



Willoughby City Council

ORDINARY COUNCIL

MINUTES

18 October 2021

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**Minutes of an ordinary Council meeting
held on Monday, 18 October 2021
at the Council Chamber, Chatswood commencing at 7:07pm**

ATTENDANCE:

Councillors

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

Officers

Debra Just (Chief Executive Officer)
Melanie Smith (Community, Culture & Leisure Director)
Hugh Phemister (Planning & Infrastructure Director)
Stephen Naven (Chief Financial Officer)
Chris Binns (Design, Construction & Maintenance Group Manager)
David Roberts (Environment Manager)
Ian Arnott (Planning Manager)
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 Wright declared a non-pecuniary less than significant interest in Item 15.1: Investment Report for the month of September 2021. Councillor Wright chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

“I am an employee of Westpac Bank with whom Council has investments.”

- Councillor Saville declared a non-pecuniary less than significant interest in Item 16.1 - Notice of Motion 26/2021 – Nuclear Weapons. Councillor Saville chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

“Member of Medical Association Prevention of War (MAPW) for approximately 25 years, and on National Council. MAPW established International Campaign Against Nuclear Weapons in Melbourne (ICAN) about 15 years ago. ICAN is independent, autonomous, international organisation separate from MAPW. I can vote independently in community interest.”

- Councillor Norton declared a non-pecuniary less than significant interest in Item 16.2 – Notice of Motion 27/2021 – Intergovernmental Panel on Climate Change. Councillor Norton chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

“My cousin is a Vice Chairman of Working Party 2 of the Intergovernmental Panel on Climate Change. This will not influence my voting on this matter and I will remain in the chamber.”

3 CONFIRMATION OF MINUTES

That the Minutes of the ordinary meeting of Council held 13 September 2021, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, 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, Rozos, Rutherford and Tuon for the 18 October 2021 meeting.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

5 PETITIONS

Nil

6 OPEN FORUM — MATTERS NOT ON THE MINUTES

Nil

7 MAYORAL MINUTE

Nil

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

Nil

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

Nil

10 MATTERS REQUIRING ELABORATION OR DEBATE

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

- 12.2 Minutes - Bicycle Consultative Committee held on 20 July 2021
- 12.5 Minutes - Traffic Committee Meeting held on 18 August 2021
- 15.4 Legal Matters Report - October 2021
- 15.6 Planning System Reforms Overview
- 15.8 Join the Race to Net Zero and Update Council Greenhouse Gas Targets
- 15.11 Outcome of Public Exhibition of Draft Community Use of Sports Facilities Policy
- 15.12 Request Memorial Seat Harold Reid Reserve - J Richardson
- 16.1 Notice of Motion 26/2021 - Nuclear Weapons
- 16.2 Notice of Motion 27/2021 - Intergovernmental Panel on Climate Change
- 16.3 Notice of Motion 28/2021 - Plant Protein Power - The Role for Willoughby Council
- 17.1 Confidential - Legal Matters Report - October 2021
- 17.2 Confidential - Property Lease Portfolio
- 17.3 Confidential - Public Exhibition - Planning Agreements - 871-877 Pacific Highway; 753 Pacific Highway and 15 Ellis Street, Chatswood

MOTION

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

- 12.1 Minutes - Audit, Risk & Improvement Committee Meeting held 9 September 2021
- 12.3 Minutes - Multicultural Services Advisory Committee Meeting held on 23 June 2021
- 12.4 Minutes - Natural Heritage and Bushland Advisory Committee meeting held 2 September 2021
- 12.6 Minutes - Willoughby Heritage Advisory Committee meeting held 27 July 2021
- 15.1 Investment Report for month of September 2021
- 15.2 Referral OF Draft Financial Reports for the Year ended 30 June 2021 to External Audit
- 15.3 Disclosures OF Pecuniary Interest and Other Matters - 2020/2021
- 15.5 Exhibition of Draft Environmental Planning and Assessment Regulation 2021
- 15.7 Outcome of Public Exhibition and Adoption - Resilient Willoughby Strategy and Action Plan
- 15.9 Property Lease Portfolio
- 15.10 Adoption of Warners Park Master Plan

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

11 PUBLIC FORUM — MATTERS ON THE MINUTES

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

1. **12.5 - Minutes – Traffic Committee Meeting held on 18 August 2021**
Mary Ann Irvin and Carolyn New (Item 5.2) addressed Council speaking for the officer's recommendation.
 2. **16.1 Notice of Motion 26/2021 - Nuclear Weapons**
Margaret Beavis (International Campaign to Abolish Nuclear Weapons, Australia) and Gem Romuld (International Campaign to Abolish Nuclear Weapons, Australia) addressed Council speaking for the motion.
 3. **16.3 - Notice of Motion 28/2021 - Plant Protein Power - The Role for Willoughby Council**
Rochelle Flood and Fran Kearey addressed Council speaking for the motion.
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12.5 MINUTES - TRAFFIC COMMITTEE MEETING HELD ON 18 AUGUST 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

MOTION

That Council:

- 1. Receive and adopt the recommendations arising from the Traffic Committee meeting held on 18 August 2021, except items 5.2 - Hampden Road and Herbert Street, Chatswood Street, St Leonards – Bicycle Route Detailed Design Plans and 5.5 – School Children Safe Wombat Crossing Program – Five Wombat Crossings Concept Design Plans and Construction.**
- 2. Defer consideration of items 5.2 – Hampden Road and Herbert Street, Chatswood Street, St Leonards – Bicycle Route Detailed Design Plans and 5.5 – School Children Safe Wombat Crossing Program – Five Wombat Crossings Concept Design Plans and Construction from the Traffic Committee minutes of the 18 August 2021 meeting, to the Council meeting of 3 November 2021.**

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR WRIGHT

Voting

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

Against: Nil

CARRIED

16.1 NOTICE OF MOTION 26/2021 - NUCLEAR WEAPONS

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT MANAGER
CITY STRATEGY OUTCOME:	1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES 31. FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS

MOTION

That Council:

- 1. Expresses its deep concern regarding the threat that nuclear weapons pose to communities throughout the world, and Council firmly believes that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long- lasting consequences for people and the environment.**
- 2. Supports the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017, and calls on our Federal Government to sign and ratify it without delay.**
- 3. Writes to the ICAN Cities Appeal endorsement of the Cities Appeal.**
- 4. Writes to the Foreign Affairs Minister and the local Federal member of parliament advising of Council’s support to the Treaty.**
- 5. Issues a media release announcing that Willoughby City Council has joined the call for the Federal Government to sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons.**

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR WRIGHT

LOST

Voting

For the Motion: Councillors Fernandez, Norton, Saville and Wright

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

There being an equal number of votes the Mayor used her casting vote against the motion, which was declared LOST

Note:

Councillor Saville declared an interest in this item.

16.3 NOTICE OF MOTION 28/2021 - PLANT PROTEIN POWER - THE ROLE FOR WILLOUGHBY COUNCIL

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: DAVID ROBERTS – ENVIRONMENT MANAGER

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

MOTION

That a report be presented to Council detailing how Council could transition our catering procurement process to prioritise more plant-based offerings in order to reduce the volume of meat being ordered and served at Council functions and events.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR WRIGHT

AMENDMENT

That Council note that Council's Sustainable Procurement Guidelines contain a requirement to minimise the use of meat in catering bookings and prioritise vegetarian options.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR ERIKSSON

Voting

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

Against: Councillors Wright 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.

CARRIED

Voting

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

Against: Nil

12 REPORTS OF COMMITTEES**12.1 MINUTES - AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD 9 SEPTEMBER 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

RESOLUTION

That Council note the draft minutes of the Audit, Risk and Improvement Committee meeting of 9 September 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

12.2 MINUTES - BICYCLE CONSULTATIVE COMMITTEE HELD ON 20 JULY 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

MOTION

That Council receive and note the Minutes of the Bicycle Consultative Committee meeting held on 20 July 2021.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

**12.3 MINUTES - MULTICULTURAL SERVICES ADVISORY COMMITTEE
MEETING HELD ON 23 JUNE 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

RESOLUTION

That Council receive and note the minutes of the Multicultural Services Advisory Committee meeting held on 23 June 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

**12.4 MINUTES - NATURAL HERITAGE AND BUSHLAND ADVISORY
COMMITTEE MEETING HELD 2 SEPTEMBER 2021**

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: NICHOLAS YU – NATURAL ASSETS OFFICER

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

RESOLUTION

That Council receive and note the minutes of the meeting of the Natural Heritage and Bushland Advisory Committee held on 2 September 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

12.6 MINUTES - WILLOUGHBY HERITAGE ADVISORY COMMITTEE MEETING HELD 27 JULY 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

RESOLUTION

That Council notes the Minutes of the Willoughby Heritage Advisory Committee Meeting held on 27 July 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

13 DEFERRED MATTERS

Nil

14 CORRESPONDENCE

Nil

15 REPORTS FROM THE OFFICERS

Nil

CUSTOMER & CORPORATE DIRECTORATE

15.1 INVESTMENT REPORT FOR MONTH OF SEPTEMBER 2021

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

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 30 September 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

Note:

Councillor Wright declared an interest in this item.

15.2 REFERRAL OF DRAFT FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2021 TO EXTERNAL AUDIT

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

RESOLUTION

That Council:

1. Note that the draft annual financial reports for Willoughby City Council for the period 1 July 2020 to 30 June 2021 have been prepared in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the *Australian Accounting Standards* and the Office of Local Government prescribed *Code of Accounting Practice and Financial Reporting 2020/21*.
2. Adopt the draft accounts and authorise the Mayor, Deputy Mayor, Chief Executive Officer and Chief Financial Officer to sign the Statement by Councillors and Management as required under *Section 413 (2)(c) of the Local Government Act 1993* and Clause 215(1) of the *Local Government (General) Regulation 2005*.

3. Resolve for the purposes of Section 413(1) of the *Local Government Act 1993* to refer the draft financial reports for the period from 1 July 2020 to 30 June 2021 to the NSW Auditor General (Council's independent auditor) for external audit.
4. Resolve, for the purposes of section 417(5) of the *Local Government Act 1993* to send a copy of the audited financial reports and a copy of the auditor's report to the Office of Local Government and the Australian Bureau of Statistics on receipt of the independent Auditor's Reports.
5. Resolve that public notice be given of the presentation of the financial reports as prescribed by Section 418 of the *Local Government Act 1993*.
6. Resolve that 3 November 2021 be fixed as the date for the public meeting to present the audited financial reports and the audit reports for the year ended 30 June 2020 as required by Section 419 of the *Local Government Act 1993*.
7. Resolve to accept submissions on the financial reports and audit reports and refer these submissions to the auditor in accordance with Section 420 of the *Local Government Act 1993*.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.3 DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS - 2020/2021

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: SAMANTHA CHARLTON – GOVERNANCE RISK & COPORATE PLANNING MANAGER

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

RESOLUTION

That Council note the tabling of Disclosures of Pecuniary Interest and Other Matters Returns by Councillors and designated persons for the 12 months ending 30 June 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.4 LEGAL MATTERS REPORT - OCTOBER 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 legal services report for October 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.11 OUTCOME OF PUBLIC EXHIBITION OF DRAFT COMMUNITY USE OF SPORTS FACILITIES POLICY**

RESPONSIBLE OFFICER: MELANIE SMITH – COMMUNITY CULTUER AND LEISURE DIRECTOR

AUTHOR: JULIE WHITFIELD- OPEN SPACE CO-ORDINATOR

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

MOTION

That Council:

1. Adopt the *Community Use of Sports Facilities Policy*.
2. Revoke the following policies:
 - (1) *Sporting Ovals – Provision of Lighting (2012)*
 - (2) *Sporting Fields – Sunday Use for Competition (2012)*
 - (3) *Line Marking of Sports Fields (2012)*
 - (4) *Sportsgrounds Allocation Policy (2013)*.
3. Delegate authority to the Chief Executive Officer to make minor amendments to the policy which do not alter the intent.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Councillors Fernandez and Saville

PLANNING & INFRASTRUCTURE DIRECTORATE**15.5 EXHIBITION OF DRAFT ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021**

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER
AUTHOR: CHRISTOPHER NGUYEN – STRATEGIC PLANNER
CITY STRATEGY OUTCOME: 5.1 DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES

RESOLUTION

That Council retrospectively endorse the submission to the Department of Planning, Industry and Environment regarding the Draft *Environmental Planning and Assessment Regulation 2021*.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.6 PLANNING SYSTEM REFORMS OVERVIEW

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR: NORMA SHANKIE-WILLIAMS – TEAM LEADER STRATEGIC PLANNING
CITY STRATEGY OUTCOME: 5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES

MOTION

That Council:

1. Note the changes to the NSW planning system recently completed or currently underway and that submissions have been made where relevant, providing feedback regarding expected impacts on Willoughby City Council.
2. Thank the officers for the extensive work they have undertaken in response to various reforms of the planning system.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

15.7 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION - RESILIENT WILLOUGHBY STRATEGY AND ACTION PLAN

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTOR

AUTHOR: NICK CHAPMAN – RESILIENCE SPECIALIST

CITY STRATEGY OUTCOME: 1.1 CREATE AND ENHANCE GREEN SPACES
1.2 PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES
2.5 CREATE FAMILY FRIENDLY NEIGHBOURHOODS THAT CONNECT PEOPLE
3.1 FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
3.3 PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE
5.2 DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES

RESOLUTION

That Council:

- 1. Note the outcomes of the public exhibition of the draft *Resilient Willoughby Strategy and Action Plan*.**
- 2. Adopt the final *Resilient Willoughby Strategy and Action Plan*.**
- 3. Delegate authority to the Chief Executive Officer to make minor amendments to the Plan which do not alter the intent.**

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.8 JOIN THE RACE TO NET ZERO AND UPDATE COUNCIL GREENHOUSE GAS TARGETS

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: DAVID ROBERTS – ENVIRONMENT MANAGER

CITY STRATEGY OUTCOME: 1.5 – REDUCE CARBON AND GREENHOUSE GAS EMISSIONS

MOTION

That Council:

1. Endorse joining *Cities Race to Zero*
2. Endorse the updated greenhouse gas emission targets:
 - Our operations will achieve net zero emissions by 2025.
 - 100 per cent renewable energy target by 2022 for Council operations.
 - By 2023 our community will achieve a 200 per cent increase in solar PV capacity compared with 2017/18.
 - By 2028 our community will emit at least 50 per cent less GHG emission compared with 2008/09.
 - Our community will achieve net zero emission in the 2040's or sooner.
 - Forward correspondence to the Local Member, Premier and Minister for Energy and Environment advising of Willoughby City Council's progress on existing carbon targets.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

15.9 PROPERTY LEASE PORTFOLIO

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: TERENCE CARROLL – PROPERTY LEASING SPECIALIST

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

RESOLUTION

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

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.10 ADOPTION OF WARNERS PARK MASTER PLAN**

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

AUTHOR: AMY BARNES – OPEN SPACE PROJECTS OFFICER

CITY STRATEGY OUTCOME: 3.2 – CREATE RECREATION SPACES FOR ALL

RESOLUTION

That Council:

1. Adopt the Warners Park Master Plan 2021.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the *Warners Park Master Plan* which do not alter the intent.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.12 REQUEST MEMORIAL SEAT HAROLD REID RESERVE - J RICHARDSON

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

AUTHOR: JULIE WHITFIELD - OPEN SPACE CO-ORDINATOR

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

MOTION

That Council approve the request for a memorial seat in Harold Reid Reserve in honour of the late Mr Jason Richardson.

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

16 NOTICES OF MOTION**16.2 NOTICE OF MOTION 27/2021 - INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE**

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: DAVID ROBERTS – ENVIRONMENT MANAGER

CITY STRATEGY OUTCOME: 1.5 – REDUCE CARBON AND GREENHOUSE GAS EMISSIONS

MOTION

That Council:

1. Note that targets proposed in the Officer Report *Cities Race to Zero* dated 18 October 2021 are in line with the latest Intergovernmental Panel on Climate Change (IPCC) report.
2. Write to the following Federal and State Ministers urging support for action on Climate Change in line with the Intergovernmental Panel on Climate Change report, and through commitments at the Conference of Parties 26 United Nations Climate Change Conference:
 - (1) Energy Minister the Hon. Angus Taylor MP
 - (2) Prime Minister the Hon. Scott Morrison MP
 - (3) NSW Premier the Hon. Dominic Perrottet MP
 - (4) NSW Treasurer and Minister for Energy and Environment.
3. Commend the State Government on their initiatives on hydrogen energy production and Electric Vehicle Strategy.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Note:

Councillor Norton declared an interest in this item.

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 - October 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 - Planning Agreements - 871- 877 Pacific Highway; 753 Pacific Highway and 15 Ellis 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 SAVILLE / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

Note:

Council moved into closed session at 9:00pm.

PROCEDURAL MOTION – MOVE INTO OPEN SESSION

That Council move into open session.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Notes:

1. Council moved into open session at 9:23pm.
2. The Chair reported the resolutions on confidential matters passed in closed session.

17.1 CONFIDENTIAL - LEGAL MATTERS REPORT - OCTOBER 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

RECOMMENDATION

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

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

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

RECOMMENDATION

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

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

17.3 CONFIDENTIAL - PUBLIC EXHIBITION - PLANNING AGREEMENTS - 871-877 PACIFIC HIGHWAY; 753 PACIFIC HIGHWAY AND 15 ELLIS STREET, CHATSWOOD

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: SYLVANIA MOK - CONTRIBUTIONS SPECIALIST
CHRISTOPHER NGUYEN - STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES

5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS

RECOMMENDATION

That Council:

1. Agree to the draft Voluntary Planning Agreements for 871-877 Pacific Highway, Chatswood; and 753 Pacific Highway and 15 Ellis 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 ERIKSSON / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

PROCEDURAL MOTION – ADOPT THE RECOMMENDATIONS MADE IN CLOSED SESSION

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

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

18 QUESTIONS WITH NOTICE**18.1 QUESTION WITH NOTICE 16/2021 FROM COUNCILLOR SAVILLE - COMMUNITY ASSISTANCE DURING THE COVID PANDEMIC**

RESPONSIBLE OFFICER: MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR

AUTHOR: STEPHEN NAVEN – CHIEF FINANCIAL OFFICER

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

QUESTION

As a result of the pandemic, many people are facing financial stress particularly young people, and young families. Across Sydney, many emergency aid, DV, NGOs, FoodBank and other community organisations have reported increased demand from those in need for assistance during the pandemic. While numbers of those in need are greater in south western Sydney, and some regional areas, there are people in need on LNS. It is noted that Anti-Poverty week occurs in October.

1. To what extent can further funds allocated for events be diverted to essential community support services and programs?

Community support services received adequate and appropriate funding in the adopted 2021/22 operational plan and budget. The appropriate time for making budget adjustments is at the quarterly budget review (quarter one review due to Council in November). Any surplus funds or savings (including but not limited to any council decisions on events) are extremely likely to be needed to cover the significant and growing revenue losses from Council services (car parking, Leisure Centre, lease income, sporting facilities hire, business support package, community safety, community programs etc.) due to COVID-related public health orders in 2021. Council can expect to face a deficit forecast and have no funds to reallocate.

2. With consideration of community needs during the pandemic, would it be possible for council to:

(1) Open public showers (e.g. including those used for sporting clubs) to homeless people?

Under the current Public Health Orders, opening public amenities is not permissible. However, as previously reported to Council at the 15 June 2021 and 12 July 2021 Council Meetings, specialist homelessness services are aware of local amenities available to homeless people and are able to access the amenities at the Dougherty Community Centre and Chatswood Library.

- (2) **Extend free Wi-Fi signal into public spaces if possible, where physical distancing is possible so people without home internet can access services and information?**

Council's free public Wi-Fi at Chatswood mall extends from the top of the mall (train stairs) down to the Westpac bank. In addition, free public Wi-Fi is also available at the Chatswood library and all branch libraries. A number of private enterprises (such as major shopping centres and cafes) also provide free Wi-Fi across the city.

Any extension of Council's Wi-Fi coverage will come at significant expense, require considerable resources, and will take time to plan and implement. In a number of areas, limited bandwidth may not support open access.

- (3) **Extend library loans till the end of lockdown and suspend library fines?**
Extension of library loans was notified to library members at the commencement of the existing lockdown on 27 June 2021. At the same time, library fines were waived for the duration of the lockdown.

- (4) **Allow foodbanks etc. to use council facilities without cost?**
Services such as foodbanks have existing well established facilities throughout the Greater Sydney Region. Council has not been approached by any organisations seeking to use Council facilities.

- (5) **Suspend outdoor dining fees for six months post lockdown to allow businesses to recover and enable physical distancing?**
On 2 August 2021, as part of its third Business Support Package (BSP), Council approved waiver of Footway dining and advertising fees during the lockdown. Given the lockdown will now be a minimum of three months, this will already cost council \$98,000. A further six months will cost Council a further \$196,000 (so a total of \$294,000) adding to the shortfall of revenue compared to cost and worsening the forecast deficit. With the lifting of public health restrictions, we can expect to see outdoor dining increasing soon. Any further assistance should not be considered outside of the Quarterly Budget Review process.

- (6) **What is the approximate number of council staff re-located to community services as a result of, and during the pandemic?**
On 23 August 2021, Council commenced a 'Resident Check in' project. More than 20 staff were re-deployed to undertake the project from services scaled back due to Public Health Orders. Additionally, three staff have been re-deployed to assist with Meals on Wheels. A small number of staff have been redeployed to services that do not directly interact with the community but support staff who do, while all other staff members remain in their substantive positions.

- (7) **Consider developing a council Financial Hardship Policy to include lockdown-induced financial stress?**
Council has an existing hardship policy and this was applied equitably and generously through the first COVID experience and it is now being applied through this current COVID period. Note it is not possible under legislation to waive rates.

- (8) **Consider including additional information about support services available on its website?**
As part of the 'Resident Check in' project, information about support services was collated and added to the existing resource directory on Council's website.

18.2 QUESTION WITH NOTICE 17/2021 FROM COUNCILLOR SAVILLE - SAFE VOTING NSW LOCAL GOVERNMENT ELECTIONS

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

QUESTION

The State Electoral Office revealed that the government will not be running the December local government elections totally by postal or on-line vote. Therefore, we can assume there will be booths. The COVID-19 pandemic surge has resulted in daily infection rates of approximately 1,000-1,500 per day. While many of those unwell remain in isolation at home, significant numbers of patients are seriously ill in hospital with mortality rates expected to rise. For example, from 16 June to 8 September, there were 31,914 locally acquired cases, and 148 Covid related deaths (NSW Health). Currently approx. 2,000 children have Covid-19, some are in hospital, with several in ICU; last week there were 1,189 patients with Covid-19 in hospital wards, with 222 patients in ICUs (September). The AMA, Nurses Union and other health organisations have warned that hospitals are at capacity and that registered nurses, doctors, other health professionals are working under extremely stressful, and difficult conditions.

Therefore, the government is urged to guarantee NSW residents that the local government elections will be undertaken in a Covid-19 safe way, with public health and safety as the priority.

Can Willoughby City Council:

- 1. Seek assurances from the NSW State government that the Local Government elections scheduled to be held 4th December will proceed, and that a Covid-19 safe poll will be held?**

Local Government NSW (LGNSW) has sought assurances that the election will proceed. President Councillor Linda Scott advised recently that LGNSW will “*continue to call on the NSW Government to provide advice and certainty for candidates, councils and their communities.*” Councillors will be kept informed should there be any developments on this matter.

The Office of Local Government has produced a factsheet that provides assurances regarding the December election:

How can the Government be sure that it will be safe to hold council elections on 4 December 2021?

The restrictions imposed under the Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021 are designed to contain and reduce the spread of the current outbreak. It is hoped that the measures imposed under the Public Health Order will be effective in containing the current outbreak well before December.

The Government also expects that community vaccination rates will have increased to a level by December to allow available mitigation strategies to be more effective in containing the spread and impact of the Delta variant.

2. How can Council and the government ensure that the elections are carried out safely with public health the priority, with regards to the current Covid-19 pandemic in NSW?

The local government elections are administered by the NSW Electoral Commission (NSWEC). Contained in **Attachment 1** is a copy of the Commission's COVID-19 action plan (the Plan). The Plan has been developed to minimise risks to the health, safety and wellbeing of electors, election staff and political participants and help to prevent the spread of COVID-19.

3. How can voters, election officials, booth staff and candidates and all others involved be assured that all processes including distribution of campaign and voting documents; candidates making approaches to voters; and all voting procedures are COVID-19 safe?

As advised in the Plan, the Electoral Commissioner can issue directions limiting the handing-out of electoral material and the display of posters around polling places, in order to reduce the risk of COVID-19 infection. Election officials are also able to issue reasonable instructions about the steps visitors must take to manage COVID-19 risks to staff and others attending election venues.

Full details of the measures that will be implemented to protect electors, staff, scrutineers and third party suppliers are detailed in the Plan, a copy of which is contained in **Attachment 1**.

4. Will voters be required to produce evidence of vaccination status to enable them to vote at booths?

There has been no advice provided by the NSWEC that this will be a requirement for attendance at an electoral venue.

5. What other actions can Council take to ensure the elections will be carried out with public health and safety as the priority and ensure implementation of evidence based practices to avoid cross infection and contamination?

The NSWEC administers the local government elections, and has carriage and control of election sites in the Willoughby local government area. The Plan details measures to be implemented to avoid cross infection and contamination. These measures include social distancing requirements, the wearing of masks and various cleaning requirements and regimes.

18.3 QUESTION WITH NOTICE 18/2021 BY COUNCILLOR SAVILLE - BUSH FIRE MANAGEMENT PLAN
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RESPONSIBLE OFFICER: HUGH PHEMISTER – DIRECTOR PLANNING AND INFRASTRUCTURE

AUTHOR: DAVID ROBERTS – ENVIRONMENT MANAGER

CITY STRATEGY OUTCOME: 1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
3.1 – FOSTER FEELINGS OF SAFETY

QUESTION

With regards to the Bushfire Management Plan between WCC, NCC etc., with acknowledgement that any cultural burning and/or hazard reduction burning is dependent upon presence of nesting species, weather conditions and in accordance with fire authorities:

1. Does WCC have a planned programme to undertake cool burns and/or hazard reduction burns within the LGA over the next 12 months?

Council is a member of the Mosman, North Sydney, Willoughby Bush Fire Management Committee (the Committee) which has prepared the Bush Fire Risk Management Plan 2017-2022 (the Plan). The Plan is required document under the *Rural Fires Act 1997* and outlines a coordinate programme for prescribed burns for the Mosman, North Sydney and Willoughby local government areas. Sites for prescribed burning are listed in Figure 1.

2. Which bushland areas within WCC LGA have been prioritised for burning over the next 12 months?

The Plan prioritises burn sites, with locations scheduled for prescribed burns listed in Figure 1.

Figure 1. Current sites for prescribed burning

Location	Scheduling
Artarmon Reserve - adjacent to Artarmon Oval	Summer/Autumn 2022
Castlecrag North Escarpment - Sunnyside Crescent	Autumn/Winter 2022
Flat Rock Gully - Pyalla Street	Autumn 2022
The Scarp - Castle Haven Reserve	Autumn/Winter 2022

Figure 2 outlines a range of other potential burn sites that currently under review.

Figure 2. Additional prescribed burning sites

Location	Scheduling
Blue Gum Park (Greville Street, West Chatswood)	Summer/Autumn 2022
Avian Crescent (Lane Cove West)	Autumn 2022
Northbridge Park (Bonds Corner)	Winter 2022

The Rural Fire Service (RFS) has recently introduced new software which will help prioritise burn sites, and all sites will be reassessed and mapped in the coming months. Council is also reviewing its burn procedures and Work, Health and Safety documentation.

3. Which reserves, or sections, are at most risk of fire?

The Committee is responsible for identifying reserves at most risk, and once the new assessment and mapping software is introduced by the Rural Fire Service, the Committee will update the Plan. However, based on the current information, the prioritised sites listed in Figure 1 and Figure 2 would be considered the reserves most at risk.

4. Overall approximately what proportion of the all the WCC bushland reserves have had cool burns or hazard reduction over recent (e.g. 5) years?

Between 2016 and 2020 approximately 4.7% of the Willoughby bushland area was treated for hazard reduction, ecological and asset protection purposes using prescribed burning practices. In comparison between 2011 and 2015, 5.3% per cent of bushland was treated.

5. To what extent has council incorporated cultural burning practices?

The Bushland Team have attended training programs on cultural burning practices and are respectful of cultural sensitivities in this process. Council partners with Fire and Rescue NSW to prepare and conduct prescribed burns that meet similar outcomes to that of traditional cultural burns.

All burn sites are prepared to ensure:

- Fauna, including invertebrates can escape the fire
- Canopy trees are left undamaged
- The fire self-extinguishes
- Native plant species regenerate
- Habitat trees and assets are avoided

19 CONCLUSION OF THE MEETING

The meeting concluded at 9:26pm.

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.

Mayor Giles-Gidney