



Willoughby City Council

ORDINARY COUNCIL

MINUTES

held at the Council Chamber, Chatswood
on 12 July 2021

Minutes of an ordinary Council meeting**held on Monday, 12 July 2021****at the Council Chamber, Chatswood commencing at 7:06pm****ATTENDANCE:****Councillors**

Gail Giles-Gidney (Her Worship the Mayor)

Craig Campbell (Deputy Mayor)

Hugh Eriksson

Denis Fernandez

Tony Mustaca

Wendy Norton

Angelo Rozos

Lynne Saville

Christine Tuon

Nic Wright

Brendon Zhu

Officers

Debra Just (Chief Executive Officer)

Laura Kendall (Customer & Corporate Director)

Melanie Smith (Community, Culture & Leisure Director)

Hugh Phemister (Planning & Infrastructure Director)

Ian Arnott (Planning Manager)

Stephen Naven (Chief Financial Officer)

Angela Casey (Culture & Leisure Manager)

Samantha Charlton (Governance, Risk & Corporate Planning Manager)

Sherryn Williams (Governance Team Leader)

Jason Racchi (information Technology Team leader)

Matthew Long (Network Support Officer)

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1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY*Notes*

1. *The Mayor read the opening prayer.*
2. *The Mayor acknowledged the traditional inhabitants of the land on which we stand, the Aboriginal people, their spirits and ancestors. we acknowledge the vital contribution that indigenous people and cultures have made and still make to the nation that we share, Australia.*

2 DISCLOSURES OF INTERESTS

- Councillor Wright declared a non-pecuniary less than significant interest in Item 15.1: Investment Report for the month of June 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 Giles-Gidney declared a non-pecuniary significant interest in Item 15.4: Planning Proposal – 613 – 627 Pacific Highway, Chatswood. Councillor Giles-Gidney chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“I am a member of the Sydney North Planning Panel.”

- Councillor Giles-Gidney declared a non-pecuniary less than significant interest in Item 15.6: Tender 127716 - Management of The Willis Recreation and Sports Centre and Cleland Park Tennis Courts. Councillor Giles-Gidney chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“I am a Patron of the Northern Suburbs Tennis Association. I am not a member of the executive and have no role in any decision making relating to the Club”.

- Councillor Giles-Gidney declared a non-pecuniary significant interest in Item 16.1: Notice of Rescission Motion 02/2021 – Planning Proposal – 3 Ellis Street, Chatswood. Councillor Giles-Gidney chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“I am a member of the Sydney North Planning Panel.”

- Councillor Giles-Gidney declared a non-pecuniary less than significant interest in Item 17.3: Confidential - Tender 127716 - Management of The Willis Recreation and Sports Centre and Cleland Park Tennis Courts. Councillor Giles-Gidney chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“I am a Patron of the Northern Suburbs Tennis Association. I am not a member of the executive and have no role in any decision making relating to the Club”.

- Councillor Zhu declared a pecuniary interest in Item 15.9 – Community Small Grants Program 2021/2022. Councillor Zhu chose to leave the meeting and take no part in the discussion and voting on Part 1 of this item. The reason provided was:

“2NSB Radio is receiving a grant. I sit on the board”

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 15 June 2021, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Saville, Tuon, 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 Councillor Rutherford for the 12 July 2021 meeting.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

5 PETITIONS**5.1 PETITION - PROPOSED REMOVAL OF THE EDINBURGH ROAD AND THE POSTERN CARPARK IN CASTLECRAG**

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER

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

MOTION

That Council receive and note the petition on the proposal to turn the parking area into a park on the corner of Edinburgh Road and The Postern in Castlecrag, and refer the matter to the Community, Culture and Leisure Director.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

That Council suspend business in accordance with the Code of Meeting Practice and bring forward items 11 and 15.4, 15.6, 15.7, 16.1 and 16.3.

MOVED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Notes:

1. Councillor Giles-Gidney left the meeting at 7:18pm having declared an interest in items 15.4 and 16.1.
2. Councillor Campbell assumed the Chair.

6 OPEN FORUM — MATTERS NOT ON THE MINUTES - 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.

- **15.4 - Planning Proposal – 613-627 Pacific Highway, Chatswood**
Jim Murray (Associate Director of Planning at Ethos Urban presenting on behalf of Antaeus Group) addressed Council speaking for the officer's recommendation.
- **16.1 - Notice of Rescission Motion 02/2021 – Planning Proposal – 3 Ellis Street, Chatswood**
Nick Juradowitch (Town Planner and Director of Ingham Planning Pty Ltd) addressed Council speaking for the officer's recommendation.
- **15.7 - Outcome of Public Exhibition and Adoption of the new Park Proposal at the Castlecrag Shops**
Jocelyn Chey, Adrienne Kabos (on behalf of Walter Burley Griffin Society Inc), Jessica Davis, Michael Pitman and David Martin addressed Council speaking for the officer's recommendation.
- **16.3 - Notice of Motion 11/2021 - Postponing of Alterations to the Fabric of the Former Artarmon Bowling Clubhouse**
Anna Greco, Kate Lamb, Glenda Hewitt, Sharon Todd-Miller, Karen Borg (on behalf of Willoughby South Progress Association), Nick Felton, Judy Simpson, Bob Taffel, Shelagh Kemm and Leah Perdikaris addressed Council speaking for the Motion.
- **15.6 - Tender 127716 – Management of The Willis Recreation and Sports Centre and Cleland Park Tennis Courts**
Nicole Cubbin (on behalf of Willis Recreation and Sports Centre and Cleland Park Tennis Courts) and Helen Davis addressed Council speaking for the officer's recommendation.

15.4 PLANNING PROPOSAL - 613 - 627 PACIFIC HIGHWAY, CHATSWOOD

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CRAIG O'BRIEN – 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

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:
 - a) To add Clause 4.4B 'Minimum non-residential floor space in the Mixed Use Zone' as follows:

“4.4B Minimum non-residential floor space in the Mixed Use Zone

Land zoned B4 Mixed Use is to contain a minimum non-residential floor space component. This is calculated at 17% of FSR as indicated on the Floor Space Ratio Map.”
 - b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”
 - c) To amend Clause 6.7 'Active street frontages' as follows:
 - “(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.**
 - (2) This clause applies to land identified as “Active Street Frontages” on the Active Street Frontages Map.**
 - (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.**

- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—
- (a) entrances and lobbies (including as part of mixed use development),
 - (b) access for fire services,
 - (c) vehicular access.
- (5) In this clause, a building has an active street frontage if:
- a) 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.
 - b) 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 non-residential premises.”
- d) To amend Clause 6.8 (2) to include “Area 3 or Area 8 or Area 9” on the Special Provisions Area Map.
- e) To amend Clause 6.23 (2) to include “Area 8” or “Area 12” on the Special Provisions Area Map.
- f) To add Clause 6.25 as follows:
- “6.25 Sun access
- (1) The objective of this clause is to
- (a) protect certain public space in Chatswood CBD from excessive overshadowing.
 - (b) Protect properties in South Chatswood Conservation Area from a reduction in solar access
- (2) The consent authority must not grant consent to development on land zoned B3 or B4 if the consent authority is satisfied that :
- (a) the development will result in additional overshadowing in mid winter between 12 noon and 2pm, on:
 - Victoria Avenue between the interchange and Archer Street
 - Concourse Open Space
 - Garden of Remembrance
 - Tennis and croquet club
 - (b) the development will reduce solar access to any individual property within the South Chatswood Conservation Area to less than 3 hours between 9.00am and 3.00pm mid winter.
- g) Add to Schedule 1 Additional Permitted Uses:
- “75. Use of certain B4 land in Chatswood
- (1) This clause applies to land zoned B4 in the Chatswood CBD.

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- (2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
 - (a) the ground level is used for non-residential purposes and
 - (b) A minimum of 17% of the total FSR is provided for non-residential purposes and
 - (c) No residential dwelling is located at the ground floor.”
 - h) To amend the Land Zoning Map (Sheet LZN_004) for 613 – 627 Pacific Highway, Chatswood, to B4 Mixed Use.
 - i) To amend the Height of Buildings Map (Sheet HOB_004) for 613 – 627 Pacific Highway, Chatswood, to 90 metres.
 - j) To amend the Floor Space Ratio Map (Sheet FSR_004) for 613 – 627 Pacific Highway, Chatswood, to 6:1 (including affordable housing).
 - k) To amend the Special Provisions Area Map (Sheet SPA_004) to show 613 – 627 Pacific Highway, Chatswood, as Area 8.
 - l) To amend the Active Street Frontages Map (Sheet ASF_004) to include 613 – 627 Pacific Highway, Chatswood, to include the Pacific Highway and Nelson Street frontages.
 - m) To amend the Lot Size Map (Sheet LSZ_004) to include 613 – 627 Pacific Highway, Chatswood, with a minimum lot size of 1,800 sq metres.
 2. Note that the Letter of Offer for a public right of way over the through site link for 24 hours a day 7 days a week is to apply to ground level and the airspace above.
 3. Subject to 1 and 2. above, endorse for public exhibition the Planning Proposal as amended.
 4. Endorse for public exhibition the Planning Proposal, with the accompanying draft site specific Development Control Plan provisions.
 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:
 - a) To proceed as recommended.
 - b) 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. 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 MUSTACA /SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Tuon, Wright and Zhu.

Against: Councillor Saville

Absent: Councillor Giles-Gidney

Note:

Councillor Giles-Gidney declared an interest in this item.

16.1 NOTICE OF RESCISSION MOTION 02/2021 - PLANNING PROPOSAL - 3 ELLIS STREET, CHATSWOOD

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: IAN ARNOTT – PLANNING MANAGER
CRAIG O'BRIEN – STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES CITY STRATEGY
OUTCOME:
5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MOTION

That Council pursuant to notice, rescind the following resolution of Council, made on 15 June 2021, relating to Item 15.9: Planning Proposal – 3 Ellis Street, Chatswood:

“That Council not forward the Planning Proposal to the Department of Planning, Industry and Environment seeking Gateway determination on the basis of overshadowing and non-compliance with lot size and floor space ratio.”

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR TUON

CARRIED

Voting

For the Motion: Councillors Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Tuon, Wright and Zhu.

Against: Councillor Saville

Absent: Councillor Giles-Gidney

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*:
 - a) To add Clause 4.4B 'Minimum non-residential floor space in the Mixed Use Zone' as follows:

"4.4B Minimum non-residential floor space in the Mixed Use Zone

Land zoned B4 Mixed Use is to contain a minimum non-residential floor space component. This is calculated at 17% of FSR as indicated on the Floor Space Ratio Map."
 - b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

"(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3."
 - c) To amend Clause 6.7 'Active street frontages' as follows:
 - "(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.**
 - (2) This clause applies to land identified as "Active Street Frontages" on the Active Street Frontages Map.**
 - (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.**
 - (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—**
 - (a) entrances and lobbies (including as part of mixed use development),**
 - (b) access for fire services,**
 - (c) vehicular access.**
 - (5) In this clause, a building has an active street frontage if:**
 - a) 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.**

- b) 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 non-residential premises.”
- d) To amend Clause 6.8 (2) to include “Area 3 or Area 8 or Area 9” on the Special Provisions Area Map.
- e) To amend Clause 6.23 (2) to include “Area 8” or “Area 12” on the Special Provisions Area Map.
- f) To add Clause 6.25 as follows:
- “6.25 Sun access
- (1) The objective of this clause is to:
- (a) protect certain public space in Chatswood CBD from excessive overshadowing.
- (b) Protect properties in South Chatswood Conservation Area from a reduction in solar access
- (2) The consent authority must not grant consent to development on land zoned B3 or B4 if the consent authority is satisfied that:
- (a) the development will result in additional overshadowing in mid winter between 12 noon and 2pm, on:
- Victoria Avenue between the interchange and Archer Street
 - Concourse Open Space
 - Garden of Remembrance
 - Tennis and croquet club
- (b) the development will reduce solar access to any individual property within the South Chatswood Conservation Area to less than 3 hours between 9.00am and 3.00pm mid winter.
- g) Add to Schedule 1 Additional Permitted Uses:
- “75. Use of certain B4 land in Chatswood
- (1) This clause applies to land zoned B4 in the Chatswood CBD.
- (2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
- (a) the ground level is used for non-residential purposes and
- (b) A minimum of 17% of the total FSR is provided for non-residential purposes and
- (c) No residential dwelling is located at the ground floor.”
- h) To amend the Land Zoning Map (Sheet LZN_004) for 3 Ellis Street, Chatswood, to B4 Mixed Use.
- i) To amend the Height of Buildings Map (Sheet HOB_004) for 3 Ellis Street, Chatswood, to 44 metres.

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- j) To amend the Floor Space Ratio Map (Sheet FSR_004) for 3 Ellis Street, Chatswood, to 4.5:1 (including affordable housing).
 - k) To amend the Special Provisions Area Map (Sheet SPA_004) to show 3 Ellis Street, Chatswood, as Area 8.
 - l) To amend the Active Street Frontages Map (Sheet ASF_004) to include 3 Ellis Street, Chatswood, to include the Ellis Street frontage.
 - m) To amend the Lot Size Map (Sheet LSZ_004) to include 3 Ellis Street, Chatswood, with a minimum lot size of 800 sq metres.
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, subject to the following amendments:
- a) Section 4 'Street Frontage Heights and Setbacks'
 - i. Add Performance Criteria 4 as follows:
"Adequate building separation to neighbouring properties must be provided."
 - ii. Add Control 2 as follows:
"Building separation to neighbouring properties is to be consistent with the Apartment Design Guidelines."
 - b) Section 5 'Building Exterior'
 - i. Amend Performance Criteria 1 to read:
"Buildings are to demonstrate a high visual quality of development when viewed from the public domain and the surrounding area, including the Frank Channon Walk."
 - ii. Amend Controls 1 to read:
"Façade designs must be sensitive to the pedestrian environment in terms of wall height finishes and setbacks from planting."
 - iii. Amend Controls 2 to read:
"Extensive blank walls will not be supported."
 - c) Section 6 'Amenity'
 - i. Amend Control 3 to read:
"Residential amenity is to be in accordance with the Apartment Design Guidelines."
 - d) Section 9 'Traffic and Transport'
 - i. Add Control 4:
"Two car share spaces are to be provided in Basement Level 2 close to lifts. Public access to be detailed at development application stage."
 - e) Section 11 'Design Excellence and Building Sustainability'
 - i. Amend heading to read:
"Design Excellence"
-

- f) **Add Section 15 ‘Sustainability’**
 - i. **Add Performance Criteria**
“Achievement of design excellence shall include achievement of higher building sustainability standards.”
 - ii. **Add Control:**
“A minimum 5 star GCBA building rating is expected. A report is to be submitted at development application stage.”
- 4. **Subject to 1, 2 and 3 above, prior to public exhibition, concept plans are to be provided that clearly show that at no point the proposed mixed use building encroaches on the sun access protection plane determining height on this site.**
- 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:**
 - a) **To proceed as recommended.**
 - b) **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, Mr Ian Arnott to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.**
- 7. **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 MUSTACA / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Motion: Councillors Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Tuon, Wright and Zhu.

Against: Councillor Saville

Absent: Councillors Giles-Gidney

Note:

Councillor Giles-Gidney declared an interest in this item.

15.7 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE NEW PARK PROPOSAL AT THE CASTLECRAG SHOPS

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD – OPEN SPACE CO-ORDINATOR
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY

MOTION**That Council:**

1. Adopt the *Castlecrag Community Park - Landscape Plan* dated March 2021 for the existing Council owned car park at the junction of The Postern and Edinburgh Road, Castlecrag.
2. Defer the implementation of the *Castlecrag Community Park - Landscape Plan 2021* until an alternate site for the eight public car parking spaces is resolved.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR FERNANDEZ**CARRIED****Voting****For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Tuon, Wright and Zhu.**Against:** Councillor Saville**Notes:**

1. Councillor Giles-Gidney returned to the meeting at 7:40pm and assumed the Chair.
2. Councillor Saville moved the following amendment which lapsed for want of a seconder:

“That Council Adopt the Castlecrag Community Park - Landscape Plan dated March 2021 for the existing Council owned car park at the junction of The Postern and Edinburgh Road, Castlecrag.”

16.3 NOTICE OF MOTION 11/2021 - POSTPONING OF ALTERATIONS TO THE FABRIC OF THE FORMER ARTARMON BOWLING CLUBHOUSE

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

AUTHOR: MICHAEL CASHIN – COMMUNITY LIFE MANAGER

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

MOTION

That Council resolve to postpone any alteration to the fabric of the former Artarmon Bowling Clubhouse until the publication of the 2021/22 'Finalised Priority Assessment List' issued by the Australian Heritage Council.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR FERNANDEZ

AMENDMENT

That Council:

1. Continue with the scheduled works for the adaptive reuse of the former Artarmon Bowling Club as a Community Pavilion as determined under DA 2021/5 by Willoughby Local Planning Panel on 25 May 2021.
2. Erect prominent signs along the hoardings (a number of laminated A3 pages may suffice) and other appropriate areas nearby that includes:
 - a. Images of the design concepts.
 - b. An FAQ explaining the consultation process that has been undertaken the proposed works at the site, the benefits of adaptively reusing the site, how heritage concerns are being addressed and what aspects of the current building that would need to be brought to code, if no adaptive reuse was achieved.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ROZOS

Voting

For the Amendment: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Rozos, Tuon, Wright and Zhu.

Against: Councillors Norton 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.

Voting

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

Against: Councillors Norton and Saville.

PROCEDURAL MOTION – RESUME STANDING ORDERS OF BUSINESS

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

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR NORTON

Voting

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

Against: Nil

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY - NIL

10 MATTERS REQUIRING ELABORATION OR DEBATE

At this stage the Mayor will invite Councillors to nominate the items they wish Council to consider separately and these matters will then be dealt with in the order so nominated.

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

- 12.1 Minutes - Natural Heritage and Bushland Advisory Committee meeting held 6 May 2021
- 15.2 Willoughby City Council Long Term Financial Plan 2021/22 TO 2030/31
- 15.3 Legal Matters Report - July 2021
- 15.8 Request for a Bench at Bartels Park for Mr Timothy Collis-Bird
- 15.9 Community Small Grants Program 2021/2022
- 16.2 Notice of Motion 10/2021 - Supporting the Homeless in Willoughby CBD
- 16.4 Notice of Motion 12/2021 - No Parking (Motor Vehicles Excepted) Zone - 17 - 19 Baringa Road, Northbridge
- 16.5 Notice of Motion 13/2021 - Status Report ON Willoughby City Signage Project
- 16.6 Notice of Motion 14/2021 - GPS Tracking and Monitoring of Retailers Shopping Trolleys
- 17.1 Confidential - Legal Matters Report - July 2021
- 17.2 Confidential - Property Lease Portfolio
- 17.3 Confidential - Tender 127716 - Management of the Willis Recreation and Sports Centre and Cleland Park Tennis Courts

MOTION

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

- 12.2 Minutes - Traffic Committee - Meeting held on 23 June 2021
- 15.1 Investment Report for the Month OF June 2021
- 15.5 Property Lease Portfolio

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE 05/2021 - RESIGNATION OF COUNCILLOR STUART COPPOCK****MOTION**

That Council, having noted the resignation of Councillor Stuart Coppock, acknowledge Councillor Coppock's contributions to the City of Willoughby through more than 20 years of service as a Councillor.

MAYOR GILES-GIDNEY

CARRIED

Voting

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

Against: Nil

7.2 MAYORAL MINUTE 06/2021 - INFRASTRUCTURE CONTRIBUTIONS REFORM**MOTION**

That Council:

1. Notes the significant impact on revenue of the NSW Government's proposed reforms to infrastructure contributions and that Willoughby City Council could lose \$100 million over 20 years.
2. Supports Local Government NSW and North Shore Region of Councils (NSROC) advocacy efforts including submissions to the Parliamentary Inquiry into the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021*.
3. Writes to the:
 - a. Premier, The Hon Gladys Berejiklian
 - b. Treasurer, The Hon Dominic Perrottet
 - c. Minister for Planning and Open Space, The Hon Robert Stokes
 - d. Minister for Local Government, The Hon Shelley Hancock
 - e. Opposition Leader Mr Chris Minns and
 - f. local Members of Parliament The Hon. Gladys Berejiklian MP (Member for Willoughby), The Hon. Jonathon O'Dea MP (Member for Davidson) and The Hon. Anthony Roberts MP (Member for Lane Cove)

to advocate for additional modelling, consultation and a mechanism to ensure that contributions are paid in a timely way and that no council is worse off under the proposed reforms.

MAYOR GILES-GIDNEY

CARRIED

Voting

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

Against: Nil

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT**8.1 NSW INFRASTRUCTURE CONTRIBUTION REFORMS**

RESPONSIBLE OFFICER:	DEBRA JUST – CHIEF EXECUTIVE OFFICER
AUTHOR:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
CITY STRATEGY OUTCOME:	5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES

MOTION

That Council:

1. Call on the NSW Parliament to halt progress of the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* until genuine consultation, detailed modelling, and credible impact assessment are undertaken, and it can be demonstrated that no council will be worse off.
2. Note that independent modelling indicates that Willoughby City Council could lose almost \$100m in infrastructure contributions over 20 years if the reforms proceed, leading to a reduction in facilities available to the community.
3. Note and support the Northern Sydney Regional Organisation of Councils' advocacy initiatives to address potentially severe adverse impacts on communities from proposed reforms to local infrastructure contributions.
4. Continue its complementary advocacy for provision of the local infrastructure Willoughby City's community needs and expects to support development, including endorsing the submission at Attachment 2.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

12 REPORTS OF COMMITTEES

12.2 MINUTES - TRAFFIC COMMITTEE - MEETING HELD ON 23 JUNE 2021

RESPONSIBLE OFFICER: HUGH PHEMISTER - PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: GORDON FARRELLY – TRAFFIC & TRANSPORT TEAM LEADER

CITY STRATEGY OUTCOME: 2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY
2.4 – REDUCE PARKING AND TRAFFIC CONGESTION
3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS

RESOLUTION

That Council receive and adopt the recommendations arising from the Traffic Committee Meeting held on 23 June 2021.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

13 DEFERRED MATTERS - NIL

14 CORRESPONDENCE - NIL

15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.3 LEGAL MATTERS REPORT - JULY 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 July 2021.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

17 CONFIDENTIAL MATTERS

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

The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the Minutes of the Council meeting.

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

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

- Item 17.1 – Confidential Legal Matters Report – July 2021 on the basis this report provides Councillors with information that assists them to understand the status of current legal matters. The release of this information would provide person(s) with whom Council conducts business or parties that are subject to legal proceedings details of Council's legal strategy, intentions and expenditure. On balance, it is not in the public interest to release information that, if disclosed, would compromise Council's legal prospects.
10A(2)(c) and (g) of the *Local Government Act 1993*

- Item 17.2 – Confidential Property Lease Portfolio on the basis this report contains details of entities and their commercial operations which, if revealed, would result in commercial disadvantage to them. This information was provided to Council in the expectation that it will be treated as commercial in confidence. On balance, it is not in the public interest to reveal Council's financial and related information (that Council requires to make its decision) to potential suppliers, nor to disclose the commercial information of potential suppliers.
10A(2)(c) and (d)(i) of the *Local Government Act 1993*
- Item 17.3 – Tender 127716 – Management of the Willis Recreation and Sports Centre and Cleland Park Tennis Courts on the basis this report 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.
10A(2)(d)(i) of the *Local Government Act 1993*

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

That Council resolve into closed session.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

Note:

Council moved into closed session at 9:38pm.

PROCEDURAL MOTION – MOVE INTO OPEN SESSION

That the meeting resolve into open session of Council.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Notes:

1. *Council moved into open session at 9:58pm.*
2. *Councillor Mustaca left the meeting at 9:59pm.*
1. *The Chair reported the following confidential resolutions passed in closed session.*

17.1 CONFIDENTIAL - LEGAL MATTERS REPORT - JULY 2021

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

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

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

MOTION

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

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

Absent: Councillor Eriksson

Note:

Councillor Eriksson left the meeting at 9:40pm.

17.3 CONFIDENTIAL - TENDER 127716 - MANAGEMENT OF THE WILLIS RECREATION AND SPORTS CENTRE AND CLELAND PARK TENNIS COURTS

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

AUTHOR: ANGELA CASEY – CULTURE AND LEISURE MANAGER

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

MOTION

That Council:

1. Accept the tender from a joint venture between Sydney Sports Management Group Pty Ltd and Voyager Tennis Pty Ltd for the Management of the Willis Recreation and Sports Centre and Cleland Park Tennis Courts for a period of ten years with the option at Council's absolute discretion to extend for a further two periods of five years each and for a payment of \$6.29M payable to Council and a 25% share of additional profit should they generate income 25% above their budgeted projections, capped at a maximum \$50,000K per annum.

2. Delegate the Chief Executive Officer the authority to finalise and execute the contract and all associated documents.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Notes:

1. Councillor Giles-Gidney declared an interest in this item.
2. Councillor Eriksson returned to the meeting at 9:42pm.

17.2 CONFIDENTIAL - PROPERTY LEASE PORTFOLIO

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR: TERENCE CARROLL – STRATEGIC PROPERTY OFFICER
CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MOTION

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

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM THE OFFICERS**COMMUNITY, CULTURE & LEISURE DIRECTORATE****15.6 TENDER 127716 - MANAGEMENT OF THE WILLIS RECREATION AND SPORTS CENTRE AND CLELAND PARK TENNIS COURTS**

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

AUTHOR: ANGELA CASEY – CULTURE AND LEISURE MANAGER

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

MOTION

That Council:

1. Approve the preferred tenderer(s) as detailed in the confidential report for Tender 127716 for the Management of the Willis Recreation and Sports Centre and Cleland Park Tennis Courts for a period of 10 years with the option to extend at Council's absolute discretion for a further two periods of five years each.
2. Delegate the Chief Executive Officer the authority to finalise and execute the contract and all associated documents.

MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Mustaca

Note:

Councillor Giles-Gidney declared an interest in this item.

15 REPORTS FROM THE OFFICERS**CUSTOMER & CORPORATE DIRECTORATE****15.1 INVESTMENT REPORT FOR THE MONTH OF JUNE 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 June 2021.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

Note:

Councillor Wright declared an interest in this item.

15.2 WILLOUGHBY CITY COUNCIL LONG TERM FINANCIAL PLAN 2021/22 TO 2030/31

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

MOTION

That Council:

1. Adopt the *Willoughby City Council Long Term Financial Plan 2021/22 to 2030/31*.
2. Revoke the *Willoughby City Council Long Term Financial Plan 2019/20 to 2028/29*.
3. Delegate authority to the Chief Executive Officer to make minor amendments to the *Willoughby City Council Long Term Financial Plan 2021/22 to 2030/31* which do not alter the intent.

MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

Notes:

1. *Councillor Mustaca returned to the meeting at 10:04pm.*
2. *The following amendment moved by Councillor Saville lapsed for want of a seconder:*
“That Council:
 1. *Adopt the Willoughby City Council Long Term Financial Plan 2021/22 to 2030/31.*
 2. *Revoke the Willoughby City Council Long Term Financial Plan 2019/20 to 2028/29.*
 3. *Delegate authority to the Chief Executive Officer to make minor amendments to the Willoughby City Council Long Term Financial Plan 2021/22 to 2030/31 which do not alter the intent.*
 4. *Review the overall \$4.2m expenditure for the office refurbishment but to include moving the Customer Service Centre to the ground floor.”*

12 REPORTS OF COMMITTEES

12.1 MINUTES - NATURAL HERITAGE AND BUSHLAND ADVISORY COMMITTEE MEETING HELD 6 MAY 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

MOTION

That Council receive and note the minutes of the meeting of the Natural Heritage and Bushland Advisory Committee held on 6 May 2021.

MOVED BY COUNCILLOR CAMPBELL / SECONDED BY COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos

Note:

Councillor Rozos left the meeting at 10:18pm.

PLANNING & INFRASTRUCTURE DIRECTORATE**15.5 PROPERTY LEASE PORTFOLIO**

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: TERENCE CARROLL – PROPERTY STRATEGY SPECIALIST

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

RESOLUTION

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

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.8 REQUEST FOR A BENCH AT BARTELS PARK FOR MR TIMOTHY COLLIS-BIRD**

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

AUTHOR: JULIE WHITFIELD – OPEN SPACE COORDINATOR

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

MOTION

That Council approve the request for a park bench at Bartels Park in honour of Mr Timothy Collis-Bird.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos

15.9 COMMUNITY SMALL GRANTS PROGRAM 2021/2022

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	LARA OTTIGNON – COMMUNITY PROJECTS OFFICER
CITY STRATEGY OUTCOME:	2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY 2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY

MOTION

1. That Council endorse the distribution of grant funds through the 2021/22 Community Small Grants Program as follows:

• Community Flower Studio Incorporated:	\$3,200
• Willoughby Community Men’s Shed Incorporated:	\$1,950
• Northbridge Progress Association Incorporated:	\$2,045
• Artarmon Parklands Community Garden:	\$4,000
• Market Garden Park Community Garden Incorporated:	\$4,000
• Bongalong Street Community Garden Incorporated:	\$1,415
• StreetWork Australia Limited:	\$4,000
• The Housing Connection Limited:	\$2,000
• Fighting Chance Australia Limited:	\$1,000
• Jewish Arts Incorporated:	\$3,000
• Willoughby Public School Band:	\$2,000
• Ceca Mosaix Missional Church Incorporated:	\$2,700
• Tracy Stirzaker (Individual applicant):	\$2,000
• North Sydney Junior Baseball Association	\$1,000
• North Shore Theatre Company:	\$2,500
• yLead:	\$2,000

2. That Council endorse the distribution of grant funds through the 2021/22 The Concourse Performing Arts Subsidy (Round 1) as follows:

• Ku-ring-gai Philharmonic Orchestra:	\$5,000
• Marian St Theatre for Young People:	\$5,000
• Australian Nursing Home Foundation:	\$5,000
• Northern Sydney Symphonic Wind Ensemble	\$5,000
• North Harbour Learning Community of Schools	\$5,000
• Voces Caelestium	\$5,000

3. That Council note the annual budget for the distribution of grant funds through the 2021/22 Local Performing Arts Groups Subsidy, endorsed by Council at the 12 April 2021 meeting:

• Willoughby Band:	\$18,000
• Willoughby Symphony Choir:	\$20,000
• Willoughby Theatre Co.:	\$10,000

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos

MOTION

That Council endorse the distribution of grant funds through the 2021/22 Community Small Grants Program to 2NSB Broadcasting Co-operative Pty Ltd for the amount of \$2,500.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Absent: Councillors Rozos and Zhu

Note:

Councillor Zhu left the meeting at 10:18pm having declared a pecuniary interest in this item.

16 NOTICES OF MOTION**16.2 NOTICE OF MOTION 10/2021 - SUPPORTING THE HOMELESS IN WILLOUGHBY CBD**

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

AUTHOR: STUART GIBB – COMMUNITY DEVELOPMENT TEAM LEADER

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

MOTION

That Willoughby City Council provides support for the homeless people living in the CBD, including a safe shower and washing facility, in or within close proximity to the CBD.

MOVED COUNCILLOR SAVILLE

LAPSED FOR WANT OF A SECONDER

Note:

Councillor Zhu returned to the meeting at 10:19pm.

16.4 NOTICE OF MOTION 12/2021 - NO PARKING (MOTOR VEHICLES EXCEPTED) ZONE - 17 - 19 BARINGA ROAD, NORTHBRIDGE

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: GORDON FARRELLY – TRAFFIC AND TRANSPORT TEAM LEADER

CITY STRATEGY OUTCOME: 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION

MOTION

That Council:

1. Note the Safe City Unit monitor and enforce the NSW Road Rule related to boat-on-trailer parking in the vicinity of 17 - 19 Baringa Road, Northbridge.
2. Consult with the Traffic Committee on the effectiveness of the current operational policy and advise whether the current operational policy is acceptable with / without changes.
3. Investigate and consult with the community on the proposed changes to the current unrestricted parking along Baringa Road, north side of road, in the vicinity of 17 - 19 Baringa Road to introduce timed parking restrictions to discourage use by trailers.
4. Request the Traffic Committee to consider the proposal.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

Note:

Councillor Rozos returned to the meeting at 10:20pm.

16.5 NOTICE OF MOTION 13/2021 - STATUS REPORT ON WILLOUGHBY CITY SIGNAGE PROJECT

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: WIL ROBERTSON – URBAN DESIGN SPECIALIST

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

MOTION

1. That a status report on the Willoughby City Signage project be brought back to Council at the 2 August 2021 Council meeting detailing:
 - a. Status of the Willoughby City Signage project.
 - b. Outcome of Have Your Say community consultation.
 - c. The preferred signage option expressed by the community respondents.
 - d. Any consideration to the State Government’s initiative with respect to “Connecting to Country”.
 - e. Budget required to implement the signage and consideration for how many required across the City and where.
 - f. Clarification on which Directorate is responsible for the implementation of this project.
 - g. Are funds currently allocated for this project or deferred due to CoVID-19 impacts and therefore subject to next round of budget bids.
 - h. Anticipated timeline for the commencement and completion of this project once budget position determined.
 - i. Project duration – is it a 6 month, 12 month or 18 month process.
2. That the CEO write to the Federation of Progress Associations and the respective Suburb Progress Associations in the City of Willoughby to advise of the status of the Willoughby City Signage project and anticipated timeline of scheduled program of works and locations across the City.

MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

16.6 NOTICE OF MOTION 14/2021 - GPS TRACKING AND MONITORING OF RETAILERS SHOPPING TROLLEYS

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: RICHARD GOULSTON – RANGERS TEAM LEADER

CITY STRATEGY OUTCOME: 1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES

MOTION

1. That the Chief Executive Officer write to the Managing Directors or Chief Executive Officers of Aldi, Coles, Dan Murphy, Harris Farm and Woolworths to draw to their attention that real time GPS tracking technology and monitoring of abandoned shopping trolleys is now available for Australian businesses.
2. That Council would welcome and encourage the implementation of this type of technology to ensure improved and timely recovery of abandoned shopping trolleys at the respective retailing locations across the City of Willoughby.
3. That the retail precincts of Chatswood CBD and Local Centres be identified as locations for this technology implementation by the respective retailers and the City's priority pilot areas to encourage deployment of this technology are Chatswood and Northbridge's supermarket catchment areas.
4. That the correspondence by Council's Chief Executive Officer be issued before the August Council meeting and a copy circulated to Councillors.

MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

18 QUESTIONS WITH NOTICE**18.1 QUESTION ON NOTICE FROM COUNCILLOR SAVILLE 09/2021 - RECONCILIATION ACTION PLAN**

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

AUTHOR: MICHAELCASHIN – COMMUNITY LIFE MANAGER

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

QUESTION**1. Does Willoughby City Council have a 'Reconciliation Action Plan'?**

Council does not presently have a Reconciliation Action Plan.

a) If Council has a Reconciliation Action Plan, has it been updated to include the Priority Reforms in the National Agreement to "Close the Gap"?

Council does not presently have a Reconciliation Action Plan.

b) If Council has not updated the Reconciliation Plan to include "Close the Gap", is it planned to do so? If so, when?

Council will commence development of a Reconciliation Action Plan, including actions to address *The National Agreement on Closing the Gap*, in the 2021/22 financial year.

c) Alternatively, if Council has not as yet prepared a Reconciliation Action Plan, does Council intend to develop the plan?

Preparation of a Reconciliation Action Plan accords with *The National Agreement on Closing the Gap* and Reconciliation Australia's Reconciliation Action Plan framework.

A budget for the development of a Reconciliation Action Plan is not established for the 2021/22 financial year. However, development of a Reconciliation Plan can be incorporated within the existing operational budget and will be scheduled taking into consideration existing priorities for the 2021/22 financial year.

2. With regards to Willoughby City Council attendance at state and national Local Government conferences, and sending the Mayor and other councillor delegates, it is acknowledged that integral to council attendance is council's right to vote at the conference:**a) Does Council have a policy or practice with regards to the Mayor and/or voting councillor delegates passing on the voting device if/when they leave the conference?**

Council does not have a policy or procedure regarding voting devices at conferences.

b) Does Willoughby City Council value its right to participate and vote on all agenda items and matters debated at the state and national Local government conferences

Council has no policy or position in this regard.

**18.2 QUESTION ON NOTICE FROM COUNCILLOR SAVILLE 10/2021 -
NURSING HOME AT 2 TESSA STREET CHATSWOOD**

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING AND
INFRASTRUCTURE DIRECTOR

AUTHOR: HUGH PHEMISTER – PLANNING AND
INFRASTRUCTURE DIRECTOR

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

The nursing homes at 2 Tessa Street, formerly the Forestview Nursing Home, is going to auction this month. Scaffolding intended for renovations, has been in place for years.

1. Is there an approved DA, if so what could happen?

Development Consent 2015/251 was issued on 30 May 2016 for Alterations and additions to an Aged Care Facility at 2 Tessa Street, Chatswood including a lift, boundary fence, entry portico and internal alterations. A Construction Certificate was issued by a private certifier on 20 December 2016 and work commenced on 22 December 2016. As the consent has been activated there is no timeframe within which work has to be completed unless the site is declared to be a safety or health risk.

2. Is the DA transferable to another facility?

The Development Consent applies to the site and is only relevant to the building located on the site.

3. What is the zoning? Is it 2e? Could the zoning be subject to council retaining the existing zoning?

The subject property is zoned R2 Low Density Residential under Willoughby Local Environmental Plan 2012.

4. Are new owners obliged to continue as a NH?

Any change of use of the site would require a further Development Consent.

5. If new owners choose to discontinue operations as nursing home, what will happen to the nursing home beds? Are they allocated to a specific area?

Aged Care is regulated by the Aged Care Quality and Safety Commission (ACQSC). Aged care places are not apportioned according to a geographical area, but rather by service approval obtained from the Aged Care Quality and Safety Commissioner. In the event that a service approval is revoked or a provider seeks to have an approval withdrawn, the Aged Care Quality and Safety Commission ensures suitable arrangements have been made for the continued care of residents.

6. How many jobs at the existing NH facility are quantified as local employment?

As the nursing home is located within the Willoughby Local Government area they would all be counted as jobs with the local area. I do not have information on how many of those employed at the nursing home live within the Willoughby LGA.

18.3 QUESTION ON NOTICE FROM COUNCILLOR SAVILLE 11/2021 - ROAD ACCIDENT SITES IN WILLOUGHBY LOCAL GOVERNMENT AREA

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTER
AUTHOR:	GORDON FARRELLY – TRAFFIC AND TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

QUESTION

- 1. Does council receive three year duration accident maps identifying all road accident sites (MVA) within the Local Government Area (LGA) in that period?**

Transport for New South Wales (TfNSW) supplies to Council latest available crash data for all roads in Willoughby LGA. TfNSW also releases information on its own website. Council has data for preceding years and typically uses the most recent 5 years for crash analysis and interventions. TfNSW provide crash data generally between every 6 - 12 months. The crash data includes all crash types and locations that are encompassed within TfNSW criteria.

TfNSW use specific criteria in the collection and publishing of crash data. The process undertaken by TfNSW to collect, assess and release crash data results in a lag between the crash data and real time.

Council has the latest available crash data provided by TfNSW. The data provides a range of information and formats to permit interpretation and use by Council in different software platforms to create maps and tables.

- 2. With regards to recognised accident black spots within the LGA, e.g. Pacific Highway/Fullers Rd, Pacific Highway/ Albert Ave. and Millwood Ave, has the RMS made available to Willoughby City Council (WCC) rolling three year duration maps (and updated annually)?**

TfNSW provides crash data for these locations. Council has data for preceding years and typically uses the most recent 5 years for crash analysis and interventions. TfNSW provide crash data generally between every 6 - 12 months.

- 3. Does Willoughby City Council have maps detailing individual incidences of MVA, and types of MVA, immediately before and after the re-surfacing of Fullers Road?**
- Are these maps available for the most recent three year period?**
 - Can these maps be made available to the community to inform them of any variances, or changes in rates of MVA since the road re-surface in Fullers Rd?**

Council would need to investigate the crash data provided by TfNSW to link it to the re-surfacing along Fullers Road.

In order to understand any correlations, Council staff will need to inquire with TfNSW about when Fullers Road was resurfaced and investigate the crash data provided by TfNSW to understand whether the data includes the period immediately before and after the re-surfacing of Fullers Road. To obtain this information from TfNSW will take at least 3 months.

The crash analysis can be provided to the community.

4. To what extent have traffic volumes changed in the above locations within this period?

TfNSW monitors and reports traffic volume data on its website for State Roads such as Pacific Highway. The TfNSW website will be consulted for changes in traffic volumes at the locations monitored. TfNSW would need to be consulted for other data not released on its website.

Collection and analysis of traffic volume data and reporting of the change in volumes at the 3 locations above will take approximately 3 months.

18.4 QUESTION ON NOTICE FROM COUNCILLOR SAVILLE 12/2021 - LITTER IN THE CBD
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RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTOR

AUTHOR: MARK TAYLOR – MANAGER SAFE CITY UNIT

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

QUESTION

The attached photos illustrate littering along the Pacific Highway at the gateway to Chatswood CBD.

- To what extent does council implement litter clean ups within the CBD?**
Three (3) staff are deployed on foot patrol within the Chatswood CBD to pick up litter, clean and empty bins on a daily basis. Moreover, early in the morning, a crew is tasked with undertaking a more detailed clean that includes sweeping and blowing of the public footpaths and pressure cleaning when required (for instance, for removal of chewing gum).
- How frequently does council remove litter from local streets and the highway?**
The area near the highway is attended to on a daily basis by one (1) staff member from the Chatswood CBD team. Bins are emptied and litter is picked up as required.

Local Streets are generally attended to according to need and the level of use. This usually means they are frequented by the street cleansing teams on either a weekly or fortnightly basis.

Bins in locations such as malls and parks are emptied depending on the level of use. Some areas are daily with some less often.

- Have the number of litter fines been increased?**
The following Table includes data on the number of Penalty Notices (fines) issued for littering offences by Council's Rangers over the past three (3) financial years:

Financial Year	No. of Penalty Notices (Fines) issued for Littering Offences
2018 / 2019	264
2019 / 2020	135
2020 / 2021	134

The number of Penalty Notices (fines) issued by Rangers for littering offences has been less over the past two (2) years due to less pedestrian and motor vehicle activity as a result of the Covid-19 pandemic.

4. What more can council do to remove and minimise litter, and improve waste management generally (including recycling) to level expected for a 'destination CBD'?

Council's Rangers currently conduct daily patrols and undertake education and enforcement action to encourage behavioural change by the public toward littering. As NSW moves progressively toward the end of the Covid-19 pandemic, it is expected that education and enforcement programs will progressively trend back toward normal. When this occurs, it is expected increased level of education and enforcement activity will tend to drive down the incidence of littering.

Council's Rangers work closely with the NSW EPA on the "Don't Be A Tossler" education and enforcement campaign. If the EPA will dedicate more investment and resourcing of its NSW wide education and awareness campaign about the adverse impact of littering, it is considered likely the investment will lead to improvement in behaviour of the public toward less littering.

19 CONCLUSION OF THE MEETING

The Council meeting concluded at 10:25pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council meeting held on 12 July 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

Mayor Giles-Gidney