



Willoughby City Council

ORDINARY COUNCIL

MINUTES

31 October 2022

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**Minutes of an ordinary Council meeting
held on Monday, 31 October 2022
at the Council Chamber, Chatswood commencing at 7:00pm**

ATTENDANCE:

Councillors

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

Officers

Debra Just (Chief Executive Officer)
Hugh Phemister (Planning and Infrastructure Director)
Linda Perrine (Community, Culture & Leisure Director)
Stephen Naven (Chief Financial Officer)
Monica Lonergan (People & Culture Manager)
Mitchell Noble (Head of Planning)
Angela Casey (Culture & Leisure Manager)
Michael Cashin (Community Life Manager)
Gordon Farrelly (Traffic & Transport Team Leader)
David Roberts (Environmental Manager)
Samantha Connor (Acting Governance, Risk & Compliance Manager)
Kim Appleby (Governance Lead)
Natalie Taylor (Council & Corporate Support Officer)
Adam Booth (Council & 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 attendance by audio visual link by Councillors Eriksson and Rozos for the 31 October 2022 Council meeting.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

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

Against: Nil

5 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 19 September 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

That the Minutes of the Extraordinary Meeting of Council held 17 October 2022, copies of which have been circulated to each member of Council, be confirmed.

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

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 month of September 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. As the item is for noting and I have no control or influence over an individual investment of this Council."

- Councillor Xia declared a non-pecuniary less than significant interest in item 12.1 - Investment Report for month of September 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, but, I do not have any controls or influences over the investments held by Council."

- Councillor Zhu declared a non-pecuniary less than significant interest in item 12.5 – Legal Matters Report – October 2022. 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 NSW and worked on the case involving Ooh!Media."

- Councillor Mouradian declared a non-pecuniary less than significant interest in item 12.11 – Willoughby Leisure Centre Upgrade – Project Budget and Construction Tender Assessment. Councillor Mouradian chose to stay in the meeting and take part in the discussion and voting on this item. The reason provided was:

"I was a previous employee of one of the unsuccessful tenderers."

- Councillor Roussac declared a non-pecuniary less than significant interest in item 13.2 – Notice of Motion 19/2022 – Western Harbour Tunnel and Beaches Link Project. Councillor Roussac chose to stay in the meeting and take part in the discussion and voting on this item. The reason provided was:

“I am employed in the NSW Public Service at the NSW Department of Premier and Cabinet in the Economic Policy Branch, Investment and Infrastructure team.”

- Councillor Zhu declared a non-pecuniary less than significant interest in item 13.3 – Notice of Motion 20/2022 – Transport for NSW e-Scooter Shared Scheme. Councillor Zhu chose to stay in the meeting and take part in the discussion and voting on this item. The reason provided was:

“My wife works for Transport for NSW, however, is not involved with the team who are involved with e-Scooter trials nor has any decision making on who are granted the trials. Also, I am company secretary for Electric Riders Australia which have an interest in personal wheeled devices in which e-Scooters are a relevant device.”

7 PETITIONS

NIL

8 PUBLIC FORUM

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

- **Item 12.8 – Planning Proposal – 9-11 Nelson Street, Chatswood**
Andrew Hobbs (Town Planner – Urbis) addressed Council in support of the officer’s recommendation.
- **Item 12.11 – Willoughby Leisure Centre Upgrade - Project Budget and Construction Tender Assessment**
Larissa Penn (Naremburn Progress Association) and Kristina Dodds (Willoughby South Progress Association) addressed Council against the officer’s recommendation.
- **Item 13.1 – Notice of Motion 18/2022 – Henry Lawson Cave**
Larissa Penn (Naremburn Progress Association) addressed Council in support of the Councillor’s Notice of Motion.
- **Item 13.2 – Notice of Motion 19/2022 – Western Harbour Tunnel and Beaches Link Project**
Larissa Penn (Naremburn Progress Association) and Kristina Dodds (Willoughby South Progress Association) addressed Council in support of the Councillor’s Notice of Motion

9 MAYORAL MINUTE**9.1 MAYORAL MINUTE 14/2022 - SUPPORT OF WOMEN'S RIGHTS MOVEMENT IN IRAN****MOTION**

That Council:

1. **Notes the discrimination against women, human rights violations and advocates for gender equality and freedom of expression for all Iranians.**
2. **Support and advocate for the rights of Iranian women and girls in their struggle for equality and empowerment.**

MOVED MAYOR TAYLOR

CARRIED

Voting

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

Absent: Councillor Xia

Note: Councillor Xia left the meeting at 7:51pm and was absent for the voting on this item.

9.2 CONFIDENTIAL MAYORAL MINUTE 15/2022 - CHIEF EXECUTIVE OFFICER'S CONTRACT RENEWAL**MOTION**

That Council:

Adopt the recommendations of the CEO Performance Review Committee (Attachment 1) and renew the CEO's Contract for four years in accordance with those recommendations.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Councillors Greco, McCullagh, Moratelli, Roussac 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.

- 12.4 Council Meeting Schedule 2023
- 12.5 Legal Matters Report - October 2022
- 12.7 Submission to IPART Review of Rate Peg Methodology
- 12.9 Development Assessment Report - 1 July to 30 September 2022
- 12.11 Willoughby Leisure Centre Upgrade - Project Budget and Construction Tender Assessment
- 12.12 Gore Hill Indoor Sports Centre
- 12.16 Acknowledgement of Country and Reconciliation Action
- 13.3 Notice of Motion 20/2022 - Transport for NSW e-Scooter Shared Scheme
- 15.1 CONFIDENTIAL - Chief Executive Officer's Performance Review
- 9.2 Confidential Mayoral Minute 15/2022 - Chief Executive Officer's Contract

MOTION

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

- 12.1 Investment Report for month of September 2022
- 12.2 Disclosures of Councillors and Designated Persons Return Forms – 2021/22
- 12.3 Petitions Bi-Annual Report
- 12.6 Audit Risk & Improvement Committee Annual Report Meeting Minutes 3 August 2022 and 29 September 2022
- 12.8 Planning Proposal 9 - 11 Nelson Street, Chatswood
- 12.10 Property Lease Portfolio
- 12.13 Affordable Housing - 3 Abbott Road Artarmon – Owners Consent to Lodge Development Application
- 12.14 Request to Waive Road Closure Fee for Quiamong St Carpark by Naremburn Progress Association
- 12.15 Grants for the Community Program 2022-2023 – August-October Applications

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN**Voting**

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

Against: Nil

Note: Councillor Xia returned to the meeting at 7:54pm.

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

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

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

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

**12.2 DISCLOSURES OF COUNCILLORS AND DESIGNATED PERSONS
RETURN FORMS - 2021/2022****RESOLUTION**

That Council note the tabling of Disclosures of Pecuniary Interest and Other Matters Returns by Councillors and designated persons for the 12 months ending 30 June 2022.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

12.3 PETITIONS BI-ANNUAL REPORT**RESOLUTION**

That Council receive and note the report regarding the status of petitions presented for the period April – October 2022.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

12.4 COUNCIL MEETING SCHEDULE 2023**MOTION**

1. **Adopt the following Council meeting schedule for Council meetings held during 2023 which will be held in the Council Chambers or virtually (online) or a combination of both, commencing at 7:00pm on the following dates:**
 - **Monday 27 February**
 - **Monday 27 March**
 - **Wednesday 26 April**
 - **Monday 22 May**
 - **Monday 26 June**
 - **Monday 28 August**
 - **Monday 25 September**
 - **Monday 23 October**
 - **Monday 27 November**
 - **Monday 11 December (the meeting is brought forward due to the Christmas Recess period)**
2. **Note the Council will be in recess from 3 July to 28 July 2023 for the Winter School Holidays.**
3. **Note that the Chief Executive Officer is responsible for arranging Councillor briefing sessions, in accordance with the *Code of Meeting Practice 2022*, and that Councillor briefing sessions will typically be held on the first and second Monday of each month except when Council is in recess.**

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

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

That Council:

1. *Adopt the following Council meeting schedule for Council meetings held during 2023 which will be held in the Council Chambers or virtually (online) or a combination of both, commencing at 7:00pm on the following dates:*
 - *Monday 30 January*
 - *Monday 27 February*
 - *Monday 27 March*
 - *Wednesday 26 April*
 - *Monday 22 May*

- *Monday 26 June*
 - *Monday 28 August*
 - *Monday 25 September*
 - *Monday 23 October*
 - *Monday 27 November*
 - *Monday 11 December (the meeting is brought forward due to the Christmas Recess period)*
2. *Note the Council will be in recess from 3 July to 28 July 2023 for the Winter School Holidays.*
 3. *Note that the Chief Executive Officer is responsible for arranging Councillor briefing sessions, in accordance with the Code of Meeting Practice 2022.*
 4. *Respectfully request the CEO to consider changing the Councillors' typical briefings from the first and second Monday of each month, to the second and third Monday of each month.*

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR MCCULLAGH

LOST

Voting

For the Motion: Councillors Greco, McCullagh and Moratelli

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

PROCEDURAL MOTION – MOTION BE PUT
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That the motion be put.

MOVED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

12.5 LEGAL MATTERS REPORT - OCTOBER 2022**MOTION**

That Council note the legal matters report.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

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

Against: Nil

Note: Councillor Zhu left the meeting at 9:03pm after declaring an interest in this item.

PROCEDURAL MOTION – MOVE ITEM INTO CLOSED SESSION

That Council move the legal matters report into closed session to deal with items of legality and privilege.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MCCULLAGH

Voting

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

Against: Nil

12.6 AUDIT RISK & IMPROVEMENT COMMITTEE ANNUAL REPORT MEETING MINUTES 3 AUGUST 2022 AND 29 SEPTEMBER 2022**RESOLUTION**

That Council note the Minutes of the Audit, Risk and Improvement Committee meetings held on 3 August 2022 and 29 September 2022.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

12.7 SUBMISSION TO IPART REVIEW OF RATE PEG METHODOLOGY**MOTION**

That Council:

1. Approve the attached submission to the Independent Pricing and Regulatory Tribunal on their Review of the Rate Peg Methodology by the closing date of 4 November 2022.
2. Continue to advocate on the issues outlined in Council's submission on the proposed rate peg methodology and the increased financial pressures faced by local government.
3. Authorise the Chief Executive Officer to make any necessary amendments which do not alter the intent or result in material changes and execute all necessary documentation and processes to give effect to this resolution.

MOVED COUNCILLOR MOURADIAN / 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

PLANNING & INFRASTRUCTURE DIRECTORATE**12.8 PLANNING PROPOSAL 9 - 11 NELSON STREET, CHATSWOOD****MOTION**

That Council:

1. Note the submissions and responses to feedback on the Planning Proposal and draft site specific Development Control Plan for 9-11 Nelson Street, Chatswood, following the public exhibition period.
2. Support the Planning Proposal for 9-11 Nelson Street, Chatswood, on the basis of:
 - (a) Consistency with the Chatswood CBD Planning and Urban Design Strategy 2036 subject to any required amendments
 - (b) A two tower built form outcome
 - (c) Transitional height from the Gordon Avenue (northern) tower to Nelson Street (southern tower)
 - (d) Provision of public realm embellishment of the Frank Channon Walk and pocket park at the end of Gordon Avenue

- (e) **Public rights of way over the ground level setbacks and public realm embellishment of the Frank Channon Walk and pocket park at the end of Gordon Avenue**
 - (f) **Reduced car parking rates**
 - (g) **One vehicle access and loading and unloading point from Gordon Avenue, involving a physical solution with the basement**
3. **Require the following amendments to the draft Development Control Plan for 9-11 Nelson, Chatswood:**
- (a) **Tower/s, including any balconies, are to be setback a minimum of 4.5m from any site boundary for the full tower height**
 - (b) **Loading and unloading is to occur within the basement, with vehicles to enter and leave the site in a forward direction via a physical solution (not mechanised)**
 - (c) **Deep soil planting is to be provided within the 3m setbacks to Gordon Avenue and Nelson Street, and the Frank Channon Walk. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground including basements**
 - (d) **Vehicle and loading access is to be reviewed and master planned in conjunction with the adjoining land at 10 Gordon Avenue and 15-19 Nelson Street. One vehicle and loading point in Gordon Avenue is preferred for the block bounded by Nelson Street, Gordon Avenue, Hammond Lane and the Frank Channon Walk, via a consolidated basement**
 - (e) **Car parking provision based on reduced car parking rates, consistent with the requirements for new developments in the Chatswood CBD as supported by Transport for NSW**
 - (f) **A minimum of 1 secure bicycle parking space per apartment**
 - (g) **A minimum of 1 secure bicycle space per 100m² of commercial/retail floor space**
 - (h) **Adequate end of trip facilities including lockers, showers, etc. for use by commercial and retail tenants**
 - (i) **A bicycle rack within the site boundary for use by retail customers**
 - (j) **A minimum of three (3) freight and service vehicle spaces within the basement in addition to the one (1) Medium Rigid Vehicle space proposed within the loading dock**
 - (k) **Public access via public rights of way is to be provided over the Nelson Street, Gordon Avenue, Frank Channon Walk and pocket park at the end of Gordon Avenue ground level setbacks**
4. **Require the following information to be provided with any development application for 9-11 Nelson Street, Chatswood:**
- (a) **Architectural plans showing:**
 - i. **Tower/s, including balconies, setback a minimum of 4.5m from any boundary for the full tower height**
 - ii. **Loading and unloading within the basement, with vehicles to enter and leave the site in a forward direction via a physical solution (not mechanised)**
 - iii. **Deep soil planting provided within the 3m setbacks to Gordon Avenue, Nelson Street and the Frank Channon Walk. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground including basements**

- (b) Updated traffic analysis and modelling
 - (c) A Green Travel Plan
5. Forward the amendments to Willoughby Local Environmental Plan 2012 relating to 9-11 Nelson Street, Chatswood, as outlined in Attachment 7 to the Department of Planning and Environment for finalisation.
 6. Support the making of the site specific draft Development Control Plan subject to the amendments above.
 7. 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 CAMPBELL

CARRIED

Voting

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

Against: Councillors Greco and Xia

12.9 DEVELOPMENT ASSESSMENT REPORT - 1 JULY TO 30 SEPTEMBER 2022

MOTION

That Council notes:

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

MOVED COUNCILLOR MOURADIAN / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Absent: Councillor Eriksson

12.10 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 CAMPBELL / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

COMMUNITY, CULTURE & LEISURE DIRECTORATE**12.11 WILLOUGHBY LEISURE CENTRE UPGRADE - PROJECT BUDGET AND CONSTRUCTION TENDER ASSESSMENT****MOTION**

That Council:

1. **Accept the price from the preferred contractor for the construction of the Major Pool Upgrade and Sports Hall renewal works at the Willoughby Leisure Centre, as outlined in the confidential Attachment 2.**
2. **Approve the revised project budget as outlined in the confidential Attachment 3.**
3. **Note that the revised project budget will be publicly reported in the second Quarterly Review for 2022/2023 and then updated in Council's Long Term Financial Plan in 2023/2024**
4. **Delegate authority to the Chief Executive Officer to negotiate the final terms of the contract and execute all associated documents.**

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

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

Against: Nil

Absent:

Note: Councillor Mouradian declared an interest in this item.

PROCEDURAL MOTION – MOTION BE PUT

That the motion be put.

MOVED COUNCILLOR WRIGHT

Voting

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

Against: Nil

12.12 GORE HILL INDOOR SPORTS CENTRE**MOTION**

That Council:

1. Note the current available capital funding of \$44.7m for an Indoor Sports Centre in the Gore Hill precinct.
2. Note the construction cost estimate of \$72.5m for the current Gore Hill Indoor Sports Centre scheme in the Gore Hill precinct.
3. Write to the Federal Member for North Sydney and State Member for Willoughby to fund the shortfall for the delivery of this significant sportsground project with substantial regional benefits.
4. Investigate the feasibility of a smaller indoor sports centre scheme, *commensurate with the available capital funding, as an alternative option to the current scheme* in the Gore Hill precinct.
5. In parallel, investigate other options to deliver a community indoor sports centre in the Gore Hill precinct with the available capital funding.
6. Continue negotiations to determine the preferred Principal Design Consultant for an Indoor Sports Centre in the Gore Hill precinct.
7. Receive a report on the feasibility of options when the relevant information is available in March 2023

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

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

**12.13 AFFORDABLE HOUSING - 3 ABBOTT ROAD ARTARMON - OWNERS
CONSENT TO LODGE DEVELOPMENT APPLICATION****RESOLUTION**

That Council:

1. Provide landowners consent to lodge a Development Application for the development for up to 12 affordable housing units at 3 Abbott Road, Artarmon.
2. Grant the Chief Executive Officer delegation to execute all necessary documents associated with the development approval process.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

**12.14 REQUEST TO WAIVE ROAD CLOSURE FEE FOR QUIAMONG ST
CARPARK BY NAREMBURN PROGRESS ASSOCIATION****RESOLUTION**

That Council approve the request to retrospectively waive the \$2,360 Road Occupancy Permit Fee for the Tastes of Naremburn, which was held on 18 September 2022.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

**12.15 GRANTS FOR THE COMMUNITY PROGRAM 2022-2023 - AUGUST -
OCTOBER APPLICATIONS****RESOLUTION**

That Council endorse the distribution of funds through the 2022/23 Grants for the Community Program - Category 1 as follows:

- Northside Broadcasting Cooperative Limited \$3,574
- Jewish Arts Incorporated \$3,300

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

12.16 ACKNOWLEDGEMENT OF COUNTRY AND RECONCILIATION ACTION PLAN REPORT**MOTION**

That Council:

1. Endorse the updated Acknowledgement of Country protocols and update relevant policies, documents and procedures.
2. Notes information about the Reconciliation Action Plan process and timeline.
3. That Councillors have the option to 'opt out' to including the proposed acknowledgment of Country on their Council email signature.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR XIA

CARRIED

Voting

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

Against: Roussac

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

13 NOTICES OF MOTION**13.1 NOTICE OF MOTION 18/2022 - HENRY LAWSON CAVE****MOTION**

That:

1. Willoughby City Council acknowledges the longstanding local community sentiment that there is heritage significance to the Henry Lawson Cave.
2. The Henry Lawson Cave and immediate surroundings be included in the next round of investigation for items of Local Heritage significance and inclusion in our Planning Documents.
3. Council resolves that while awaiting heritage assessment, no landowners consent be given to any development for LOT 3 DP506449 other than required for minor and reasonable public safety issues (eg. footpath maintenance, dangerous tree removal, etc).

4. Council writes to the NSW Minister for Fair Trading and Minister for Planning and Homes (who are jointly responsible for administering the EP&A Act 1979 and the subject site) requesting the government make the same commitment for the adjoining LOT 7 DP524254; and
5. Resolve that, should the Minister be unable or unwilling to offer such commitment, Council resolves to seek an interim heritage order, prior to the proposed heritage investigation, should either lot be subject to a development proposal that risks the potential heritage value of the Henry Lawson Cave.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR TAYLOR

CARRIED

Voting

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

Against: Nil

13.2 NOTICE OF MOTION 19/2022 - WESTERN HARBOUR TUNNEL AND BEACHES LINK PROJECT

MOTION

That Council:

1. Acknowledge the Member for Willoughby's statement of Friday 21 October 2022 indicating he opposes the Beaches Link tunnel project and cannot support it in its current form.
2. Call on the NSW Government not to enter into any further contracts or tenders associated with the Western Harbour Tunnel and Beaches Link toll road projects prior to the March election 2023. Key representatives to contact are: Premier; Treasurer; Minister for Metropolitan Roads; Minister for Environment and Heritage; Minister for Infrastructure, Cities, Active Transport; Minister for Planning; Member for Willoughby.
3. Write to the NSW Opposition seeking their commitment that, if elected, they will halt and review the Western Harbour Tunnel toll road and terminate the Beaches Link toll road project. Key representatives to contact are: Leader of the Opposition; Shadow Treasurer; Shadow Minister for Roads; Shadow Minister for Environment and Heritage; Shadow Minister for Transport.
4. Engage and collaborate through knowledge sharing with impacted councils including North Sydney to identify and address any measures that are needed to safeguard the community and environment in the Willoughby Local Government Area to prevent further impacts associated with the Western Harbour Tunnel and Beaches Link.

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

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

Against: Councillors Campbell, Eriksson, Rozos and Xia

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

Note: Councillor Roussac declared an interest in this item.

13.3 NOTICE OF MOTION 20/2022 - TRANSPORT FOR NSW E-SCOOTER SHARED SCHEME**MOTION**

That Council:

- 1. Reaffirms its support for personal mobility devices and active transport as passed in the Willoughby City Council 2 March 2022 meeting.**
- 2. Acknowledges the announcement by Transport for NSW for the NSW E-Scooter Shared Scheme Trial with parameters for the e-scooter shared schemes which will be:**
 - (a) permitted on bicycle paths, shared paths and roads (including bicycles lanes) on which the speed limits is up to 50 kilometres**
 - (b) limited to 20 kilometres per hour on bicycle paths/lanes and roads and 10 kilometres per hour on shared paths**
- 3. Notes the briefing from Council Officers on 10 October 2022 and that Willoughby City Council has submitted a Request to Participate submission.**
- 4. Delegates to the CEO the authority to commence the tender procurement process with the following parameters which include, but are not limited to:**
 - (a) Safety requirements for providers to ensure the e-scooter in their fleet include:**
 - i. Bells, horns or other similar warning devices**
 - ii. Functional kick stands**
 - iii. Speedometer**
 - iv. White front light and red rear lights and a red rear reflector**
 - v. Approved helmets that are available to users and measures in place to lock helmets after use**
 - vi. Geofencing and GPS tracking to ensure that devices are docked in safe and appropriate locations**
 - vii. Contact information of the provider including phone number and email support**
 - viii. Ability to limit speed based on GPS geofencing as follows:**
 - 1. 20 kilometres per hour on bicycle paths/lanes and roads**
 - 2. 10 kilometres per hour on shared paths**

- (b) The provider to hold public liability insurance policy with sufficient coverage as set out in the Transport for NSW “Guide for NSW E-scooter Shared Scheme Trial”.
- (c) Explore revenue generating mechanisms through a licensing fee per device per day in the local government area.
- (d) The provider to engage in educational awareness and safety awareness promotions such as street stalls, leafleting and other public communication measures.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR XIA

CARRIED

Voting

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

Against: Councillors Greco, McCullagh, Roussac and Rozos

Note: Councillor Zhu declared an interest in this item.

14 QUESTIONS WITH NOTICE

14.1 QUESTION WITH NOTICE 11/2022 - ARE COUNCIL RESPONSIBLE FOR THE UPKEEP AND MAINTENANCE OF A PUBLIC PATHWAY WHICH IS ALSO A RESIDENT'S DRIVEWAY?

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

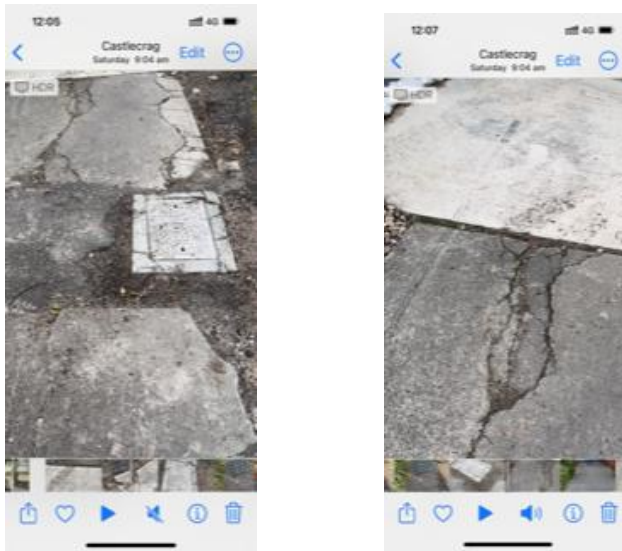
CITY STRATEGY OUTCOME: 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION

MEETING DATE: 31 OCTOBER 2022

Submitted by: Councillor Roy McCullagh

QUESTION

1. On behalf of a resident, is Council responsible for the upkeep and maintenance of a public pathway which is also a resident's driveway and only mean of access to their property?



OFFICER'S RESPONSE

The specific location, property ownership and planning consent details relating to driveways and vehicular access are necessary to enable a detailed and tailored answer to this Question With Notice.

As a general principle however, if a public pedestrian pathway is on a Council owned or controlled parcel of land, Council is responsible for pathway maintenance. An exception to that principle is where a public pedestrian pathway is intercepted by an authorised driveway. In that instance, the owner of the driveway is responsible for ensuring continuity and maintenance for pedestrian access across their driveway.

The maintenance of any authorised driveway over Council land is the responsibility of the owner of the property to which the driveway enables access

14.2 QUESTION WITH NOTICE 12/2022 - CHANGE TO PARKING CONDITIONS ON BARINGA ROAD, NORTHBRIDGE, WITHOUT ADVISING RESIDENTS

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: GORDON FARRELLY – TRAFFIC & TRANSPORT TEAM LEADER

CITY STRATEGY OUTCOME: 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION

MEETING DATE: 31 OCTOBER 2022

Submitted by: Councillor Roy McCullagh

QUESTION:

- 1. Why have new parking restrictions been introduced on Baringa Road, Northbridge, resulting in the removal of five (5) badly needed parking spots?**

Email received from a local resident - "As you requested, attached are photos of the new sign that has been put up in the past day or so. We have received no notification from Council and our next door neighbours haven't either.

The new NO STOPPING 6am to 6pm sign has been put up on the north side of Baringa Road near Gunyah (outside the nursing home and church). Because of it we are losing 5 badly needed road parking spaces. We are Baringa Road residents and the single-side road parking is already very difficult for us and our visitors as during the daytime it's taken up by commuters using the bus, nursing home staff, and parents dropping off kids at the school. Thanks for your assistance in trying to get the parking spaces back".

I am requesting that the decision is reversed immediately. This is an area that is already struggling due to the lack of parking and this decision impacts teachers and residents in particular.



OFFICER'S RESPONSE:

Council has approved a temporary timed Work Zone to support the construction of a development at 56 Baringa Road, Northbridge. The temporary 'No Stopping' restriction between 6:00am and 6:00pm Monday to Friday has been installed. The changes were reported to and supported by the Traffic Committee at its meeting of 24 October 2022 (Delegated Item Report Item 5.6 22/11).

To ensure timely action, it is normal practice to install such temporary measures when required and to report them to the next Traffic Committee, in this case, 24 October 2022. The minutes of that meeting will be reported to the Council meeting on 28 November 2022.

The Work Zone restrictions are temporary and approved only for the duration of the construction of the development, which is envisaged to be completed by 31 March 2023. The Work Zone is located in the vicinity of the development site and is necessary due to the narrow width of Baringa Road and the need to support safe local traffic movement and construction vehicle operations.

The restrictions are timed to reduce the impact on surrounding residents, businesses and the nearby church. Community consultation on temporary parking measures isn't normally being undertaken, but the process will be reviewed to ensure surrounding residents receive a letter explaining the temporary measures.

14.3 QUESTION WITH NOTICE 14/2022 - NIB HEALTH CENTRE (THE CONCOURSE) HEAD LEASE CONCERNS

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: RUPERT GILROY – PROPERTY MANAGER

CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 31 OCTOBER 2022

Submitted by: Councillor Roy McCullagh

QUESTION

In relation to the head lease of the NIB Health Centre tenancy (The Concourse), could Council please confirm that:

1. The monthly payments for the Repayment Deed are up to date? and
2. Whether Willoughby City Council CC took a write-off (bad debt) as part of the Deed negotiation and if so, how much?

The questions asked are Confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

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

Accordingly, an answer to the question is be provided in the closed portion of the Council meeting

The response is contained in the Property Lease Portfolio Confidential Attachment 4.

14.4 QUESTION WITH NOTICE 15/2022 - ROAD SAFETY CONCERNS AT INTERSECTION FRENCHS ROAD AND ALPHA ROAD, NORTHBRIDGE

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: GORDON FARRELLY – TRAFFIC & TRANSPORT TEAM LEADER

CITY STRATEGY OUTCOME: 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS

MEETING DATE: 31 OCTOBER 2022

Submitted by: Councillor Roy McCullagh

QUESTION

Can Council please advise if any representation has been made to Transport for NSW in the past in relation to this dangerous intersection?

I have searched the Ordinary Council Meeting minutes going back 10 years and I was unable to find any references to this.

OFFICER'S RESPONSE

Council has been liaising with Transport for NSW concerning the safety and operation of this intersection. In January 2020, Council received a submission from Trent Zimmerman MP, the then Federal Member for North Sydney, concerning a resident's request for traffic lights at Alpha Road and Frenchs Road, Willoughby. Council provided an advisory response to Trent Zimmerman MP and also forwarded that information to Transport for NSW for consideration.

Council's advice indicated that the intersection had an acceptable safety performance. In addition, a feasibility study undertaken by Council officers for the provision of traffic control signals at the Alpha Road and Frenchs Road intersection was completed in 2017. The feasibility study revealed that the motor vehicle, pedestrian and bicyclist volumes and demands in French Road and Alpha Road did not meet the Transport for NSW requirements and warrant traffic control signals. Based on this situation the then Roads and Maritime

Services Department did not support Council's proposal to implement traffic control signals at this intersection.

A review of the safety performance and road user demands at this intersection will be undertaken in the latter part of 2022/23 to understand the intersection's current performance and whether traffic control signals should be reconsidered.

14.6 QUESTION WITH NOTICE 17/2022 - WOOLWORTHS OPERATION PRIOR TO BUS SLIP LANE WORKS

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MITCHELL NOBLE – HEAD OF PLANNING
CITY STRATEGY OUTCOME:	3.5 – BALANCE POPULATION GROWTH AND DEVELOPMENT WITH QUALITY OF LIFE
MEETING DATE:	31 OCTOBER 2022

Submitted by: Councillor Sarkis Mouradian

QUESTION

- 1. Why weren't the bus slip lane works completed prior to the Woolworths opening noting that the initial condition was that bus slip lane works needed to be completed prior to CC then OC and now up to 3 months after OC?**

The applicant has advised that the need to complete the works within 3 months of the issuance of the occupation certificate arose from delays associated with rain and the complexity of the construction of the project (e.g. the need to move water, telecommunications, and electricity services).

- 2. When did Woolworths submit the plans for the bus slip works on the corner of Smith Street and EVW?**

Council's role was to consider and approve the bus stop and shared path designs, noting that this would have been submitted to Transport for NSW for approval beforehand. This information was considered by the Traffic Committee on 7 March 2022 and Council approved the Traffic Committee's recommendation at its Ordinary Meeting of 26 April 2022.

- 3. Could these works have been started earlier?**

Commencing upgrades to the road infrastructure earlier would only be possible if the approvals from Transport for NSW, Council and other relevant agencies and service providers were received earlier. This would have been difficult given the scope of the project and the number of approvals required.

4. What reasons did Woolworths give for not starting the design and construction process for the bus slip lane earlier?

Council understands that Woolworths commenced the design process shortly after approval for the proposed development was issued by Council.

5. What reason did Woolworths give for the delay in the completion of works?

Woolworths have advised Council that construction has been delayed due to rain, the complexity of the construction of the project, the need for approvals from many agencies and service providers (e.g. the need to move water, telecommunications, and electricity services), and the COVID-19 pandemic which has impacted contractor and labour availability.

6. Is the Eastern Valley Way a State road and therefore, Transport for NSW and the NSW Government have the most say on the impact on traffic and safety with allowing Woolworths to complete works within 3 months of opening?

Yes, and further, the intersection is controlled by traffic control signals which is also the responsibility of Transport for NSW.

7. What was the State Government and Transport for NSW response on the Section 4.55 application?

Transport for NSW issued its concurrence for the proposed development on 11 August 2022, and Council approved the section 4.55 application on 14 October 2022.

8. Did either entity flag any safety or traffic concerns and did they support the Section 4.55 application?

Transport for NSW did not raise safety or traffic as specific concerns, however it provided its concurrence subject to conditions including an updated Construction Pedestrian Traffic Management Plan which relates to both traffic and safety. Council carefully considered traffic and safety, and required changes to the location of the temporary bus stop on Eastern Valley Way from north of Smith Street to south of Smith Street. The applicant's traffic study was reviewed and Council was satisfied that the intersection of Smith Street and Eastern Valley Way would perform at an acceptable level. The additional traffic generated by Woolworths would result in a lower or similar traffic volume in 2022 compared to pre-COVID 2016 volumes. Following feedback from Transport for NSW, Council then undertook careful consideration and analysis and a range of other safety and traffic requirements were embedded in the conditions of consent including enhanced bus stop facilities including a DDA compliant bus stop and shelter, pedestrian wayfinding signs, and pedestrian safety enhancements within the traffic controls signals.

9. Did the TfNSW response have any implication on Willoughby Councils assessment of the Section 4.55 application?

Yes. As Transport for NSW is the agency responsible for State roads and buses, its concurrence was required in order for this modification application to proceed. The modification application could not have been approved without its concurrence.

10. How did Willoughby Council address the objections to the Section 4.55 approval by the Community?

Council considered the issues raised in the nine submissions received and provided responses in the assessment report that was considered by the Assessment Review Panel, which determined the modification application. Refer to response at point 11 for more detail.

11. How did Willoughby Council assess and approve the application, what parameters were used and were any concerns identified by Council?

The application was assessed in accordance with sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979*. Key issues considered in the assessment include traffic impact, pedestrian safety and convenience, the views of Transport for NSW, submissions received during the notification period, location of the temporary bus bay, and the implications of delaying the completion of the bus bay. A range of concerns were identified during the assessment including pedestrian safety, traffic volumes, traffic data, and the function and location of the temporary bus bay. To address these, requirements were embedded in the conditions of consent including relocation of the bus stop to south of Smith Street, enhanced bus stop facilities including a DDA compliant bus stop and shelter, pedestrian wayfinding signs, and pedestrian safety enhancements within the traffic control signals.

12. When do we expect the bus slip lane works to be completed and what happens if works are not completed within 3 months after opening?

A condition of consent requires completion of the bus bay within 3 months of the occupation of the development. The applicant has provided evidence of a \$2,300,000 bank guarantee between itself and Transport for NSW to provide security for the bus bay works which could be pursued by the State government if the works were not completed.

The conditions of consent (99A) require a bank guarantee to Council for \$1,000,000 if the traffic control signal works are not substantially commenced prior to the opening of the store.

Council would also have the ability to commence compliance action if the conditions of consent were not met.

13. Can we expedite the completion of same?

The applicant has advised it is expediting the works in order to complete them within 3 months of the store opening.

14. What are the consequences to the State Government, TfNSW and Willoughby Council if traffic conditions are worse than modelling and if there is a pedestrian injury or fatality due to the location of the temporary bus stop ie pedestrians crossing illegally as they don't want to walk to the pedestrian crossing?

The Construction and Pedestrian Transport Management Plan considers the safety of pedestrians and drivers during the temporary arrangements. Every effort has been made to maximise safety, for example the location of the temporary bus bay is in close proximity to the proposed bus bay, there are wayfinding signs to support movement to and from traffic signals, and Council has required the footpaths to be made DDA compliant. There is always the possibility in any traffic and pedestrian environment for accidents to occur, but significant rigour has been applied through the Construction and Pedestrian Transport Management Plan which has been developed based upon recognised specialist national and NSW guidelines.

14.7 QUESTION WITH NOTICE 18/2022 - HAVEN AMPHITHEATRE UPDATE

RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	3.6 – ACTIVATE LOCAL SPACES IN CREATIVE WAYS
MEETING DATE:	31 OCTOBER 2022

Submitted by: Councillor Roy McCullagh

QUESTION

Could I please have an update on the plans (if any) to upgrade the Haven Amphitheatre? Are we still talking to the Government about matching our investment? A number of residents have reached out to me requesting an update.

Background

Development application DA 2016/283 for the reconstruction of the stage and associated site works was approved in March 2018. This consent will lapse on 24 March 2023.

The construction of the stage proposed under DA 2016/283 did not progress due to stakeholder resistance to the proposed design and a lack of funding.

At the Council meeting of 29 March 2016, the Council received a report which recommended that Council fund 50% of construction of the new Haven stage, with the remainder the funds to be sought from Government grants and community contributions.

On 8 May 2017, the Council allocated 50% of the cost of the new stage in the 2017/18 Operational Plan for an amount of \$544k, noting that the balance of the stage re-build cost (\$544k) was to be funded from grant or community contributions. The Council also committed a \$300k contingency to fund disability access ramps if required at this time.

The balance of funding was never secured. Subsequently, Council completed a project to provide a natural earth stage at the Haven. This project was funded by the NSW Department of Heritage at a cost of \$68k and was completed in December 2021.

Current status

Council currently facilitates the use of the Haven as a community asset at no cost to community and performing arts groups. A number of community events and theatre productions have been successfully held at the site during 2022. Further events are scheduled in November and December 2022.

Council does not have a current project allocated within the Operational Plan or Delivery Program to upgrade the Haven Amphitheatre. As such, no funds are allocated for upgrading the Haven Amphitheatre within the long term financial plan. Council is not seeking government funding for the reconstruction of the stage at this time.

An update on the status was recently provided by the Mayor to Haven Promotions Inc. This updated included the current status of the site and the process to book the site for performances and events.

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.

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 - Chief Executive Officer’s Performance Review** – This report is confidential as it is relating to personnel matters concerning articular individuals (other than Councillors).
Section 10A(2)(a) of the *Local Government Act 1993*.

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

That Council move into closed session.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

Voting

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

Against: Nil

Note:

Council moved into closed session at 9:01pm.

15.1 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW

Refer to item 9.2 Confidential Mayoral Minute Chief Executive Officer’s Contract Renewal

16 CONCLUSION OF THE MEETING

Council meeting concluded at 10:31pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Meeting of Council held on 31 October 2022. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

Mayor Tanya Taylor