



Willoughby City Council

ORDINARY COUNCIL

MINUTES

26 April 2023

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**Minutes of an ordinary Council meeting
held on Wednesday, 26 April 2023
at the Council Chamber, Chatswood commencing at 7:00pm**

ATTENDANCE:

Councillors

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

Officers

Debra Just (Chief Executive Officer)
Maxine Kenyon (Customer & Corporate Director)
Linda Perrine (Community, Culture & Leisure Director)
Hugh Phemister (Planning & Infrastructure Director)
Samantha Connor (Governance, Risk & Compliance Manager)
Jo Jewitt (Customer Experience Manager)
Mitchell Noble (Head of Planning)
Norma Shankie-Williams (Strategic Planning Team Leader)
Craig O'Brien (Strategic Planner)
Ian Shillington (Consultant Strategic Planner)
Michael Cashin (Community Life Manager)
Natalie Taylor (Council & Corporate Support Officer)
Adam Booth (Council & Corporate Support Officer)
Matthew Long (Network Support Officer)

1 OPEN MEETING**2 ACKNOWLEDGEMENT OF COUNTRY**

Willoughby City Council acknowledges the Traditional Owners of the lands on which we meet today, the Gamaragal People, and their connections to land, waters, and community. We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people, including those who may be in attendance today.

3 REFLECTION OR PRAYER**4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

That Council accept the leave of absence submitted by Councillor Rozos for the 26 April 2023 Ordinary Council meeting.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR GRECO

CARRIED

Voting

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

Against: Nil

PROCEDURAL MOTION – RECOMMIT THE ITEM

That Apologies and Applications for Leave of Absence by Councillors be recommitted.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MORATELLI

CARRIED

Voting

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

Absent: Councillors Eriksson and Xia

Note: Councillors Eriksson and Xia were absent from the room at the time of voting.

That Council accept the leave of absence submitted by Councillor Rozos and Councillor Wright for the 26 April 2023 Ordinary Council meeting.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED

Voting

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

Against: Nil

5 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 27 March 2023, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

6 DISCLOSURES OF INTERESTS

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

- Councillor Xia declared a non-pecuniary less than significant interest in item 12.2 – Investment Report for month of March 2023. Councillor Xia chose to stay in the meeting and take part in any discussion and voting on this item. The reason provided was:

“I am an employee with Westpac with whom Council has investments. I have no influence over any of the investment held by the Council.”

- Councillor Zhu declared a non-pecuniary significant interest in 12.6 Legal Matters Reports – April 2023. Councillor Zhu chose to leave the meeting and take no part in any discussion and voting on this item. The reason provided was:

“My wife works for Transport for NSW and was involved in one of their legal matters involving digital signage (Ooh!Media).”

- Councillor Taylor declared a non-pecuniary significant interest in 12.7 Planning Proposal – 849 853 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541, Chatswood. Councillor Taylor chose to leave the meeting and take no part in any discussion and voting on this item. The reason provided was:

“My position on the Sydney North Planning Panel”

- Councillor Taylor declared a non-pecuniary significant interest in 12.8 Planning Proposal – 100 Edinburgh Road, Castlecrag. Councillor Taylor chose to leave the meeting and take no part in any discussion and voting on this item. The reason provided was:

“My position on the Sydney North Planning Panel”

- Councillor Taylor declared a non-pecuniary significant interest in 12.9 Planning Agreement – 100 Edinburgh Road, Castlecrag. Councillor Taylor chose to leave the meeting and take no part in any discussion and voting on this item. The reason provided was:

“My position on the Sydney North Planning Panel”

7 PETITIONS**7.1 PETITION FOR NOTING - OPPOSITION TO DA APPLICATION 2023/59 FOR A NEW CAFE****MOTION**

That Council:

1. Note the petition titled “*Opposition to DA Application 2023/59 for a New Café*”.
2. Refer the matter to the Planning & Infrastructure Director.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

PROCEDURAL MOTION – BRING FORWARD ITEM 11

That standing orders be set aside and item 11 be brought forward.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

11 MATTERS BY EXCEPTION

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

- 12.1 Bellambi Street Square Project
- 12.3 Outcome of Public Exhibition - Customer Experience Strategy 2023-2025
- 12.6 Legal Matters Report - April 2023
- 12.7 Planning Proposal – 849 853 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541, Chatswood
- 12.8 Planning Proposal -100 Edinburgh Road, Castlecrag
- 12.9 Planning Agreement – Seek Re-Exhibition – 100 Edinburgh Road, Castlecrag
- 12.10 Planning Agreement – 10 Gordon Street and 15-19 Nelson Street, Chatswood
- 12.13 Northern Sydney Regional Waste Strategy
- 12.15 Outcome of Council Resolution NOM 19/2022 - Western Harbour Tunnel and Beaches Link Project
- 12.16 Grants for the Community Program 2022-2023 Applications – February/March 2023
- 15.1 Confidential - Review of Services Operating Model

PROCEDURAL MOTION – BRING FORWARD ITEMS ON THE AGENDA

That standing orders be set aside and the items, listed above, be brought forward.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

MOTION

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

- 12.2 Investment Report for month of March 2023
- 12.4 Petitions Bi-Annual Report
- 12.5 Audit, Risk and Improvement Committee Draft Minutes
- 12.11 Local Planning Panel - Changes to Panel Membership
- 12.12 WCC Property Report - 26 April 2023
- 12.14 Development Assessment Report - 1 January to 31 March 2023

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED

Voting

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

Against: Nil

8 OPEN FORUM

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

The following members of the public all spoke in relation to the Devonshire Street Childcare Centre.

- Thomas Gao – on behalf of the United Service Union, Helen Gillespie-Jones, Zain Zawahreh, Kaitlyn Eccles, Lin Sandquist, Lisa Feng, Carrie Zhang, Ada Chan, Trinh Pham, Paul Hayler, Dan Wiklund, Tamzyn Bartlett, Phyllis Ip and Clarissa Li

PROCEDURAL MOTION – TAKE A QUICK RECESS

That Council take a quick, 5 minute, break.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED

Voting

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

Against: Nil

Note: Council went in to recess at 7:56pm and returned at 8:03pm.

8 PUBLIC FORUM

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

- **Item 12.8 Planning Proposal – 100 Edinburgh Road, Castlecrag**
Paul Stokes (Castlecrag Progress Association), Ilya Melinkoff (representing the Developer), Eleni Danias (Planner for Greycliff) and Matthew McCann (for Kate McCann) addressed Council in support of the officer's recommendation. Suzie Gold addressed Council against the officer's recommendation.

12.8 PLANNING PROPOSAL - 100 EDINBURGH ROAD, CASTLECRAG**MOTION**

That Council:

1. **Note the submissions received during the exhibition period on the draft planning proposal and DCP following the public exhibition period, and responses from Council staff at Attachment 5.**
2. **Make the Planning Proposal in accordance with 3.36 (2)(a) of the *Environmental Planning and Assessment Act 1979* subject to amendments outlined in Attachment 10 and included below, and forward it to the Department of Planning and Environment for notification:**
 - (a) **Insert the following at Clause 4.3A *Exceptions to height of buildings*:**
(11) The height of any building at Lot 11, DP 611594 100 Edinburgh Road, Castlecrag being identified as Area 4 on the height of building map shall not exceed AHD 97.490. For the purposes of this clause, the height of building does not include the following elements:
 - i. any balustrade which is less than 1.2m height,
 - ii. any lift tower allowing disabled access to communal areas on the building roof and access to the lift, not to exceed 3.75m above the roof finished floor level,
 - iii. any stair enclosure allowing access to the roof, not to exceed 2.55m above the roof finished floor level,

- iv. any services installations which are less than 2m in height including but not limited to air conditioning, solar panels, skylights,
 - v. any communal facilities such as barbeques, seating and tables, planter boxes,
 - vi. disabled facilities such as toilets, not to exceed 2.55m 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 Lot 11, DP 611594 100 Edinburgh Road identified as Area 21 on the floor space ratio map 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 Lot 11, DP 611594 100 Edinburgh Road, Castlecrag.
 - (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,
 - (b) A minimum of 20% of the gross floor area is provided for non-residential purposes and
 - (c) A minimum of 75% of the gross floor area on the ground floor of the development is provided for non-residential purposes.
 - (d) Amend LEP Height of Buildings (HOB) Map to nominate the site as “Area 4” and allow for a maximum height of building described at *Clause 4.3A Exceptions to height of buildings* sub-clause (11) on the site;
 - (e) Amend LEP Floor Space Ratio (FSR) Map to nominate the site as “Area 21” and allow for a maximum FSR described at *Clause 4.4A Exceptions to floor space ratio* sub-clause (25) on the site;
 - (f) Amend the Special Provisions Area Map to show Lot 11, DP 611594 100 Edinburgh Road, Castlecrag, as Area 9 (Clause 6.8 Affordable Housing applies), and Area 12 (Clause 6.23 Design Excellence applies);
 - (g) Amend the Active Street Frontage (ASF) Map to show that the ASF applies to Lot 11, DP 611594 100 Edinburgh Road, Castlecrag including the Edinburgh Road frontage and Eastern Valley Way frontage (in part and at the Edinburgh Road street level only).
3. Support including a requirement when forwarding the LEP amendments to Parliamentary Counsel to bring the plan into effect three (3) months after it has been made to allow time for the Planning Agreement to be finalised or sooner if the notified VPA has been signed.

4. Bring the draft site specific Development Control Plan into effect as soon as possible after the Planning Proposal is made, subject to the following amendments outlined in detail in this report and included at Attachment 11:
 - (a) Amend building setbacks description in Figure 4b to include balconies.
 - (b) Remove sections for private open space, solar access and visual privacy as the provisions of SEPP 65 and the Apartment Design Guide will prevail over these DCP controls.
 - (c) Amend controls in relation to colours and materials to improve clarity.
 - (d) Amend landscape and tree preservation controls to improve clarity.
 - (e) Amend public and private open space areas on the DCP setback plans Figures 4a and 4b to confirm that there is no encroachment of adjoining private properties to the south.
 - (f) Include an additional section on access, parking and transport requirements to apply to a future development on the site.
5. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal and Development Control Plan which do not alter their intent.
6. Include the following control in the site specific development control plan: Ensure a maximum of four storeys above the ground level at the Eastern Valley Way frontage and up to three storeys along Edinburgh Road.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

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

Against: Nil

Note:

1. *Councillor Taylor left the meeting at 8:04pm after having declared an interest in this item.*
2. *Councillor Zhu took the chair.*

-
- **Item 12.9 Planning Agreement – Seek Re-Exhibition – 100 Edinburgh Road, Castlecrag**
Ilya Melinkoff (representing the Developer) addressed Council in support of the officer's recommendation.

12.9 PLANNING AGREEMENT - SEEK RE-EXHIBITION OF 100 EDINBURGH RD, CASTLECRAG

MOTION

That Council:

1. Note the issues raised in submissions and responses prepared by Council staff.
2. Endorse the *revised* draft Planning Agreement for re-exhibition in accordance with Department of Planning and Environment's *Planning Agreements Practice*

Note – February 2021, Section 7.5 of the Environmental Planning and Assessment Act 1979 and Clause 204 of the Environmental Planning and Assessment Regulation 2021.

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

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

CARRIED

Voting

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

Against: Nil

Note: Councillor Taylor was out of the room for this item after having declared an interest.

- **Item 12.7 Planning Proposal – 849 853 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541, Chatswood**
Sue Francis (Planning Consultant GYDE Consulting) and Nicholas Andrijic (Owner Representative) addressed Council in support of the officer's recommendation.

12.7 PLANNING PROPOSAL - 849 853 859 PACIFIC HIGHWAY, 2 WILSON STREET AND LOT 1 DP 1189541

MOTION

That Council:

1. Note the submissions and responses to feedback on the Planning Proposal and draft site specific Development Control Plan for 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood.
2. Make the Planning Proposal 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood, on the basis of:
 - (a) The land identified as SP2 Infrastructure (Classified Road) on the Land Reservation Acquisition Map under Willoughby Local Environmental Plan 2012, located on the Pacific Highway frontage and identified for road widening by Transport for NSW, being excluded from the site,
 - (b) Consistency with the Chatswood CBD Planning and Urban Design Strategy 2036,
 - (c) A minimum lot size of 4000m²,
 - (d) A two tower built form outcome,
 - (e) Provision of required and additional setbacks;
 - (f) A two storey podium presentation to the Pacific Highway, Wilson Street, O'Brien Street and the North Shore Rail Line.
 - (g) Provision of public realm embellishment (outside of the land reserved for road reservation by Transport for NSW) in the form of ground levels setbacks along the Pacific Highway, O'Brien Street and the southern boundary, and the eastern setback adjacent the North Shore Rail line,

- (h) Public rights of way over the public realm embellishment areas being the ground level setbacks as detailed above in (g) above,
 - (i) Reduced car parking rates aligned with Council's draft comprehensive Development Control Plan,
 - (j) One vehicle access and loading and unloading point for the site from Wilson Street,
 - (k) Vehicles entering and leaving the site in a forward direction, with on-site vehicle manoeuvring to involve a physical solution within the basement.
3. Require the following amendments to the draft Development Control Plan for 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood:
- (a) Vehicle access to / egress from the development is to be from one access point in Wilson Street.
 - (b) Setbacks are to reflect concept plans subject to (c) below.
 - (c) Tower/s, including any balconies, are to be setback a minimum of 4.5m from any site boundary for the full tower height
 - (d) Deep soil planting is to be provided along the Pacific Highway, O'Brien Street frontages, and the pocket park and through site link between O'Brien and Wilson Street, adjacent the North Shore Rail Line, where any setback area is greater than 3m. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground.
 - (e) Public access via public rights of way is to be provided over the Pacific Highway, O'Brien Street ground level setbacks and the pocket park and through site link between O'Brien and Wilson Street, adjacent the North Shore Rail Line.
 - (f) Reduced car parking rates aligned with Council's draft comprehensive Development Control Plan.
4. Require the following information to be provided with any development application for 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood:
- (a) Architectural plans showing:
 - i. Tower/s, including balconies, setback a minimum of 4.5m from any boundary for the full tower height – with particular reference to the O'Brien Street / southern boundary.
 - ii. Solar analysis showing the cumulative overshadowing impacts of nearby approved Planning Proposals based on the Chatswood CBD Planning and Urban Design Strategy 2036.
 - iii. Deep soil planting provided within setbacks 3m or greater to Pacific Highway, O'Brien Street and the rear setback to the North Shore Rail Line. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground including basements.
 - (b) Reduced car parking rates aligned with Council's draft comprehensive Development Control Plan.
 - (c) Updated traffic analysis and modelling.
 - (d) Assessment of sight lines for the vehicle ingress / egress point in Wilson Street, and minor amendments to design as necessary, with regard to traffic from the Pacific Highway and Wilson Street overbridge.
 - (e) An amended Transport Impact Assessment addressing:
 - i. The cumulative impact on the surrounding active transport network, the identification of active transport links to existing school travel paths, and investigation regarding how the site can connect to the

- ii. Principal Bike Network to encourage active transport uptake into the future.
 - iii. Consideration of the NSW Governments Movement and Place Framework (MAPF) and its Built Environment Performance Indicators.
5. Forward the amendments to Willoughby Local Environmental Plan 2012 relating to 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood, as outlined in Attachment 7, to the Department of Planning and Environment to be made as a Deferred Commencement Amendment providing a four (4) month period to enable completion of the associated planning agreement process or sooner if the notified VPA has been signed.
6. Support the making of the site specific draft Development Control Plan subject to the amendments above.
7. Delegate authority to the Chief Executive Officer to make any minor amendments to the final planning proposal and Development Control Plan which do not alter the intent.
8. Write to the new Minister for Housing, as well as the Premier, requesting the Government allocate a proportion of the proceeds from the sale of the Transport Asset Holding Entity of NSW (TAHE) land to suitable affordable, social and universal housing in the Willoughby area in accordance with its election commitment on the sale and disposal of land close to public transport hubs deemed by the Government as surplus to requirements.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ROUSSAC

CARRIED

Voting

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

Against: Nil

Note: Councillor Taylor was absent during this item after having declared an interest.

• **Item 12.1 Bellambi Street Square Project**

John Chase (Northbridge Progress Association) addressed Council in support of the officer's recommendation. Kate Morgan and Nathan Deveson addressed Council against the officer's recommendation.

12.1 BELLAMBI STREET SQUARE PROJECT
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MOTION

That Council:

1. Note and consider community feedback contained in the engagement outcomes report for the Bellambi Street Square Project (Attachment 2)
2. Approve the permanent road closure of Bellambi Street at its junction with Sailors Bay Road

3. Inform Traffic Committee of Council's decision to permanently close Bellambi Street
4. Approve the retention of the Bellambi Street Square and delegate to the Chief Executive Officer the authority to make changes as outlined in this report subject to Traffic Committee approvals
5. Urgently investigate the movement of the bus zone adjacent to the Project, to the west, so as to enable the creation of a 15 minute parking zone immediately to the east of the relocated bus zone on the northern side of Sailors Bay Road
6. Advise all community engagement respondents of Council's decision

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

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

Against: Councillors Greco, Mouradian and Zhu

Notes:

1. Councillor Taylor returned to the meeting at 8:38pm
2. Councillor Xia left the meeting at 9:08pm and returned at 9:10pm.

9 MAYORAL MINUTE

9.1 MAYORAL MINUTE 04/2023 - RE-ELECTED STATE MEMBERS

MOTION

That Council acknowledge the local State Members elected to the NSW Parliament on Saturday 25 March 2023: Mr Tim James and Mr Anthony Roberts, and write a letter of congratulations, extending an invitation to meet Council's elected body and executive leadership team.

MOVED MAYOR TAYLOR

CARRIED

Voting

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

Against: Nil

10 CHIEF EXECUTIVE OFFICER'S LATE REPORT

12 REPORTS TO COUNCIL

12.3 OUTCOME OF PUBLIC EXHIBITION - CUSTOMER EXPERIENCE STRATEGY 2023-2025

MOTION

That Council:

1. Adopt the *Customer Experience Strategy 2023 – 2025*, as amended in Attachment 4.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the *Customer Experience Strategy 2023 - 2025* that do not alter the intent.
3. Thank and advise all community engagement respondents for their contribution and of Council's decision.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR SAMUEL

CARRIED

Voting

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

Against: Nil

Absent: Councillors McCullagh and Moratelli

Notes:

1. Councillors McCullagh and Moratelli were absent from the meeting during the voting of this item.
 2. Councillor Eriksson left the meeting at 9:20pm and returned at 9:22pm
 2. Councillor Mouradian left the meeting at 9:20pm and returned at 9:25pm
 3. Councillor McCullagh left the meeting at 9:25pm and returned at 9:28pm, after voting was completed
 4. Councillor Moratelli left the meeting at 9:27pm
-

12.6 LEGAL MATTERS REPORT - APRIL 2023**MOTION**

That Council note the quarterly, January – March 2022, legal matters report.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

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

Against: Nil

Absent: Councillor Moratelli

Notes:

1. Councillor Moratelli returned to the meeting at 9:29pm
2. Councillor Zhu left the meeting at 9:28pm after having declared an interest in this item. He returned at the 9:30pm at the conclusion of voting.

12.10 PLANNING AGREEMENT - 10 GORDON AVE & 15 TO 19 NELSON ST, CHATSWOOD**MOTION**

That Council:

1. Endorse the draft Planning Agreement for 10 Gordon Avenue & 15-19 Nelson Street, Chatswood for public exhibition in accordance with Section 7.5 of the *Environmental Planning and Assessment Act 1979* and Clause 204 of the *Environmental Planning and Assessment Regulation 2021*.
2. Authorise the Chief Executive Officer to execute the Planning Agreement following public exhibition and make minor amendments which do not alter its intent.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

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

Against: Councillor Xia

12.13 NORTHERN SYDNEY REGIONAL WASTE STRATEGY**MOTION**

That Council adopt the Northern Sydney Regional Waste Strategy 2022

MOVED COUNCILLOR XIA / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Note: Councillor Greco left the meeting at 9:31pm and returned at 9:32pm.

12.15 OUTCOME OF COUNCIL RESOLUTION NOM 19/2022 - WESTERN HARBOUR TUNNEL AND BEACHES LINK PROJECTS**MOTION**

That Council:

1. Note that the resolutions of Council on the Western Harbour Tunnel and Beaches Link projects have been completed.
2. Note the Beaches Link project is highly unlikely to proceed in the near future and officers will maintain a watching brief on any potential reactivation of the project.
3. Note that more information and updates on major state projects can be found on Council's Web page <https://www.willoughby.nsw.gov.au/Residents/Current-works-and-projects/State-government-projects>
4. Note that significant additional resources would need to be committed to undertake many of the actions reflected in the lessons learned by other Councils.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR ROUSSAC

CARRIED

Voting

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

Against: Nil

12.16 GRANTS FOR THE COMMUNITY PROGRAM 2022-2023 APPLICATIONS - FEBRUARY/MARCH**MOTION**

That Council approve a second grant of \$7500 to Northside Broadcasting Cooperative Ltd in the 2022/23 financial year to celebrate their 40th Anniversary with the community, noting this will render Northside Broadcasting Cooperative Ltd ineligible to apply for or receive grants for the Community funding during the 2023/24 financial year, due to the waiving of the eligibility requirements for this application and in order to restore the equitable distribution of Grants for the Community funding.

MOVED COUNCILLOR ROUSSAC / SECONDED COUNCILLOR GRECO

CARRIED

Voting

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

Against: Nil

15 CONFIDENTIAL MATTERS

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

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

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

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

- **15.1 – Confidential – Review of Services Operating Model** – This report is confidential as it provides Councillors information relating to the review of services. One balance, it is not in the public interest to release information that involves the receipt and discussion of personnel matters concerning particular individuals (other than Councillors).
Section 10A(2)(a) of the *Local Government Act 1993*.

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

That Council move into closed session.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ERIKSSON

Voting

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

Against: Nil

Note: Council moved into closed session at 9:40pm.

15.1 CONFIDENTIAL – REVIEW OF SERVICES OPERATING MODEL**REASON FOR CONFIDENTIALITY**

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

- a) personnel matters concerning particular individuals (other than councillors)

This report is confidential as it provides Councillors information relating to the review of services. On balance, it is not in the public interest to release information that involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors).

The following Amendment moved by Councillor Zhu and seconded by Councillor Xia was Lost.

That Council

- 1. Defers the decision on Chatswood OOSH until a further comprehensive report on Council's OOSH Services in the Willoughby LGA is brought to Council's meeting in August 2023.*
- 2. That Council defers the consideration of the Review of Services Operating model operating model to August 2023.*
- 3. That Council publically release recommendation 2.*

Voting

For the Motion: Councillors McCullagh, Xia and Zhu

Against: Councillors Taylor, Campbell, Eriksson, Greco, Moratelli, Mouradian, Roussac and Samuel

MOTION

That Council:

1. Endorse the cessation of services at the Chatswood OOSH from 24 December 2023, due to low patronage, unsustainable financial performance, to reduce the risk profile of Council and given the increasing number of alternative providers.
2. The facilities currently being utilised by the Chatswood OOSH can be converted to further use by sporting, recreation and leisure uses.
3. Publically release recommendations 1 and 2 once all affected employees are informed.
4. That Council proceed with recommendations 1,2 and 3 in the officer's Confidential report a and make these recommendations public once the key stakeholders have been informed.

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Mouradian, Roussac and Samuel

Against: Councillors Greco, McCullagh, Moratelli, Xia and Zhu

Notes:

1. Councillor Greco left the meeting at 9:41pm and returned at 9:41pm
2. Councillor Eriksson left the meeting at 9:59pm and returned at 10:01pm

PROCEDURAL MOTION – MOVE INTO OPEN SESSION

That Council move into open session.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

Voting

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

Against: Nil

Notes:

1. Council moved into open session at 10:41pm
2. The Chair reported the resolutions adopted in closed session

COUNCIL RESOLUTIONS ADOPTED EN BLOC**12.2 INVESTMENT REPORT FOR MONTH OF MARCH 2023****RESOLUTION**

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 March 2023.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

ADOPTED EN BLOC

12.4 PETITIONS BI-ANNUAL REPORT**RESOLUTION**

That Council receive and note the report regarding the status of petitions presented for the period October 2022 – March 2023.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

ADOPTED EN BLOC

12.5 AUDIT, RISK AND IMPROVEMENT COMMITTEE DRAFT MINUTES 15 FEBRUARY 2023**RESOLUTION**

That Council note the draft minutes of the Audit, Risk and Improvement Committee meeting held on 15 February 2023.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

ADOPTED EN BLOC

12.11 LOCAL PLANNING PANEL - CHANGES TO PANEL MEMBERSHIP**RESOLUTION**

That Council:

1. Endorse the selection of additional expert members to the Willoughby Local Planning Panel for an initial period of one year (Attachment 2).
2. Endorse the appointment of the additional Community Representative to the Willoughby Local Planning Panel for an initial period of one year (Attachment 3).

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

ADOPTED EN BLOC

12.12 WCC PROPERTY REPORT - 26 APRIL 2023**RESOLUTION**

That Council:

1. Delegate authority to the CEO to negotiate and execute all documentation to facilitate entering into:
 - a. a Deed of Surrender of Lease for a Unit at 25 Gibbes St;
 - b. to negotiate and agree commercial terms, and execute a lease for a new tenant to occupy a Unit at 25 Gibbes st; and
 - c. to execute Deed of Variation for existing leasesas contained in Confidential Attachment 2 to the report.
2. Delegate authority to the CEO negotiate and execute a Deed of Variation for a Council owned property in Victoria Avenue, Chatswood as contained in Confidential Attachment 3 to the report.
3. Note the property lease portfolio report, including the information contained in Confidential Attachment 4.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

ADOPTED EN BLOC

12.14 DEVELOPMENT ASSESSMENT REPORT - 1 JANUARY TO 31 MARCH 2023**RESOLUTION**

That Council notes:

1. The variations to development standards and development applications determined under delegated authority during Quarter 3 (1 January to 31 March 2023).
2. The current development applications list as at 31 March 2023.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MORATELLI

ADOPTED EN BLOC

16 CONCLUSION OF THE MEETING

The meeting concluded at 10:43pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 26 April 2023. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

Mayor Tanya Taylor