



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

9 November 2020

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1 PRESENT

Councillors

Joining the meeting present in the Chamber: Her Worship the Mayor Councillor G Giles-Gidney, Councillors Campbell, Eriksson, Fernandez. Mustaca, Norton, Saville, Wright and Zhu.

Joining the meeting via Zoom Conferencing: Councillors Coppock, Rutherford and Rozos.

Officers

Ms D Just (Chief Executive Officer), M Smith (Community, Culture & Leisure Director), Mr G McDonald (Customer & Corporate Director), Mr C Binns (Acting Planning & Infrastructure Director), Mr J Elliot (Economic Development Manager), Mr S Naven (Chief Financial Officer), Ms S Connor (Media, Marketing & Events Manager), Ms S Williams (Acting Governance, Risk & Corporate Planning Manager), Ms P Sheldrake (Governance Meeting Administration Officer), Ms T Strydom (Governance Administration Officer), Mr J Racchi (Information Technology Team Leader) and Mr M Long (Network Support Officer).

2 DISCLOSURES OF INTERESTS

- Councillor Wright declared, via a Disclosure of Interest form, a non-pecuniary less than significant interest in Item 15.4: Investment Report for the month of October 2020.
(Nature of Interest: I am an employee of Westpac Banking Corp with whom Council has investments.)
- Councillor Coppock declared a non-pecuniary significant interest in Item 15.7: Legal Services Report November 2020.
(Nature of Interest: I have a matter against Council at this time.)
- Mayor Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.11: Planning Proposal – 815 Pacific Highway and 15 Help Street, Chatswood (PP 2018/12).
(Nature of Interest: I am a Member of the Sydney North Planning Panel which may consider this proposal at a later date.)
- Councillor Campbell declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.11: Planning Proposal – 815 Pacific Highway and 15 Help Street, Chatswood (PP 2018/12).
(Nature of Interest: I am a member of the Sydney North Planning Panel.)
- Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.11: Planning Proposal – 815 Pacific Highway and 15 Help Street, Chatswood (PP 2018/12).
(Nature of Interest: I have a former working history with some of the proponents of the project team.)

- Councillor Saville declared, via a Disclosure of Interest form, a non-pecuniary less than significant interest in Item 16.1: Notice of Motion – Councillor Saville – UN Treaty Prohibition of Nuclear Weapons.
(Nature of Interest: More than ten years ago Medical Association Prevention of War (MAPW) formed the International Campaign to Abolish Nuclear Weapons (ICAN.) MAPW is a partner of ICAN but a separate organisation. I am a member of the National Council of MAPW. I believe I can act in the interests of the community, well-being, health and for humanity.)
- Councillor Wright declared, via a Disclosure of Interest form, a non-pecuniary significant interest in Item 16.2: Notice of Motion – Support of the Armenian-Australian Community.
(Nature of Interest: I have a close personal relationship with someone heavily involved in the campaign and do not think it appropriate for me to vote on this matter.)
- Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 16.2: Notice of Motion – Support of the Armenian-Australian Community.).
(Nature of Interest: My Godfather is Armenian, but resides overseas in Uruguay. I disclose in the interests of transparency.)
- Councillor Coppock declared a non-pecuniary significant interest in Item 17.2: Confidential – Legal Services Report November 2020.
(Nature of Interest: I have a matter against Council at this time.)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 12 October 2020, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

That Council note Councillor Tuon tendered an apology and requested Leave of Absence for tonight's meeting.

RESOLUTION

That Council note the apology and grant Leave of Absence to Councillor Tuon for tonight's meeting.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

5 PETITIONS

5.1 PETITION - DA2020/240 99 BEACONSFIELD ROAD, CHATSWOOD AND 22B GREVILLE STREET, CHATSWOOD

RESPONSIBLE OFFICER: GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER

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

MEETING DATE: 9 NOVEMBER 2020

PURPOSE OF REPORT

To consider a petition containing 165 signatures opposing DA2020/240 for the demolition of two existing dwellings and construction of seniors' living consisting of seven self-contained dwellings, tree removal, car parking and associated works.

MOTION

That Council receive and note the petition opposing DA2020/240 for the demolition of two existing dwellings and construction of seniors' living consisting of seven self-contained dwellings, tree removal, car parking and associated works and refer it to the Planning & Infrastructure Director for consideration.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR CAMPBELL

CARRIED

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

Voting

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

Against: Nil

5.2 PETITION – REQUEST TO REOPEN CASTLE COVE LIBRARY**MEETING DATE: 9 NOVEMBER 2020**

PURPOSE OF REPORT

To consider a petition through Change.org, containing 127 signatures as at 8 November 2020, requesting the re-opening of the Castle Cove Library.

MOTION

That Council receive and note the petition requesting the reopening of the Castle Cove Library and refer it to the Community, Culture & Leisure Director for consideration.

MOVED COUNCILLOR NORTON**SECONDED COUNCILLOR CAMPBELL****CARRIED**

The motion on being put to the meeting was CARRIED to become the resolution of Council.

Voting

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

Against: Nil

6 OPEN FORUM — MATTERS NOT ON THE AGENDA

Due to the restrictions on public gatherings imposed by Public Health orders, members of the community were invited to forward their submissions to Council. No submissions were received.

7 MAYORAL MINUTE

MAYORAL MINUTE - PASSING OF MAYOR DEBORAH HUTCHENS

MEETING DATE: 9 NOVEMBER 2020

PURPOSE OF REPORT

To report on the passing of Mayor Deborah Hutchens and to convey Council's condolences to her family.

DISCUSSION

It is with much sadness that I advise of the recent passing of former Lane Cove Mayor, Deborah Hutchens.

Elected to Lane Cove Council in 2012, Deborah served as Deputy Mayor before becoming Mayor of Lane Cove in September 2015, a position she held for two years.

During her time on Lane Cove Council, Council, Deborah was involved in a range of new initiatives including International Women's Day and Lane Cove Night Out events; she supported the Hold My Hand initiative, established the Lane Cove Festival by the River which is enjoyed by thousands each November and was instrumental in the development of the Canopy.

Deborah was also actively associated with the Red Shield Appeal, The Heart Foundation, Lane Cove Art Society, Lane Cove Historical Society and various local Sporting Clubs. She was Director of Sydney Community Services, Board Member of Lane Cove Retirement Units and President of the Longueville/Northwood Branch of the Liberal Party.

For over twenty years, Deborah made an enormous contribution to the community she loved.

She will be greatly missed.

MOTION

That Council note the passing of Mayor Deborah Hutchens and write a letter of condolence to the family.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

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:

- Item 15.1 Endorsement of the Willoughby Community and Economic Recovery Plans
- Item 15.2 Referral of Draft Financial Reports for the year ended 30 June 2020 to External Audit
- Item 15.3 Quarterly Budget Review 2020-21 September Quarter
- Item 15.5 Audit, Risk & Improvement Committee – Independent External Member Appointment
- Item 15.7 Legal Services Report November 2020
- Item 15.9 Artarmon Parklands Pavilion – Lodge Development Application
- Item 15.10 Artarmon Local Centre Public Domain Masterplan – Adoption
- Item 15.11 Planning Proposal – 815 Pacific Highway and 15 Help Street, Chatswood (PP 2018/12)
- Item 15.14 Councillor Nominations to Award Panel to assess Willoughby Australia Day Awards
- Item 16.1 Notice of Motion – Councillor Saville – UN Treaty Prohibition Nuclear Weapons
- Item 16.2 Notice of Motion – Support of the Armenian-Australian Community
- Item 17.1 Confidential – Audit, Risk and Improvement Committee – Independent External Member Appointment
- Item 17.2 Confidential – Legal Services Report November 2020
- Item 17.3 Confidential Chief Executive Officer's Performance Review

RESOLUTION

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

- Item 15.4 **Investment Report for the month of October 2020**
- Item 15.6 **Council Meeting Schedule 2020**
- Item 15.8 **Willoughby Leisure Centre Pool Upgrade – Lodge Development Application**
- Item 15.12 **Development Assessment – Quarter 1 (1 July to 30 September 2020)**
- Item 15.13 **CBD Special Event Review**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

Voting

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

Against: Nil

PROCEDURAL MOTION

That Council defer item 15.9 - Artarmon Parklands Pavilion – Lodge Development Application for one month.

MOVED COUNCILLOR COPPOCK**SECONDED COUNCILLOR WRIGHT**

LOST

Voting

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

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

The vote being equal the Mayor used her casting vote against the Motion.

PROCEDURAL MOTION

That Council defer item 15.10 - Artarmon Local Centre Public Domain Masterplan – Adoption for one month and allow for further consultation and meetings with the Artarmon Progress Association.

MOVED COUNCILLOR COPPOCK**SECONDED COUNCILLOR NORTON**

LOST

Voting

For the Motion: Councillors Coppock, Norton, Rozos, Saville and Wright

Against: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Rutherford and Zhu

11 PUBLIC FORUM — MATTERS ON THE AGENDA

Due to restrictions on public gatherings imposed by Public health orders, members of the community were invited to forward their submissions to Council. Submissions were distributed to Councillors prior to the meeting and have been included as an addendum to these minutes where permission has been given by the author.

Item 15.9 Artarmon Parklands Pavilion – Lodge Development Application

Submissions were received from Anna Greco, Kate Lamb and Peter Egan against the officer's recommendation.

Item 15.10 Artarmon Local Centre Public Domain Masterplan – Adoption

A submission was received from Peter Egan against the officer's recommendation.

Item 16.1 Notice of Motion – Councillor Saville – UN Treaty Prohibition Nuclear Weapons

A submission was received from Jemila Rushton in support of the motion.

12 REPORTS OF COMMITTEES

NIL

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM THE OFFICERS

CHIEF EXECUTIVE'S OFFICE

15.1 ENDORSEMENT OF THE WILLOUGHBY COMMUNITY AND ECONOMIC RECOVERY PLANS

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT COMMUNITY RECOVERY PLAN 3. DRAFT ECONOMIC RECOVERY PLAN
RESPONSIBLE OFFICER:	DEBRA JUST – CHIEF EXECUTIVE OFFICER
AUTHOR:	JOHN ELLIOTT – ECONOMIC DEVELOPMENT MANAGER MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
CITY STRATEGY OUTCOME:	3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To seek Council's endorsement of the *Willoughby Community Recovery Plan* and the *Willoughby Economic Recovery Plan*.

MOTION

That Council:

1. Endorse the *Willoughby Community Recovery Plan*.
2. Endorse the *Willoughby Economic Recovery Plan*.
3. Remove the following words under section 4. "What we will do (Action Plan) – Business Support":

"Approve a new Business Support Package to include provisions for the waiving of fees for environmental health inspections, fire safety, footway dining and advertising."

MOVED COUNCILLOR SAVILLE

LAPSED FOR WANT OF A SECONDER

MOTION

That Council:

1. Endorse the *Willoughby Community Recovery Plan*.
2. Endorse the *Willoughby Economic Recovery Plan*.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR FERNANDEZ

CARRIED

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

Voting

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

Against: Councillors Coppock and Saville

CUSTOMER & CORPORATE DIRECTORATE

15.2 REFERRAL OF DRAFT FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2020 TO EXTERNAL AUDIT

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020 (COMPRISING THE GENERAL PURPOSE FINANCIAL STATEMENTS, THE SPECIAL PURPOSE FINANCIAL STATEMENTS AND THE SPECIAL SCHEDULES) (INCLUDED IN ATTACHMENT BOOKLET)
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To refer the draft Financial Reports for the year ended 30 June 2020 to audit and to secure other related authorisations as required under *Sections 413 to 420 of the Local Government Act 1993*. The Financial Reports comprise of the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2020.

MOTION

That Council:

- 1. Note that the draft annual financial reports for Willoughby City Council for the period 1 July 2019 to 30 June 2020 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 (update No. 28)*.**
- 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 2019 to 30 June 2020 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 immediately 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 14 December 2020 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 FERNANDEZ

SECONDED COUNCILLOR WRIGHT

CARRIED

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

Voting

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

Against: Councillor Coppock

15.3 QUARTERLY BUDGET REVIEW 2020-21 SEPTEMBER QUARTER

ATTACHMENTS:	1. IMPLICATIONS 2. BUDGET VARIATIONS SEPTEMBER QUARTER 3. QUARTERLY BUDGET REVIEW STATEMENT 4. PRINCIPAL ACTIVITIES VARIATIONS 5. PROJECTS & CAPITAL WORKS
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To provide a quarterly update on Council's progress towards achieving full year Operational Plan, Budget and Financial Performance targets. To seek Council approval on proposed budget adjustments and to report on financial performance during the first quarter (Q1) of the 2020/21 financial year (1 July 2020 to 30 September 2020).

MOTION

That Council:

- 1. Note the Quarterly Budget Review 2020/21 – September Quarter.**
- 2. Approve the increase in Grants & Contributions provided for Capital Purpose of \$460K.**
- 3. Approve the decrease in operating budget income (excluding capital income) of \$2.9M and an increase in operating budget expense of \$0.2M resulting in a net negative impact of \$3.1M to the 2020/21 budget full year operating result before capital items.**
- 4. Approve the increase in Capital Expenditure for the 2020/21 Financial Year of \$333K.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

The motion on being put to the meeting was CARRIED to become the resolution of Council.

Voting

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

Against: Nil

15.4 INVESTMENT REPORT FOR THE MONTH OF OCTOBER 2020

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2019) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	GREG MCDONALD - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 31 October 2020 under section 625 of the *Local Government Act 1993*.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 October 2020.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.4: Investment Report for the month of October 2020.

(Nature of Interest: I am an employee of the Westpac Banking Corp with whom Council has investments.)

15.5 AUDIT, RISK & IMPROVEMENT COMMITTEE - INDEPENDENT EXTERNAL MEMBER APPOINTMENT

ATTACHMENTS:	1. IMPLICATIONS 2. AUDIT RISK AND IMPROVEMENT COMMITTEE CHARTER
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON - GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To advise Council of the outcome of the expression of interest process which was undertaken to appoint three independent external members to the Audit Risk and Improvement Committee (ARIC), one being appointed to the position of Chair and seek endorsement of the recommended appointments.

MOTION

That Council endorse the appointment of independent external members of the Audit, Risk and Improvement Committee for a period of three years as recommended in the confidential report.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR MUSTACA

CARRIED

The motion on being put to the meeting was CARRIED to become the resolution of Council.

Voting

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

Against: Nil

Absent: Councillor Rutherford

Councillor Rutherford left the meeting at 9:23pm (during the closed session of Council) and did not re-join the meeting.

15.6 COUNCIL MEETING SCHEDULE 2021

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To adopt the ordinary Council meeting schedule for 2021.

RESOLUTION

That Council:

1. Adopt the 2021 Council meeting schedule for Council meetings which will be held in the Council Chambers at 7:00pm on the following dates:
 - 8 February 2021
 - 8 March 2021
 - 12 April 2021
 - 10 May 2021
 - 15 June 2021
 - 12 July 2021
 - 2 August 2021
 - 20 September 2021
 - 11 October 2021
 - 8 November 2021
 - 13 December 2021
2. Note the Council will be in recess during January 2021 for the Christmas/New Year break and from the 28 June – 9 July 2021 for the Winter School Holidays.
3. Delegate authority to the Mayor and Chief Executive Officer from 15 December 2020 to 8 February 2021 to deal with matters during the break considered by them to be urgent, subject to:
 - compliance with relevant legislation
 - the limitations to delegations under section 377 of the *Local Government Act 1993*
 - matters that are considered urgent in nature or would cause undue delays to stakeholders
 - consultation with Ward Councillors for decisions involving planning proposals

- decision being deferred where Council policy provides no clear guidelines.
4. A report be provided to the 8 February 2021 Council meeting outlining how the delegated authority was exercised.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

15.7 LEGAL SERVICES REPORT NOVEMBER 2020

ATTACHMENTS:	1. IMPLICATIONS 2. LEGAL SERVICES REPORT
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON - GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To present for noting the legal services report for November 2020.

MOTION

That Council receive the legal services report for November 2020.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

Councillor Coppock declared, a non-pecuniary significant interest in Item 15.7: Legal Services Report November 2020. Councillor Coppock withdrew from the meeting at 7:37pm taking no part in the discussion or voting on this item. Councillor Coppock returned to the meeting at 7:39pm.

(Nature of Interest: I am named in the report.)

PLANNING & INFRASTRUCTURE DIRECTORATE**15.8 WILLOUGHBY LEISURE CENTRE POOL UPGRADE - LODGE DEVELOPMENT APPLICATION**

ATTACHMENTS:	1. IMPLICATIONS 2. SITE LOCALITY PLAN 3. ARCHITECT DA DRAWINGS 4. CONSULTATION SUMMARY REPORT
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	JOSEPH GIANDOMENICO –PROJECT MANAGER
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To update Council on the outcomes community consultation on the schematic designs and to seek Council's approval to lodge a Development Application for major pool upgrade works at Willoughby Leisure Centre, 2 Small Street, Willoughby.

RESOLUTION

That Council:

- 1. Note the outcomes of public exhibition and consultation on the schematic designs for the Willoughby Leisure Centre pool upgrade.**
- 2. Endorse the lodgement of a Development Application for the Major Pool Upgrade of the Willoughby Leisure Centre at 2 Small Street, Willoughby based on the refined schematic design.**
- 3. Grant the Chief Executive Officer delegation to execute documents associated with lodgement of the Development Application for the Willoughby Leisure Centre pool upgrade at 2 Small Street, Willoughby.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

15.9 ARTARMON PARKLANDS PAVILION - LODGE DEVELOPMENT APPLICATION

ATTACHMENTS:	1. IMPLICATIONS 2. CURRENT CONCEPT PLANS
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	JOSEPH GIANDOMENICO – PROJECT MANAGER
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To request that Council provide owner's consent to allow lodgement of a Development Application for construction of the Artarmon Parkland Pavilion at 1A Burra Road, Artarmon.

MOTION

That Council:

1. Endorse the lodging of a Development Application for the Artarmon Parkland Pavilion at 1A Burra Road, Artarmon, based on the current concept design for the adaptive reuse of the former Artarmon Bowling Clubhouse.
2. Grant delegation to the Chief Executive Officer to execute documents associated with the Development Application for the Artarmon Parklands Pavilion at 1 Burra Road, Artarmon.
3. Not commence demolition of the existing building until the current Local heritage nomination has been determined.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR CAMPBELL

CARRIED

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

Voting

For the Motion: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Rozos, Rutherford, Wright and Zhu

Against: Councillors Coppock, Norton and Saville

AMENDMENT**That Council:**

1. **Endorse the preparation of the Development Application plans for the Artarmon Parkland Pavilion at 1A Burra Road, Artarmon, based on the current concept design for the adaptive reuse of the former Artarmon Bowling Clubhouse.**
2. **Not commence demolition of the existing building until the current Local Heritage nomination has been determined.**

MOVED COUNCILLOR FERNANDEZ**SECONDED COUNCILLOR NORTON****LOST****Voting****For the Amendment:** Councillors Coppock, Fernandez, Norton, Rutherford and Saville**Against:** Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Rozos, Wright and Zhu

15.10 ARTARMON LOCAL CENTRE PUBLIC DOMAIN MASTERPLAN - ADOPTION

ATTACHMENTS:	1. IMPLICATIONS 2. ARTARMON LOCAL CENTRE PUBLIC DOMAIN MASTERPLAN (INCLUDED IN ATTACHMENT BOOKLET)
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GYNT DRINAN – PROJECT MANAGEMENT TEAM LEADER
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To seek Council's adoption of the *Artarmon Local Centre Public Domain Masterplan* (Attachment 2) as the primary design guide for future public domain works in the Artarmon Local Centre and to gain Council endorsement to01 commence the detailed design phases for Stages 1 and 2 streetscape works.

MOTION

That Council:

- 1. Note the outcomes of public exhibition and consultation on the *Artarmon Local Centre Public Domain Masterplan*.**
- 2. Adopt the *Artarmon Local Centre Public Domain Masterplan* as the primary design guide for all future public domain projects in the Artarmon Local Centre.**
- 3. Endorse the commencement of detailed design and documentation for Stage 1 and Stage 2 of the *Artarmon Local Centre Public Domain Masterplan*.**

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR CAMPBELL

CARRIED

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

Voting

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

Against: Councillor Coppock

15.11 PLANNING PROPOSAL - 815 PACIFIC HIGHWAY AND 15 HELP STREET, CHATSWOOD (PP 2018/12)**ATTACHMENTS:**

- 1. IMPLICATIONS**
- 2. COUNCIL DETAILED ASSESSMENT**
- 3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS'**
- 4. PLANNING PROPOSAL CONCEPT PLANS**
- 5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS**
- 6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012**
- 7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 HEIGHT OF BUILDINGS, FLOOR SPACE RATIO, SPECIAL PROVISIONS AREA AND ACTIVE STREET FRONTAGES MAPS**
- 8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 27 OCTOBER 2020**

RESPONSIBLE OFFICER:**CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR****AUTHOR:****CRAIG O'BRIEN – STRATEGIC PLANNER****CITY STRATEGY OUTCOME:****5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY****MEETING DATE:****9 NOVEMBER 2020****PURPOSE OF REPORT**

The purpose of this report is to seek endorsement for the forwarding of Planning Proposal 2018/12 for 815 Pacific Highway and 15 Help Street, Chatswood, to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda Item.

MOTION

That Council:

1. Forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, with the following amendments to *Willoughby Local Environmental Plan 2012*:
 - 1.1. To amend the Land Use Table, Zone B3 Commercial Core, as follows:
 - In Permitted with consent, delete serviced apartments
 - In Prohibited, insert serviced apartments
 - 1.2. To add Clause 4.1D 'Minimum lot size for Zone B3.'
 - "(1) The objective of this clause is to ensure a site is of sufficient size to achieve an optimum development outcome in the Chatswood CBD.*
 - (2) This clause applies to land in Zone B3 Commercial Core in the Chatswood CBD, identified as Area X on the Lot Size Map."*
 - 1.3. To add Clause 5.6 'Architectural roof features', (2A) as follows:
 - "(2A) Despite subclause (2), development within Area X on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3."*
 - 1.4. To amend Clause 6.7 'Active Street Frontages', (5) to read:
 - "(5) In this clause, a building has an active street frontage if:*
 - 1.4.1. In the Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.*
 - 1.4.2. In the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purposes of commercial premises."*
 - 1.5. Repeal Clause 6.12 'Size of shops in Zone B3 and Zone B4 in Chatswood.'
 - 1.6. To add Clause 6.24 as follows:
 - "1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
 - 2) This clause applies to development that is the erection of a new building on land shown in Area X of the Special Provisions Area Map.*
 - 3) Development consent, including modification of development consent, must not be granted to development to which this clause applies unless:*
 - 1.6.1. Where a building will be above 35 metres in height:*
 - 1.6.1.1. an architectural design competition that is consistent with the Willoughby Design Excellence Policy and Guidelines for Design Excellence Review and Competitions has been held in relation to the development, and*

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- 1.6.1.2. the design of the development is the winner of the architectural design competition, and
 - 1.6.1.3. the consent authority considers and acknowledges that the development exhibits design excellence.
 - 1.6.2. Where a building is or will be higher than 12 metres but not above 35 metres in height
 - 1.6.2.1. The design is subject to review by a Design Excellence Review Panel, that is consistent with the Willoughby Design Excellence Policy and Guidelines for Design Excellence Review and Competitions, who consider that the design exhibits design excellence to a sufficient level to recommend that the project proceed to consideration by the consent authority
 - 1.6.2.2. the consent authority considers and acknowledges that the development exhibits design excellence.
 - 1.6.3. An architectural design competition is not required under subclause (3) if the Planning Secretary or their delegate is satisfied that:
 - 1.6.3.1. such a process would be unreasonable or unnecessary in the circumstances.
 - 1.6.4. In deciding whether to grant development consent to development to which this clause applies, the consent authority must take into consideration Clause 3)a)iii) and 3)b)ii).
 - 1.6.5. In this clause:
 - Design Excellence is a process and an outcome which follows a rigorous procedure including evaluation to achieve subclause (1).
 - Architectural Design Competition means a competitive process conducted in accordance with the Willoughby Design Excellence Clause and Guidelines for Design Excellence Review and Competitions.
 - Design Excellence Review Panel means a Council selected and appointed Panel or a Panel endorsed by the NSW Government Architects Office (Planning Secretary).
 - Guidelines for Design Excellence Review and Competitions mean Willoughby City Council Guidelines for Design Excellence Review and Competitions 09/12/2019.
 - Design Excellence Policy means the Willoughby City Council Design Excellence Policy 09/12/2019.”
 - 1.7. To amend the Height of Buildings Map (Sheet HOB_004) for 815 Pacific Highway and 15 Help Street, Chatswood, to RL 246.8m.
 - 1.8. To amend the Floor Space Ratio Map (Sheet FSR_004) for 815 Pacific Highway and 15 Help Street, Chatswood, to No Maximum.
 - 1.9. To amend the Lot Size Map (Sheet FSR_004) to identify 815 Pacific Highway and 15 Help Street, Chatswood, as Area X.
 - 1.10. To amend the Special Provisions Area Map (Sheet SPA_004) to identify 815 Pacific Highway and 15 Help Street, Chatswood, as Area X.
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- 1.11. To amend the Active Street Frontages Map (Sheet ASF_ 004) to include the Pacific Highway, McIntosh Street and Help Street frontages.
2. Subject to 1. above, endorse for public exhibition the Planning Proposal as amended.
3. Endorse for public exhibition the Planning Proposal, with the accompanying draft site specific *Development Control Plan* provisions.
4. Note that a Voluntary Planning Agreement Letter of Offer has been submitted as part of this Planning Proposal.
5. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - 5.1. To proceed as recommended.
 - 5.2. To not proceed with the Planning Proposal.
6. Request that the Department of Planning, Industry and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning, Industry and Environment delegate authority to the Council Planning Manager, to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.
7. Encourage maximum environmental/energy efficient standards to achieve Green Star Building Rate minimum 5.5/6. This includes eight categories: being responsible (design, procurement); Healthy; Resilient; Positive (focus on reduced carbon, water and minerals); Places (comfort); People; Nature and Leadership.
8. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which do not alter the policy intent.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ROZOS

CARRIED

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

Voting

For the Motion: Councillors Coppock, Eriksson, Mustaca, Norton, Rozos, Rutherford, Saville, Wright and Zhu

Against: Nil

Absent: Councillors Giles-Gidney, Campbell and Fernandez

Mayor Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.11: Planning proposal – 815 Pacific Highway and 15 Help Street, Chatswood (PP 2018/12) and withdrew from the meeting at 8:30pm taking no part in the discussion or voting on this item. The Mayor returned to the Chamber at 8:46pm.
(Nature of Interest: I am a Member of the Sydney North Planning Panel which may consider this proposal at a later date.)

Councillor Campbell declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.11: Planning proposal – 815 Pacific Highway and 15 Help Street, Chatswood (PP 2018/12) and withdrew from the meeting at 8:30pm taking no part in the discussion or voting on this item. The Deputy Mayor returned to the Chamber at 8:46pm. *(Nature of Interest: I am a member of the Sydney North Planning Panel.)*

Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.11: Planning Proposal – 815 Pacific Highway and 15 Help Street, Chatswood (PP 2018/12) and withdrew from the meeting at 8:30pm taking no part in the discussion or voting on this item. Councillor Fernandez returned to the Chamber at 8:46pm. *(Nature of Interest: I have a former working history with some of the proponents of the project team.)*

Former Deputy Mayor Councillor Eriksson assumed the Chair in the Mayor's and Deputy Mayor's absence for consideration of this item.

15.12 DEVELOPMENT ASSESSMENT - QUARTER 1 (1 JULY TO 30 SEPTEMBER 2020)

ATTACHMENTS:	1. IMPLICATIONS 2. VARIATIONS TO DEVELOPMENT STANDARDS – QUARTER 1 3. APPLICATIONS DETERMINED – QUARTER 1 4. CURRENT DEVELOPMENT APPLICATIONS AS AT 5 OCTOBER 2020
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To provide Council with details relating to development assessment for quarter 1 (1 July to 30 September 2020).

RESOLUTION

That Council:

- 1. Note the variations to development standards and development applications determined under delegated authority during quarter 1 (1 July to 30 September 2020).**
- 2. Note the current development applications list as at 5 October 2020.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.13 CBD SPECIAL EVENT REVIEW**

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	SAMANTHA CONNOR – MEDIA, MARKETING AND EVENTS MANAGER
CITY STRATEGY OUTCOME:	4.4 – ATTRACT VISITORS AND PROMOTE LOCAL, DESTINATION-BASED TOURISM
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To seek Council's approval to pilot a cultural and creative events program in Chatswood's CBD. To seek Council's endorsement not to host Vivid Sydney at Chatswood in August 2021.

RESOLUTION

That Council:

- 1. Endorse a pilot Chatswood cultural and creative events program running January to June 2021 using the existing budget of \$580,000 currently allocated to CBD Special Event (Vivid).**
- 2. Receive a review of the pilot Chatswood cultural and creative events program by October 2021.**
- 3. Endorse that Chatswood not participate in the August 2021 Vivid Sydney festival.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

**15.14 COUNCILLOR NOMINATIONS TO AWARD PANEL TO ASSESS
WILLOUGHBY AUSTRALIA DAY AWARDS**

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	BERNARD LAU – FESTIVAL AND EVENTS TECHNICAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

To nominate Councillor representatives to an award panel to assess the nominations for the 2021 Willoughby Australia Day Awards.

MOTION

That Council nominate Mayor Gail Giles-Gidney and Councillors Coppock and Mustaca to form an award panel to assess nominations of the 2021 Willoughby Australia Day Awards.

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR WRIGHT

CARRIED

The motion on being put to the meeting was CARRIED to become the resolution of Council.

Voting

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

Against: Nil

16 NOTICES OF MOTION

16.1 NOTICE OF MOTION - COUNCILLOR SAVILLE – UN TREATY PROHIBITION NUCLEAR WEAPONS

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT MANAGER
CITY STRATEGY OUTCOME:	1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	9 NOVEMBER 2020

PURPOSE OF REPORT

Councillor Saville has indicated her intention to move the following Notice of Motion.

MOTION

Council firmly believe 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.

Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017, and we call on our national leaders to sign and ratify it without delay.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

LOST

Voting

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

Against: Councillors Giles-Gidney, Campbell, Coppock, Eriksson, Fernandez, Rozos, Rutherford and Zhu

Councillor Saville declared, via a Disclosure of Interest form, a non-pecuniary less than significant interest in Item 16.1: Notice of Motion – Councillor Saville – UN Treaty Prohibition of Nuclear Weapons.

(Nature of Interest: More than ten years ago Medical Association Prevention of War (MAPW) formed the International Campaign to Abolish Nuclear Weapons (ICAN.) MAPW is a partner of ICAN but a separate organisation. I am a member of the National Council of MAPW. I believe I can act in the interests of the community, well-being, health and for humanity and will remain in Chambers.)

16.2 NOTICE OF MOTION - SUPPORT OF THE ARMENIAN-AUSTRALIAN COMMUNITY

RESPONSIBLE OFFICER: GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR

CITY STRATEGY OUTCOME: 2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY

MEETING DATE: 9 NOVEMBER 2020

PURPOSE OF REPORT

Councillor Coppock has indicated his intention to table the following Notice of Motion.

MOTION

That Willoughby City Council:

1. Acknowledge its long connection with the Armenian-Australian community and following the resumption of hostilities in the Republic of Artsakh/Nagorno-Karabakh and:
 - a. Condemns the military aggression launched on 27 September 2020 by Azerbaijan and Turkey against the right of self-determination of the indigenous Armenian population of Artsakh, who have lived on those highlands for millennia.
 - b. Condemns the indiscriminate shelling and missile attacks on the civilian population and infrastructure of Artsakh in complete violation of international law.
 - c. Calls on the Australian Government unequivocally to condemn Azerbaijan and Turkey for their aggression.
 - d. Calls on the Federal Government to request an immediate ceasefire and end to the hostilities.
 - e. Calls on Azerbaijan and Turkey to respect the OSCE Minsk Group peace process for the Karabakh / Artsakh conflict, in particular the non-use of force and the right to self-determination.
 - f. Calls on the Australian Government to recognise the Republic of Artsakh.
 - g. Notes that the international recognition of the Republic of Artsakh and its population's right to self-determination is the only permanent solution to the conflict, to avoid further attempts of such military aggression.
2. Hold a minute's silence in honour of those who have lost their lives in the conflict.
3. Write to the Prime Minister and the Local Federal Members whose electorates are within the Willoughby LGA to make representations in support of the Republic of Artsakh and to inform them of the Council's resolution.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR GILES-GIDNEY

The motion on being put to the meeting was **CARRIED** to become the resolution of Council.

Voting

For the Motion: Councillors Giles-Gidney, Campbell, Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville and Zhu

Against: Nil

Absent: Councillor Wright.

Councillor Wright declared, via a Disclosure of Interest form, a non-pecuniary significant interest in Item 16.2: Notice of Motion – Support of the Armenian-Australian Community. Councillor Wright withdrew from the meeting at 9:00pm taking no part in the discussion or voting on this item. Councillor Wright returned to the meeting at 9:03pm.

(Nature of Interest: I have a close personal relationship with someone heavily involved in the campaign and do not think it appropriate for me to vote on this matter.)

Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 16.2: Notice of Motion – Support of the Armenian-Australian Community.).

(Nature of Interest: My Godfather is Armenian, but resides overseas in Uruguay. I disclose in the interests of transparency.)

17 CONFIDENTIAL MATTERS

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

PROCEDURAL MOTION

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Council moved into closed session at 9:03pm.

17.1 CONFIDENTIAL - AUDIT, RISK & IMPROVEMENT COMMITTEE - INDEPENDENT EXTERNAL MEMBER APPOINTMENT

Reason for Confidentiality

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

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

This report discusses the appointment of members to the Audit, Risk and Improvement Committee. On balance, the public interest in preserving the confidentiality of information about this matter outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would prematurely reveal the names of candidates prior to Council's consideration of their appointments.

17.2 CONFIDENTIAL - LEGAL SERVICES REPORT NOVEMBER 2020**Reason for Confidentiality**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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.

17.1 CONFIDENTIAL - AUDIT, RISK & IMPROVEMENT COMMITTEE - INDEPENDENT EXTERNAL MEMBER APPOINTMENT**RECOMMENDATION**

That Council:

1. Endorse the appointment the following independent external members of the Audit, Risk and Improvement Committee for a period of three years:
 - i. Elizabeth Gavey (as the Chair of the Audit, Risk and Improvement Committee)
 - ii. Christopher Davies
 - iii. Robert Lagaida.
2. Endorse the appointment of Brian Hrnjak as a replacement candidate as an independent external member for a period of three years; should one of the preferred candidates decline the appointment.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

17.2 CONFIDENTIAL - LEGAL SERVICES REPORT NOVEMBER 2020**RECOMMENDATION**

That Council receives the confidential legal services report for November 2020.

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against:

Absent: Councillors Coppock and Rutherford

Councillor Coppock declared, a non-pecuniary significant interest in Item 17.2: Confidential – Legal Services Report November 2020. Councillor Coppock withdrew from the meeting at 9:10pm taking no part in the discussion or voting on this item and returned to the meeting at 9:27pm.

(Nature of Interest: I am named in the report.)

PROCEDURAL MOTION

That Council revert into open session of Council.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rutherford

Councillor Rutherford left the meeting at 9:23pm and did not return.

Council moved into open session at 9:24pm.

The Mayor Councillor Giles-Gidney read the resolutions passed in closed session.

PROCEDURAL MOTION

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

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rutherford

17.3 CONFIDENTIAL CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW**Reason for Confidentiality**

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

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

This report discusses/provides advice concerning the Chief Executive Officer's Performance Review.

Council resolved into closed session at 9:27pm.

PROCEDURAL MOTION

That the meeting revert to Open Council.

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rutherford

PROCEDURAL MOTION

That Council extend the meeting beyond the 10:30pm conclusion in accordance with 18.2 of the *Code of Meeting Practice*.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillors Rozos and Rutherford

Councillor Rozos lost connection to the Zoom Conferencing link at 10:19pm.

PROCEDURAL MOTION

That Council resolve into Closed Session.

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Absent: Councillors Rozos and Rutherford

PROCEDURAL MOTION

That Council resolve into open session.

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillors Coppock, Rutherford and Saville

Councillor Rozos re-joined the meeting at 10:42pm.

The Mayor Councillor Giles-Gidney read the resolution passed in closed session.

17.3 CONFIDENTIAL CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW**MOTION**

That Council:

- 1. Note the Review Panel conducting the annual performance review of the Chief Executive Officer (CEO) for the period 1 July 2019 to 30 June 2020 assessed the CEO's performance as performing to a high standard, meeting and exceeding the expectations set and noting the high performance achieved in financial management, community consultation and response to COVID during a difficult period.**
- 2. Recognise the efforts of the CEO this year through an additional 7 days annual leave as a one-off this year, which would be equivalent to a once off 2.5% pay increment.**

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Councillors Coppock and Saville

Absent: Councillors Rozos and Rutherford

RESOLUTION

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Wright and Zhu

Against: Nil

Absent: Councillors Coppock, Rutherford and Saville

Councillors Saville left the meeting at 10:48pm and did not return.

Councillors Coppock left the meeting at 10:50pm and did not return.

18 QUESTIONS WITH NOTICE**18.1 QUESTION ON NOTICE FROM COUNCILLOR COPPOCK - 18.1
CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY 2036
(FROM 12 OCTOBER 2020 COUNCIL MEETING)**

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 NOVEMBER 2020

QUESTION

Further to the answer to the questions in item 18 Council Meeting October 2020, what did 'proponents' named pay Council per proponent?

ANSWER

The Department of Planning, Industry and Environment, Transport for NSW and Council agreed on the scope of investigations to address DPIE's concerns with parts of the CDB strategy.

DPIE, TfNSW and Council guided and reviewed the consultants' work ensuring that it satisfactorily addressed DPIE's concerns. DPIE's support and oversight was required to enable the CBD Strategy to progress to finalising the outstanding matters.

As agreed with DPIE, payments for the GMU study on urban design issues, the ARUP study on transport issues and the Weir Phillips study on heritage issues were made by the proponents directly to the respective consultancies. Council staff are not aware of the cost of the studies, nor the proportions paid by the individual proponents.

No proponent benefitted from the adoption of the studies, and in fact two proponents of Planning Proposals across three sites had their development potential reduced, as per the details provided in the prior response to the Question on Notice by Councillor Coppock at Council's meeting of 14 September 2020.

**18.2 QUESTION ON NOTICE FROM COUNCILLOR WRIGHT - 18.1
CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY 2036
(FROM 12 OCTOBER 2020 COUNCIL MEETING)**

RESPONSIBLE OFFICER: CHRIS BINNS – ACTING PLANNING &
INFRASTRUCTURE DIRECTOR

AUTHOR: IAN ARNOTT – PLANNING MANAGER

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

MEETING DATE: 9 NOVEMBER 2020

QUESTION

1. Was the Mayor or any other Councillor made aware of the arrangements whereby property developers were paying Willoughby City Council bills prior to Cr Coppock raising the issue via Questions on Notice?
2. If any Councillor was advised, who was advised, when were they advised and what advice did they receive?

ANSWER

1. The Mayor and other Councillors were not made aware that Planning Proposal proponents were paying consultants directly for three studies required by the NSW Department of Planning Infrastructure and Environment to enable finalisation of the Chatswood CBD Strategy.
2. As above.

19 CONCLUSION OF THE MEETING

- The Mayor Councillor Giles-Gidney, Deputy Mayor Councillor Campbell and Councillor Fernandez left the meeting at 8:30pm prior to the discussion on Item 15.11: Planning Proposal – 815 Pacific Highway and 15 Help Street, Chatswood (PP 2018/12).and returned to the meeting at 8:46pm.
- Former Deputy Mayor Councillor Eriksson assumed the chair in the Mayor and the Deputy Mayor's absence for Item 15.11: Planning Proposal – 815 Pacific Highway and 15 Help Street, Chatswood (PP 2018/12).
- Councillor Wright withdrew from the meeting at 9:00pm prior to the discussion on Item 16.2: Notice of Motion – Support of the Armenian-Australian Community and returned to the meeting at 9:03pm.
- Councillor Coppock withdrew from the meeting at 7:37pm prior the discussion on Item 15.7: Legal Services Report November 2020 and returned to the meeting at 7:39pm.
- Councillor Coppock withdrew from the meeting at 9:10pm prior the discussion on Item 17.2: Confidential – Legal Services Report November 2020 and returned to the meeting at 9:27pm.
- Councillor Rutherford left the meeting at 9:23pm and did not return.
- Councillor Rozos lost connection to the Zoom Conferencing link at 10:19pm and returned to the meeting at 10:42pm
- Councillor Saville left the meeting at 10:48pm and did not return.
- Councillor Coppock left the meeting at 10:50pm and did not return.
- The meeting concluded at 10:55pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council meeting held 9 November 2020. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.