FOR THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 23 OCTOBER 2022**MOTION**

That Council submit the following motions to LGNSW for debate at the LGNSW Annual Conference:

Motion 1: Concerns regarding the Complying Development Code

That Local Government NSW advocates to the NSW Government for changes to the Complying Development Code to address community and Council concerns and improve development outcomes.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ROUSSAC

CARRIED

Voting

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

Against: Nil

Motion 2: Consideration of Alternatives before Committing to Motorways

That Local Government NSW advocates to the NSW Government to consider the public transport alternatives, and release the business case showing the comparison, before committing to major motorway infrastructure such as the Beaches Link Tunnel. Any such comparison should take into account the respective environmental costs of the various alternatives.

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR MCCULLAGH**CARRIED****Voting****For the Motion:** Councillors Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Xia and Zhu**Against:** Councillor Campbell**Absent:** Councillor Wright

Note: Councillor Wright left the meeting at 9:04 and returned to the meeting at 9:05.

Motion 3: Dangerous Road Rules Relating to Cyclists

That Local Government NSW advocates to the NSW Government for changes to the NSW road rules that are a danger to cyclists and need to be addressed as stated:

- 1. The road rule requiring cyclists to stop on a multi-lane roundabout to allow cars to exit the roundabout in front of them - this rule should be abolished***
- 2. The road rule requiring cyclists to remain in a 'bike lane' unless it is "impracticable" to do so - this rule should be amended to make it clear that cyclists are not required to remain in a 'bike lane' where it is unsafe to do so.***

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR GRECO**CARRIED****Voting****For the Motion:** Councillors Campbell, Greco, Moratelli, Roussac, Samuel and Zhu**Against:** Councillors Eriksson, McCullagh, Mouradian, Wright and Xia**Motion 4: Better election materials**

That Local Government NSW advocates to the NSW Electoral Commission, the Chair of the State Parliament Standing Committee on Electoral Matters and the Minister for Local Government requesting their assistance in ensuring that:

- 1. NSW Electoral Commission information for voters is visible inside and outside all polling places and online for the State General Election, expected in March 2023 and any subsequent Local Government Election where the NSW Electoral Commission is engaged by a Council to run that Local Government Election.***
- 2. That this information is published online and at voting places in English and in the other major languages spoken by NSW voters as recorded in the most recent Australian Bureau of Statistics Census (i.e. 1% or more of the population in that LGA).***
- 3. The specific polling booths that have non-English speaking officials and at what times they are available to speak with voters is also clearly available online and at voting places.***

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR ERIKSSON

CARRIED**Voting****For the Motion:** Councillors Eriksson, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu**Against:** Councillor Greco**Proposed Motion 5: Allow councils to reduce speeds on local roads***That Local Government NSW calls on the NSW Government to:*

- 1. Give councils the power to introduce 40kph or 30kph speed limits on local, non-arterial roads in consultation with their local communities, without reference to current Transport for NSW speed limit guidelines, so as to facilitate the achievement of active transport strategies.*
- 2. Urgently amend the current Transport for NSW speed limit guidelines to recognise as a valid reason for the introduction of 40kph or 30kph speed limits, a council's designation of an on road bike route on a local, no arterial road.*

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR GRECO**LOST****Voting****For the Motion:** Councillors Greco, Moratelli and Samuel**Against:** Councillors Campbell, Eriksson, McCullagh, Mouradian, Roussac, Wright, Xia and Zhu**12.8 LEGAL MATTERS REPORT - AUGUST 2022****That Council note the legal matters report.****MOVED COUNCILLOR MCCULLAGH / SECONDED COUNCILLOR WRIGHT****CARRIED****Voting****For the Motion:** Councillors Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright and Xia**Against:** Nil**Absent:** Councillor Zhu*Note: Councillor Zhu left the meeting at 9:44 after having declared an interest in this item.*

PLANNING & INFRASTRUCTURE DIRECTORATE**12.9 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF ARTARMON PARK - RESERVE ACTION PLAN 2022****RESOLUTION**

That Council:

1. Adopt the *Artarmon 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 *Artarmon Park Reserve Action Plan 2022* which do not alter the intent.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED EN BLOC

12.10 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF ARTARMON RESERVE - RESERVE ACTION PLAN 2022**RESOLUTION**

That Council:

1. Adopt the *Artarmon 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 *Artarmon Reserve Action Plan 2022* which do not alter the intent.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED EN BLOC

12.11 DEVELOPMENT ASSESSMENT REPORT - 1 APRIL TO 30 JUNE 2022**RESOLUTION**

That Council notes:

1. The variations to development standards and development applications determined under delegated authority during quarter 4 (1 April to 30 June 2022).
2. The current development applications list as at 30 June 2022.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED EN BLOC

12.12 PUBLIC EXHIBITION - PLANNING AGREEMENT - 629-639 PACIFIC HIGHWAY, CHATSWOOD**MOTION**

That Council:

1. Endorse the draft Planning Agreement for 629-639 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 CAMPBELL / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

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

Against: Councillor Xia

Absent: Councillor Wright

Note: Councillor Wright left the meeting at 9:29.

12.13 PUBLIC EXHIBITION - PLANNING AGREEMENT - 9-11 NELSON STREET, CHATSWOOD**MOTION**

That Council:

1. Endorse the draft Planning Agreement for 9-11 Nelson Street, 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 CAMPBELL / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

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

Against: Councillor Xia

Absent: Councillor Wright

12.14 REQUEST TO WAIVE ROAD CLOSURE FEE FOR HORSLEY AVENUE BY ST THOMAS PRIMARY SCHOOL**MOTION**

That Council consider the request to waive the \$4,475 Road Occupancy Permit Fee for the St Thomas Primary School Arts and Craft Show, which will be held on 29 and 30 October 2022.

MOVED COUNCILLOR XIA / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against:

Note: Councillor Wright returned to the meeting at 9:31

12.15 MINUTES - TRAFFIC COMMITTEE MEETING HELD ON 9 MAY 2022 AND 4 JULY 2022**RESOLUTION**

That Council receive and adopt the recommendations arising from the Traffic Committee Meetings held on 9 May 2022 and 4 July 2022.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED EN BLOC

12.16 PROPERTY LEASE PORTFOLIO**RESOLUTION**

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 ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED EN BLOC

COMMUNITY, CULTURE & LEISURE DIRECTORATE**12.17 ADOPTION - DISABILITY INCLUSION ACTION 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 *Willoughby City Council Disability Inclusion Action Plan 2022 – 2026* subject to the following additional actions being added to the Plan:
 - 2.1 That a study be undertaken to investigate the need and location of additional 'Kiss and Ride' zones as part of the audit of all disability parking spaces in the LGA to be undertaken during the lifecycle of the *Willoughby City Council Disability Inclusion Action Plan 2022 – 2026*.
 - 2.2 That Council explore funding opportunities to provide an Adult Change Facility within the Chatswood CBD during the lifecycle of the *Willoughby City Council Disability Inclusion Action Plan 2022 – 2026*.
3. Delegate authority to the Chief Executive Officer to make minor and administrative amendments to *Willoughby City Council Inclusion Action Plan 2022 – 2026* 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 and Family & Community Services Disability Council.

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR ROUSSAC

CARRIED

Voting

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

Against: Nil

12.18 GRANTS FOR THE COMMUNITY PROGRAM 2022-2023 - JUNE & JULY APPLICATIONS

MOTION

That Council:

1. Endorse the distribution of funds through the 2022/23 Grants for the Community Program - Category 1 as follows:

• Bongalong Street Community Garden Incorporated	\$1,649.63
• Hope in a Suitcase	\$6,000
• Northside Salvation Army Chatswood	\$1,200
• Road Safety Education Limited	\$7,500
• Our Lady of Dolours Catholic Primary School	\$5,000
• Artarmon Progress Association	\$7,500
• Naremburn Progress Association	\$4,956

2. Notes the distribution of grant funds through the 2022/23 Grants for the Community Program – Category 2 - Local Performing Arts Groups Subsidy, endorsed by Council at the 12 April 2021 meeting:

• Willoughby Band	\$18,000
• Willoughby Symphony Choir	\$20,000
• Willoughby Theatre Co.	\$10,000

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

Absent: Councillor Roussac

Note: Councillor Roussac left the meeting at 9:07 after having declared an interest in this matter.

13 NOTICES OF MOTION

13.1 NOTICE OF MOTION 15/2022 - BETTER, CLEARER AND MORE AVAILABLE VOTER INFORMATION FOR ALL THE PEOPLE OF WILLOUGHBY

MOTION

That Council:

1. Writes to the NSW Electoral Commission, the State Member for Willoughby, the Chair of the State Parliament Standing Committee on Electoral Matters and the Minister for Local Government requesting their assistance in ensuring that:

- a. **NSW Electoral Commission information for voters is visible inside and outside all polling places for Willoughby and online for the State General Election, expected in March 2023 and any subsequent Local Election in Willoughby (should the NSW Electoral Commission be engaged by Council to run the local elections).**
 - b. **That this information is published online and at voting places in English and in the other major languages spoken by the Willoughby community – English, Mandarin, Cantonese, Japanese, Korean, Hindi and Armenian.**
 - c. **That information regarding the polling booth location of and languages spoken by non-English speaking officials and at what times they are available to speak with voters is also clearly available online and at voting places.**
2. **Ensures that when Council goes to market for the administration of the next Willoughby City Council election that it explicitly requests the provision of the accessible delivery of this information above as part of the service of any successful contractor.**

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Councillors Greco and McCullagh

13.2 NOTICE OF MOTION 16/2022 - UKRAINIAN DISPLACED PEOPLE IN OUR CITY - HOW WILLOUGHBY COUNCIL CAN MAKE A DIFFERENCE BY PROVIDING COORDINATED ORGANISED ACCESS TO OUR LIBRARIES

MOTION

That Council:

1. **Write to the NSW Public Library Association requesting their support in providing a unified "Access to Libraries" solution to newly arrived Ukrainians.**
2. **Write to NSROC requesting their support for this initiative.**

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED EN BLOC

14 QUESTIONS WITH NOTICE

Nil

15 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:

- **15.1 – Confidential – Maintenance of On-Street Parking Meters** – This report is confidential as it provides Councillors with information of commercial offers and pricing of parking meter maintenance service. On balance, it is not in the public interest to release information, the disclosure of which, may lead to unfair business competition. Section 10A(2)(c) of the *Local Government Act 1993*.
- **15.2 – Confidential – Property Agreement** – The report is confidential as it provides Councillors with information that is protected by legal professional privilege and is commercially sensitive.

On balance, it is not in the public interest to release information that would prejudice Council's commercial position and/or disclose legal advice.
Sections 10A(2)(c) and 10A(2)(g) of the *Local Government Act 1993*.

- **15.3 – Confidential – 12 Brown Street, Chatswood – Offers to Lease** – This report is confidential as it provides Council with information so it can make a selection in relation to leasing a property to one of two community groups, each providing a different service and rental offer.

On balance, it is not in the public interest to release information that would prejudice Council's commercial position.

- Section 10A(2)(c) of the *Local Government Act 1993*.

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

That Council move into closed session.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR CAMPBELL

Voting

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

Against: Nil

Absent: Councillor Moratelli

Notes:

1. Councillor Zhu returned to the meeting at 9:47.
2. Council moved into closed session at 9:50

15.1 CONFIDENTIAL - MAINTENANCE OF ON-STREET PARKING METERS**MOTION****That Council:**

1. **Accepts the quotation from APARC Pty Ltd for the maintenance and hosting (including licencing and communications) of Council's parking meter fleet without the calling of tenders because of the unavailability of competitive tenderers according to Section 55(3)(i) of the Local Government Act 1993.**
2. **Authorises the Chief Executive Officer to execute the contract with APARC Pty Ltd together with any necessary documentation under delegation.**
3. **Enters into a contract with APARC Pty Ltd for at least one year with an option to extend for an additional three times one year periods (maximum total of 4 years).**
4. **Release from confidentiality resolutions 1, 2 and 3.**

MOVED COUNCILLOR MCCULLAGH / SECONDED COUNCILLOR CAMPBELL**CARRIED****Voting****For the Motion:** Councillors Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu.**Against:** Nil**15.2 CONFIDENTIAL - PROPERTY AGREEMENT****MOTION****That Council note the content of this report.****MOVED COUNCILLOR XIA / SECONDED COUNCILLOR MOURADIAN****CARRIED****Voting****For the Motion:** Councillors Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu.**Against:** Nil

15.3 CONFIDENTIAL - 12 BROWN STREET, CHATSWOOD - OFFERS TO LEASE**MOTION**

That Council negotiate and undertake due diligence with Sunnyfield to lease 12 Brown Street, Chatswood.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR XIA

CARRIED

Voting

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

Against: Councillors McCullagh and Wright

PROCEDURAL MOTION – MOVE INTO OPEN SESSION

That Council move into open session.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

Voting

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

Against: Nil

Notes:

1. Council moved into open session at 10:24.
2. The Chair reported the resolutions adopted in closed session.

16 CONCLUSION OF THE MEETING

Council meeting concluded at 10:28pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the ordinary Council meeting held on 22 August 2022. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

Mayor Tanya Taylor