



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

held at the Council Chamber, Chatswood  
on 2 August 2021

**Minutes of an ordinary Council meeting**

**held on Monday, 2 August 2021**

**at the Council Chamber, Chatswood commencing at 7:06pm**

**ATTENDANCE:**

**Councillors**

Gail Giles-Gidney (Her Worship the Mayor)

Craig Campbell (Deputy Mayor)

Hugh Eriksson

Denis Fernandez

Wendy Norton

Angelo Rozos

Judith Rutherford

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)

Ian Arnott (Planning Manager)

Stephen Naven (Chief Financial Officer)

Samantha Charlton (Governance, Risk & Corporate Planning Manager)

Sherryn Williams (Governance Team Leader)

Teena Strydom (Senior Governance Officer)

Brad Herring (Chief Information Officer)

Angelis Kriketos (Service Design and Engagement Officer)

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**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 Fernandez declared a non-pecuniary less than significant interest in Item 15.5: Exhibition of Planning Proposal for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood. Councillor Fernandez chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

*“The proponent's consultant companies and/or personnel have either directly or indirectly previously been involved in projects that I worked on before being elected a Councillor.”*

**3 CONFIRMATION OF MINUTES**

*That the Minutes of the ordinary meeting of Council held 12 July 2021, copies of which have been circulated to each member of Council, be confirmed.*

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

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

**That Council grant the application for a leave of absence by Councillors Mustaca and Tuon for the 2 August 2021 meeting.**

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

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

**Against:** Nil

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

That Council suspend the published order of business for the meeting in accordance with the Code of Meeting Practice and bring forward item 8.2 – Election of the Deputy Mayor.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**8.2 ELECTION OF THE DEPUTY MAYOR**

**RESPONSIBLE OFFICER:** DEBRA JUST – CHIEF EXECUTIVE OFFICER

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

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

**MOTION**

That Council determine to elect by open ballot, a Councillor to the position of Deputy Mayor from 5 September 2021, until the next local council elections for NSW.

**MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

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

**Against:** Nil

- *The Returning Officer advised valid nominations for the office of Deputy Mayor were received and accepted by Councillor Campbell and Councillor Rozos.*
- *In accordance with the election protocols outlined in the Local Government (General) Regulation 2005, the names of the nominated Councillors were placed in a ballot box and drawn out one at a time by the Returning Officer. Councillor Campbell's name was drawn out first and Councillor Rozos's name was drawn out second.*
- *As resolved, the method of voting for the position of Deputy Mayor was by open ballot (a show of hands) the Returning Officer drew the nominated Councillor names from the ballot box and tallied the following votes by Councillors:*
  1. *Councillors Campbell: Councillors Campbell, Eriksson, Giles-Gidney, Rutherford and Zhu.*
  2. *Councillor Rozos: Councillors Fernandez, Norton, Rozos, Saville and Wright.*

- *As the vote was tied, both Councillor Campbell and Councillor Rozos names were placed back in the ballot box with the name being drawn out by the Returning Officer would be declared Deputy Mayor.*
- **The Returning Officer declared Councillor Rozos elected as Deputy Mayor from 5 September 2021, until the next local council elections for NSW.**

Note:

Councillor Rozos left the meeting at 7:26pm.

## PROCEDURAL MOTION – RESUME STANDING ORDERS OF BUSINESS

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

MOVED COUNCILLOR SAVILLE

**CARRIED**

### Voting

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

**Against:** Nil

**Absent:** Councillor Rozos.

## 5 PETITIONS

### 5.1 PETITION - ARTARMON BOWLING CLUBHOUSE

**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 regarding Artarmon Bowling Clubhouse and refer the matter to the Community Culture & Leisure Director.

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR SAVILLE

**CARRIED**

### Voting

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

**Against:** Nil

**Absent:** Councillor Rozos.

**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 Agenda).

- Roy McCullagh addressed Council regarding “*The Men’s Table*”.

*Note:*

*Councillor Rozos returned to the meeting at 7:30pm.*

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

**That Council suspend business in accordance with the Code of Meeting Practice and bring forward items 11, 15.5 and 16.2.**

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

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

**Against:** Nil

**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 Agenda.

- **15.5 - Exhibition of Planning Proposal for 1A-29 Bowen Street and 6-18 Moriarty Road Chatswood**  
Murray Donaldson (Planning Consultant on behalf of applicant) addressed Council speaking in support of the officer’s recommendation.
- **16.2 - Notice of Motion 16/2021 - Review of Development Application 2021/5 by Local Planning Panel**  
Anna Greco and Bob Taffel addressed Council speaking in support of the Motion.



**15.5 EXHIBITION OF PLANNING PROPOSAL FOR 1A-29 BOWEN STREET AND 6-18 MORIARTY ROAD CHATSWOOD**

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

**AUTHOR:** IAN SHILLINGTON - STRATEGIC PLANNER

**CITY STRATEGY OUTCOME:** 3.4- CREATE DESIRABLE PLACES TO BE AND ENJOY

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**MOTION**

That Council:

1. Note the submissions and public hearing report received and proposed responses to feedback on the *draft Planning Proposal for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood* and *draft Site Specific DCP Provisions at 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood* following the public exhibition period.
2. Support amendments to *Willoughby Local Environmental Plan 2012* relating to 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood as outlined in Attachment 9 subject to the areas currently identified to have heights of 20 and 24 metres being reduced to a maximum of 18 metres as well as the FSR on the entire area being restricted to a maximum of 2:1 and forward to the Department of Planning, Industry and Environment for finalisation.
3. Support an additional amendment to the WLEP 2012 Land Reservation Acquisition (LRA) map to remove the application of this map to the land at 25-29 Bowen Street and add to Willoughby DCP provisions to allow for a future land acquisition by Council to permit a cul-de-sac on part of the land at 23-29 Bowen Street.
4. Endorse amendments to the site specific controls in Section D.2.16.22 of *Willoughby Development Control Plan* as modified subject to the removal of the requirement for extension / construction of a median strip in Mowbray Road West/ Bowen Street intersection to prevent right turn movements.
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 CAMPBELL / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Councillors Saville and Rozos.

**Absent:** Councillor Fernandez

**AMENDMENT**

That Council:

1. Note the submissions and public hearing report received and proposed responses to feedback on the draft Planning Proposal for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood and draft Site Specific DCP Provisions at 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood following the public exhibition period.
2. Based on the community consultation in the public enquiry that Council not support the amendment to the Willoughby LEP and not forward the draft planning proposal.
3. Maintain the current zoning.

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ROZOS**

**LOST**

**Voting**

**For the Amendment:** Councillors Norton, Rozos, Rutherford and Saville.

**Against:** Councillors Giles-Gidney, Campbell, Eriksson, Wright and Zhu.

**Absent:** Councillor Fernandez

*Note:*

*Councillor Fernandez left the meeting at 7:35pm having declared an interest in this item.*

<b>16.2 NOTICE OF MOTION 16/2021 - REVIEW OF DEVELOPMENT APPLICATION 2021/5 BY LOCAL PLANNING PANEL</b>
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**RESPONSIBLE OFFICER:** MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR

**AUTHOR:** MICHAEL CASHIN – COMMUNITY LIFE MANAGER

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

**MOTION**

That Council:

1. Request the Local Planning Panel review of DA 2021/5.
2. The Panel should be requested to consider the following:
  - a. The availability of alternative local venues that have capacity for indoor meetings and activities.
  - b. The amended design concepts, plans and Council's response to the recommended conditions.

- c. Whether a design excellence condition should be required for the new proposal.
- d. Any additional community concerns that may be raised.
- e. Whether the heritage value of the following list of historic aspects of the current building have been properly considered in both the application and the proposal:
- Kitchen
  - Women's Change Room
  - Women's bathroom
  - Main Hall
  - Bar
  - Women's Jubilee Lounge.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR SAVILLE

**CARRIED**

**Voting**

**For the Motion:** Councillors Fernandez, Norton, Rozos, Rutherford, Saville and Wright.

**Against:** Councillors Zhu, Campbell, Eriksson and Giles-Gidney.

*Note:*

*Councillor Fernandez returned to the meeting at 7:57pm.*

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**PROCEDURAL MOTION – RESUME STANDING ORDERS OF BUSINESS**

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

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ERIKSSON

**CARRIED**

**Voting**

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

**Against:** Nil

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**7 MAYORAL MINUTE - NIL**

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**8 CHIEF EXECUTIVE OFFICER'S LATE REPORT****8.1 AMENDMENTS TO COUNCIL MEETING SCHEDULE**

**RESPONSIBLE OFFICER:** DEBRA JUST – CHIEF EXECUTIVE OFFICER

**AUTHOR:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

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

**MOTION**

That Council:

1. Resolve the next four ordinary Council meetings be held at 7pm on the following dates:
  - Monday 13 September 2021
  - Monday 18 October 2021
  - Wednesday 3 November 2021
  - Monday 31 January 2022.
2. Note the Chief Executive Officer is responsible for arranging community information seminars as required, and for arranging Councillor briefing sessions, in accordance with the *Willoughby City Council Code of Meeting Practice 2020*, and that Councillor briefing sessions will typically continue to be held on the first and third Monday of each month, with adjustments as required to accommodate Council's meeting schedule.

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY - NIL****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.

The Mayor invited Councillors to indicate the items that they wished to deal with separately:

- 12.3 Minutes - Companion Animals Advisory Committee Meeting held on 9 March 2021
- 15.1 Delivery Program - Six Monthly Progress Report January – June 2021
- 15.2 CivicRisk Mutual Voting Representative
- 15.4 Development Assessment - Quarter 4 (1 April 2021 to 30 June 2021)
- 15.6 Willoughby Identity Signage
- 15.7 Property Lease Portfolio
- 15.8 Council Response to the Impacts if COVID-19 2021
- 16.1 Notice of Motion 15/2021 - Aboriginal Land Claim at Talus
- 17.1 Confidential - Legal Matters Report - August 2021
- 17.2 Confidential - Property Lease Portfolio
- 17.3 Confidential Procurement Exemption - Artarmon Local
- 17.4 Confidential - Chief Executive Officer's – Performance Review

**MOTION**

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

- 12.1 Minutes - Access and Inclusion Advisory Committee held on 9 June 2021**
- 12.2 Minutes - Bicycle Consultative Committee Meeting held 18 May 2021**
- 12.4 Minutes - Multicultural Services Advisory Committee held on 24 March 2021**
- 15.3 Legal Matters Report - August 2021**
- 15.9 CBD Special Event Review**

**MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**12 REPORTS OF COMMITTEES****12.1 MINUTES - ACCESS AND INCLUSION ADVISORY COMMITTEE HELD ON 9 JUNE 2021**

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

**AUTHOR:** ELLEN MILLER - COMMUNITY VENUES AND SERVICES TEAM LEADER

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

**RESOLUTION**

That Council receive and note the Access and Inclusion Advisory Committee meeting held on 9 June 2021.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

**CARRIED EN BLOC**

**12.2 MINUTES - BICYCLE CONSULTATIVE COMMITTEE MEETING HELD 18 MAY 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

**RESOLUTION**

That Council receive and note the Minutes of the Bicycle Consultative Committee meeting held on 18 May 2021.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

**CARRIED EN BLOC**

**12.3 MINUTES - COMPANION ANIMALS ADVISORY COMMITTEE MEETING  
HELD ON 9 MARCH 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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**MOTION**

That Council receive and note minutes of the Companion Animals Advisory Committee meetings held on 9 March 2021.

**MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

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**12.4 MINUTES - MULTICULTURAL SERVICES ADVISORY COMMITTEE  
MEETING HELD ON 24 MARCH 2021**

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

**AUTHOR:** ANGELA CASEY – CULTURE & LEISURE MANAGER

**CITY STRATEGY OUTCOME:** 2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY

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**RESOLUTION**

That Council receive and note the minutes of the Multicultural Services Advisory Committee meeting held on 24 March 2021.

**MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL**

**CARRIED EN BLOC**

**13 DEFERRED MATTERS - NIL****14 CORRESPONDENCE - NIL****15 REPORTS FROM THE OFFICERS****CUSTOMER & CORPORATE DIRECTORATE****15.1 DELIVERY PROGRAM - SIX MONTHLY PROGRESS REPORT JANUARY - JUNE 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 receive and note the six monthly progress report on Council's *Delivery Program 2017-2021* and the *Operational Plan 2020-21* as at 30 June 2021.

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Nil



**15.2 CIVICRISK MUTUAL VOTING REPRESENTATIVE**

<b>RESPONSIBLE OFFICER:</b>	<b>LAURA KENDALL – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES</b>

**MOTION**

That Council endorse the nomination of the Chief Executive Officer and Customer and Corporate Director as Council’s CivicRisk Mutual member representatives.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR FERNANDEZ**

**CARRIED**

**Voting**

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

**Against:** Nil

**15.3 LEGAL MATTERS REPORT - AUGUST 2021**

<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>

**RESOLUTION**

That Council receive the legal services report for August 2021.

**MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL**

**CARRIED EN BLOC**

**PLANNING & INFRASTRUCTURE DIRECTORATE****15.4 DEVELOPMENT ASSESSMENT - QUARTER 4 (1 APRIL 2021 TO 30 JUNE 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 4 (1 April 2021 to 30 June 2021).
2. The current development applications list as at 6 July 2021.

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

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

**Against:** Nil

**15.6 WILLOUGHBY IDENTITY SIGNAGE**

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

**AUTHOR:** WIL ROBERTSON- URBAN DESIGN SPECIALIST

**CITY STRATEGY OUTCOME:** 3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY

**MEETING DATE:** 2 AUGUST 2021

**MOTION**

That Council note the status of City Signage Program.

**MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Nil

**15.7 PROPERTY LEASE PORTFOLIO**

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

**MOTION**

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

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**COMMUNITY, CULTURE & LEISURE DIRECTORATE****15.8 COUNCIL RESPONSE TO THE IMPACTS OF COVID19 2021**

<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – CHIEF EXECUTIVE OFFICER</b>
<b>AUTHOR:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
	<b>JOHN ELLIOTT – ECONOMIC DEVELOPMENT MANAGER</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 the measures already taken to mitigate the impact of COVID-19 on the community such as closing construction sites and offices, cancelling events, workshops, and programs, whilst continuing to provide essential services such as waste collection services, cleaning and maintenance in public places, extending access to recreation spaces through night lighting, and continuing Meals on Wheels and online shopping for the elderly.**

2. **Note Council staff will facilitate access to the assistance and support put in place by the New South Wales and Federal Governments for the community and local businesses.**
3. **Endorse the Business and Community Support Plan 3 as Council's assistance package focusing on reducing costs for business and revitalising the local economy post lockdown through fee waivers (non-critical for health and safety), concessions, relaxation of some penalties, business training support programs, CBD activations and promotion of the Community Grants as a source for COVID/emergency adaptation and boosting the Support Local campaign.**
4. **Endorse, for all businesses, the waiving of the Environmental Health Inspection and, Fire Safety fees (non-critical for health and safety, Footway Dining and Advertising fees as detailed in the report.**
5. **Note the budget adjustments for 2020/21 will be confirmed in the next Quarterly Budget Review which will be presented to Council in October 2021.**
6. **Endorse a series of relaxation measures in regard to some penalties where those relaxations will not have an adverse impact on human health or safety, in addition to any natural decrease due to reduced traffic.**
7. **Delegate authority to the Chief Executive Officer to make amendments to the Business and Community Support Plan 3 as necessary to avoid overlaps with the State and Federal Government assistance packages when released and keep Councillors informed of such amendments and their budgetary impacts.**

**MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford.

*Note:*

*Councillor Rutherford left the meeting at 8:57pm and did not return.*

**15.9 CBD SPECIAL EVENT REVIEW**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CONNOR – MEDIA, MARKETING &amp; EVENTS MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>4.4 – ATTRACT VISITORS AND PROMOTE LOCAL, DESTINATION-BASED TOURISM</b>

**RESOLUTION**

That Council:

1. Receive the review of Council's CBD events.
2. Approve the Chatswood Culture Bites program using budget allocated to CBD Special Event in the 2021/22 Operational Plan.
3. Endorse that Chatswood end its participation as a precinct of Vivid Sydney.
4. Submit a letter of thanks to Destination NSW for a successful partnership since 2015.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

**CARRIED EN BLOC**

**16 NOTICES OF MOTION****16.1 NOTICE OF MOTION 15/2021 - ABORIGINAL LAND CLAIM AT TALUS**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MELANIE SMITH- COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>

**MOTION**

That councillors be provided with all the correspondence and relevant documents to date, specifically pertaining to the Aboriginal Land claim at Talus.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ROZOS

**AMENDMENT**

That Council note the previous briefings and reports which have been provided to ensure Councillors are informed on the Aboriginal Land Claim at Talus Street Reserve.

**MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR ERIKSSON****Voting**

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

**Against:** Councillors Rozos and Saville

**Absent:** Councillor Rutherford.

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.

**CARRIED**

**Voting**

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

**Against:** Councillor Saville.

**Absent:** Councillor Rutherford.

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**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:

- Item 17.1 – Confidential Legal Matters Report – July 2021 on the basis 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.  
*10A(2)(c) and (g) of the Local Government Act 1993*

- Item 17.2 – Confidential Property Lease Portfolio on the basis this report contains details of entities and their commercial operations which, if revealed, would result in commercial disadvantage to them. This information was provided to Council in the expectation that it will be treated as commercial in confidence. On balance, it is not in the public interest to reveal Council's financial and related information (that Council requires to make its decision) to potential suppliers, nor to disclose the commercial information of potential suppliers.  
*10A(2)(c) and (d)(i) of the Local Government Act 1993*
- Item 17.3 – Confidential Procurement Exemption – Artarmon Local Centre (Hampden Road) Public Domain Detailed Design on the basis this report provides Councillors with information that relates to the commercial value of contracted services and variations to those services since engagement. The release of this information would provide a commercial advantage to other potential service providers. On balance, it is not in the public interest to release information that, if disclosed, would limit the prospects for competitive tenders in future similar contracts.  
*10A(2)(c) of the Local Government Act 1993*
- Item 17.4 – Confidential Chief Executive Officer's – Performance Review on the basis this report provides Councillors information relating to the Performance Review of the Chief Executive Officer. 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).  
*10A(2)(a) of the Local Government Act 1993*

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**PROCEDURAL MOTION – CLOSED SESSION****MOTION**

**That Council resolve into closed session.**

**MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford.

*Note:*

*Council moved into closed session at 9:11pm.*

**PROCEDURAL MOTION – OPEN SESSION****MOTION**

That Council resolve into open session.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rutherford and Saville.

*Notes:*

1. Council moved into open session at 10:11pm.
2. The Chair reported the following confidential resolutions passed in closed session.

**17.1 CONFIDENTIAL - LEGAL MATTERS REPORT - AUGUST 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

**MOTION**

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

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford.



**17.2 CONFIDENTIAL - PROPERTY LEASE PORTFOLIO**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TERENCE CARROLL – STRATEGIC PROPERTY OFFICER</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. Note the report on Council’s property lease portfolio.**
- 2. Endorse the recommendation contained within Section 5 regarding The Concourse Shop 8.**
- 3. Delegate to the CEO the authority to negotiate rent relief sought by impacted tenants in line with any update to the *Retail and Other Commercial Leases (COVID-19) Regulation 2020*, or other direction provided by the NSW Government, relating to the most recent Public Health Orders which have been issued since on or since 22 June 2021.**

**MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford.

**17.3 CONFIDENTIAL PROCUREMENT EXEMPTION - ARTARMON LOCAL CENTRE (HAMPDEN ROAD) PUBLIC DOMAIN DETAILED DESIGN**

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

**AUTHOR:** GYNT DRINAN – PROJECT MANAGEMENT TEAM LEADER

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

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**MOTION**

**That Council:**

1. Endorse an exemption from the tendering requirements under section 55(3)(i) of the *Local Government Act 1993* and approve a variation to the current service provider contract for Group GSA to complete the detailed design and tender documentation phases for Stage 3 of the *Artarmon Local Centre Public Domain Masterplan*, due to extenuating circumstances and subject to Council successfully obtaining a grant from the *NSW Public Spaces Legacy Program*.
2. The CEO be given delegation to vary the existing contract scope and value for design services to accommodate Stage 3 in the event of a successful grant.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Rutherford.

**17.4 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER'S - PERFORMANCE REVIEW**

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

**AUTHOR:** MONICA LONERGAN – PEOPLE AND CULTURE MANAGER

**CITY STRATEGY OUTCOME:** 5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES

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**MOTION**

That Council note the Chief Executive Officer Performance Review Report and thank the Chief Executive Officer for her exceptional leadership during a very difficult period where our community has been impacted by COVID-19.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rutherford and Saville.

*Note:*

*Councillor Saville left the meeting at 9:33pm and did not return.*

**18 QUESTIONS WITH NOTICE****18.1 QUESTION ON NOTICE FROM COUNCILLOR SAVILLE - FOOD OUTLETS IN CHATSWOOD**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MARK TAYLOR – MANAGER SAFE CITY UNIT</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>2 AUGUST 2021</b>

**QUESTION**

With regards to the report in the Daily Telegraph relating to food hygiene at food outlets where Chatswood ranked 5th in Sydney:

**1. How has council responded to the report?**

The story in the Daily Telegraph was published on 6 July 2021 using information sourced from the NSW Food Authority, Name and Shame Register. Council continues to provide pro-active monitoring of food outlets in Willoughby, which is reflected in the reporting by the NSW Food Authority. The surveillance operations of food outlets include regular inspections, education where appropriate, fines for offences, and improvement notices as remedy actions.

**2. Has council reviewed its food safety and regulatory compliance monitoring?**

Council reviews its food safety and regulatory compliance monitoring at the end of each financial year. The following provides a high level overview of the monitoring activity over 2019/20 and 2020/21.

<b>Year</b>	<b>No. of Food Premises in Willoughby</b>	<b>No. Inspections</b>	<b>Fines issued</b>	<b>Improvement Notices Served</b>
2019/20	672	506	31	75
2020/21	687	493	59	40

**3. Have more environmental health officers been employed by council?**

The number of Environmental Health Officers employed by Council is seven. This number has remained unchanged.

**4. Are there any further actions Council could implement to improve food safety compliance in Chatswood? It is acknowledged that as a result of the current pandemic, there have been changes in the ways in which food outlets may operate.**

<https://www.dailytelegraph.com.au/newslocal/sydney-food-hygiene-revealed-areas-with-the-most-offences/news-story/>

Council is committed to protecting the health of the public and to upholding the Food Standards Code. Council applies a combination of education and enforcement to achieve compliance. The current inspection regime is considered good practice and still appropriate, and includes multilingual brochures.

Environment Health Officers have changed how they undertake inspections to be COVID safe, and continue to support the implementation of Public Health Orders.

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## **19 CONCLUSION OF THE MEETING**

The Council meeting concluded at 10:13pm.

**I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the ordinary Council meeting held on 12 July 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**