



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

on 3 November 2021

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**Minutes of an ordinary Council meeting  
held on Wednesday, 3 November 2021  
at the Council Chamber, Chatswood commencing at 7:02pm**

**ATTENDANCE:**

**Councillors**

Gail Giles-Gidney (Her Worship the Mayor)  
Craig Campbell  
Hugh Eriksson  
Denis Fernandez  
Wendy Norton  
Angelo Rozos  
Lynne Saville  
Nic Wright  
Brendon Zhu

**Officers**

Debra Just (Chief Executive Officer)  
Laura Kendall (Customer & Corporate Director)  
Melanie Smith (Community, Culture & Leisure Director)  
Hugh Phemister (Planning & Infrastructure Director)  
Stephen Naven (Chief Financial Officer)  
Chris Binns (Design, Construction & Maintenance Group Manager)  
Ian Arnott (Planning Manager)  
Norma Shankie-Williams (Strategic Planning Team Leader)  
Gordon Farrelly (Traffic & Transport Team Leader)  
Samantha Charlton (Governance, Risk & Corporate Planning Manager)  
Sherryn Williams (Governance Team Leader)  
Teena Strydom (Governance Administration Officer)  
Jason Racchi (Information Technology Team Leader)  
Matthew Long (Network Support Officer)

**1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY**

Notes:

1. The Mayor read the opening prayer.
2. The Mayor acknowledged the traditional inhabitants of the land on which we stand, the Aboriginal people, their spirits and ancestors. We acknowledge the vital contribution that indigenous people and cultures have made and still make to the nation that we share, Australia.

**2 DISCLOSURES OF INTERESTS**

- Councillor Giles-Gidney declared a non-pecuniary less than significant interest in Item 15.11 – Planning Proposal for 100 Edinburgh Road, Castlecrag. Councillor Giles-Gidney chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

*“This is my local shopping village and I am known by a number of the shop owners who trade business from this location. Four years ago I had a campaign office at this location in which I paid fair market rent and had a lease agreement.”*

- Councillor Eriksson declared a non-pecuniary less than significant interest in Item 15.11 – Planning Proposal for 100 Edinburgh Road, Castlecrag. Councillor Eriksson chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

*“As a local resident to the quadrangle is my local shopping centre which I visit, I have also recently taken out a short term lease on one of the lots to use as my campaign office for the upcoming local government election. I am paying a fair market rent for this space.”*

- Councillor Campbell declared a non-pecuniary significant interest in Item 15.11 - Planning Proposal for 100 Edinburgh Road, Castlecrag. Councillor Campbell chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

*“I am a member on the Sydney North Planning Panel (SNPP)”*

- Councillor Fernandez declared a non-pecuniary less than significant interest in Item 5.1 - Petition – Development at 3-5 Help Street, Chatswood. Councillor Fernandez chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

*“I have worked with the proponent or the appointed consultants either directly or indirectly before being elected a Councillor”*

- Councillor Fernandez declared a non-pecuniary less than significant interest in Item 15.12 - Planning Proposal for 58 Anderson Street, Chatswood. Councillor Fernandez chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

*“I have worked with the proponent or the appointed consultants either directly or indirectly before being elected a Councillor”*

**3 CONFIRMATION OF MINUTES**

*That the Minutes of the Ordinary Meeting of Council held 18 October 2021, copies of which have been circulated to each member of Council, be confirmed.*

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

That Council grant the applications for a leave of absence by Councillors Mustaca, Rutherford and Tuon for the 3 November 2021 meeting.

MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR ZHU

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS**

That Council suspend business in accordance with the Code of Meeting Practice and bring forward the presentation by the external auditors relating to item 15.3 – Public Presentation of the 2020-21 Financial Reports and Auditors Reports.

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR WRIGHT

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**CUSTOMER & CORPORATE DIRECTORATE**

**15.3 PUBLIC PRESENTATION OF THE 2020-21 FINANCIAL REPORTS AND AUDITORS REPORTS**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** STEPHEN NAVEN – CHIEF FINANCIAL OFFICER

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

**MOTION**

**That Council:**

1. Note that the audited 2020/21 financial reports including the auditor's reports have been presented to this meeting of the Council in accordance with Section 419(1) of the *Local Government Act 1993*.
2. Receive the address from the external auditor regarding the 2020-21 financial reports and auditor's report in accordance with Section 419(2) of *Local Government Act 1993*.
3. Note that a copy of the auditor's reports and a copy of the audited 2020/21 financial reports have been sent to Chief Executive of the Office of Local Government and the Australian Bureau of Statistics as required under Section 417(5) of the *Local Government Act 1993*.
4. Thank staff for the outstanding result.

**MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

*Note:*

*External Auditors Kenneth Leong and Tahsin Hossain joined the meeting for this item and presented the financial accounts and audit report to Council.*

**PROCEDURAL MOTION – RESUME THE STANDING ORDER OF BUSINESS**

That Council resume the standing order of business in accordance with the Code of Meeting Practice.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil



**5 PETITIONS****5.1 PETITION - DEVELOPMENT AT 3-5 HELP STREET, CHATSWOOD**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER

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

**MOTION**

That Council receive and note the petition on the proposed height and floor space increases over development at 3-5 Help Street, Chatswood, and refer the matter to the Planning and Infrastructure Director.

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Fernandez

*Notes:*

1. *Councillor Fernandez left the meeting at 7:16pm having declared an interest in this item.*
2. *Vincent Mok addressed Council speaking for the officer's recommendation.*

**6 OPEN FORUM — MATTERS NOT ON THE AGENDA**

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).

- Roy McCullagh addressed Council in regards to the increase in Council rates.

*Note:*

*Councillor Fernandez returned to the chamber at 7:23pm.*

**7 MAYORAL MINUTE**

**7.1 MAYORAL MINUTE 09/2021 - END OF TERM UPDATE****MEETING DATE: 3 NOVEMBER 2021**

After serving on Willoughby City Council for over twelve years and the past seven and a half years as popularly elected Mayor, I have made the difficult decision to not contest the election on the 4<sup>th</sup> of December 2021.

This is a decision that I have not made lightly. I love my job. It has been my incredible honor and privilege to serve the people of Willoughby and I am now looking forward to the next chapter.

When I was first elected to Council in 2009, I had a vision to transform the elected body to one that was truly representative of our community, through age, gender and culture. It has been a real pleasure to see a more diverse groups of Councillors elected to guide our City through the next phase of growth.

I have been impressed with the professionalism and dedication of our Councillors. They have engaged in respectful robust debate, offering alternate ideas and perspectives which had strengthened our decision making.

I wish to acknowledge the outgoing Councillors: Denis Fernandez, Tony Mustaca, Judith Rutherford, Lynne Saville and Christine Tuon and thank them for their ongoing commitment to our City. I wish Cr Campbell, Eriksson, Norton, Rozos, Wright and Zhu all the very best with the upcoming election.

The last term of Council has been a particularly busy and challenging one. I'm very proud of the achievements in delivering and progressing vital infrastructure projects, planning, the community outreach, our Green City plan and all this with a balanced budget.

The CEO Debra Just, along with her team have navigated through the challenges of two lockdowns, and importantly the seamless re-opening of our City and I thank them for their dedication and hard work. Responding to the demands of the elected Council and the community requires skillful diplomatic responses, while keeping an eye on the budget and they have been very successful at that.

My thanks to our wonderful community. I have thoroughly enjoyed getting to know and work with you. Thank you for your warmth and inclusion, your unfettered feedback and advice and your own commitment to the community that I love.

I also thank my family Jon, Miriam and Lincoln. The role of Mayor can be a demanding one. Every step of the way they have been there to provide encouragement and unconditional support. I could not have done this without you.

**MOTION****That Council receive and note the Mayoral Minute.****MAYOR GILES- GIDNEY****CARRIED****Voting****For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu**Against:** Nil

**7.2 MAYORAL MINUTE 10/2021 - RECOGNITION OF COUNCILLORS****MEETING DATE: 3 NOVEMBER 2021****1. PURPOSE OF REPORT**

To advise the Council that Councillors Fernandez, Mustaca, Rutherford, Saville and Tuon have advised they are not to stand for re-election and to acknowledge their service to Council and the community.

**2. DISCUSSION**

On behalf of Council, I would like to acknowledge and thank Councillors Fernandez, Mustaca, Rutherford, Saville and Tuon for their years of service and recognise the significant contribution they have made.

- Councillor Fernandez has served as a Councillor representing the Sailors Bay Ward for the City of Willoughby for four years during the 2017-2021 term.

During this time Councillor Fernandez represented Council on numerous committees, including:

- Bicentennial Reserve and Flat Rock Gully Advisory Committee and
  - Castlecrag Community Centre Management Committee (Council Management Committee)
  - Dougherty Apartments Board
  - Global Friendship Committee
  - Haven Amphitheatre Castlecrag Committee
  - Natural Heritage and Bushland Advisory Committee
  - Sustainable Reference Group
  - Sydney Coastal Councils Group.
- Councillor Mustaca was first elected to office in 1995, and has served the City of Willoughby representing the Chatswood Ward and West Ward during the following terms:
    - 1995-1999
    - 2004-2008
    - 2012-2016
    - 2017-2021

During this time, Councillor Mustaca held the position of Deputy Mayor on two occasions being:

- Deputy Mayor (Sept 1996 - Sept 1997)
- Deputy Mayor (Sept 2014 - Sept 2015)

Councillor Mustaca has served on over 22 committees during this time, which included:

- Audit Committee
- Cultural Events Committee
- Global Friendship Committee
- Heritage Advisory Committee
- Market Advisory Committee
- Willoughby Symphony Orchestra and Choir Advisory Committee
- Metropolitan Public Library Association.

In May 2021, the NSW Parliament recognised Councillor Mustaca's service to the community by awarding him with the Outstanding Community Service Award for Service to Education, Local Government and Community Welfare for his considerable financial support to medical research.

In January 2013, Councillor Mustaca was also awarded the Medal of the Order of Australia for his service to the Community. This recognised his significant contribution to the fields of Education, Local Government, Multicultural Development and Community Welfare. Also in 2013, he was also recognised for his considerable work with multicultural communities through the NSW Premier's Multicultural Lifetime Service Award for exceptional service to the multicultural community of NSW.

In 2017, Councillor Mustaca was awarded a Knighthood by the President of the Republic of Italy. The exact wording of the Award is "ONORIFICENZA DI CAVALIERE DELL'ORDINE DELLA STELLA D'ITALIA", the English translation being "HONOURED KNIGHT OF THE ORDER OF THE STAR OF ITALY". The Award is in recognition for service Councillor Mustaca has provided to the Italian community, but especially to disadvantaged children, over his lifetime.

- Councillor Rutherford was first elected to office in 1995, and has served the City of Willoughby representing the Middle Harbour Ward during the following terms:
  - 1999-2004
  - 2004-2008
  - 2008-2012
  - 2012-2016
  - 2017-2021

During this time, Councillor Rutherford held the position of Deputy Mayor on three occasions being:

- Deputy Mayor (Sept 1997 - Sept 1998)
- Deputy Mayor (Sept 1998 - Sept 1999)
- Deputy Mayor (Sept 2018 - Sept 2019).

Councillor Rutherford has represented Council on a number of committees and currently chairs the Cultural Events Committee and is co-chair of MOSAIC - Willoughby Council's Multi-Cultural Committee. During her time as a Councillor, she has also represented Council on the following committees:

- District Bush Fire Management Committee
- Finance, Economic Development and General Purpose Committee
- Global Friendship Committee
- Joint Consultative Committee
- Market Advisory Committee
- Multicultural Services Advisory Committee
- Willoughby Park Centre Committee.

During her time as a Councillor, Councillor Rutherford helped establish the first Neighbourhood Watch Group in Willoughby and became an advocate, helping residents with community issues. She re-activated the Castle Cove Progress Association and served as Secretary for many years. She was involved in the formation of the Federation of Willoughby Progress Associations and became the first President of that organisation.

Councillor Rutherford has been further recognised for her outstanding efforts and has received the following awards:

- 2000 - Community Service Award from Premier of NSW.
  - 2006 - International Women's Day – NSW Honour Roll.
  - 2007 - Powerhouse Museum – Distinguished Service Award.
  - 2010 - Awarded an AM, Member of the Order of Australia.
  - 2014 - University of Oxford, St. Hugh's College – Appreciation Award for supporting the Campaign to raise funds for the China Centre.
  - 2015 - Local Government NSW – Outstanding Service Award – 20 years as a member of Willoughby City Council.
  - 2017 - Local Government NSW – Special Achievement Award for Women in Local Government.
- Councillor Saville was first elected to office in 1999, and has served the City of Willoughby representing the West Ward during the following terms:
    - 1999-2004
    - 2008-2012
    - 2012-2016
    - 2017-2021

Councillor Saville represented Council on numerous committees during this time, most recently being the:

- Cultural Events Committee
  - Heritage Advisory Committee
  - Sustainability Reference Group
  - Sydney Coastal Councils Group
  - Willoughby HACC Services Advisory Committee.
  - Local Land Services Committee
  - Dougherty Apartment Board
  - Global Friendship Committee
  - Natural Heritage Bushland Advisory Committee
  - Access and Inclusion Committee
  - Waste Committee
- Councillor Tuon has served as a Councillor representing the Naremburn Ward for the City of Willoughby for four years during the 2017-2021 term.

Councillor Tuon represented Council on numerous committees, including:

- Audit, Risk & Improvement Committee
- Bicentennial Reserve and Flat Rock Gully Advisory Committee
- Global Friendship Committee
- Multicultural Services Advisory Committee
- NSW Public Library Association.

On behalf of the Council, I would like to thank all the Councillors for their service, and extend to them all our very best wishes in the future.

### 3. MOTION

That Council having noted Councillors Fernandez, Mustaca, Rutherford, Saville and Tuon will not be standing for re-election, acknowledge their contributions to the City of Willoughby during their time as a Councillor.

Mayor Giles-Gidney

**CARRIED**

#### Voting

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

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## 8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

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### 8.1 NSW INFRASTRUCTURE CONTRIBUTION REFORMS

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<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – CHIEF EXECUTIVE OFFICER</b>
<b>AUTHOR:</b>	<b>MAXINE KENYON - CORPORATE STRATEGIC PROJECTS</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES</b>

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#### MOTION

That Council:

1. Note the update on the Infrastructure Contributions reform proposals currently on public exhibition.
2. Delegate authority to the Chief Executive Officer to make a submission on the suite of documents on Infrastructure Contributions reform from both the, Department of Planning, Industry and Environment and, the Independent Pricing and Regulatory Tribunal by their relevant due dates.
3. Note that a formal position from the elected Council is required after the first meeting of the new Council in 2022.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR FERNANDEZ**

**CARRIED**

#### Voting

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY****10 MATTERS REQUIRING ELABORATION OR DEBATE**

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.

- 13.1 Deferred Items 5.2 – Hampden Road and Herbert Street, Chatswood Street to St Leonards and Item 5.5 – School Children Safe Wombat crossing program within the Traffic Committee Minutes held on 18 August 2021
- 15.2 Quarterly Budget Review 2021-22 September Quarter Report
- 15.5 Willoughby City Council End of Term Report 2021
- 15.6 Submission on the Draft Guidelines for Risk Management and Internal Audit for Local Councils in NSW
- 15.11 Planning Proposal for 100 Edinburgh Road, Castlecrag
- 15.12 Planning Proposal for 58 Anderson Street Chatswood
- 15.13 Public Exhibition of Draft Development Control Plan for 65 Albert Avenue Chatswood
  
- 15.14 Public Exhibition of the Urban Bushland Plan of Management 2021
- 15.15 Changes to Flood Planning Clauses in Willoughby Local Environmental Plan 2012
- 15.19 2022-2023 Registration of Interest - Concessional Hire of Council Community Facilities
- 15.20 Request Memorial Seat Artarmon Parklands – W Dickson
- 16.1 Notice of Motion 29/2021 - NSW Koala Population
- 16.2 Notice of Motion 30/2021 - Safety of pedestrians, cyclists and road users within the LGA
- 16.3 Notice of Motion 31/2021 - Roaming Cats
- 16.4 Notice of Motion 32/2021 - Recognition of Council Staff
- 17.1 Confidential - Legal Matters Report - November 2021

**MOTION**

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

- 12.1 Minutes - Audit, Risk & Improvement Committee meeting held 14 October 2021
- 12.2 Minutes - Bicentennial Reserve and Flat Rock Gully Meetings held on 4 May and 28 September 2021
- 12.3 Minutes - Bicycle Consultative Committee held on 12 October 2021
- 12.4 Minutes - Companion Animals Advisory Committee meeting held on 13 July 2021
- 12.5 Minutes - Traffic Committee meeting held 20 October 2021
- 12.6 Minutes - Willoughby Heritage Advisory Committee meeting held on 19 October 2021
- 15.1 Public Exhibition of the Draft Economic Development Strategy
- 15.4 Annual Report 2020/2021
- 15.7 Legal Matters Report - November 2021
- 15.8 Council Delegated Authority during Recess
- 15.9 Code of Conduct - Complaint Statistics
- 15.10 Petitions - Bi-Annual Report
- 15.16 Development Assessment - Quarter 1 (1 July 2021 to 30 September 2021)
- 15.17 Lease over part Cordia Way by owners of 17 Weedon Road, Artarmon
- 15.18 Property Lease Portfolio
- 15.21 Request Memorial Seat Harold Reid Reserve - T Francis
- 17.2 Confidential - Property Lease Portfolio

17.3 Confidential - Public Exhibition of Planning Agreements 5-9 Gordon Avenue and 54-56 Anderson Street, Chatswood

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

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**11 PUBLIC FORUM — MATTERS ON THE AGENDA**

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

- **15.11: Planning Proposal for 100 Edinburgh Road, Castlecrag**  
Andrew Johnson, Kathryn McCann and Suzie Gold addressed Council speaking against the officer's recommendation.

Ruth Kendon (on behalf of the Castlecrag Progress Association), Anna Nilsson, Hugh Stowe, Adrienne Kabos (on behalf of Walter Griffin Society), Jill Newton, Bruce Wilson and Michael Neustein (Planning consultant to Greencliff Castlecrag Pty Ltd) addressed Council speaking in support of the officer's recommendation.

- **15.12: Planning Proposal for 58 Anderson Street, Chatswood**  
Lauren St Clair Honey addressed Council speaking in support of the officer's recommendation

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**PROCEDURAL MOTION – PERMIT SPEAKER TO ADDRESS QUESTION ON NOTICE**

That Council granted permission for a resident to address the meeting in relation to a Question on Notice.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

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- **18.2: Question with Notice 20/2021 by Councillor Saville - Chatswood Golf Course Re-Development**  
Tom Bowden addressed Council speaking against officer's response to Questions on Notice.
  - **16.1: Notice of Motion 29/2021 - NSW Koala Population**  
Diana Pryde (Save Sydney's Koalas) addressed Council speaking for the Motion.



**15.11 PLANNING PROPOSAL FOR 100 EDINBURGH ROAD, CASTLECRAG**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN SHILLINGTON - CONSULTANT STRATEGIC PLANNER, PLANNING &amp; INFRASTRUCTURE</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF OUR VILLAGE CENTRES</b>

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**MOTION**

That Council:

1. Forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, with the following amendments to Willoughby Local Environmental Plan 2012:
  - a) Insert the following at Clause 4.3A Exceptions to height of buildings:
    - (9) The height of any building at 100 Edinburgh Road, Castlecrag being Lot 11, DP 611594 and Lot 1, DP 43691 shall not exceed AHD 97.490. For the purposes of this clause, the height of building does not include the following elements:
      - (a) any balustrade which is less than 1.2m height,
      - (b) any lift tower allowing disabled access to communal areas on the building roof and access to the lift, not to exceed 4.5m above the roof finished floor level,
      - (c) any stair enclosure allowing access to the roof, not to exceed 3.5m above the roof finished floor level,
      - (d) any services installations which are less than 2m in height including but not limited to air conditioning, solar panels, skylights,
      - (e) any communal facilities such as barbeques, seating and tables, planter boxes,
      - (f) disabled facilities such as toilets, not to exceed 3.5m above the roof finished floor level.
  - b) Insert the following at Clause 4.4A Exceptions to floor space ratio:
    - (25) The floor space ratio of any building on the land at 100 Edinburgh Road shall not exceed 1.8:1 of which not more than 1.6:1 shall be above the level of Edinburgh Road.
  - c) Insert the following at *Schedule 1 Additional permitted uses*:
    - 75 Use of certain land at 100 Edinburgh Road, Castlecrag
      - (1) This clause applies to land at 100 Edinburgh Road, Castlecrag, being Lot 11, DP 611594 and Lot 1, DP 43691.

- (2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
    - (a) Those uses at ground level facing Edinburgh Road are used for non-residential purposes and
    - (b) A minimum of 20% of the total FSR is provided for non-residential purposes.
  - d) To amend the Height of Buildings Map (Sheet HOB\_007) to remove height controls for the site at 100 Edinburgh Road, Castlecrag.
  - e) To amend the Floor Space Ratio Map (Sheet FSR\_007) to remove floor space ratio controls for the site at 100 Edinburgh Road, Castlecrag.
  - f) To amend the Special Provisions Area Map (Sheet SPA\_007) to show 100 Edinburgh Road, Castlecrag, as Area 9 (Clause 6.8 Affordable Housing applies), and Area 12 (Clause 6.23 Design Excellence applies).
2. Subject to 1. above, Council endorse for public exhibition the Planning Proposal as outlined in 1.
3. Endorse for public exhibition the draft site specific *Development Control Plan* provisions, subject to the following amendments:

Remove the following section in Part 9.2 Application of this Part:

***Relationship to Planning Proposal design***

***This DCP governs the architectural design, prepared by FJMT Studio, lodged with the Planning Proposal for the site, subject to any changes adopted with the Planning Proposal. In accordance with the provisions of the Planning Proposal, the design architect is to be FJMT Studio. No alternative architect may be substituted without the agreement of Council.***

Amend 5.3 Site Planning - Building height section to state the following:

***Building height***

***Development of the site is to be carried out in accordance with clause 4.3A of the Willoughby LEP.***

Amend 5.4 Development Controls for Public Open Space to include the following additional controls:

- (b) ***Any public right of way over private land should be for the public to use but is to be maintained by the private land holder. This public right of way should be compliant for disabled access and give consideration to Safer By Design principles and guidelines.***
- (c) ***A management plan for public open space areas is to be prepared by the applicant and approved by Council prior to approval of a development application on the site. The management plan is to address future management arrangements of areas in private ownership to be accessed by the public, including outdoor dining, landscaping, public access and on-going maintenance responsibilities.***

- (d) *A footpath width on Edinburgh Road and Eastern Valley Way adjacent to the development that is 2.4m or wider as determined by the pedestrian load of the area and that generated by the development will be required. Any potential outdoor eating areas should be clear of this footway area.*
4. Endorse preparation by the applicant of a detailed site contamination assessment of the site prior to public exhibition of the Planning Proposal.
  5. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
    - (1) To proceed as recommended.
    - (2) To proceed under controls proposed in the Planning Proposal provided.
    - (3) To not proceed with the Planning Proposal.
  6. Request that the Department of Planning, Industry and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.
  7. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which does not alter the policy intent.

**MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR GILES-GIDNEY**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Eriksson, Fernandez, Norton, Rozos, Saville and Zhu

**Against:** Councillor Wright

**Absent:** Councillor Campbell

*Notes:*

1. *Councillors Giles-Gidney, Eriksson declared an interest in this item.*
2. *Councillor Campbell left the chamber at 7:49pm having declared an interest in this item.*

**15.12 PLANNING PROPOSAL FOR 58 ANDERSON STREET CHATSWOOD**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – DIRECTOR PLANNING &amp; INFRASTRUCTURE</b>
<b>AUTHOR:</b>	<b>CRAIG O'BRIEN – STRATEGIC PLANNER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS</b>

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**MOTION**

**That Council:**

- 1. Note the submissions and proposed responses to feedback on the Planning Proposal and draft site specific Development Control Plan for 58 Anderson Street, Chatswood following the public exhibition period.**
- 2. Support amendments to Willoughby Local Environmental Plan 2012 relating to 58 Anderson Street, Chatswood as outlined in Attachment 6 and forward to the Department of Planning, Industry and Environment for finalisation.**
- 3. Support the site specific draft Development Control Plan.**
- 4. Note the outcome of exhibition of the draft Voluntary Planning Agreement and authorise the Chief Executive Officer to execute the Deed.**
- 5. Delegate authority to the Chief Executive Officer to make any minor amendments to the final planning proposal and DCP which do not alter the intent.**

**MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Rozos, Wright and Zhu

**Against:** Councillors Norton and Saville

*Notes:*

- 1. Councillor Campbell returned to the chamber at 9:00pm.*
- 2. Councillor Fernandez left the chamber at 9:00pm having declared an interest in this item.*

**16.1 NOTICE OF MOTION 29/2021 – NSW KOALA POPULATION**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DAVID ROBERTS – ENVIRONMENT MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE</b>

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**MOTION**

That Council:

1. Notes that since 1990, NSW koala populations have declined by between 20% and 50%, to be in the range of 15,000 to 25,000 remaining. Local extinctions have already occurred and the species is projected to become extinct in the wild in NSW within 30 years. Urgent action is needed to ensure future generations can see these iconic species in the wild.
2. Writes to the Premier, Minister for Planning & Public Spaces, Minister for Energy and Environment, and Minister for Agriculture urging them to:
  - (1) Maintain council's ability to regulate environmental zones to protect, manage and restore lands of high ecological, scientific, cultural or aesthetic values, particularly for the protection of core wildlife habitat, with potential for koalas to return in the future (as occurred in Campbelltown).
  - (2) Provide planning certainty, resources and support for identifying core wildfire habitat corridors and connected bushland including for koalas, acknowledging that there is history of wildlife species sustaining injury, being maimed, and killed by car strike within the LGA.
3. Consider measures, including signage, reduced speed limit, underpasses to reduce/eliminate road kill and car strike of wildlife species across the Local Government Area.
4. Convey its support for the *Draft National Recovery Plan* for the Koala whilst recognising that the scale and quality of the habitat required for sustainable Koala Population management cannot be achieved in Willoughby.

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR NORTON**

**AMENDMENT**

That Council notes that since 1990, NSW koala populations have declined by between 20% and 50%, to be in the range of 15,000 to 25,000 remaining. Local extinctions have already occurred and the species is projected to become extinct in the wild in NSW within 30 years. Urgent action is needed to ensure future generations can see these iconic species in the wild.

**MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU**

**Voting**

**For the Amendment:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Rozos, Wright and Zhu

**Against:** Councillors Norton and Saville

*The amendment on being put to the meeting was CARRIED and become the motion.*

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

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

*Note:*

*Councillor Fernandez returned to the chamber at 9:21pm.*

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**12 REPORTS OF COMMITTEES**

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**12.1 MINUTES - AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD  
14 OCTOBER 2021**

**RESPONSIBLE OFFICER:** LAURA KENDALL - CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** STEVE RAY- RISK & AUDIT TEAM LEADER

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

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**RESOLUTION**

That Council note the draft minutes of the Audit, Risk and Improvement Committee meeting of 14 October 2021.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED EN BLOC**

**12.2 MINUTES - BICENTENNIAL RESERVE AND FLAT ROCK GULLY MEETINGS HELD ON 4 MAY AND 28 SEPTEMBER 2021**

**RESPONSIBLE OFFICER:** MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR

**AUTHOR:** JULIE WHITFIELD – OPEN SPACE CO-ORDINATOR

**CITY STRATEGY OUTCOME:** 5.5 – MAKE IT EASY FOR CITIZENS TO PARTICIPATE IN DECISION MAKING

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**RESOLUTION**

That Council receive and note the minutes of the Bicentennial Reserve and Flat Rock Gully Advisory Committee meetings held 4 May and 28 September 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

**CARRIED EN BLOC**

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**12.3 MINUTES - BICYCLE CONSULTATIVE COMMITTEE HELD ON 12 OCTOBER 2021**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER - PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** GORDON FARRELLY – TRAFFIC & TRANSPORT TEAM LEADER

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

2.4 – REDUCE PARKING AND TRAFFIC CONGESTION

3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS

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**RESOLUTION**

That Council receive and note the Minutes of the Bicycle Consultative Committee meeting held on 12 October 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

**CARRIED EN BLOC**

**12.4 MINUTES - COMPANION ANIMALS ADVISORY COMMITTEE MEETING  
HELD ON 13 JULY 2021**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE  
DIRECTOR

**AUTHOR:** TEENA STRYDOM - GOVERNANCE ADMINISTRATION  
OFFICER

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

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**RESOLUTION**

That Council receive and note minutes of the Companion Animals Advisory Committee meetings held on 13 July 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

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**12.5 MINUTES - TRAFFIC COMMITTEE MEETING HELD 20 OCTOBER 2021**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER - PLANNING & INFRASTRUCTURE  
DIRECTOR

**AUTHOR:** GORDON FARRELLY – TRAFFIC & TRANSPORT  
TEAM LEADER

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

2.4 – REDUCE PARKING AND TRAFFIC CONGESTION

3.1 – FOSTER FEELINGS OF SAFETY, SECURITY  
AND CLEANLINESS

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**RESOLUTION**

That Council receive and adopt the recommendations arising from the Traffic Committee meeting held on 20 October 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC



**12.6 MINUTES - WILLOUGHBY HERITAGE ADVISORY COMMITTEE MEETING  
HELD ON 19 OCTOBER 2021**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING AND  
INFRASTRUCTURE DIRECTOR

**AUTHOR:** IAN ARNOTT - PLANNING MANAGER

**CITY STRATEGY OUTCOME:** 2.2 RESPECT AND CELEBRATE OUR HISTORY AND  
HERITAGE SITES

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**RESOLUTION**

That Council receive and note the minutes of the Willoughby Heritage Advisory Committee meeting held on 19 October 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

**CARRIED EN BLOC**

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**14 CORRESPONDENCE**

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**15 REPORTS FROM THE OFFICERS**

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**CHIEF EXECUTIVE'S OFFICE**

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**15.1 PUBLIC EXHIBITION OF THE DRAFT ECONOMIC DEVELOPMENT STRATEGY**

<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – CHIEF EXECUTIVE OFFICER</b>
<b>AUTHOR:</b>	<b>JOHN ELLIOTT – ECONOMIC DEVELOPMENT MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>4.1 – FACILITATE THE DEVELOPMENT OF ALL BUSINESSES 4.2 – BUILD AND SUPPORT A NIGHT-TIME ECONOMY 4.3 – CREATE MEMORABLE FOOD DESTINATIONS 4.4 – ATTRACT VISITORS AND PROMOTE LOCAL, DESTINATION-BASED TOURISM 4.5 – DIVERSIFY OUR ECONOMY INCLUDING CREATIVE AND INNOVATIVE INDUSTRIES 4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF OUR VILLAGE CENTRES</b>

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**RESOLUTION**

**That Council:**

- 1. Endorse the draft Economic Development Strategy for public exhibition.**
- 2. Delegate authority to the Chief Executive Officer to make minor amendments to the draft Economic Development Strategy which does not alter the intent.**

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED EN BLOC**

**CUSTOMER & CORPORATE DIRECTORATE****15.2 QUARTERLY BUDGET REVIEW 2021-22 SEPTEMBER QUARTER REPORT**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** STEPHEN NAVEN – CHIEF FINANCIAL OFFICER

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

**MOTION**

That Council:

1. Note the Quarterly Budget Review 2021/22 – September Quarter.
2. Approve the increase in Grants & Contributions provided for Capital Purpose of \$3.3M.
3. Approve the decrease in operating budget income (excluding capital income) of \$5.9M and an increase in operating budget expense of \$1.9M resulting in a net negative impact of \$7.8M to the 2021/22 full year budget operating result before capital items.
4. Approve the decrease in Capital Expenditure for the 2021/22 Financial Year of \$5.5M.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos and Zhu

**Against:** Councillors Saville and Wright

**15.4 ANNUAL REPORT 2020/2021**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** SAMANTHA CONNOR – MEDIA, MARKETING AND EVENTS MANAGER

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

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**RESOLUTION**

That Council receive *Willoughby City Council's Annual Report 2020-21*.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

**CARRIED EN BLOC**

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**15.7 LEGAL MATTERS REPORT - NOVEMBER 2021**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER

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

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**RESOLUTION**

That Council receive the legal services report for November 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

**CARRIED EN BLOC**

**15.8 COUNCIL AUTHORITY DURING RECESS**

<b>RESPONSIBLE OFFICER:</b>	<b>LAURA KENDALL – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CHARLTON – GOVERNANCE, RISK &amp; CORPORATE PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>

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**RESOLUTION**

**That Council:**

- 1. Note the Council will be in recess from 4 November 2021 to 30 January 2022.**
- 2. Delegate authority to the Mayor and Chief Executive Officer from 4 November 2021 to 30 January 2022 to deal with matters during the break considered by them to be urgent, subject to:**
  - compliance with relevant legislation**
  - the limitations to delegations under section 377 of the *Local Government Act 1993***
  - matters that are considered urgent in nature or would cause undue delays to stakeholders**
  - consultation with Ward Councillors for decisions involving planning proposals**
  - decisions being deferred where Council policy provides no clear guidelines.**
- 3. Note a report outlining how the authority was exercised will be provided to Council at its meeting of 31 January 2022.**

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED EN BLOC**

**15.9 CODE OF CONDUCT - COMPLAINT STATISTICS**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** SHERRYN WILLIAMS – TEAM LEADER GOVERNANCE

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

**RESOLUTION**

That Council:

1. Receive and note the annual report on Code of Conduct Complaint Statistics.
2. Forward a copy of the annual report on Code of Conduct Complaint Statistics to the Office of Local Government.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED EN BLOC**

**15.10 PETITIONS - BI-ANNUAL REPORT**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER

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

**MEETING DATE:** 3 NOVEMBER 2021

**RESOLUTION**

That Council receive and note the report regarding the status of petitions presented for the period April 2021 - October 2021.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED EN BLOC**

**COMMUNITY, CULTURE & LEISURE DIRECTORATE****15.19 2022-2023 REGISTRATION OF INTEREST - CONCESSIONAL HIRE OF COUNCIL COMMUNITY FACILITIES**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHAEL CASHIN – COMMUNITY LIFE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY</b>

**MOTION**

That Council:

1. Endorse the following groups as eligible to receive a 100% concession (Category D) for the 2022/2023 ROI period, on the hire of Council facilities in accord with Council's *Community Facilities Hire Policy*.
  - Lifeline Harbour to Hawkesbury Limited
  - DCC Narcotics & Alcoholics Anonymous (5 programs)
  - Northbridge Quilters
  - Willoughby Senior Citizens Knitting Group Club
  - Older Women's Network Northside Wellness
  - Willoughby Senior Citizens Club
  - Willoughby District Historical Society & Museum
  - Italian Senior Citizens Group of Willoughby
  - Integricare
  - Hoarding Support Group - Self Help
  - NSW Justice Association Lower North Shore Branch
  - The Wilderness Society Sydney North
  - NSW State Emergency Service - Willoughby Lane-Cove Unit
  - Community Flower Studio
  - Alcoholics Anonymous
  - Rotary Club of Chatswood Roseville - Dance to the Nines
  - MOSAIC Italian Social Group
  - Northbridge Playgroup
  - Willoughby Bales Playgroup
  - Naremburn Playgroup Association
2. Notes the applications approved to receive 25% (Category B) and 50% (Category C) concessional hire in accord with Council's *Community Facilities Hire Policy*.

**MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**15.20 REQUEST MEMORIAL SEAT ARTARMON PARKLANDS - W DICKSON**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD- OPEN SPACE CO-ORDINATOR</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES</b>

**MOTION**

That Council:

1. Approve the request for a memorial seat in the Artarmon Parklands in honour of the late Mr Warren Dickson.
2. Fund the provision of a memorial seat in the Artarmon Parklands for the amount up to \$1000 in recognition of the late Mr Warren Dickson's long standing residency in Artarmon and his work with Willoughby City Council.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR GILES-GIDNEY**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**15.21 REQUEST MEMORIAL SEAT HAROLD REID RESERVE - T FRANCIS**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD- OPEN SPACE CO-ORDINATOR</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES</b>

**RESOLUTION**

That Council approve the request for a memorial seat in Harold Reid Reserve, Middle Cove in honour of the late Mr Tony Francis.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED EN BLOC**



**PLANNING & INFRASTRUCTURE DIRECTORATE****15.13 PUBLIC EXHIBITION OF DRAFT DEVELOPMENT CONTROL PLAN FOR  
65 ALBERT AVENUE CHATSWOOD**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING &  
INFRASTRUCTURE DIRECTOR

**AUTHOR:** CRAIG O'BRIEN – STRATEGIC PLANNER

**CITY STRATEGY OUTCOME:** 5.4 – ANTICIPATE AND RESPOND TO CHANGING  
COMMUNITY AND CUSTOMER NEEDS

**MOTION**

That Council:

1. Endorse for public exhibition the draft Willoughby Development Control Plan for 65 Albert Avenue Chatswood.
2. Be provided with a further report following exhibition and consideration of any submissions, prior to finalising the draft Willoughby Development Control Plan for 65 Albert Avenue Chatswood.
3. Delegate authority to the Chief Executive Officer to make any minor amendments to the draft Willoughby Development Control Plan for 65 Albert Avenue Chatswood which do not alter the policy intent.

**MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Wright and Zhu

**Against:** Councillor Saville

**15.16 DEVELOPMENT ASSESSMENT - QUARTER 1 (1 JULY 2021 TO 30 SEPTEMBER 2021)**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** IAN ARNOTT – PLANNING MANAGER

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

**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 2021).
2. The current development applications list as at 30 September 2021.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED EN BLOC**

**15.17 LEASE OVER PART CORDIA WAY BY OWNERS OF 17 WEEDON ROAD ARTARMON**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** TERENCE CARROLL – STRATEGIC PROPERTY SPECIALIST

**CITY STRATEGY OUTCOME:** 3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE  
5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

**RESOLUTION**

That Council:

1. Enter into a lease with the owners of 17 Weedon Road Artarmon for part of Lot 23 in DP 11236 for a term of ten years commencing 1 January 2022.
2. Delegate authority to the Chief Executive Officer to execute the lease agreement and any associated documents, assignments and variations related to the occupation of part of Lot 23 in DP 11236.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED EN BLOC**

**15.18 PROPERTY LEASE PORTFOLIO**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TERENCE CARROLL – PROPERTY LEASING SPECIALIST</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>

**RESOLUTION**

That Council note the report on Council’s property lease portfolio.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED EN BLOC**

**13 DEFERRED MATTERS****13.1 DEFERRED ITEMS 5.2 - HAMPDEN ROAD AND HERBERT STREET, CHATSWOOD TO ST LEONARDS AND ITEM 5.5 - SCHOOL CHILDREN SAFE WOMBAT CROSSING PROGRAM WITHIN THE TRAFFIC COMMITTEE MINUTES HELD ON 18 AUGUST 2021**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>GORDON FARRELLY – TRAFFIC &amp; TRANSPORT TEAM LEADER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS</b>

**MOTION**

That Council:

1. Adopt the recommendations of the Traffic Committee for Item 5.2 - Hampden Road and Herbert Street, Chatswood to St Leonards - Bicycle Route Detailed Design Plans and Construction, that is,
  - Approve the detailed design plans for bicycle route improvements along Hampden Road and Herbert Street between Mowbray Road, Chatswood and Pacific Highway, St Leonards.

- Approve the traffic control signal plans for Hampden Road at Brand Street and Herbert Street at Cleg Street, Frederick Street, Ella Street and Pacific Highway.
  - Note that the traffic control signal detailed design plans for the proposed new and changes to existing traffic control signals will be forwarded to Transport for New South Wales for approval.
  - Approve the construction of the bicycle route improvements based on the detailed design plans.
  - Note that there is no current funding for the project construction, and subject to Council approval, funding will be sought from relevant NSW Government and Council programs in 2021/22 and future years.
2. Adopt the recommendations of the Traffic Committee for Item 5.5 - School Children Safe Wombat Crossing Program - Five Wombat Crossings Concept Design Plans & Construction, that is,
- Note the receipt of \$1.95 million from the Federal Government Stimulus Commitment Road Safety Program (School Zone Infrastructure) for the installation of 13 raised pedestrian crossings (Wombat Crossing) including upgrades to 11 existing pedestrian crossings and 2 new crossings in the Willoughby LGA.
  - Note that stakeholder and community engagement for the program revealed community support for the implementation of wombat crossings at the 13 locations.
  - Note that Traffic Committee consideration and Council approval will be obtained prior to commencement of construction.
  - Note that the wombat crossing in High Street at Bedford Street was completed in May 2021 and the remaining 12 locations are planned to be completed by 30 June 2022.
  - Approve the concept design plans of 5 new wombat crossings and associated works including street lighting, regulatory signs and pavement markings, in the following locations:
    - Merrenburn Avenue at Willoughby Road, Naremburn.
    - Hatfield Street between Mowbray Road West & Farran Street, Lane Cove North.
    - Kirk Street at Archer Street, Chatswood.
    - Keary Street at Eaton Street, Willoughby.
    - Keary Street, south of Oakville Road, Willoughby.
  - Approve the completion of detailed design plans and construction of the 5 new wombat crossings in Hatfield Road, Lane Cove North; Merrenburn Avenue, Naremburn; Kirk Street, Chatswood and Keary Street, Willoughby

**MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville and Zhu

**Against:** Councillor Wright

**PLANNING & INFRASTRUCTURE DIRECTORATE****15.15 CHANGES TO FLOOD PLANNING CLAUSES IN WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** IAN ARNOTT – PLANNING MANAGER

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

**MOTION**

That Council notify the Department of Planning Industry and Environment that it wishes to incorporate the optional clause 5.22 – Special Flood Considerations into the Willoughby Local Environmental Plan in place at the time of making the State Environmental Planning Policy adopting the clause.

**MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**CUSTOMER & CORPORATE DIRECTORATE****15.5 WILLOUGHBY CITY COUNCIL END OF TERM REPORT 2021**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** KATRINA FURJANIC – CORPORATE STRATEGIC PLANNER

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

**MOTION**

That Council note the *Willoughby City Council End of Term Report 2021*.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR FERNANDEZ**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**15.6 SUBMISSION ON THE DRAFT GUIDELINES FOR RISK MANAGEMENT AND INTERNAL AUDIT FOR LOCAL COUNCILS IN NSW**

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<b>RESPONSIBLE OFFICER:</b>	<b>LAURA KENDALL – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CHARLTON – GOVERNANCE, RISK &amp; CORPORATE PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>

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**MOTION**

That Council:

1. Endorse a submission to the Office of Local Governments on the draft *Guidelines for risk management and internal audit for local councils in NSW* as outlined in the report with a minor amendment being the inclusion of two Council members on the Audit, Risk and Improvement committees.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the submission which do not alter the intent.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**PLANNING & INFRASTRUCTURE DIRECTORATE****15.14 PUBLIC EXHIBITION OF THE URBAN BUSHLAND PLAN OF MANAGEMENT 2021**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>NICHOLAS YU – NATURAL ASSETS OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE</b>

**MOTION**

That Council:

1. Endorse the public exhibition of the draft *Urban Bushland Plan of Management 2021* as per the requirements of Sections 38 and 40A of the *Local Government Act 1993* for a period of 42 days commencing 8 November 2021.
2. Receive a further report to the February Council meeting following the public exhibition of the draft *Urban Bushland Plan of Management 2021*.
3. Delegate authority to the Chief Executive Officer to make minor amendments to the draft *Urban Bushland Plan of Management 2021* which do not alter the intent.

**MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**16 NOTICES OF MOTION****16.2 NOTICE OF MOTION 30/2021 - SAFETY OF PEDESTRIANS, CYCLISTS AND ROAD USERS WITHIN THE LGA**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>GORDON FARRELLY – TRAFFIC &amp; TRANSPORT TEAM LEADER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>

**MOTION**

That Council:

- 1. Note TfNSW is the primary agency responsible for road safety on the Pacific Highway including intersections such as Fullers Road and Mowbray Road including the provision of infrastructure, traffic management, speed limits, intelligent transport systems and operation of traffic control signals which maximise the safety of all road users.**
- 2. Will continue to work with TfNSW to improve road safety for all road users by implementing community focused behavioural, infrastructure, speed management, technology and operational measures.**
- 3. Forward Councillor Saville’s submission to TfNSW for consideration in its management of the Pacific Highway.**

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil



**16.3 NOTICE OF MOTION 31/2021 - ROAMING CATS**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** MARK TAYLOR

**CITY STRATEGY OUTCOME:** 1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE

**MOTION**

That Council write to the NSW Government requesting reform of the Companion Animals Act, 1998 in order to strengthen the powers of local government in dealing with the problems caused by nuisance cats.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR NORTON

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**16.4 NOTICE OF MOTION 32/2021 - RECOGNITION OF COUNCIL STAFF**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER

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

**MOTION**

That Council recognise the consistent hard work of Willoughby Council staff over this term of Council and communicate to each of them in writing Council's heartfelt thanks and appreciation for their dedication, professionalism, and flexibility over the past four years, particularly noting their extraordinary contributions and efforts during the COVID-19 pandemic.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR GILES-GIDNEY

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**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 - Legal Matters Report - November 2021 - This report provides Councillors with information that assists them to understand the status of current legal matters. The release of this information would provide person(s) with whom Council conducts business or parties that are subject to legal proceedings details of Council's legal strategy, intentions and expenditure. On balance, it is not in the public interest to release information that, if disclosed, would compromise Council's legal prospects. Section 10A(2)(c) and (g) of the *Local Government Act 1993*.
- 17.2 - Confidential - Property Lease Portfolio - This report is confidential as disclosure of information in it could put Council at a commercial disadvantage in its future dealings with Council's tenants and would also make public commercially confidential information pertaining to the tenancies. Section 10A(2)(d)(i) of the *Local Government Act 1993*.
- 17.3 - Confidential - Public Exhibition of Planning Agreements at 5-9 Gordon Avenue and 54-56 Anderson Street, Chatswood. This report provides Councillors with information of two Planning Agreements that Council has been invited to enter into. Such deeds contain information related to financial dealings and are considered commercial in confidence. The content will not be made public until Councillors have considered the content of the legal documents and endorsed the public exhibition of the subject Planning Agreements. Section 10A(2)(c) 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 Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

*Note:*

*Council moved into closed session at 10:24pm.*

**PROCEDURAL MOTION – EXTEND MEETING CONCLUSION TIME**

That the business of the meeting be extended as per the Code of Meeting Practice clause 18.1 to address the final item on the business paper.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR FERNANDEZ**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**PROCEDURAL MOTION – MOVE INTO OPEN SESSION**

That Council move into open session.

**MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR FERNANDEZ**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

*Note:*

*Council moved into closed session at 10:35pm*

**17.1 CONFIDENTIAL - LEGAL MATTERS REPORT - NOVEMBER 2021**

**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR  
**AUTHOR:** SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER  
**CITY STRATEGY OUTCOME:** 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

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**MOTION**

That Council receive the confidential legal services report for November 2021.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

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**17.2 CONFIDENTIAL - PROPERTY LEASE PORTFOLIO**

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR  
**AUTHOR:** TERENCE CARROLL – STRATEGIC PROPERTY SPECIALIST  
**CITY STRATEGY OUTCOME:** 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

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**RESOLUTION**

That Council note the report on Council's property lease portfolio.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED EN BLOC**

**17.3 CONFIDENTIAL - PUBLIC EXHIBITION OF PLANNING AGREEMENTS 5-9  
GORDON AVENUE AND 54-56 ANDERSON STREET, CHATSWOOD**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SYLVANIA MOK - CONTRIBUTIONS SPECIALIST</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES</b> <b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b> <b>5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS</b>

**RESOLUTION**

That Council:

1. Agree to the draft Voluntary Planning Agreements for 5-9 Gordon Avenue and 54-56 Anderson Street, Chatswood being publicly notified and exhibited in accordance with Section 7.5 of the *Environmental Planning and Assessment Act 1979* and Clause 25D of the *Environmental Planning and Assessment Regulation 2000*.
2. Authorise the Chief Executive Officer to execute the Voluntary Planning Agreements following public exhibition and to make appropriate amendments to the Voluntary Planning Agreements which do not alter the intent of the draft Voluntary Planning Agreements as exhibited, or result in material changes to the Voluntary Planning Agreements following consideration of public submissions.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU**

**CARRIED EN BLOC**

**PROCEDURAL MOTION – ADOPT THE RECOMMENDATIONS MADE IN CLOSED  
SESSION**

That the recommendations formed in closed session of Council be adopted.

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Saville, Wright and Zhu

**Against:** Nil

**18 QUESTIONS WITH NOTICE****18.1 QUESTION WITH NOTICE 19/2021 BY COUNCILLOR SAVILLE -  
STORMWATER**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER - PLANNING AND INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DARREN WOOD - DESIGN AND INFRASTRUCTURE MANAGER DAVID ROBERTS – ENVIRONMENT MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES</b>
<b>MEETING DATE:</b>	<b>18 OCTOBER 2021</b>

Willoughby LGA is under increasing pressure to incorporate increased population density and urban development, which in turn may effect stormwater.

**1. What is Council's responsibility regarding the stormwater drainage system?**

Willoughby City Council is responsible for the provision, renewal and maintenance of the Council owned stormwater drainage system within the Willoughby LGA.

Other stakeholders also own or manage stormwater infrastructure on lands within the Willoughby LGA, or within the same catchments which cross Council boundaries and include Sydney Water, Transport for NSW and adjoining Councils.

**2. How much of the stormwater system repair/works schedule has been completed, and how much is yet to be undertaken on the Stormwater system across the LGA following introduction of the Infrastructure Levy?**

In the 2014/15 financial year approximately 14% of the Council owned stormwater network required renewal or partial reconstruction. At the end of the 2020/21 only 6% of the network will require renewal or partial reconstruction.

Council has inspected approximately 73% of the network using Closed Circuit Television (CCTV) inspections.

Inspection of the stormwater system is an on-going program of work that is adjusted and prioritised as part of the capital works program each year.

**3. Addressing Integrated Asset Management, what are the estimated costs to identify recent damage; repairs, maintenance and/or upgrade required to the existing stormwater drainage system within the LGA to ensure adequate stormwater management with capacity to meet future demands; having regard to resilience, climate change and current storm event?**

The cost to identify damage and degradation of stormwater assets is a recurrent operational cost related to the following activities:

- A rolling CCTV inspection program of approximately \$30,000 per year to identify pipe condition.
- Potential damage or localised flooding identified by the community is inspected in order to verify condition and any remedial issues.
- Council requires stormwater drainage systems in the vicinity of development proposals to be inspected and verify the condition of Council's assets prior to, and post development work to ensure assets are not damaged as part of the works.
- Council's regularly inspect key drainage inlet pits and organise reactive drain clearing maintenance where required.
- Water Sensitive Urban Design and Gross Pollutant Traps are inspected yearly to identify works required to maintain or improve drainage efficiency.

In order to address resilience and climate change, a program of flood studies and floodplain risk management studies are used to assess the capacity of stormwater systems and to identify risk management strategies.

These studies can vary in cost and generally funded in part by Council in conjunction with funding from the NSW State Government. The response to Question 6 also details other measures Council uses to reduce stormwater drainage risks.

In the 2020/21 Council spent \$190,000 on the maintenance of stormwater pipes and pits. Inspections confirmed that six percent (6%) of the stormwater network requires renewal works to improve condition to meet the adopted intervention levels. This equates to approximately \$9.1M in replacement costs.

Costs associated with stormwater drainage capacity upgrade works are additional to asset renewal costs. These needs are identified in flood plain risk management studies and the costs are determined at the planning and detailed design stage for implementation of proposed actions with works prioritised through Council's projects and capital works process.

Council's new CONNECT asset management system will be implemented in the 2021/22 and will allow for more detailed and systemic cost capture on operational and maintenance costs.

**4. What strategies have been implemented to maximise re-use of stormwater, and to minimise generation of uncollected stormwater?**

Development controls are in place to maximise the re-use of stormwater, and to minimise generation of uncollected stormwater. These controls include requirements for the installation of on-site detention systems and rainwater harvesting, retention and reuse tanks. This requirement is applied to the majority of developments.

Development Controls are also in place to minimise hard impervious surfaces and maximise soft landscaping to optimise groundwater infiltration within properties.

In 2020/21, Council upgraded the stormwater harvesting system located in Artarmon Reserve and completed a detailed design for works to protect sewer events within The Concourse stormwater harvesting system.

In 2021/22, detailed design has commenced for two stormwater reuse projects, Warners Park Stormwater Harvesting and Willoughby Park Stormwater Harvesting. A 2022/23 project bid will be submitted later this year for detailed design of the Hallstrom Park Stormwater Harvesting project.

**5. Have potential partnerships and funding opportunities been identified to upgrade the stormwater drainage system and improve stormwater management generally across the LGA?**

Council has a range of funding partners for stormwater related works.

The Department of Planning, Industry and Environment manages the Floodplain Management Program and provide financial support to local councils and eligible public land managers to help them manage flood risk in their communities. Council has been successful in attracting grants for Floodplain Risk Management Studies.

Grant funding for streetscape projects, such as the Artarmon Local Centre, typically have a funding component to include Water Sensitive Urban Design and Stormwater pipe renewals as part of the project. This usually results in the upgrade of asset condition as well as an increase in the drainage capacity of the system.

Council works with other stormwater managers such as Sydney Water to coordinate stormwater management and the interface with their primary trunk drainage systems. Council also coordinates activities with the studies and works performed by developers associated with their developments.

**6. What are the estimated potential effects from current projected population increases, and increased urban development on existing stormwater infrastructure (e.g. increased hard surfaces, loss of soft landscapes, increased run off)?**

Council's stormwater system has a capacity limit like all stormwater drainage systems. To reduce the effects of urban development, Council has introduced a multi-level approach and various policies to manage future demands and overland flooding resulting from increased urbanisation. Measures include:

1. Requirement of on-site detention (OSD) systems and rainwater tanks as a development control to reduce the impact of overland flows on the stormwater system arising from high rainfall events. Generally, these OSD systems make the runoff from a site comparable to if it was 100% pervious, therefore offsetting the impact of increased urban development.
2. Soft landscaping areas within properties to restrict the maximum impervious area which further aims to reduce runoff by increasing infiltration.



3. A floodplain risk management process to determine ways to manage the risk of flooding (including increasing urbanisation) and ways to mitigate this. A key part of this is to ensure that development does not encroach on or impede flow paths and is constructed at an appropriate level.
  4. Additionally, Council's projects continue to reduce water run-off and pollution through the use of Water Sensitive Urban Design facilities such as rain gardens. Council has recently installed rain gardens at the Willis Tennis Centre carpark and in Lanceley Place, Artarmon. Council also continues a strong focus on natural area management through protection and enhancement of bushland areas.
- 7. What is the current situation regarding the stormwater collection tank and grey water system in situ at The Concourse, including:**

- **the % stormwater recycled and re-used in grey water?**

The primary purpose of stormwater detention at The Concourse for flood mitigation is working as originally intended. However, the water recycling system is currently in bypass mode whilst works are undertaken to better manage the process.

The first step is to install a new 'penstock' gate, scheduled for 2022/23. This gate will divert flows from pollution events away from the tank and preserve the quality of retained water. Pollution events include sewerage from upstream overflows and hydrocarbons from fuels spills.

- **the effectiveness of membrane/osmosis/filtering system installed?**

The water recycling system uses an ultra-filtration membrane in combination with chlorination and ultraviolet light. This is considered to be very effective means of treating stormwater for reuse as irrigation, toilet flushing and cooling tower operation.

- **to what extent can operational functionality be improved?**

In 2019/20 Council engaged a specialist design consultant and maintenance contractor who were experienced in these sorts of systems. The learnings are currently being implemented to improve functionality. As an example, in the current year a process is being developed to access the filtration system controller to monitor and manage the system remotely.

- **what partnership/funding opportunities are available?**

Council is currently discussing partnership and funding opportunities with Sydney Water's Water Fix program.

**18.2 QUESTION WITH NOTICE 20/2021 BY COUNCILLOR SAVILLE -  
CHATSWOOD GOLF COURSE RE-DEVELOPMENT**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>3 NOVEMBER 2021</b>

**QUESTION**

The Chatswood Golf Course Development, described by the media as a massive development was approved by the Sydney North Planning Panel last July.

- 1. Was there a reason why the use described in the Site Compatibility Certificate (SCC), previously issued by the Panel, granted works beyond the development boundaries defined by the issued SCC to create a bushfire asset protection zone? Is the development compliant with the SCC?**

No construction works have been approved outside of the development footprint area defined in the Site Compatibility Certificate (SCC).

Notwithstanding, the Rural Fire Service recommended conditions requiring an Asset Protection Zone (APZ) that extends outside the development footprint area defined in the SCC. Conditions also require further plantings to occur outside of the development footprint area and other works including works within Council's road reserve.

The inclusion of these conditions is not contrary to the SCC as is agreed by the Sydney North Planning Panel in the issue of their determination. The proposal is assessed as compliant with the SCC.

- 2. Is there a Masterplan for a massive development of this scale? Did council contemplate a Masterplan for this site and, if so why was it not progressed?**

No Masterplan is/was required.

Permissibility for seniors housing on the site relied on a Site Compatibility Certificate (SCC) approved by the Sydney North Planning Panel on 16 June 2021.

- 3. The site contains remnant forest with 'heritage' trees, identified in Council's Natural Heritage Register as significant to the area.**

- (1) To what extent was council's Bushland Management Plan implemented and used as the guiding document for this development?**

Council's Bushland Management Plan addresses Council's bushland reserves. No Council bushland reserves were impacted by the proposal. The Bushland Management Plans did guide negotiations by providing evidence of the need to maintain native corridors linking reserves which has resulted in the use of local native tree shrub and groundcover species in all ground level landscaping.

- (2) The development proposes to remove 238 trees, including significant and mature species, with a further 40 trees to be removed for asset protection. Is this consistent with and aligned with councils claims to protect native vegetation, habitat corridors and natural landforms, as well as the NSW governments stated intentions to improve/extend canopy?**

While a total of 238 trees are proposed to be removed from the subject site, taking into account the exempt species being removed (51) and the proposed tree planting on the landscape plans (20), the proposal results in a net loss of non-exempt trees of 167 trees.

The applicant offered to compensate the loss of the 167 trees by replanting 650 trees (a net gain of 400+ trees). Council's Landscape Architect noted that replanting of the 650 locally native trees is above the minimum requirement stipulated in Council's Tree Policy being 3 for 1 replacement.

A fauna assessment was undertaken in conjunction with the application and assessed by Council's Landscape Officer. It was determined that the proposal would not result in significant impact to existing fauna habitat and corridors in the area and would result in future opportunity for habitat and corridors with the new tree planting.

The applicant has also been required by condition of consent to provide offset credits under the Biodiversity Conservation Act to offset potential impacts on habitat in addition to the required replacement tree planting, weed removal and use of local native tree shrub and groundcover species across the site.

- (3) In the Landscape Officers report, Council placed a value of \$2,000 per tree being removed based on Willoughby City Council's adopted Fees and Charges policy. Based on number of trees planned to be removed, this amount totalled \$334,000, but the report recommended 650 replacement trees to be \$1 tube stock (\$650) which may or may not survive. Did council consider how this difference, say \$333,000 could contribute to re vegetating the site, e.g. undertaking bush regeneration, habitat and corridor restoration?**

The replacement tree planting of 3:1 is listed in Section C.9 (Vegetation Management) of *Willoughby Development Control Plan*. Council's *Vegetation Management Guidelines* enables Council to enter into an agreement for payment as listed in the fees and charges for replacement planting where an applicant is unable to locate the required number of trees within their property. These provisions do not allow for both the replacement planting and further charges and are only intended for the purpose of providing trees on public land when the replacement trees are unable to be provided on site.

The preference is always that the replacement planting occur on the site and the monetary contribution is only applied where the applicant can demonstrate such planting within the site is unable to be achieved. As the applicant was able to provide the replacement planting within the site the requirements of *Willoughby Development Control Plan* were satisfied negating the need to enter into an agreement for compensation payment.

- (4) It is recommended that 650 trees will be planted to replace removal of 278 existing trees. What would be considered 'best practice' with regards to replacement tree species, particularly maturity and pot size? Is this consistent with Council's tree policy? What conditions are in place to monitor and evaluate replacement tree survival?**

Council's Tree Policy requires the provision of replacement planting at the rate of three trees for each tree removed. It does not specify pot size from which the trees are to be planted.

*Condition 26 Tree Planting* of the consent 2020/117 requires that the 650 trees to be planted must comprise of local native species and 50% of these trees must be capable of growing to a minimum height of 15 metres. An ongoing maintenance program must be implemented.

*Condition 138 Tree Planting* specifies minimum pot size of 200 litres for all trees proposed to be planted on the approved Landscape Plan.

- 4. It has been reported that the construction will result in 16M deep excavation, removal of natural landforms and established remnant forest, corridors and precious habitat in an area Zoned E4. Will the extent of this excavation and tree removal effectively result in the removal of the values and objectives of the E4 Zone? Does this set precedence for the integrity of E4 Zones across the LGA?**

No excavation or construction works are proposed within the E4 land. However, a total of 8 x trees are proposed to be removed from the E4 zoned parcel. Half of these trees have low retention value. The majority of the significant trees on E4 are retained and the integrity of the E4 land was not sufficiently affected to justify refusal of the application.

- 5. The papers refer to councils Landscape Officer. Was council's Landscape Officer named? If not is there a reason for the omission? Who are they and what are their qualifications?**

It is not necessary or appropriate to name specific officers as it is their expert opinion that is relevant to the assessment of the application. The officer providing the advice is a qualified Landscape Architect and Arborist his qualifications being B.App.Sci. Environmental Design (U. Canberra); B.Landscape Architecture (U. Canberra); Grad. Cert. Arboriculture (U. Melbourne).

- 6. Council's tree policy recommends tree replacement 1:3. Did Council contemplate deferred development consent to deal with outstanding issues particularly related to deep excavation, effect on neighbouring properties, extensive tree and natural landform removal, and precedence? If not, why not?**

All these issues were considered in the assessment of the application and reflected into the recommended conditions of consent. SNPP endorsed the recommendation and did not find unaddressed issues remaining. As such a Deferred Commencement Consent was not necessary or appropriate.

7. **Residents met with Council officers on site to consider the scale of the proposed development and effect on their properties. Residents have reported their request for Height poles was refused. Is there a reason why the request for height poles was refused?**

Due to existing vegetation and the ability to provide height poles to the required heights in the required locations it was determined that height poles were not the most effective way of observing the impact of the height of the building on neighbouring properties. Instead markings were provided in relevant locations from which the height of the development could be extrapolated. These were viewed by assessing officers and the Panel and explained to neighbouring residents.

8. **This development will require extensive excavation resulting in noise, vibration and potential silica exposure to workers and residents. Is Council aware of the health risks from silica exposure through excavation? What strategies have been put in place to protect the health of families living nearby and workers on site?**

The standard condition regarding dust control was amended to include dust suppression measures be implemented for activities such as excavation, rock-breaking etc. Crystalline silica is most dangerous to health when dust is generated and is best controlled and managed under existing work health and safety regulations. Managing risks on the worksite will be addressed by a Site Management Plan which is required by a condition of consent.

Subject to conditions recommended, Council's Environmental Health Officer found the proposal acceptable and did not raise any issues in regards to potential impact of excavation and construction on the health and safety of the residents adjoining the subject site.

9. **With regards to noise, vibration and potential property damage, is the developer responsible for paying for independent dilapidation studies prior to construction, on neighbouring properties? Was this contemplated by council or the panel? If not why not?**

*Condition 46 Dilapidation Report of Adjoining Properties* was included in the consent 2020/117 and requires dilapidation reports to be provided for adjoining properties. Such reports assist in providing evidence of pre-development conditions should any future damage claims be made.

10. **In the event of any property damage, excessive noise, vibration, dust, during construction, and subsequent property damage/slippage post construction, what systems and contact details will be in place to enable residents to report, and receive assistance?**

*Condition 46 Dilapidation Report of Adjoining Properties* of consent 2020/117 requires the applicant to submit a photographic survey and report of adjoining properties prior to commencement of work. This will provide evidence of the condition of the neighbouring properties prior to excavation and construction commencing and may be used as the basis for future claims should damage occur.

In regard to noise, vibration and dust during construction, conditions have been included in the consent to ensure legislative compliance. Any complaints should be addressed to the appointed certifier.

- 11. With regards to transparency, openness, when members of the public make their submissions by phone or zoom, how can council improve the ability of residents to view or respond to various documents the applicant submit to the Panel via their Zoom meeting?**

Sydney North Planning Panel public meetings are recorded and available on the Panel website. The Department of Planning, Industry and Environment are the administering authority for regional panels. Council can suggest improvements to the panel secretariat.

- 12. Bayview Golf Club proposed a similar development on its site but the plan was rejected by Northern Beaches Council and the local panel. To what extent can the development proposed and approved at Chatswood Golf Club be compared with the development rejected at the Bayview Golf Club?**

While some common themes exist, for example the use as a seniors village, in the case of the Bayview Golf Club proposal the NSW Court concluded that *'it has no power to amend a Site Compatibility Certificate'* – necessary in order to approve the Bayview development. As such, there was no power to grant development consent on the basis of the existing SCC and Commissioner Gray concluded that *'the development application must be refused on that ground alone'*.

Chatswood Golf Club development relied on a valid SCC and satisfactory addressed all requirements of that specific SCC.

- 13. To what extent does this 5 story development set precedence for residential streets across the LGA?**

The majority of the Golf Club site is zoned RE2 – Private Recreation pursuant to the Willoughby Local Environment Plan 2012 (WLEP 2012) and was subject to a Department of Planning, Industry and Environment issued Site Compatibility Certificate (SCC).

Each application is considered on its own merit and within the legislation applicable which includes in this instance the SCC. As such there is no reason to believe this application will set a precedent for development in residential streets across the Willoughby LGA.

The height of the development was considered acceptable noting the visible 5-storey façade of the development was separated from neighbouring residential properties by the golf course. The development reads as a maximum of 2-storeys from the closest residential properties being to the east and is located, in the most part considerably lower than the floor level of these properties.

- 14. To whom are complaints regarding the actions of a Planning Panel made?**

The Department of Planning, Industry and Environment is the relevant authority for the administering of the Regional Planning Panel and as such the appropriate authority to direct complaints.

15. Does council have capacity to challenge the decision made by the planning panel? Would council contemplate such a challenge?

Any third party has the ability to lodge a Judicial review (Class 4 proceedings) in the Land and Environment Court where it is considered the determination has not been legally made.

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## 19 CONCLUSION OF THE MEETING

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The meeting concluded at 10:37pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the ordinary Council meeting held on 18 October 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

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Mayor Giles-Gidney