



Willoughby City Council

ORDINARY COUNCIL

MINUTES

on 31 January 2022

ATTENDANCE:**Councillors**

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

Officers

Debra Just (Chief Executive Officer)
Maxine Kenyon (Interim Customer & Corporate Director)
Melanie Smith (Community, Culture & Leisure Director)
Stephen Naven (Chief Financial Officer)
Warwick Lawrence (Interim Governance, Risk & Corporate Planning Manager)
Sherryn Williams (Governance Team Leader)
Teena Strydom (Governance Administration Officer)
Jason Racchi (Information Technology Team Leader)

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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 TAKING OF OATHS AND AFFIRMATIONS

Councillors are to take an oath or affirmation of office in accordance with *the Local Government Act 1993*.

Notes:

1. *The Chair moved that the Council suspend the standing order of business in accordance with the Code of Meeting Practice to allow for Councillors to take their Oath or Affirmation of Office outside at The Concourse at 7:05pm.*
2. *Cr Tanya Taylor took the Oath of Office*
3. *Cr Craig Campbell took the Oath of Office.*
4. *Cr Hugh Eriksson took the Oath of Office.*
5. *Cr Anna Greco took the Oath of Office.*
6. *Cr Roy McCullagh took the Oath of Office.*
7. *Cr John Moratelli took the Affirmation of Office.*
8. *Cr Sarkis Mouradian took the Oath of Office.*
9. *Cr Georgie Roussac took the Oath of Office.*
10. *Cr Angelo Rozos took the Oath of Office.*
11. *Cr Robert Samuel took the Affirmation of Office.*
12. *Cr Nic Wright took the Oath of Office.*
13. *Cr Jam Xia took the Affirmation of Office.*
14. *Cr Brendon Zhu took the Oath of Office.*
15. *The Council meeting resumed in the Chambers at 7:45pm.*

3 DISCLOSURES OF INTERESTS

- Councillor Wright declared a non-pecuniary less than significant interest in Item 10.6: Investment Report for the month of October 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 Xia declared a non-pecuniary less than significant interest in Item 10.6: Investment Report for the month of October 2021. Councillor Xia chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

"I am a full time employee of Commonwealth Bank (Commercial Banking) with whom Council has investments."

- Councillor Wright declared a non-pecuniary less than significant interest in Item 10.7: Investment Report for the month of November 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 Xia declared a non-pecuniary less than significant interest in Item 10.7: Investment Report for the month of November 2021. Councillor Xia chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

"I am a full time employee of Commonwealth Bank (Commercial Banking) with whom Council has investments."

- Councillor Wright declared a non-pecuniary less than significant interest in Item 10.8: Investment Report for the month of December 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 Xia declared a non-pecuniary less than significant interest in Item 10.8: Investment Report for the month of December 2021. Councillor Xia chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

"I am a full time employee of Commonwealth Bank (Commercial Banking) with whom Council has investments."

4 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 3 November 2021, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

5 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

6 MAYORAL MINUTE

6.1 MAYORAL MINUTE - RECOGNITION OF FORMER COUNCILLOR WENDY NORTON**MEETING DATE: 31 JANUARY 2022****1. PURPOSE OF REPORT**

To acknowledge former Councillor Wendy Norton's service to Council and the community.

2. DISCUSSION

On behalf of Council, I would like to acknowledge and thank former Councillor Norton for her years of service and recognise the significant contribution that she has made.

Former Councillor Norton was first elected to office in 2004, and has served the City of Willoughby representing Middle Harbour Ward during the following terms:

- 2004-2008
- 2008-2012
- 2012-2017
- 2017-2021

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

- Deputy Mayor (September 2010 to September 2011)
- Deputy Mayor (September 2011 to September 2012)

Former Councillor Norton has represented Council on numerous boards and committees, including:

- Willoughby Retirement Committee Board
- Dougherty Apartments Board
- Metropolitan Public Library Association
- Sydney Coastal Council's Group
- Access and Inclusion Advisory Committee
- Seniors Advisory Committee
- Companion Animals Advisory Committee
- Multicultural Advisory Committee
- Willoughby Park Centre Committee
- Heritage Advisory Committee
- Natural Heritage and Bushland Advisory Committee
- Audit Committee
- Global Friendship Committee

On behalf of Council, I would like to sincerely thank former Councillor Wendy Norton for such a significant contribution to the Willoughby community over so many years.

3. MOTION

That Council acknowledge and thank former Councillor Wendy Norton for her contribution to the City of Willoughby during her time as Councillor.

MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

6.2 MAYORAL MINUTE - 2022 AUSTRALIA DAY HONOURS AWARDS**MEETING DATE: 31 JANUARY 2022****1. PURPOSE OF REPORT**

To inform Council of the Willoughby residents who received awards in the 2022 Australia Day Honours List.

2. DISCUSSION

On 26 January 2022, the Australia Day Honours List was announced by the Governor-General, the Honourable David Hurley. The Honours List recognises outstanding and inspirational Australians in the General Division of the Order of Australia.

Council acknowledges through this report the outstanding service and contributions made by these recipients.

I am pleased to inform Council that the following residents were recognised in the 2022 Australia Day Honours Awards:

Member of the Order of Australia (AM)

Clinical Associate Professor Saxon Donald Smith from Willoughby North
For significant service to medicine as a dermatologist and researcher, and to professional societies.

Medal of the Order of Australia (OAM)

Mr Henk Van Den Heuvel from Naremburn
For service to the building industry.

3. MOTION

That Council acknowledge the recipients in the 2022 Australia Day Honours List and write a letter of congratulations.

MAYOR TAYLOR**CARRIED****Voting**

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

Against: Nil

7 CHIEF EXECUTIVE OFFICER'S LATE REPORT

Nil

8 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

Nil

9 MATTERS REQUIRING ELABORATION OR DEBATE

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

- 10.1 Election of the Deputy Mayor
- 10.2 Council Meeting Schedule 2022
- 10.3 Method to fill Casual Vacancies
- 10.4 Local Government NSW Special Conference
- 10.9 Procurement Exemption - CBD Revitalisation Event
- 11.1 Confidential Procurement Exemption - CBD Revitalisation Event

MOTION

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

- 10.5 Matters dealt with under delegated authority for the for the period 4 November 2021 to 30 January 2022
- 10.6 Investment Report for the month of October 2021
- 10.7 Investment Report for the month of November 2021
- 10.8 Investment Report for the month of December 2021

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

10 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

10.1 ELECTION OF THE DEPUTY MAYOR

MOTION

That Council endorse:

1. the position of Deputy Mayor
2. the election of the Deputy Mayor by way of Open Voting
3. the term of office for the Deputy Mayor's being three equal terms of 11 months being:
 - 31 January 2022 to December 2022
 - December 2022 to November 2023
 - November 2023 to September 2024.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Notes:

1. *The Returning Officer advised valid nominations for the office of Deputy Mayor were received and accepted by Councillor Rozos and Councillor Zhu.*
2. *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:*
 - 1.1 *Councillors Zhu: Councillors Taylor, Samuel, Mouradian, Campbell, Zhu, Xia, Eriksson and Roussac*
 - 1.2 *Councillor Rozos: Councillors Rozos, Greco, McCullagh, Moratelli and Wright*
3. ***The Returning Officer declared Councillor Zhu elected as Deputy Mayor from 31 January to December 2022.***

FURTHER MOTION

That Council endorse the appointment of Councillor Zhu as Deputy Mayor for the eleven month term.

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR XIA

CARRIED

Voting

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

Against: Nil

PROCEDURAL MOTION – ADJOURN THE MEETING

That, in accordance with clause 19.2 of the Code of Meeting Practice, the meeting be adjourned for five minutes.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Notes:

1. *The Council meeting adjourned at 8:16pm.*
2. *Councillor Rozos left the meeting 8:17pm.*

10.2 COUNCIL MEETING SCHEDULE 2022**MOTION**

That Council:

1. **Adopt the following Council meeting schedule for Council meetings held during 2022 which will be held in the Council Chambers or virtually (online) or a combination of both, commencing at 7:00pm on the following dates:**

- **Monday 31 January**
- **Wednesday 2 March (moved due to attendance at the LGNSW Conference)**
- **Monday 28 March**
- **Tuesday 26 April (Monday 25 April is Anzac Day Public Holiday)**
- **Monday 23 May**
- **Monday 27 June**
- **Monday 22 August**
- **Monday 19 September**

- Monday 24 October
 - Monday 28 November
 - Monday 12 December (the meeting is brought forward due to the Christmas Recess period)
2. Note the Council will be in recess from 4 July to 15 July 2022 for the Winter School Holidays.
 3. Amend clause 3.1 of the *Code of Meeting Practice 2020* to state:
“*Ordinary meetings of the council will be held in the Council Chambers or virtually (online) or a combination of both, on the fourth Monday of the month at 7:00 pm, except when Council is in recess, or as otherwise resolved by Council.*”
 4. Note that the Chief Executive Officer is responsible for arranging Councillor briefing sessions, in accordance with the *Code of Meeting Practice 2020*, and that Councillor briefing sessions will typically be held on the first and second Monday of each month except when Council is in recess.

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR GRECO

CARRIED

Voting

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

Against: Councillor Wright

Absent: Councillor Rozos

Note:

The Council meeting resumed at 8:21pm.

10.3 METHOD TO FILL CASUAL VACANCIES

MOTION

That Council:

1. Declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Willoughby City Council Local Government Area be dealt with pursuant to the provisions of section 291A(1)(b) of the *Local Government Act, 1993* (the Act) which relates to Countback Provisions.
2. Notify the NSW Electoral Commissioner within seven days of the decision.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR XIA

CARRIED

Voting

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

Against: Nil

Note:

Councillor Rozos returned to the meeting at 8:25pm.

10.4 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE**MOTION**

That Council:

1. Nominate Councillors Greco, McCullagh, Moratelli, Taylor and Xia as voting delegates to attend the Local Government NSW Special Conference from 28 February to 2 March 2022, and Councillors Mouradian, Samuel and Roussac attend as observers.

2. Submit the following motion to the Local Government NSW Special Conference:

That Local Government NSW reaffirms their commitment that no council will be worse off through the Infrastructure Contributions reforms and that this issue will continue to be pursued vigorously with the NSW Minister for Planning and Homes.

MOVED COUNCILLOR TAYLOR / SECONDED COUNCILLOR MCCULLAGH

AMENDMENT

That Council:

1. Nominate Councillors Greco, McCullagh, Moratelli, Taylor and Xia as voting delegates to attend the Local Government NSW Special Conference from 28 February to 2 March 2022, and Councillors Mouradian, Samuel and Roussac attend as observers.

2. Submit the following motion to the Local Government NSW Special Conference:

That Local Government NSW reaffirms their commitment that no council will be worse off through the Infrastructure Contributions reforms, particularly:

- *no council will be financially worse off or suffer a financial disadvantage*
- *there will be no delays or removal of projects from council plans*
- *there will be no impacts or restrictions to a council's autonomy to allocate infrastructure contributions identified by their local communities*
- *that the abovementioned conditions / commitments will be enduring (i.e. will not apply for a specific period or be phased out)*

and, that these issues will continue to be pursued vigorously with the NSW Minister for Planning and Homes.

MOVED COUNCILLOR ROUSSAC / SECONDED COUNCILLOR WRIGHT

Voting

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

Against: Nil

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.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

10.5 MATTERS DEALT WITH UNDER DELEGATED AUTHORITY FOR THE PERIOD 4 NOVEMBER 2021 TO 30 JANUARY 2022
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RESOLUTION

That Council receive the report outlining matters dealt with under delegated authority during the Christmas/New Year recess.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

ADOPTED EN BLOC

10.6 INVESTMENT REPORT FOR MONTH OF OCTOBER 2021

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 October 2021.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

ADOPTED EN BLOC

Note:

Councillor Wright and Xia declared a non-pecuniary less than significant interest on this item.

10.7 INVESTMENT REPORT FOR MONTH OF NOVEMBER 2021
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RESOLUTION

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

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

ADOPTED EN BLOC

Note:

Councillor Wright and Xia declared a non-pecuniary less than significant interest on this item.

10.8 INVESTMENT REPORT FOR MONTH OF DECEMBER 2021**RESOLUTION**

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 December 2021.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

ADOPTED EN BLOC

Note:

Councillor Wright and Xia declared a non-pecuniary less than significant interest on this item.

COMMUNITY, CULTURE & LEISURE DIRECTORATE**10.9 PROCUREMENT EXEMPTION - CBD REVITALISATION EVENT****MOTION**

That Council:

1. Endorse an exemption from the tendering requirements under section 55(3)(i) of the *Local Government Act 1993* and approve service provider contracts to deliver a major outdoor art installation (*Roaming Gnomes*) and light art projection on The Concourse for the *Chatswood Nights* event, due to a funding opportunity becoming available through Investment NSW *CBD Revitalisation Program* with a deadline for completion of delivery of the event being 1 May 2022.
2. Delegate authority to the Chief Executive Officer to enter into contractual arrangements with *Amigo and Amigo* for delivery of a major art installation, in the event of a successful grant.
3. Delegate authority to the Chief Executive Officer to enter into contractual arrangements with *The Electric Canvas* for delivery of light art projection services, in the event of a successful grant.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

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

Against: Councillor Wright

11 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 Manager whether there were any public representations relating to the confidential items listed. There were no public representations.

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

- 11.1 Confidential Procurement Exemption - CBD Revitalisation Event - This report provides Councillors with information that relates to the commercial value of services intended to be contracted. 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. with Section 10A(2)(c) of the *Local Government Act 1993*.

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

That Council move into closed session.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

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

Against: Nil

Note:

Council moved into closed session at 8:44pm.

PROCEDURAL MOTION – MOVE INTO OPEN SESSION

That Council move into open session.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ROUSSAC

CARRIED

Voting

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

Against: Nil

Notes:

1. Council moved into open session at 9:49pm.
2. The Chair read the resolutions passed in closed session.

11.1 CONFIDENTIAL PROCUREMENT EXEMPTION - CBD REVITALISATION EVENT**MOTION**

That Council, on further discussion has deemed this item not to be confidential and therefor, resolves to consider this matter in open session of Council.

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

PROCEDURAL MOTION – RECOMMIT ITEM

That Council recommit item 10.9 – Procurement Exemption – CBD Revitalisation Event.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

10.9 PROCUREMENT EXEMPTION - CBD REVITALISATION EVENT**MOTION**

That Council:

1. Endorse an exemption from the tendering requirements under section 55(3)(i) of the *Local Government Act 1993* and approve service provider contracts to deliver a major outdoor art installation (*Roaming Gnomes*) and light art projection on The Concourse for the *Chatswood Nights* event, due to the following extenuating circumstances:
 - a funding opportunity becoming available through Investment NSW *CBD Revitalisation Program* with a deadline for completion of delivery of the event being 1 May 2022, which means the standard eight week tender process is not achievable
 - to address the significant impacts of COVID on local businesses
 - the unlikely attraction of additional suitable tenders, as value for money has been demonstrated through prior tenders or requests for quotes on similar works.
2. Delegate authority to the Chief Executive Officer to enter into contractual arrangements with Amigo and Amigo for delivery of a major artistic installation up to the value of \$302,000, in the event of a successful grant.
3. Delegate authority to the Chief Executive Officer to enter into contractual arrangements with The Electric Canvas for delivery of a light art projection services up to the value of \$300,000, in the event of a successful grant.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MORATELLI

CARRIED

Voting

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

Against: Nil

12 CONCLUSION OF THE MEETING

The meeting concluded at 9:54pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the ordinary Council meeting held on 31 January 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

Mayor Taylor

