



Willoughby City Council

EXTRAORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

on 16 March 2020

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1 PRESENT

Her Worship the Mayor Councillor G Giles-Gidney, Councillors S Coppock, H Eriksson, D Fernandez, W Norton, A Rozos, J Rutherford, L Saville, N Wright and B Zhu

Officers

Ms D Just (Chief Executive Officer), Mr C Binns (Acting Planning & Infrastructure Director), Ms M Smith (Community Culture & Leisure Director), Mr I Arnott (Planning Manager), Mr M Cashin (Community Life Manager, Mr S Naven (Chief Financial Officer), Ms S Charlton (Governance, Risk & Corporate Planning Manager), Mr V Grepl (Governance Officer) and Ms P Sheldrake (Governance Meeting Administration Officer)

2 DISCLOSURES OF INTERESTS

- Councillor Zhu declared, via a Disclosures of Interest form, a non-pecuniary, significant interest in items 4.1: Notice of Motion – Rescission of Resolution made on 10 February 2020 and 5.1: International Chinese School – Modified Proposal
(Nature of Interest: I have personal and social relationships with parents and other people with an interest in the matter)
- Mayor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in items 4.1: Notice of Motion – Rescission of Resolution made on 10 February 2020 and 5.1: International Chinese School – Modified Proposal
(Nature of Interest: Relationship to parent at the school)
- Councillor Norton declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in items 4.1: Notice of Motion – Rescission of Resolution made on 10 February 2020 and 5.1: International Chinese School – Modified Proposal
(Nature of Interest: I am employed by the NSW Department of Education which has not, as far as I am aware, taken a position on this matter but if it did I would have no input into the portion as I am employed as a Senior Psychologist)

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Coppock, Eriksson, Fernandez, Norton, Rozos, Rutherford, Saville, Wright and Zhu.

Against: Nil

3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

That Council:

1. Note Councillors Campbell and Mustaca tendered an apology and requested Leave of Absence for tonight's meeting.
2. Note Councillor Wright tendered an apology and requested Leave of Absence on behalf of Councillor Tuon for tonight's meeting.

RESOLUTION

That Council:

1. **Note the apology and grant Leave of Absence to Councillors Campbell and Mustaca for tonight's meeting.**
2. **Note the apology tendered by Councillor Wright and grant Leave of Absence to Councillor Tuon.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Coppock, Eriksson, Fernandez, Norton, Rozos, Rutherford, Saville, Wright and Zhu.

Against: Nil

4 NOTICES OF MOTION

4.1 NOTICE OF MOTION - RESCISSION OF RESOLUTION MADE ON 10 FEBRUARY 2020

RESPONSIBLE OFFICER: GREG MCDONALD – 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

MEETING DATE: 16 MARCH 2020

PURPOSE OF REPORT

Councillors Wright, Tuon and Fernandez have indicated their intention to move the following Notice of Motion.

MOTION

That Council rescind the resolution carried at Item 15.12 – “Owner’s consent for Council land involving the proposed International Chinese School at 211 Pacific Highway, St Leonards” at the ordinary Council meeting held 10 February 2020 as follows:

“That Council not provide land owner’s consent for the works proposed by the proponent within Gore Hill Park for the following reasons:

- 1. Council is in the process of planning significant infrastructure improvements in the form of an indoor sports facility at Gore Hill Park requiring that all Council managed lands to the south, east and west of the oval remain unencumbered and available.**
- 2. Council seeks to maintain community benefits from Council facilities including open space and parking. Reliance on its facilities for the school to operate would compromise access for existing and future recreational users.**

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Coppock, Eriksson, Fernandez, Norton, Rozos, Rutherford, Saville, and Wright.

Against: Nil

Absent: Councillor Zhu

The Motion on being put to the meeting was carried to become the resolution of Council.

Due to Councillor Zhu declaring a non-pecuniary, significant interest in item 4.1: Notice of Motion – Rescission of Resolution made on 10 February 2020 he withdrew from the meeting at 6:06pm, taking no part in the discussion or voting on this topic, and returned to the Chamber at 7:48pm.

Councillor Zhu declared, via a Disclosures of Interest form, a non-pecuniary, significant interest in item 4.1: Notice of Motion – Rescission of Resolution made on 10 February 2020
(Nature of Interest: I have personal and social relationships with parents and other people with an interest in the matter)

Mayor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in item 4.1: Notice of Motion – Rescission of Resolution made on 10 February 2020
(Nature of Interest: Relationship to parent at the school)

Councillor Norton declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in item 4.1: Notice of Motion – Rescission of Resolution made on 10 February 2020
(Nature of Interest: I am employed by the NSW Department of Education which has not, as far as I am aware, taken a position on this matter but if it did I would have no input into the portion as I am employed as a Senior Psychologist)

5 REPORTS FROM THE OFFICERS

PLANNING & INFRASTRUCTURE DIRECTORATE

5.1 INTERNATIONAL CHINESE SCHOOL - MODIFIED PROPOSAL

ATTACHMENTS:	1. IMPLICATIONS 2. REPORT TO COUNCIL MEETING OF 10 FEBRUARY 2020 3. COUNCIL SUBMISSION TO DPIE DATED 24 OCTOBER 2019 4. LETTER FROM INTERNATIONAL CHINESE SCHOOL DATED 24 FEBRUARY 2020
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT - PLANNING MANAGER
CITY STRATEGY OUTCOME:	3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES
MEETING DATE:	9 MARCH 2020

PURPOSE OF REPORT

To seek Council's reconsideration for granting owner's consent for alterations and use of car parking and open space at Gore Hill Park in association with a modified proposal for a State Significant Development Application for an International Chinese School at 211 Pacific Highway, St Leonards (Sexton's Cottage).

Procedural Motion

That the following people address Council:

- Peter William Jamieson
- Sean Lee

MOTION

That Council, as an exception to the usual procedures, permit Mr Lee to display a diagram of the site.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR NORTON

CARRIED

Voting

For the Motion: Councillors Coppock, Fernandez, Norton, Rutherford and Wright.

Against: Councillors Giles-Gidney, Eriksson, Rozos and Saville.

Absent: Councillor Zhu.

Procedural Motion

That Council resolve into Committee of the Whole in order to deal with this item.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR NORTON

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Coppock, Eriksson, Fernandez, Norton, Rutherford, Rozos, Saville and Wright.

Against: Nil

Absent: Councillor Zhu.

RESOLUTION

That the meeting revert to Open Council.

Voting

For the Resolution: Councillors Giles-Gidney, Coppock, Eriksson, Fernandez, Norton, Rutherford, Rozos, Saville and Wright.

Against: Nil

Absent: Councillor Zhu.

MOTION

That Council:

1. Provide land owner's consent for the works proposed by the proponent within Gore Hill Park subject to the proponent first entering into a Deed of Agreement with Council regarding use of Council facilities and agreeing to abide by terms of operation.
2. Grant delegation to the Chief Executive Officer to negotiate the terms of the Deed of Agreement in accordance with the principles outlined in Section 4.4 of this report and sign all relevant documents subject to the fourth dot point being amended to read:

"The use of the public car park between the school and Gore Hill oval can be made available until such time as commencement of works on site for Gore Hill Stage 2 development, following which alternate drop-off and pick-up arrangements are to be enacted. This may include directing parents to the car park at the northern end of Gore Hill Oval or transferring students by bus from/to a more accessible location for the third year of the agreement. Council is to provide notice to the school at least three months prior to commencement of works."

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR ERIKSSON

NOT PUT

AMENDMENT

That Council:

1. Provide land owner's consent for the works proposed by the proponent within Gore Hill Park subject to the proponent first entering into a Deed of Agreement with Council regarding use of Council facilities and agreeing to abide by terms of operation.
2. Grant delegation to the Chief Executive Officer to negotiate the terms of the Deed of Agreement in accordance with the principles as follows:
 - i) All works required for the school drop-off and pick-up arrangement including works to satisfy Transport for NSW requirements are to be at the full cost of the school.
 - ii) Student numbers are to be limited to a maximum of 160 (as per the school's proposal).
 - iii) The school is to cease operation from the premises within five years of the date of development consent.

- iv) The use of the public car park between the school and Gore Hill oval can be made available for a period of two years, or if a later date, Council will provide three months' notice and a preliminary timetable to the School prior to closure of the car park and the commencement of works on Stage 2 of Gore Hill. Following this the School's alternate drop-off and pick-up arrangements are to be enacted. This may include directing parents to the car park at the northern end of Gore Hill Oval or transferring students by bus from/to a more accessible location.
- v) Any use of the Council playground, oval and open space for recreation or any other purpose by students is to be under the strict supervision of teachers.
- vi) Use of Gore Hill Oval is to be subject to Council's standard hire/allocation process.
- vii) A school marshal is required to direct traffic and manage parking during drop-off and pick-up times (as per the school's proposal).
- viii) Any other relevant matters that need to be clarified or negotiated are to be brought back for Council's attention and consideration.
- ix) Sign all relevant documents.
- x) The need for access and right of way provisions be investigated.

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR NORTON

CARRIED

Voting

For the Amendment: Councillors Coppock, Fernandez, Norton, Rutherford, Saville and Wright.

Against: Councillors Giles-Gidney, Eriksson and Rozos.

Absent: Councillor Zhu.

The amendment on being put to the meeting was carried to become the resolution of Council.

Voting

For the Resolution: Councillors Giles-Gidney, Coppock, Fernandez, Norton, Rozos, Rutherford, Saville and Wright.

Against: Councillor Eriksson

Absent: Councillor Zhu.

Due to Councillor Zhu declaring a non-pecuniary, significant interest in item 5.1: International Chinese School – Modified Proposal he withdrew from the meeting at 6:06pm, taking no part in the discussion or voting on this topic, and returned to the Chamber at 7:48pm.

Councillor Zhu declared, via a Disclosures of Interest form, a non-pecuniary, significant interest in item 5.1: International Chinese School – Modified Proposal
(Nature of Interest: I have personal and social relationships with parents and other people with an interest in the matter)

Mayor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in item 5.1: International Chinese School – Modified Proposal
(Nature of Interest: Relationship to parent at the school)

Councillor Norton declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in item 5.1: International Chinese School – Modified Proposal
(Nature of Interest: I am employed by the NSW Department of Education which has not, as far as I am aware, taken a position on this matter but if it did I would have no input into the portion as I am employed as a Senior Psychologist)

6 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.

Procedural Motion

That Council resolve itself into Closed Session with the Press and Public excluded from the meeting to deal with the following confidential item.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR WRIGHT

CARRIED

Council moved into closed session at 7.47pm.

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

Procedural Motion

That Council resolve into Committee of the Whole in order to deal with this confidential item.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ERIKSSON

CARRIED

6.1 CONFIDENTIAL - SERVICES PROVISION 16 MARCH 2020

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: -

That the above item be considered in Closed Session to the exclusion of the press and public in accordance with ***Local Government Act 1993 - Section 10A***, as the matter involves personnel matters concerning particular individuals (other than councillors).

The information in the report is confidential because it contains details concerning Council personnel. Disclosing this matter would reveal information that relates to individuals. Council has a responsibility to consider personnel matters in confidence. On balance, it is not in the public interest to reveal details of personnel matters.

RECOMMENDATION

That Council endorse recommendation 1 contained within part 4 of this report and delegate authority to the Chief Executive Officer to undertake all necessary actions and execute all required documentation to give effect to recommendations 2 and 3 contained within part 4 of this report.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Recommendation: Councillors Giles-Gidney, Eriksson, Fernandez, Rutherford, Wright and Zhu.

Against: Councillors Norton, Saville and Rozos.

Absent: Councillor Coppock

PROCEDURAL MOTION

That the meeting revert to Open Council.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ERIKSSON

CARRIED

Council moved into open session at 8:12pm.

RESOLUTION

That the recommendations from the Closed session of Council be adopted.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Fernandez, Norton, Rutherford, Rozos, Saville, Wright and Zhu.

Against: Nil

Absent: Councillor Coppock

7 CONCLUSION OF THE MEETING

- **Councillor Coppock left the meeting at 7:47pm**
- **The meeting concluded at 8:13pm**

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Extraordinary Council Meeting held on 16 March 2020. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.