



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

9 June 2020

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1 PRESENT

Her Worship the Mayor Councillor G Giles-Gidney

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 and B Zhu

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), 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)

Joining the meeting via Zoom Conferencing: Mr S Naven (Chief Financial Officer)

2 DISCLOSURES OF INTERESTS

- The Mayor Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.12: Community Small Grants Program 2020/2021 as it related to the 272 newsletter.
(Nature of Interest: 272 publication uses articles from me. As I am invited to publish articles in the 272 I am declaring a substantial interest.)
- Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.12: Community Small Grants Program 2020/2021 as it related to the 272 newsletter.
(Nature of Interest: The Willoughby South progress Association has applied for grant funds for a newsletter and the Ward Councillors utilise this communication channel to update the community of Willoughby South accordingly. I am an ordinary member of the Willoughby South Progress Association.)
- Councillor Zhu declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.12: Community Small Grants Program 2020/2021 as it related to the 272 newsletter.
(Nature of Interest: The Willoughby South Progress Association has a specific grant for the publication of the 272 and the Ward Councillors get to write a 200 word column every publication which is distributed to the community. This could be seen as an expense for electorate newsletter material as the grant requested is specifically about the 272 newsletter.)
- Councillor Eriksson declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.12: Community Small Grants Program 2020/2021 as it related to the 272 newsletter.
(Nature of Interest: Specifically only the Willoughby South Progress Association Grant. As a Councillor I write a regular column in their newsletter. As such I will leave the chamber for this line item.)
- Councillor Campbell declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.12: Community Small Grants Program 2020/2021
(Nature of Interest: My wife is employed by Catholic Health Care, albeit in a completely different segment (aged care).)

- Councillor Norton declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.12: Community Small Grants Program 2020/2021 as it related to grant request by the Willoughby District Historical Society.
(Nature of Interest: I am a member of the Willoughby District Historical Society and was present when there were discussions about applying for a grant occurred.)
- Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.12: Community Small Grants Program 2020/2021 Willoughby District Historical Society.
(Nature of Interest: One of the community organisations which made application for grant funding was Willoughby District Historical Society of which I am a member. I will stay in the Chamber to enable a quorum. Further, I believe I can vote in the community interest independently with regards to this item.)

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR ZHU

CARRIED

Councillor Eriksson joined the meeting at 7:13pm. He noted that he had been attempting to log in since 6:55pm but did not receive his meeting password.

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 11 May 2020, copies of which have been circulated to each member of Council, be confirmed, noting that due to technical issues which resulted in the live stream from Councillor Saville being interrupted Councillor Saville has been incorrectly recorded as leaving the meeting at 9:02pm and voting in favour of 17.1 and 17.2. The livestream was interrupted during the discussion of item 17.1, from which point Councillor Saville was unable to participate in the meeting.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

**4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE
BY COUNCILLORS**

That Council note Councillors Coppock and Wright tendered an apology and requested Leave of Absence for tonight's meeting.

RESOLUTION

That Council note the apology and grant Leave of Absence to Councillors Coppock and Wright for tonight's meeting.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

5 PETITIONS

NIL

6 OPEN FORUM — MATTERS NOT ON THE AGENDA

NIL

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - 2020 QUEEN'S BIRTHDAY HONOURS

MEETING DATE: 9 JUNE 2020

PURPOSE OF REPORT

To inform Council of the residents in the City of Willoughby who received an award in the 2020 Queen's Birthday Honours List.

DISCUSSION

The Governor General released the 2020 Queen's Birthday Honours List on 8 June 2020. This Minute is presented to acknowledge those residents within the Willoughby local government area (and a Mayor in the Northern Sydney Regional Organisations of Councils) who were recognised in the 2020 Queen's Birthday Honours List.

Officer (AO) in the General Division of the Order of Australia

Ms Diane Jennifer GRADY AM

Northbridge NSW 2063

For distinguished service to the community through business and advisory roles, to the advancement of women and girls, and to charitable initiatives.

The Honourable Philip Maxwell RUDDOCK

Pennant Hills NSW 2120

For distinguished service to the people and Parliament of Australia, and to local government.

Member (AM) in the General Division of the Order of Australia

Emeritus Professor Robert Charles BAXTER

Naremburn NSW 2065

For significant service to medical research, to endocrinology, and to tertiary education.

Mr Malcolm Stuart BOYD

Northbridge NSW 2063

For significant service to civil engineering, to tertiary education, and as a role model.

Medal (OAM) in the General Division of the Order of Australia

Mrs Toni Frances FIELD

Crows Nest NSW 2065 (until recently a resident of the City of Willoughby)

For service to netball, and to the community.

Dr Wendy Faye MICHAELS

Northbridge NSW 2063

For service to women, and to the dramatic arts.

Mr Andrew Robert PIERCE

Chatswood NSW 2067

For service to the community, and to accountancy.

MOTION

That Council congratulates Emeritus Professor Robert Charles Baxter, Mr Malcolm Stuart Boyd, Mrs Toni Frances Field, Ms Diane Jennifer Grady, Dr Wendy Faye Michaels, Mr Andrew Robert Pierce and the Honourable Philip Maxwell Ruddock on their awards in the 2020 Queen's Birthday Honours List.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

NIL

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

NIL

10 MATTERS REQUIRING ELABORATION OR DEBATE

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

- Item 12.1 Minutes – Local Traffic Committee Meeting held 22 April 2020
- Item 15.1 Draft Operational Plan 2020/21
- Item 15.2 Quarterly Budget Review 2019-20 March Quarter
- Item 15.4 Propose amendments to the Council Meeting Schedule 2020
- Item 15.6 Legal Services Report June
- Item 15.7 Audit Risk and Improvement Committee – Tenure of external independent members
- Item 15.8 Contaminated land Policy – Adoption
- Item 15.9 Seniors Housing SEPP
- Item 15.11 Expressions of interest – Northbridge Community Facilities
- Item 15.12 Community Small Grants Program 2020/2021
- Item 16.1 Notice of Motion – Racism complaints referral on our website
- Item 17.1 Confidential – Legal Services Report June 2020
- Item 17.2 Confidential – Tender 125471 – Management of The Concourse performing arts venues and meeting facilities

RESOLUTION

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

- Item 15.3 Further Report – Council response to the impacts of COVID-19**
- Item 15.5 Investment Report for the month of May 2020**
- Item 15.10 Tender 125471 – Management of The Concourse performing arts venues and meeting facilities**
- Item 15.13 Community Grants – Event Seed Funding 2020/2021**

MOVED COUNCILLOR ERIKSSON**SECONDED COUNCILLOR CAMPBELL****CARRIED****Voting**

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon 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 - LOCAL TRAFFIC COMMITTEE MEETING HELD 22 APRIL 2020

ATTACHMENTS:	1. IMPLICATIONS 2. TRAFFIC COMMITTEE MINUTES OF 22 APRIL 2020
RESPONSIBLE OFFICER:	CHRIS BINNS - PLANNING & INFRASTRUCTURE DIRECTOR (ACTING)
AUTHOR:	GORDON FARRELLY – SENIOR TRAFFIC ENGINEER
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
MEETING DATE:	9 JUNE 2020

PURPOSE OF REPORT

To advise Council of the outcome of the latest Traffic Committee Meeting held on 22 April 2020.

MOTION

That Council receive and adopt the recommendations of the Local Traffic Committee meeting of 22 April 2020.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

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

Voting

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

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 DRAFT OPERATIONAL PLAN 2020/21

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT OPERATIONAL PLAN 2020/21 (TO BE DISTRIBUTED SEPARATELY) 3. DRAFT SCHEDULE OF FEES AND CHARGES 2020/21 (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER KATRINA FURJANIC – CORPORATE STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 JUNE 2020

PURPOSE OF REPORT

The purpose of this report is to endorse for public exhibition the *Draft 2020/21 Operational Plan* which includes the draft annual budget, Draft Revenue Policy and Draft Fees and Charges for 2020/21.

MOTION

That Council:

- 1 Endorse the *Draft 2020/21 Operational Plan* which includes the draft annual budget, Draft Revenue Policy and Draft Fees and Charges for the purposes of public exhibition and consultation in accordance with s.405 of the *Local Government Act 1993*.
- 2 Give public notice of the *Draft 2020/21 Operational Plan* in accordance with s405(3) of the *Local Government Act 1993* and publicly exhibit the *Draft 2020/21 Operational Plan* in accordance with that public notice.
- 3 Receive submissions from the public on the *Draft 2020/21 Operational Plan*.
- 4 Delegate to the Chief Executive Officer to make amendments to the *Draft 2020/21 Operational Plan* which do not alter the scope, purpose or intent of the Plan.
- 5 Note that Council will consider submissions from the public prior to adopting the *2020/21 Operational Plan* at a future meeting of the Council.
- 6 Increase the budget for manual cleaning of creeks (Item 301574 in the Operational Plan 2020/2021) by \$10,000 to \$55,000.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

CARRIED

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

Voting

For the Motion: Councillors Campbell, Fernandez, Mustaca, Norton, Rozos, Saville and Zhu.

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

15.2 QUARTERLY BUDGET REVIEW 2019-20 MARCH QUARTER

- ATTACHMENTS:**
1. **IMPLICATIONS**
 2. **BUDGET VARIATIONS MARCH QUARTER**
 3. **QUARTERLY BUDGET REVIEW STATEMENT**
 4. **PRINCIPAL ACTIVITIES VARIATIONS**
 5. **PROJECTS & CAPITAL WORKS**
 6. **LEGAL EXPENSES**
 7. **THE CONCOURSE FINANCIALS**
 8. **CROWN RESERVES INCOME & EXPENDITURE**
 9. **CY PRES SCHEME RESERVES**
 10. **DEVELOPER CONTRIBUTIONS**

RESPONSIBLE OFFICER: GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: STEPHEN NAVEN – CHIEF FINANCIAL OFFICER

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

MEETING DATE: 9 JUNE 2020

PURPOSE OF REPORT

To provide a quarterly update on Council's progress towards achieving full year Operational Plan, Budget and Financial Performance targets, to seek Council approval on proposed budget adjustments, and to report on financial performance during the third quarter of the 2019/20 financial year (1 January 2020 to 31 March 2020).

MOTION

That Council:

1. **Note the Quarterly Budget Review 2019/20 – March Quarter.**
2. **Approve the increase in Grants & Contributions provided for Capital Purpose of \$1.3M.**
3. **Approve the decrease in operating budget income (excluding capital income) of \$4.2M and a reduction in operating budget expense of \$2.6M resulting in a net decrease of \$1.6M to the 2019/20 budget full year operating surplus before capital items.**
4. **Approve the decrease in Capital Expenditure for the 2019/20 Financial Year of \$3.3M.**

-
5. Note the quarterly supplementary reporting forming Attachments 6 to 10 of this report.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR FERNANDEZ

CARRIED

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

Voting

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

Against: Nil

The Mayor acknowledged the hard work and commitment of the Finance team in putting together the quarterly update.

15.3 FURTHER REPORT: COUNCIL RESPONSE TO THE IMPACTS OF COVID-19

ATTACHMENTS:	1. IMPLICATIONS
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:	9 JUNE 2020

PURPOSE OF REPORT

To inform the Council of measures undertaken to date to mitigate the impact of COVID-19 on our community, customers, Councillors and staff.

RESOLUTION

That Council note the measures undertaken to mitigate the impact of COVID-19 on the community, our customers and staff.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

**15.4 PROPOSED AMENDMENTS TO THE COUNCIL MEETING SCHEDULE
2020**

ATTACHMENTS:	1. IMPLICATIONS 2. MEETING SCHEDULE 2020 3. OFFICE OF LOCAL GOVERNMENT CIRCULAR A696536 RELATING TO POSTPONEMENT OF THE SEPTEMBER 2020 LOCAL GOVERNMENT ELECTIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 JUNE 2020

PURPOSE OF REPORT

To consider Council's meeting schedule for 2020 for Ordinary Council Meetings and Councillor Briefings, taking into consideration COVID-19 impacts on council elections and integrated planning and reporting timeframes.

MOTION

That Council:

- 1. Reschedule the Councillor Briefing scheduled for Thursday 18 June 2020 to Monday 15 June 2020 due to cancellation of the Australian Local Government Association National General Assembly 2020 which was scheduled to be held 14-17 June 2020.**
- 2. Schedule an Ordinary Council Meeting on Monday 27 July 2020 to allow for adoption of the Operational Plan and Budget.**
- 3. Schedule Councillor Briefings for Monday 17 August and Monday 7 September 2020 due to the postponement of the September local government elections.**

4. Reschedule the Ordinary Council Meeting scheduled for Wednesday 30 September 2020 to Monday 14 September 2020 due to the postponement of the September local government elections.

MOVED COUNCILLOR NORTON

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, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

15.5 INVESTMENT REPORT FOR THE MONTH OF MAY 2020

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

PURPOSE OF REPORT

To detail Council's bank balances and investment portfolio performance as at 31 May 2020.

RESOLUTION

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

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

15.6 LEGAL SERVICES REPORT JUNE

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

PURPOSE OF REPORT

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

MOTION

That Council receive the legal services report for June 2020.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ZHU

CARRIED

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

Voting

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

Against: Nil

15.7 AUDIT RISK AND IMPROVEMENT COMMITTEE - TENURE OF EXTERNAL INDEPENDENT MEMBERS

ATTACHMENTS:	1. IMPLICATIONS 2. ACTIVITY REPORT FOR 2019/20 3. MINUTES OF AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING OF 4 DECEMBER 2019
RESPONSIBLE OFFICER:	GREG MCDONALD – DIRECTOR, CUSTOMER & CORPORATE
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	9 JUNE 2020

PURPOSE OF REPORT

To provide Council with the Minutes of the Audit Risk and Improvement Committee 4 December 2019 meeting and the annual report on the Committee's activities for 2019/20, in line with the ARIC Charter. To advise Council that, as the tenure of the independent members of the Audit, Risk and Improvement Committee will expire in October 2020, an expression of interest process will be undertaken in July – September 2020 for members.

MOTION

That Council:

- 1. Note the minutes of the ARIC meeting of 6 December 2019.**
- 2. Note the activity report of ARIC for the year 2019/20.**
- 3. Note that an expression of interest process will be undertaken (in July 2020 to September 2020) for three independent external members to the Audit, Risk and Improvement Committee, the outcome of this process to be presented to Council for consideration and appointment.**

MOVED COUNCILLOR TUON

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 Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

PLANNING & INFRASTRUCTURE DIRECTORATE**15.8 CONTAMINATED LAND POLICY - ADOPTION**

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT <i>CONTAMINATED LAND POLICY</i>
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	TIMOTHY KEITH – ENVIRONMENTAL HEALTH OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	9 JUNE 2020

PURPOSE OF REPORT

To outline Council's role within the contaminated land management framework and seek Council's adoption of the *Contaminated Land Policy*.

MOTION

That Council:

1. **Adopt the *Contaminated Land Policy* which outlines Council's process for the management of contaminated land, as contained in Attachment 2.**
2. **Delegate authority to the Chief Executive Officer to make minor amendments to the *Contaminated Land Policy* which do not alter the intent.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR CAMPBELL

CARRIED

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

Voting

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

Against: Nil

15.9 SENIORS HOUSING SEPP

ATTACHMENTS:	1. IMPLICATIONS 2. SUBMISSION
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	9 JUNE 2020

PURPOSE OF REPORT

To endorse a submission to the NSW Department of Planning, Industry and Environment (DPIE) regarding the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the *Seniors Housing SEPP*). The submission requests that the *Seniors Housing SEPP* continues to not apply to heritage conservation areas in the Willoughby Local Government Area.

MOTION

That Council endorses the submission for forwarding to the NSW Department of Planning, Industry and Environment requesting that the *State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004* not apply to heritage conservation areas identified in *Willoughby Local Environmental Plan 2012*, as contained in Attachment 2.

MOVED COUNCILLOR CAMPBELL**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 Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.10 TENDER 125471 - MANAGEMENT OF THE CONCOURSE PERFORMING ARTS VENUES AND MEETING FACILITIES**

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	SAMANTHA CONNOR – MEDIA, MARKETING & EVENTS MANAGER
CITY STRATEGY OUTCOME:	3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES
MEETING DATE:	9 JUNE 2020

PURPOSE OF REPORT

To award Tender No. 125471 for management of The Concourse performing arts venues and meeting facilities to the highest ranked tenderer, as detailed in the attached confidential report.

RESOLUTION

That Council:

- 1. Accept the tender as detailed in the confidential report for Tender No. 125471 for management of The Concourse performing arts venues and meeting facilities for a period of five years with the option to extend for a further five years.**
- 2. Delegate the Chief Executive Officer the authority to finalise and execute the contract and all associated documents.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

15.11 EXPRESSIONS OF INTEREST - NORTHBRIDGE COMMUNITY FACILITIES

ATTACHMENTS:	1. IMPLICATIONS 2. SUMMARY - EXPRESSIONS OF INTEREST 3. ASSESSMENT OF EXPRESSIONS OF INTEREST
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:	09 JUNE 2020

PURPOSE OF REPORT

To seek Council's endorsement for community use of the following Northbridge community facilities: Warners Park Centre, Northbridge Bowling Club Community Room and Northbridge Library Loft Community Space (formerly Artist studio).

MOTION

That Council:

- 1. Authorise the Chief Executive Officer to negotiate a license agreement with Willoughby Community Men's Shed for the exclusive use of the Warners Park Centre.**
- 2. Endorse the issuance of a regular hire agreement for non-exclusive use of the Northbridge Bowling Club to the Northbridge Quilters on completion of upgrade works.**
- 3. Note that the surplus hireable capacity of Northbridge Bowling Club Community Room and the Northbridge Library Loft Community Space will be offered for hire as per the *Community Facilities Hire Policy*.**

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR ZHU

CARRIED

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

Voting

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

Against: Nil

15.12 COMMUNITY SMALL GRANTS PROGRAM 2020/2021

ATTACHMENTS:	1. IMPLICATIONS 2. APPLICATIONS – COMMUNITY SMALL GRANTS 3. APPLICATIONS – THE CONCOURSE PERFORMING ARTS SUBSIDY
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:	9 JUNE 2020

PURPOSE OF REPORT

To seek Council endorsement for the distribution grant funds under the Community (Small) Grants Program and The Concourse Performing Arts Subsidy (Round 1) for the 2021 Financial Year.

MOTION

1. That Council endorse the distribution of grant funds through the 2020/21 Community Small Grants Program as follows:

Category 1A – Community Development

• Christian Happy Life Incorporated:	\$1,000
• Catholic Healthcare Limited:	\$3,000
• Willoughby Community Men’s Shed Incorporated:	\$2,688
• The Housing Connection Limited:	\$4,000
• The Shepherd Centre - For Deaf Children:	\$3,245
• Chatswood South Perma Patch:	\$4,000
• Lower North Shore Multicultural Network:	\$1,200
• Lower North Shore Domestic Violence Network:	\$3,690
• Fighting Chance Australia Limited:	\$1,000
• Castle Cove Public School Parents & Citizens' Association:	\$2,500
• The Humour Foundation:	\$2,000
• St George Community Housing Limited:	\$4,000
• International Buddhist Association of Australia Co-operative Limited:	\$2,640
• Lions Club of Manly Inc.	\$1,920
• Assisted Community Living Ltd.	\$1,000
• StreetWork Australia Ltd.	<u>\$4,000</u>

TOTAL - Category 1A – Community Development: \$41,883

Category 2: Arts and Culture

• Natalia Stawyskyj:	\$3,000
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2. That Council endorse the distribution of grant funds through the 2020/21 The Concourse Performing Arts Subsidy (Round 1) as follows:

• Chatswood High School Music Program:	\$5,000
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• Willoughby Public School Parents & Citizen's Association:	\$5,000
• Willoughby Girls High School Parents & Citizens Association:	<u>\$5,000</u>
TOTAL - The Concourse Performing Arts Subsidy (Round 1):	<u>\$15,000</u>

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

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

Voting

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

Against: Nil

MOTION

That Council endorse the decision not to award grant funding through the 2020/21 Community Small Grants to the Willoughby District Historical Society and Museum Inc.

MOVED COUNCILLOR SAVILLE

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, Eriksson, Fernandez, Mustaca, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Nil

Absent: Councillor Norton.

Councillor Norton declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.12: Community Small Grants Program 2020/2021 as it related to the grant request by the Willoughby District Historical Society. Councillor Norton withdrew from the meeting taking no part in the discussion or voting on this part of the paper.

(Nature of Interest: I am a member of the Willoughby District Historical Society and was present when discussions about applying for a grant occurred.)

Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.12: Community Small Grants Program 2020/2021 Willoughby District Historical Society.

(Nature of Interest: One of the community organisations which made application for grant funding was Willoughby District Historical Society of which I am a member. I will stay in the

Chamber to enable a quorum. Further, I believe I can vote in the community interest independently with regards to this item.)

MOTION

That Council endorse the distribution of grant funds through the 2020/21 Community Small Grants Program as follows:

Category 1A – Community Development

Willoughby South Progress Association – with strong encouragement that it be used for the purposes of newsletter distribution as well as to assist transition of membership to electronic distribution: \$2,000

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR MUSTACA

CARRIED

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

Voting

For the Motion: Councillors Campbell, Mustaca, Norton, Rozos, Rutherford, Saville and Tuon.

Against: Nil

Absent: Councillors Giles-Gidney, Eriksson, Fernandez and Zhu.

Her Worship the Mayor Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.12: Community Small Grants program 2020/2021 as it related to the 272 newsletter. Her Worship the Mayor Councillor Giles-Gidney withdrew from the meeting taking no part in the discussion or voting on this part of the paper.

(Nature of Interest: 272 publication uses articles from me. As I am invited to publish articles in the 272 I am declaring a substantial interest)

Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.12: Community Small Grants Program 2020/2021 as it related to the 272 newsletter. Councillor Fernandez withdrew from the meeting taking no part in the discussion or voting on this part of the paper.

(Nature of Interest: The Willoughby South progress Association has applied for grant funds for a newsletter and the Ward Councillors utilise this communication channel to update the community of Willoughby South accordingly. I am an ordinary member of the Willoughby South Progress Association.)

Councillor Eriksson declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.12: Community Small Grants Program 2020/2021 as it related to the 272 newsletter. Councillor Eriksson withdrew from the meeting taking no part in the discussion or voting on this part of the paper.

(Nature of Interest: Specifically only the Willoughby South Progress Association Grant. As a Councillor I write a regular column in their newsletter. As such I will leave the chamber for this line item.)

Councillor Zhu declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.12: Community Small Grants Program 2020/2021 as it related to the 272 newsletter. Councillor Zhu withdrew from the meeting taking no part in the discussion or voting on this part of the paper.

(Nature of Interest: The Willoughby South Progress Association has a specific grant for the publication of the 272 and the Ward Councillors get to write a 200 word column every publication which is distributed to the community. This could be seen as an expense for electorate newsletter material as the grant requested is specifically about the 272 newsletter.)

The Deputy Mayor Councillor Campbell assumed the Chair in the Mayor's absence for the consideration of the provision of grant funding to the Willoughby South Progress Association.

15.13 COMMUNITY GRANTS - EVENT SEED FUNDING 2020/2021

ATTACHMENTS:	1. IMPLICATIONS 2. RECOMMENDED APPLICANTS – EVENT SEED FUNDING
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	SAMANTHA CONNOR - MEDIA, MARKETING & EVENTS MANAGER
CITY STRATEGY LINK:	2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY
MEETING DATE:	9 JUNE 2020

PURPOSE OF REPORT

To seek Council's endorsement for the distribution of grant funds through Council's 2020/21 Community Small Grants Program – Events Seed Funding.

RESOLUTION

That Council endorse the distribution of grant funds through the Event Seed Funding stream of the 2020/21 Community Small Grants Program as follows:

- **Chatswood Musical Society: \$3,000**
- **Walter Burley Griffin Society: \$3,000**
- **Workshop Arts Centre: \$2,455**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

16 NOTICES OF MOTION

16.1 NOTICE OF MOTION - RACISM COMPLAINTS REFERRAL ON OUR WEBSITE

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

AUTHOR: MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR

CITY STRATEGY OUTCOME: 2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY

MEETING DATE: 9 JUNE 2020

PURPOSE OF REPORT

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

MOTION

That Council:

1. Acknowledges that Willoughby City Council is one of the most diverse local government areas in NSW;
2. Recognises that there is no place for incidents of xenophobia and racism in the broader multicultural community;
3. Reiterates our support for local residents who may have experienced discrimination during this time and that there is no room for racial or cultural vilification of any Australians at all; and
4. Creates a link on our website that refers our local residents who are seeking to report incidents of racism to appropriate channels such as the Australian Human Rights Commission, “Racism. It stops with me.” campaign and Anti-Discrimination NSW.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED

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

Voting

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

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 MUSTACA

SECONDED COUNCILLOR CAMPBELL

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 8:35pm.

17.1 CONFIDENTIAL - LEGAL SERVICES REPORT JUNE 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.

17.2 CONFIDENTIAL TENDER 125471 - MANAGEMENT OF THE CONCOURSE PERFORMING ARTS VENUES AND MEETING FACILITIES

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 would place Council at a commercial disadvantage if the entities related to the subject of the report were to become aware of Council's financial and related information.

This matter is also 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.

17.1 CONFIDENTIAL - LEGAL SERVICES REPORT JUNE 2020

RECOMMENDATION

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

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

17.2 CONFIDENTIAL TENDER 125471 - MANAGEMENT OF THE CONCOURSE PERFORMING ARTS VENUES AND MEETING FACILITIES

RECOMMENDATION

That Council:

- 1. Accept the tender from Century Venue The Concourse for management of The Concourse performing arts venues and meeting facilities for a period of five years with the option to extend for a further five years and for a lump sum contract value of \$100,000 payable to Council annually, plus 3% increase per year and 25% share of profit after deduction of the base payment.**
- 2. Make public the successful tenderer's name following the Council's resolution to accept the tender.**

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

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

PROCEDURAL MOTION

That the meeting revert to Open Council.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR ZHU

CARRIED

Council moved into open session at 8:58pm.

RESOLUTION

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

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

18 QUESTIONS WITH NOTICE

NIL

19 CONCLUSION OF THE MEETING

- Councillor Norton left the meeting at 8:09pm during discussion on Item 15.12 – Community Small Grants Program 2020/2021 when consideration was given to the provision of grant funds to the Willoughby District Historical Society and Museum Inc. and returned to the meeting at 8:11pm.
- Councillors Giles-Gidney, Eriksson, Fernandez and Zhu left the meeting at 8:11pm during discussion on Item 15.12 – Community Small Grants Program 2020/2021 when consideration was given to the provision of grant funds to the Willoughby South Progress Association and returned to the meeting at 8:31pm.
- Deputy Mayor Councillor Campbell assumed the chair in the Mayor's absence for Item 15.12 – Community Small Grants Program 2020/2021 when consideration was given to the provision of grant funds to the Willoughby South Progress Association.
- Councillor Giles-Gidney thanked Councillors for their attendance and remarked that, subject to the easing of restrictions on public gatherings imposed by Public Health Orders she is looking forward to seeing all Councillors in chambers, having regard to social distancing guidelines, for the meeting to be held 27 July 2020.
- The meeting concluded at 9:02pm

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