



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

11 May 2020

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1 PRESENT

Her Worship the Mayor Councillor G Giles-Gidney and Councillor Coppock.
Joining the meeting via Zoom Conferencing: Councillors C Campbell,
H Eriksson, D Fernandez, T Mustaca, W Norton, A Rozos, J Rutherford, L Saville,
C Tuon, N Wright, B Zhu and Mr S Naven (Chief Financial Officer)

Officers

Ms D Just (Chief Executive Officer), Mr G McDonald (Customer & Corporate Director), Mr C Binns (Acting Planning & Infrastructure Director), Ms M Smith (Community Culture & Leisure Director), Mr I Arnott (Planning Manager), Ms S Charlton (Governance, Risk & Corporate Planning Manager), Ms P Sheldrake (Governance Meeting Administration Officer) Mr B Herring (Chief Information Officer) and Mr J Racchi (Information Technology Team Leader)

2 DISCLOSURES OF INTERESTS

- 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 April 2020
(Nature of Interest: I am an employee of the Westpac Group with whom Council has investments)
- Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.12: Affordable Housing Strategy
(Nature of Interest: I am a board member of Liveable Australia Foundation whose objects are to improve rental housing affordability across Australia)
- The Mayor Councillor Giles-Gidney declared, via a Disclosures of Interest form, a pecuniary interest in Item 15.8: Castlehaven Reserve Action Plan 2020
(Nature of Interest: The Reserve is adjacent to my home)
- Councillor Coppock declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.2 Legal Services Report May 2020 and Confidential Item 17.2 Confidential – Legal Services Report May 2020

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 20 April 2020, copies of which have been circulated to each member of Council, be confirmed, noting minor typographical errors need to be addressed in Item 15.6 – Council Submission on Western Harbour Tunnel EIS.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

Absent: Councillor Saville.

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

NIL

5 PETITIONS

NIL

6 OPEN FORUM — MATTERS NOT ON THE AGENDA

NIL

7 MAYORAL MINUTE

NIL

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

NIL

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

NIL

Councillor Saville, due to connection issues, joined the meeting at 7:15pm

10 MATTERS REQUIRING ELABORATION OR DEBATE

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

- Item 15.1 Property Strategy – Adoption
- Item 15.2 Legal Services Report May 2020
- Item 15.3 2020 Annual Exemption to Tendering
- Item 15.5 Draft Willoughby Industrial Lands Strategy 2036
- Item 15.7 Tree Offset Planting Scheme
- Item 15.8 Castlehaven Reserve Action Plan 2020
- Item 15.10 Exhibition of Draft Public Art Policy
- Item 15.13 Tennis Court Strategy 2020 - Adoption
- Item 16.1 Notice of Motion – Cultural Burning Practices
- Item 16.2 Notice of Motion – Chatswood Mall
- Item 17.1 Confidential – provider for General Insurance Services
- Item 17.2 Confidential – Legal Services Report May 2020

RESOLUTION

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

- Item 12.1 Minutes – Minutes – Natural Heritage and Bushland Advisory Committee Meeting held Friday 6 February 2020
- Item 12.2 Minutes – Access and Inclusion Advisory Committee Meeting held 12 February 2020
- Item 15.4 Investment Report for the Month of April 2020
- Item 15.6 Review of Willoughby Development Control Plan – Part C3 Building Sustainability
- Item 15.9 State Emergency Services – 25 Station Street, Naremburn – Owner’s consent for Development Application
- Item 15.11 Development Assessment – Quarter 3 (1 January 2020 to 31 March 2020)
- Item 15.12 Affordable Housing Strategy
- Item 15.14 Chatswood Rotary War Memorial Athletics Field draft Master Plan – for Public Exhibition

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

11 PUBLIC FORUM — MATTERS 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. There were no submissions.

12 REPORTS OF COMMITTEES

12.1 MINUTES - NATURAL HERITAGE AND BUSHLAND ADVISORY COMMITTEE MEETING HELD FRIDAY 6 FEBRUARY 2020

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – NATURAL HERITAGE AND BUSHLAND ADVISORY COMMITTEE – 6 FEBRUARY 2020
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NICHOLAS YU – NATURAL ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

To present to Council the Minutes of the Natural Heritage and Bushland Advisory Committee meeting held on 6 February 2020 for noting.

RESOLUTION

That Council receive and note the minutes of the meeting of the Natural Heritage and Bushland Advisory Committee held on 6 February 2020 and adopted at the Committee meeting of 7 April 2020.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

**12.2 MINUTES - ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING
HELD 12 FEBRUARY 2020**

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – ACCESS AND INCLUSION ADVISORY COMMITTEE – 12 FEBRUARY 2020
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

To provide Council with the minutes of the Access and Inclusion Advisory Committee meeting held 12 February 2020.

RESOLUTION

That Council receive and note the minutes of the Access and Inclusion Advisory Committee meeting held 12 February 2020.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 PROPERTY STRATEGY - ADOPTION

ATTACHMENTS:

1. IMPLICATIONS
2. PROPERTY STRATEGY (TO BE DISTRIBUTED SEPARATELY)
3. HAVE YOUR SAY – VISITOR SUMMARY REPORT
4. HAVE YOUR SAY – SURVEY REPORT

RESPONSIBLE OFFICER:

GREG MCDONALD – CUSTOMER AND CORPORATE DIRECTOR

AUTHOR:

DAVID DI BIASE – PROPERTY AND CONSTRUCTION SERVICES MANAGER

CITY STRATEGY OUTCOME:

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

MEETING DATE:

11 MAY 2020

PURPOSE OF REPORT

This report presents the outcome of the public exhibition process for Council's consideration and seeks Council's endorsement of the plan.

MOTION

That Council:

1. Endorse the Property Strategy as contained in Attachment 2.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the Property Strategy which do not alter the intent.
3. Note the public benefit outcomes of the Property Strategy as follows:
 - Property will be proactively managed to improve environmental outcomes;
 - Property is provided to delivery community benefit;
 - Property will meet current and future needs and support the creation of place;
 - Property will contribute to our economic growth; and
 - Property will be managed in a transparent and consistent way and through better practice property management.

MOVED COUNCILLOR FERNANDEZ

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, Rutherford, Saville, Tuon, Wright and Zhu.

Against: Councillor Rozos.

15.2 LEGAL SERVICES REPORT MAY 2020

ATTACHMENTS:	1. IMPLICATIONS 2. LEGAL SERVICES REPORT APRIL 2020
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

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

RESOLUTION

That Council receives the legal services report for May 2020 noting that the property referred to in Matter No LEC 2020/00016928 should read “34 Stafford Road, Artarmon” not “34 Stafford Road, Chatswood”.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock.

Councillor Coppock declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.2 Legal Services Report May 2020 and Confidential Item 17.2 Confidential – Legal Services Report May 2020. Councillor Coppock withdrew from the meeting at 7:27pm taking no part in the discussion or voting on this topic. He did not return to the Chamber.

15.3 2020 ANNUAL EXEMPTION TO TENDERING**ATTACHMENTS: 1. IMPLICATIONS****RESPONSIBLE OFFICER: GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR****AUTHOR: KIM HARDY – PROCUREMENT OFFICER****CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO****MEETING DATE: 11 MAY 2020**

PURPOSE OF REPORT

To seek approval for the annual exemptions not to proceed to public tender under section 55(3)(i) of the *Local Government Act 1993* (the Act) for contracts where Council will not achieve a satisfactory result through inviting tenders.

RESOLUTION

That Council endorse exemptions from tendering under section 55(3)(i) of the *Local Government Act 1993* due to the unavailability of competitive tenders (for the reasons set out in section 4 of this report) and that a satisfactory result would not be achieved by inviting tenders for the provision of:

- 1. Software maintenance contract for core corporate systems being Pathway, Hansen and SmartStream;**
- 2. Advertising in a local newspaper which is distributed across the Local Government Area;**
- 3. Workers compensation insurance;**
- 4. Waste disposal services for the disposal of Street sweeping waste; and**
- 5. General insurance services being public liability, professional indemnity, casual hirer liability, crime, property, councillors and officers liability, motor vehicle, personal accident and public and products liability.**

MOVED COUNCILLOR WRIGHT**SECONDED COUNCILLOR NORTON****CARRIED****Voting**

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

Against: Nil

Absent: Councillor Coppock.

15.4 INVESTMENT REPORT FOR THE MONTH OF APRIL 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:	11 MAY 2020

PURPOSE OF REPORT

To detail the Council's bank balances and investment portfolio performance as at 30 April 2020.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 30 April 2020.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, 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 April 2020

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

PLANNING & INFRASTRUCTURE DIRECTORATE**15.5 DRAFT WILLOUGHBY INDUSTRIAL LANDS STRATEGY 2036**

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT WILLOUGHBY INDUSTRIAL LANDS STRATEGY 2036 (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	JANE HOSIE – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	4.1 – FACILITATE THE DEVELOPMENT OF ALL BUSINESSES 4.5 – DIVERSIFY OUR ECONOMY INCLUDING CREATIVE AND INNOVATIVE INDUSTRIES 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

To seek Council approval to exhibit the *Draft Willoughby Industrial Lands Strategy 2036*.

RESOLUTION

That Council:

- 1. Endorse the Draft Willoughby Industrial Lands Strategy 2036 for exhibition.**
- 2. Be provided with a further report following exhibition and consideration of submissions, prior to finalising the Draft Willoughby Local Industrial Lands Strategy 2036.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock.

**15.6 REVIEW OF WILLOUGHBY DEVELOPMENT CONTROL PLAN - PART C3
BUILDING SUSTAINABILITY**

ATTACHMENTS:	1. IMPLICATIONS 2. WDCP STATUS LIST 3. PROJECT REPORT FROM 'HAVE YOUR SAY' 4. SUBMISSIONS RECEIVED 5. AMENDED PART C3 – BUILDING SUSTAINABILITY
RESPONSIBLE OFFICER:	NORMA SHANKIE-WILLIAMS – STRATEGIC PLANNING TEAM LEADER
AUTHOR:	ARTHUR TSEMBIS – DEVELOPMENT ASSESSMENT OFFICER
CITY STRATEGY OUTCOME:	1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the exhibition of amendments to *Part C.3 – Building Sustainability* (previously entitled *Sustainable Development*) of *Willoughby Development Control Plan (WDCP)* and to recommend the amendments are adopted.

RESOLUTION

That Council:

- 1. Adopt amended *Part C.3 – Building Sustainability of Willoughby Development Control Plan* in accordance with Section 22(1) of the *Environmental Planning and Assessment Regulation 2000*.**
- 2. Authorise the Chief Executive Officer to include any further amendments to the document, providing any such changes do not alter the intent of Part C.3 of the *Willoughby Development Control Plan*.**

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

15.7 TREE OFFSET PLANTING SCHEME

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	JASON BAKER – RECREATION ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

To determine an appropriate fee for tree planting as part of the Tree Offset Planting Scheme established as part of the *Vegetation Management Policy* and *Vegetation Management Guidelines*.

MOTION

That Council:

1. Approve the offset fees for the Tree Offset Planting Scheme as follows:
 - a. \$1,000 fee per tree and a \$1,000 fixed fee.
 - b. A concession fee of \$400 per tree to eligible applicants.
2. Include the fees in Council's adopted fees and charges for 2020/21 and future years.
3. Review the fee each year as part of the standard fees and charges review process.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR CAMPBELL

LOST

AMENDMENT

That Council:

1. Approve the offset fees for the Tree Offset Planting Scheme as follows:
 - a. \$500 fee per tree and a \$500 fixed fee.
 - b. A concession fee of \$400 per tree to eligible applicants.
2. Include the fees in Council's adopted fees and charges for 2020/21 and future years.
3. Review the fee each year as part of the standard fees and charges review process.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR NORTON

LOST

The Amendment on being put to the meeting was lost.

Voting

For the Amendment: Councillors Fernandez, Mustaca, Norton, Rozos, Saville and Wright.

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

Absent: Councillor Coppock.

The vote being equal the Mayor declined to exercise her casting vote; the amendment that was being voted on was therefore lost.

The Motion on being put to the meeting was lost.

Voting

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

Against: Councillors Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville and Wright.

Absent: Councillor Coppock.

FORESHADOWED MOTION

That Council:

1. **Approve the offset fees for the Tree Offset Planting Scheme as follows:**
 - a. **\$600 fee per tree and a \$600 fixed fee.**
 - b. **A concession fee of \$400 per tree to eligible applicants.**
2. **Include the fees in Council's adopted fees and charges for 2020/21 and future years.**
3. **Review the fee each year as part of the standard fees and charges review process.**

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR SAVILLE

CARRIED

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

Voting

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

Against: Councillors Rutherford and Tuon.

Absent: Councillor Coppock.

The Mayor thanked Councillor Zhu for reviewing and drafting the amendment. The Mayor also acknowledged the hard work and commitment of Council Officers.

15.8 CASTLEHAVEN RESERVE ACTION PLAN 2020

ATTACHMENTS:	1. IMPLICATIONS 2. CASTLEHAVEN RESERVE ACTION PLAN 2020 (TO BE DISTRIBUTED SEPARATELY) 3. EXHIBITION SUMMARY REPORT - CASTLEHAVEN RESERVE – RESERVE ACTION PLAN – APRIL 2020
RESPONSIBLE OFFICER:	CHRIS BINNS – PLANNING & INFRASTRUCTURE DIRECTOR (ACTING)
AUTHOR:	NICHOLAS YU – NATURAL ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

To consider submissions received in response to the public exhibition of the draft *Castlehaven Reserve Action Plan 2020* and to seek its adoption.

RESOLUTION

That Council:

- 1. Adopt the draft *Castlehaven Reserve Action Plan 2020* as shown in Attachment 2.**
- 2. Delegate authority to the Chief Executive Officer to make minor amendments to the draft *Castlehaven Reserve Action Plan 2020* which do not alter the intent.**

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney and Coppock,

The Mayor Councillor Giles-Gidney declared, via a Disclosures of Interest form a pecuniary interest in Item 15.8: Castlehaven Reserve Action Plan 2020 and withdrew from the meeting at 8:08pm taking no part in the discussion or voting on this paper. The Mayor returned to the Chamber at 8:10pm

(Nature of Interest: The Reserve is adjacent to my home)

The Deputy Mayor Councillor Campbell assumed the Chair in the Mayor's absence.

15.9 STATE EMERGENCY SERVICES - 25 STATION STREET, NAREMBURN - OWNERS CONSENT FOR DEVELOPMENT APPLICATION

ATTACHMENTS:	1. IMPLICATIONS 2. ARCHITECT DA DRAWINGS 3. OWNERS CONSENT FORM
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	BRONTE STUTCHBURY – PROJECT MANAGER
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

This report requests Council to provide owner's consent to lodge a Development Application for works at 25 Station Street, Naremburn.

RESOLUTION

That Council:

- 1. Provide owner's consent for the lodgement of the Development Application for the development of the State Emergency Services (SES) building at 25 Station Street, Naremburn.**
- 2. Grant authority to the Chief Executive Officer to sign the Development Application form (refer Attachment 3) confirming owner's consent.**

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

15.10 EXHIBITION OF DRAFT PUBLIC ART POLICY

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT PUBLIC ART POLICY 3. RESPONSES TO REVIEW BY INDEPENDENT ARTISTS
RESPONSIBLE OFFICER:	CHRIS BINNS – PLANNING & INFRASTRUCTURE DIRECTOR (ACTING)
AUTHOR:	WIL ROBERTSON- URBAN DESIGN SPECIALIST
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

To endorse the public exhibition of Council's draft *Public Art Policy*.

RESOLUTION

That Council:

1. Place on public exhibition the draft *Public Art Policy* for a period of 28 days.
2. Receive a further report at the conclusion of the exhibition period that considers any submissions prior to adopting the policy.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock.

15.11 DEVELOPMENT ASSESSMENT - QUARTER 3 (1 JANUARY 2020 TO 31 MARCH 2020)

ATTACHMENTS:	1. IMPLICATIONS 2. VARIATIONS TO DEVELOPMENT STANDARDS – QUARTER 3 3. APPLICATIONS DETERMINED – QUARTER 3 4. CURRENT DEVELOPMENT APPLICATIONS AS AT 6 APRIL 2020
RESPONSIBLE OFFICER:	CHRIS BINNS – PLANNING & INFRASTRUCTURE DIRECTOR (ACTING)
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

To provide Council with details relating to development assessment for quarter 3 (1 January 2020 to 31 March 2020).

RESOLUTION

That Council:

- 1. Note the variations to development standards and development applications determined under delegated authority during quarter 3 (1 January 2020 to 31 March 2020); and**
- 2. Note the current development applications list as at 6 April 2020.**

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.12 AFFORDABLE HOUSING STRATEGY**

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT AFFORDABLE HOUSING POLICY 3. DRAFT AFFORDABLE HOUSING STRATEGY 2020 (TO BE DISTRIBUTED SEPARATELY)
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
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

To seek Council's endorsement to place the *Draft Affordable Housing Strategy 2020* and *Draft Affordable Housing Policy* on public exhibition for a period of 28 days.

RESOLUTION

That Council:

1. Endorse the *Draft Affordable Housing Strategy 2020* and *Draft Affordable Housing Policy* for public exhibition for a period of 28 days.
2. Receive a report on the feedback from the public exhibition period by July 2020.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.12: Affordable Housing Strategy
(*Nature of Interest: I am a board member of Liveable Australia Foundation whose objects are to improve rental housing affordability across Australia*)

15.13 TENNIS COURT STRATEGY 2020 - ADOPTION

ATTACHMENTS:	1. IMPLICATIONS 2. TENNIS COURT STRATEGY 2020 – INCLUDING HIGHLIGHTS OF CHANGES ARISING FROM CONSIDERATION OF COMMUNITY CONSULTATION 3. KEY ISSUES AND RESPONSES 4. FULL COPIES OF SUBMISSIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD – OPEN SPACE CO-ORDINATOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

This report seeks Council's adoption of the amended *Willoughby City Council Tennis Court Strategy (Tennis Court Strategy)*.

MOTION

That Council:

1. Adopt the amended *Willoughby City Council Tennis Court Strategy*, dated January 2020, as shown at Attachment 2, with Tyneside Avenue to continue as is with on-line bookings through Council.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the *Willoughby Tennis Court Strategy*, which do not alter the intent.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR NORTON

CARRIED

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

Voting

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

Against: Councillors Giles-Gidney, Campbell, Mustaca, Tuon and Zhu.

Absent: Councillor Coppock.

15.14 CHATSWOOD ROTARY WAR MEMORIAL ATHLETICS FIELD DRAFT MASTER PLAN - FOR PUBLIC EXHIBITION

ATTACHMENTS:	1. IMPLICATIONS 2. CHATSWOOD ROTARY WAR MEMORIAL ATHLETICS FIELD DRAFT MASTER PLAN (TO BE DISTRIBUTED SEPARATELY) 3. COMMUNITY CONSULTATION SUMMARY REPORT 4. ISSUES AND RECOMMENDATIONS REPORT
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	AMY BARNES – OPEN SPACE PROJECTS OFFICER
CITY STRATEGY OUTCOME:	5.5 MAKE IT EASY FOR CITIZENS TO PARTICIPATE IN DECISION MAKING
MEETING DATE:	11 MAY 2020

PURPOSE OF REPORT

To place the Chatswood Rotary War Memorial Athletics Field Draft Master Plan on public exhibition.

RESOLUTION

That Council:

- 1. Place on public exhibition the Chatswood Rotary War Memorial Athletics Field Draft Master Plan.**
- 2. Receive a further report after the conclusion of the public exhibition for the Chatswood Rotary Athletics Field Draft Master Plan.**

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16 NOTICES OF MOTION

16.1 NOTICE OF MOTION - CULTURAL BURNING PRACTICES

RESPONSIBLE OFFICER: CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: DAVID ROBERTS – ENVIRONMENT MANAGER

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

MEETING DATE: 11 MAY 2020

PURPOSE OF REPORT

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

MOTION

That Council:

1. Request the Chief Executive Officer to consult with Fire and Rescue NSW and the Regional Bush Fire Management Committee on the feasibility of introducing 'cultural burns' as part of bushfire management within Willoughby City Council.
2. Receive a report on the outcomes.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR RUTHERFORD

CARRIED

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

Voting

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

Against: Councillors Campbell and Eriksson.

Absent: Councillor Coppock.

16.2 NOTICE OF MOTION - CHATSWOOD MALL**RESPONSIBLE OFFICER: CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR****AUTHOR: IAN ARNOTT – PLANNING MANAGER****CITY STRATEGY OUTCOME: 3.6 – ACTIVATE LOCAL SPACES IN CREATIVE WAYS****MEETING DATE: 11 MAY 2020**

PURPOSE OF REPORT

Councillor Wright has indicated his intention to move the following Notice of Motion:

REOLUTION

That Council receive a report from officers for the July Council meeting of a strategy, including budget impacts, by which Council could look at extending the Chatswood Mall from Anderson Street to Archer Street.

MOVED COUNCILLOR WRIGHT**SECONDED COUNCILLOR SAVILLE****CARRIED****Voting**

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

Against: Nil

Absent: Councillor Coppock.

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.

Procedural Motion

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

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR SAVILLE

CARRIED

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.

Council moved into closed session at 9:01pm.

17.1 CONFIDENTIAL - PROVIDER FOR GENERAL INSURANCE SERVICES

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and (d)(i) 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.
- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it.

The information in the report is confidential as disclosure of information in it would put Council at a commercial disadvantage if the entities related to the subject of the report (and other potential future providers) were to become aware of Council's financial and related information.

This matter is confidential because it 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.

17.2 CONFIDENTIAL - LEGAL SERVICES REPORT MAY 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.
- (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 would if disclosed would compromise Council's legal prospects.

17.1 CONFIDENTIAL - PROVIDER FOR GENERAL INSURANCE SERVICES**RECOMMENDATION**

That Council note the confidential report on insurance cover options and note the recommendations as contained in Part 4 of the report.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Councillor Norton.

Absent: Councillors Coppock and Saville.

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

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

Absent: Councillors Coppock and Saville.

PROCEDURAL MOTION

That the meeting revert to Open Council.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ZHU

CARRIED

Technical difficulties resulted in the live stream from Councillor Saville being interrupted. The live stream was interrupted during the discussion of Items 17.1 and 17.2 from which point Councillor Saville was unable to participate in the meeting.

Council moved into open session at 9:22pm.

RESOLUTION

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock and Saville

18 QUESTIONS WITH NOTICE

18.1 QUESTIONS ON NOTICE FROM COUNCILLOR COPPOCK - CASUAL STAFF

RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	MONICA LONERGAN – PEOPLE AND CULTURE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 MAY 2020

QUESTION

1. Without disclosing personal details are the facts in the last paragraphs of the story below correct:

“Disgruntled local government employees say they’re being treated unfairly as COVID-19 forces councils to make cuts....”

Casual staffers hit

Meanwhile, a casual staffer with Sydney’s Willoughby City Council claims she was treated in a “cold and calculating manner” when she received a letter from the CEO Debra Just informing her she no longer had a job.

In the letter seen by *Government News*, Ms Just tells the employee that because of the far reaching effects of the COVID-19 pandemic council has had to close a number of facilities and case activities including the swim school at Willoughby Leisure Centre....”

2. How many other employees or casual employees were terminated “*because of the far reaching effects of the COVID-19 pandemic*”?
3. Please provide a breakdown in numbers in answer to point 2 for all work areas of Council.

ANSWER

1. Casual staff at closed sites were provided with a letter setting out that due to the closure of their site or service, as a result of Government directed closures, Willoughby Council was unable to provide any shifts at the current time and that when this changed we hoped they would re-join Willoughby.

A two week special payment based on average shifts was also provided to them at the discretion of the CEO. The letter extended access to Council’s Employee Assistance Program and provided links to financial and job support packages.

Council is not an eligible employer for JobKeeper subsidies.

2. No staffs have been terminated due to COVID-19. 156 casual staff were issued with a no-shifts letter.

3. The following is the list of location and number of casuals provided no shift letters

- Willoughby Leisure Centre 86
- Library 27
- Dougherty Centre 12
- Media, Marketing and Events 11
- Willoughby Park Centre 7
- Youth Services 7
- Environment/Open Space 4
- Zenith Theatre 2

18.2 QUESTIONS ON NOTICE FROM COUNCILLOR SAVILLE - CONCOURSE TENANCIES**RESPONSIBLE OFFICER: GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR****AUTHOR: DAVID DIBIASE – PROPERTY & CONSTRUCTION SERVICES MANAGER****CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO****MEETING DATE: 11 MAY 2020**

QUESTION

1. How many tenants are currently at The Concourse?
2. How many tenants have left over the last year? Since 2020?
3. What does that mean in terms of lost income for Council?
4. Will councillors be briefed, on the loss of income from The Concourse and of any plans to attract/maintain tenants?
5. How many tenancies at the concourse are under dispute?

ANSWER

1. All 12 tenancies at The Concourse are tenanted.
2. In the past 12 months only one tenant (Terrazza) has left upon the expiry of their lease. The tenancy has been re-leased.
3. The income for The Concourse has been affected by vacancies; rent free periods associated with incentives for new tenants and more recently the Covid-19 pandemic. The reduction of income compared to the original 2019/2020 estimates is approximately \$933k. The \$933k is comprised of:
 - 3.1. First quarter adjustment - \$587k. This was reported to Council as part of the Quarter 1 budget review at its 11 November 2019 meeting. This amount is a combination of vacancies at that time and rent free period for shop 2. Council was advised of the rent free period for Shop 2 at its meeting on 10 February 2020.
 - 3.2. Third quarter adjustment – Covid-19 rental waivers - \$258k. This was reported to Council at its extraordinary meeting of the 30 March 2020, and forms part of Council's Business Support Plan.
 - 3.3. Third quarter adjustment – rent free periods for Shops 1 and 2 - \$88k. Council was advised of the rent free period for Shop 2 at its meeting of the 10 February 2020. The adjustment will be incorporated into the third quarterly budget review report for Council's consideration.
4. The adjustment of The Concourse income was reported to Council in the First Quarterly Budget Review report tabled at the Council meeting held on 11 November 2019. The

extraordinary Council meeting on 30 March 2020 also foreshadowed estimates of the income loss due to the Covid-19 pandemic.

5. There is currently one tenancy at The Concourse in arrears that Council is pursuing under legal means.

19 CONCLUSION OF THE MEETING

- Councillor Coppock left the meeting at 7:27pm during discussion on Item 15.2 – Legal Services Report May 2020 and did not return to the Chamber.
- Councillor Giles-Gidney left the meeting at 8:08pm during discussion on Item 15.8 – Castlehaven Reserve Action Plan 2020 and returned to the meeting at 8:10pm.
- Deputy Mayor Councillor Campbell assumed the chair in the Mayor’s absence for Item 15.8 – Castlehaven Reserve Action Plan 2020.
- Technical difficulties resulted in the live stream from Councillor Saville being interrupted at 9:15pm during the discussion of Items 17.1 and 17.2 from which point Councillor Saville was unable to participate in the meeting.
- The meeting concluded at 9:24pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 11 May 2020. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.