



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chamber, Level 6, 31 Victor Street, Chatswood

14 December 2020

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>2</b>
<b>1 PRESENT</b> .....	<b>4</b>
<b>2 DISCLOSURES OF INTERESTS</b> .....	<b>4</b>
<b>3 CONFIRMATION OF MINUTES</b> .....	<b>5</b>
<b>4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS</b> .....	<b>6</b>
<b>5 PETITIONS</b> .....	<b>7</b>
<b>6 OPEN FORUM — MATTERS NOT ON THE AGENDA</b> .....	<b>7</b>
<b>7 MAYORAL MINUTE</b> .....	<b>8</b>
7.1 MAYORAL MINUTE - WESTERN HARBOUR TUNNEL AND WARRINGAH FREEWAY UPGRADE ENVIRONMENTAL IMPACT STATEMENT (EIS).....	8
7.2 MAYORAL MINUTE - BEACHES LINK AND GORE HILL FREEWAY CONNECTION ENVIRONMENTAL IMPACT STATEMENT .....	10
<b>8 CHIEF EXECUTIVE OFFICER'S LATE REPORT</b> .....	<b>12</b>
<b>9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY</b> .....	<b>12</b>
<b>MOTION</b> .....	<b>12</b>
<b>10 MATTERS REQUIRING ELABORATION OR DEBATE</b> .....	<b>13</b>
<b>11 PUBLIC FORUM — MATTERS ON THE AGENDA</b> .....	<b>14</b>
<b>12 REPORTS OF COMMITTEES</b> .....	<b>15</b>
12.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES - 29 JULY AND 4 NOVEMBER 2020.....	15
12.2 MINUTES - LOCAL TRAFFIC COMMITTEE MEETING HELD ON 18 NOVEMBER 2020 .....	16
12.3 MINUTES - LOCAL TRAFFIC COMMITTEE MEETING HELD ON 21 OCTOBER 2020.....	17
<b>13 DEFERRED MATTERS</b> .....	<b>18</b>
<b>14 CORRESPONDENCE</b> .....	<b>18</b>
<b>15 REPORTS FROM THE OFFICERS</b> .....	<b>19</b>
<b>CUSTOMER &amp; CORPORATE DIRECTORATE</b> .....	<b>19</b>
15.1 PUBLIC PRESENTATION OF THE 2019-20 FINANCIAL REPORTS AND AUDITOR'S REPORTS.....	19
15.2 INVESTMENT REPORT FOR THE MONTH OF NOVEMBER 2020 .....	21
15.3 ANNUAL REVIEW OF INVESTMENT POLICY 2020/21.....	22
15.4 SUPPLEMENTARY QUARTERLY REPORTING - SEPTEMBER 2020 - QUARTER 1 .....	23
15.5 ANNUAL REPORT 2019/20 .....	24
15.6 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE DRAFT CODE OF MEETING PRACTICE 2020 .....	25
15.7 LEGAL SERVICES REPORT DECEMBER 2020 .....	26

<b>PLANNING &amp; INFRASTRUCTURE DIRECTORATE .....</b>	<b>27</b>
15.8 LOCAL HERITAGE ITEM NOMINATION FOR THE ARTARMON BOWLING CLUB - 1A BURRA ROAD ARTARMON .....	27
15.9 REVIEW OF THE WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 .....	29
15.10 PLANNING PROPOSAL - 100 EDINBURGH ROAD CASTLECRAG .....	31
15.11 ADOPTION OF THE FLAT ROCK CREEK FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN .....	34
<b>COMMUNITY, CULTURE &amp; LEISURE DIRECTORATE .....</b>	<b>35</b>
15.12 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF LONG DAY CARE FEES .....	35
15.13 ENDORSEMENT OF THE CONCOURSE PERFORMING ARTS SUBSIDY ROUND 2 AND OUT OF TERM COMMUNITY GRANTS APPLICATIONS .....	37
15.14 REQUEST FOR MEMORIAL PLAQUE AT NORTHBRIDGE BATHS .....	39
15.15 ADOPTION OF THE O H REID RESERVE MASTER PLAN 2020.....	40
<b>16 NOTICES OF MOTION .....</b>	<b>41</b>
16.1 NOTICE OF MOTION - PUBLIC TRANSPORT SERVICES .....	41
16.2 NOTICE OF MOTION: HOMELESSNESS.....	42
<b>17 CONFIDENTIAL MATTERS .....</b>	<b>43</b>
17.1 CONFIDENTIAL - SHOP 2 INVESTIGATION .....	43
17.2 CONFIDENTIAL - REMNANT PORTION OF SCOTT STREET WILLOUGHBY AND VOLUNTARY PLANNING AGREEMENT (RELATING TO THE CHANNEL 9 SITE).....	43
17.3 CONFIDENTIAL - LEGAL SERVICES REPORT DECEMBER 2020 .....	44
<b>18 QUESTIONS WITH NOTICE.....</b>	<b>49</b>
18.1 QUESTION ON NOTICE FROM COUNCILLOR COPPOCK - 18.1 CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY 2036 (FROM 12 OCTOBER 2020 COUNCIL MEETING) .....	49
<b>19 CONCLUSION OF THE MEETING .....</b>	<b>59</b>

## 1 PRESENT

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

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

### External parties

#### 15.1 - Public Presentation of the 2019-20 Financial Reports and Auditor's Reports

- Kenneth Leung – Auditor, Audit Office of NSW
- James Winter – Partner, Grant Thornton Australia.

### Officers

Ms D Just (Chief Executive Officer), M Smith (Community, Culture & Leisure Director), Mr G McDonald (Customer & Corporate Director), Mr C Binns (Acting Planning & Infrastructure Director), Mr I Arnott (Planning Manager), Ms N Shankie-Williams (Strategic Planning Team Leader), Ms J Gibson (Strategic Planner), Mr S Naven (Chief Financial Officer), Ms S Charlton (Governance, Risk & Corporate Planning Manager), Ms S Williams (Governance Team Leader), Ms P Sheldrake (Governance Meeting Administration Officer), Mr B Herring (Chief Information Officer), Mr J Racchi (Information Technology Team Leader) and Mr M Long (Network Support Officer).

## 2 DISCLOSURES OF INTERESTS

- Councillor Wright declared a non-pecuniary less than significant interest in Item 15.2: Investment Report for the month of November 2020. Councillor Wright chose to remain in the meeting and take part in the discussion and voting on this item.  
*(Nature of Interest: I am an employee of Westpac Bank with whom Council has investments.)*
- Councillor Coppock declared a non-pecuniary significant interest in Item 15.7: Legal Services Report December 2020. Councillor Coppock chose to leave the meeting and take no part in the discussion and voting on this item.  
*(Nature of Interest: I am named in the report.)*
- Councillor Coppock declared a non-pecuniary less than significant interest in Item 15.8: Local Heritage Item Nomination for the Artarmon Bowling Club – 1A Burra Road, Artarmon. Councillor Coppock chose to remain in the meeting and take part in the discussion and voting on this item.  
*(Nature of Interest: I am mentioned in the report.)*
- Councillor Giles-Gidney declared a non-pecuniary significant interest in Item 15.10: Planning Proposal – 100 Edinburgh Road, Castlecrag. Councillor Giles-Gidney chose to leave the meeting and take no part in the discussion and voting on this item.  
*(Nature of Interest: I am a Member of the Sydney North Planning Panel.)*

- Councillor Campbell declared a non-pecuniary significant interest in Item 15.10: Planning Proposal – 100 Edinburgh Road, Castlecrag). Councillor Campbell chose to leave the meeting and take no part in the discussion and voting on this item.  
*(Nature of Interest: I am a member of the Sydney North Planning Panel.)*
- Councillor Coppock declared a non-pecuniary significant interest in Item 17.3: Legal Services Report December 2020. Councillor Coppock chose to leave the meeting and take no part in the discussion and voting on this item.  
*(Nature of Interest: I am named in the report.)*

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

### **3 CONFIRMATION OF MINUTES**

**RESOLUTION**

**That the Minutes of the Ordinary Meeting of Council held 9 November 2020, copies of which have been circulated to each member of Council, be confirmed.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

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

That Council note Councillor Rozos tendered an apology and requested a Leave of Absence for the 14 December 2020 Council meeting.

#### **RESOLUTION**

That Council note the apology and grant Leave of absence to Councillor Rozos for the 14 December 2020 Council meeting.

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**5 PETITIONS**

NIL

**6 OPEN FORUM — MATTERS NOT ON THE AGENDA**

NIL

**MOTION**

**That Council suspend business in accordance with the Code of Meeting Practice and bring forward Items 11 and 15.1.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

## 7 MAYORAL MINUTE

### 7.1 MAYORAL MINUTE - WESTERN HARBOUR TUNNEL AND WARRINGAH FREEWAY UPGRADE ENVIRONMENTAL IMPACT STATEMENT (EIS)

MEETING DATE: 14 DECEMBER 2020

---

#### PURPOSE OF REPORT

To update Councillors on Council's submission in response to the Environmental Impact Statement (EIS) exhibited by Transport for New South Wales (TfNSW) on the Western Harbour Tunnel and Warringah Freeway and further key issues referred to the Transport Assessments Team in the Department of Planning Industry and Environment (DPIE).

#### DISCUSSION

Earlier this year, Transport for New South Wales (TfNSW) exhibited an EIS for the proposed development of the Western Harbour Tunnel and Warringah Freeway upgrade linking Lilyfield in the south to North Sydney and the future Northern Beaches link in the north. Feedback was sought and a comprehensive response was submitted to TfNSW by Council in April 2020.

Council identified the following issues:

- **Strategic Planning** matters and how the proposal aligned with broader strategies of the NSW Government and the Greater Sydney Commission.
- **Traffic and Transport** matters and with a sole focus on vehicular transport, the proposal failed to address a multi-modal transport approach including public transport and active transport.
- **Design Issues** and improvement opportunities for the local roads linking to the tunnels.
- **Construction Traffic** management during the construction phase.
- **Northern Beaches Link** tunnel and its separation as a project from the Western Harbour Tunnel project, therefore limiting any consideration of cumulative impact.
- **Noise and Vibration** during tunnelling and transport operations.
- **Social Impacts** including the separation and isolation of local communities by changed access arrangements.
- **Communication** and engagement before, during and after the development of the EIS.
- **Environmental Protection** issues regarding vegetation, fauna, groundwater and habitat.
- **Air Quality** issues during both the construction phase and the ongoing operational phases of the project.

Subsequent meetings were also held with the relevant TfNSW team to reiterate and reinforce Council's submission, however, no amendments were made to the project as proposed and it remained entirely unchanged.

The project was transferred to the Transport Assessments Team in the Department of Planning Industry and Environment (DPIE) for assessment as per the normal process. A meeting was held with members of that team to ensure full consideration be given to all aspects Council's submission in particular the key concerns of Council which are highlighted below.



The two key issues taken on board by the DPIE were:

1. The effects of the modification of the on-off ramps at Miller and Brook Streets, which Council believes will increase traffic volumes on Willoughby Rd to the detriment of local neighbourhoods the subject of a recent Local Centres Strategy; and
2. Recognition of the importance of active transport links along the length of the Gore Hill / Warringah Freeway between Willoughby Rd and Miller St. This inclusion would have significant benefits for cyclists in particular and is an opportunity that should not be ignored as part of this significant transport infrastructure project. Surely this would be a vital inclusion to deliver the future Sydney we are led to believe the Planning Minister is working to achieve.

It is hoped that as a result of this meeting with the DPIE Assessments Team full attention will be given to these and other issues with requirements and conditions applied to reflect the concerns of Council and the Willoughby community in the decision made on the project.

Letters were also sent to the Premier The Hon. Gladys Berejiklian MP, Minister for Transport The Hon. Andrew Constance MP, The Hon. Jonathan O'Dea MP and The Hon. Anthony Roberts MP highlighting our concerns regarding the project.

## **MOTION**

**That Council note the issues identified in the submission in response to the Environmental Impact Statement exhibited by Transport for New South Wales on the Western Harbour Tunnel and Warringah Freeway upgrade and subsequent key concerns referred to the Department of Planning and Environment.**

**MOVED COUNCILLOR GILES-GIDNEY**

**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, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Councillor Coppock.

## **7.2 MAYORAL MINUTE - BEACHES LINK AND GORE HILL FREEWAY CONNECTION ENVIRONMENTAL IMPACT STATEMENT**

**MEETING DATE: 14 DECEMBER 2020**

---

### **PURPOSE OF REPORT**

To express Council's disappointment and concern regarding the inconvenient timing of the release of the Environmental Impact Statement (EIS) for the Beaches Link and Gore Hill Freeway project prior to Christmas and the lack of direct notification to Council prior to its release by Transport for NSW (TfNSW) on 9 December 2020.

### **DISCUSSION**

The Beaches Link and Gore Hill Freeway Connection (BL/GHFC) is a motorway project proposed by TfNSW in conjunction with the Western Harbour Tunnel and Warringah Freeway Upgrade (WHT/WFU). The BL/GHFC comprises a new tunnel connection under Middle Harbour from the Warringah Freeway and Gore Hill Freeway to the Burnt Bridge Creek Deviation at Balgowlah, and Wakehurst Parkway at Killarney Heights. The project also includes a surface upgrade of Wakehurst Parkway from Seaforth to Frenchs Forest and upgrade and integration works to connect to the Gore Hill Freeway at Reserve Road, Artarmon.

The EIS for the WHT/WFU project was released in early 2020 and Council made a comprehensive submission in April 2020. Subsequent meetings were also held with the relevant TfNSW project team to reiterate and reinforce concerns raised in Council's submission, however, no proposed amendments were made to the project and it remains entirely unchanged.

The EIS for the BL/GHFC project was released on 9 December 2020. Council became aware of the release via members of the community and through the media. Direct advice, which would have been expected to have been provided by TfNSW, did not eventuate until the day after the release.

The EIS exhibition period and acceptance of submissions is open until 1 March 2021. Given the substantial amount of information in the EIS, the complexity and density of multiple document volumes and attachments, the impact of the project on our community which will require close scrutiny, the upcoming Christmas holiday period and the break in Council meetings until February 2021, Council is extremely disappointed with the timing of the release of the EIS and the period available for comment and submissions.

Council believes this is an inadequate period of time for a heavily affected community to review the EIS documents and to create and consider a submission. It has already been a very difficult year for our local communities and this additional burden during what was hoped to be a festive holiday period is most unacceptable. Even working through the holiday period, a Council submission will likely only be able to be put to the general Council meeting of 8 March 2021. Therefore, an extension of the 1 March 2021 deadline will be sought.

**MOTION**

That Council write to Transport for NSW, the Premier (The Hon. Gladys Berejiklian MP) and Minister for Transport and Roads (The Hon. Andrew Constance MP), local members The Hon Jonathan O'Dea and The Hon Anthony Roberts to:

1. Express Council's concerns and disappointment with the lack of direct notification to Council of the release of the Environmental Impact Statement (EIS) for the Beaches Link and Gore Hill Freeway project;
2. Express Council's concerns and disappointment with the timing of the release of the EIS immediately prior to Christmas and the inadequate length of the submission period; and
3. Request an extension of the 1 March 2021 end of exhibition deadline to allow Council and the community sufficient time to review the EIS documents and consider a submission at Council's 8 March 2021 general meeting.

**MOVED COUNCILLOR GILES-GIDNEY**

**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:** Nil

**8 CHIEF EXECUTIVE OFFICER'S LATE REPORT**

NIL

**9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY****PROCEDURAL MOTION**

That Council defer Item 15.9: Review of The *Willoughby Local Environmental Plan 2012*.

**MOVED COUNCILLOR WRIGHT****SECONDED COUNCILLOR COPPOCK****LOST****Voting****For the Resolution:** Councillors Coppock, Norton, Saville and Wright.**Against:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Rutherford, Tuon and Zhu.

## 10 MATTERS REQUIRING ELABORATION OR DEBATE

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

- Item 15.1 Public Presentation of the 2019-2020 Financial Reports and Auditor's Reports
- Item 15.3 Annual Review of the investment Policy 2020/21
- Item 15.5 Annual Report 2019/20
- Item 15.7 Legal Services Report December 2020
- Item 15.8 Local Heritage item Nomination for the Artarmon Bowling Club – 1A Burra Road, Artarmon
- Item 15.9 Review of the Willoughby Local Environmental Plan 2012
- Item 15.10 Planning proposal – 100 Edinburgh Road, Castlecrag
- Item 15.12 Outcome of public exhibition and adoption of Long Day Care Fees
- Item 15.15 Adoption of the O H Reid Reserve Master Plan 2020
- Item 16.1 Notice of Motion – Public Transport Services
- Item 16.2 Notice of Motion – Homelessness
- Item 17.1 Confidential – Shop 2 Investigation
- Item 17.2 Confidential – Remnant portion of Scott Street, Willoughby and Voluntary Planning Agreement (relating to the Channel 9 site)
- Item 17.3 Confidential – Legal Services Report December 2020

## RESOLUTION

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

- Item 12.1 Audit, Risk & Improvement Committee Minutes – 29 July and 4 November 2020
- Item 12.2 Minutes – Local Traffic Committee Meeting held on 18 November 2020
- Item 12.3 Minutes – Local Traffic Committee Meeting held on 21 October 2020
- Item 15.2 Investment Report for the month of November 2020
- Item 15.4 Supplementary Quarterly Reporting – September 2020 – Quarter 1
- Item 15.6 Outcome of public exhibition and adoption of the Draft Code of Meeting Practice 2020
- Item 15.11 Adoption of the Flat Rock Creek Floodplain Risk Manager Study and Plan
- Item 15.13 Endorsement of The Concourse Performing Arts Subsidy Round 2 and out of term Community Grants Applications
- Item 15.14 Request for Memorial Plaque at Northbridge Baths

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

### Voting

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

**Against:** Nil

## 11 PUBLIC FORUM — MATTERS ON THE AGENDA

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

- **Item 15.8: Local Heritage Item Nomination for the Artarmon Bowling Club – 1A Burra Road, Artarmon**  
Anna Greco addressed Council speaking against the officer's recommendation on this item.
- **Item 15.10: Planning Proposal – 100 Edinburgh Road, Castlecrag**  
Michael Neustein addressed Council speaking against the officer's recommendation and Suzie Gold addressed Council speaking in support of the officer's recommendation on this item.

Written submissions were also received from the following people and distributed to Councillors prior to the meeting.

- Richard Johnson
- Paul Stokes
- Scott and Ingrid Graham
- Hugh Stowe
- John Moratelli
- Gay Spies
- Leon Smith
- Andrew Davis
- Michael Latham
- Greencliffe to CPA
- Jill and Richard Newton
- Richard Francis Jones

The Mayor Councillor Giles-Gidney and Deputy Mayor Councillor Campbell left the meeting at 7:12pm and returned at 7:21pm having declared a non-pecuniary significant interest in item 15.10: Planning Proposal – 100 Edinburgh Road, Castlecrag.

The Mayor Councillor Giles-Gidney and Deputy Mayor Councillor Campbell left the meeting at 7:30pm and returned at 7:38pm having declared a non-pecuniary significant interest in item 15.10: Planning Proposal – 100 Edinburgh Road, Castlecrag.

Former Deputy Mayor Councillor Eriksson assumed the Chair in the Mayors absence.

## 12 REPORTS OF COMMITTEES

### 12.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES - 29 JULY AND 4 NOVEMBER 2020

**ATTACHMENTS:**

1. IMPLICATIONS
2. AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES – 29 JULY 2020
3. AUDIT, RISK AND IMPROVEMENT COMMITTEE DRAFT MINUTES – 4 NOVEMBER 2020

**RESPONSIBLE OFFICER:** GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** STEVE RAY - AUDIT & RISK COORDINATOR

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

**MEETING DATE:** 14 DECEMBER 2020

---

### PURPOSE OF REPORT

To provide Council with the Audit Risk and Improvement Committee meeting minutes held on 29 July 2020 and draft minutes for the meeting held on 4 November 2020.

### RESOLUTION

That Council:

1. Note the minutes of the Audit, Risk and Improvement Committee meeting on 29 July 2020 and the draft minutes for the meeting held on 4 November 2020.
2. Write to the outgoing members and thank them for their service and contribution to the Audit, Risk and Improvement Committee.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR CAMPBELL

**CARRIED**

### Voting

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

**Against:** Nil

**12.2 MINUTES - LOCAL TRAFFIC COMMITTEE MEETING HELD ON  
18 NOVEMBER 2020**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. LOCAL TRAFFIC COMMITTEE MINUTES OF 18 NOVEMBER 2020</b>
<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – ACTING PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>GORDON FARRELLY – TRAFFIC AND TRANSPORT TEAM LEADER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>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</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

To report the Minutes of the Traffic Committee meeting held on 18 November 2020.

**RESOLUTION**

**That Council receive and adopt the recommendations of the Traffic Committee meeting held on 18 November 2020.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil



**12.3 MINUTES - LOCAL TRAFFIC COMMITTEE MEETING HELD ON 21 OCTOBER 2020**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. TRAFFIC COMMITTEE MINUTES OF 21 OCTOBER 2020</b>
<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – ACTING PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>GORDON FARRELLY – TRAFFIC AND TRANSPORT TEAM LEADER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>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</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

To advise Council of the outcome of the Local Traffic Committee Meeting held on 21 October 2020.

**RESOLUTION**

That Council receive and adopt the recommendations of the Local Traffic Committee meeting held on 21 October 2020.

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Coppock, Eriksson, Fernandez, Mustaca, Norton, 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 PUBLIC PRESENTATION OF THE 2019-20 FINANCIAL REPORTS AND AUDITOR'S REPORTS

ATTACHMENTS:	1. IMPLICATIONS 2. WILLOUGHBY CITY COUNCIL FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2020 (GENERAL PURPOSE, SPECIAL PURPOSE AND SPECIAL SCHEDULES) (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER BILL LOFTHOUSE – FINANCIAL ACCOUNTANT
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	14 DECEMBER 2020

---

#### PURPOSE OF REPORT

To present the audited 2019-20 Financial Reports and external auditors' reports for Willoughby City Council as required under Section 419(1) of the *Local Government Act 1993*.

#### MOTION

That Council:

1. Note that the audited 2019-20 financial reports including the auditor's reports have been presented to this meeting of the Council in accordance with Section 419(1) of the *Local Government Act 1993*.
2. Receive the address from the external auditor regarding the 2019-20 financial reports and auditor's report in accordance with Section 419(2) of *Local Government Act 1993*.
3. Note that a copy of the auditor's reports and a copy of the audited 2019-20 financial reports have been sent to Chief Executive of the Office of Local Government and the Australian Bureau of Statistics as required under Section 417(5) of the *Local Government Act 1993*.

4. Thank the Chief Financial Officer and Finance team for their hard work in the preparation of the financial reports for the year ended 30 June 2020.

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

**CARRIED**

**Voting**

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

**Against:** Councillor Coppock.

**15.2 INVESTMENT REPORT FOR THE MONTH OF NOVEMBER 2020**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2019) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>STEPHEN NAVEN – CHIEF FINANCIAL OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

To provide a report setting out Council's bank balances and investment portfolio performance as at 30 November 2020 under section 625 of the *Local Government Act 1993*.

**RESOLUTION**

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

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

Councillor Wright declared a non-pecuniary less than significant interest in this item.  
(*Nature of Interest: I am an employee of Westpac Bank with whom Council has investments.*)

**15.3 ANNUAL REVIEW OF INVESTMENT POLICY 2020/21**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. WILLOUGHBY CITY COUNCIL DRAFT INVESTMENT POLICY 2020-21</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>STEPHEN NAVEN – CHIEF FINANCIAL OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

To present an updated draft *Investment Policy 2020-21* to Council for consideration and adoption.

**MOTION**

That Council adopt the updated *Investment Policy 2020-21* including changes to credit rating, counterparty and maturity limits.

**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, Coppock, Eriksson, Fernandez, Mustaca, Norton, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**15.4 SUPPLEMENTARY QUARTERLY REPORTING - SEPTEMBER 2020 -  
QUARTER 1**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. LEGAL EXPENSES 3. THE CONCOURSE FINANCIAL PERFORMANCE 4. CROWN RESERVES 5. CY PRES SCHEME RESERVES 6. DEVELOPER CONTRIBUTIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>STEPHEN NAVEN – CHIEF FINANCIAL OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

To provide Council with specific extra quarterly reporting over and above regulatory requirements for the quarterly budget review.

**RESOLUTION**

**That Council note the supplementary quarterly reports for the quarter ended 30 September 2020 (Quarter 1).**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**15.5 ANNUAL REPORT 2019/20**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. WILLOUGHY CITY COUNCIL ANNUAL REPORT 2019/20 (TO BE DISTRIBUTED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>KATRINA FURJANIC – CORPORATE STRATEGIC PLANNER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

To present Council's annual report for the financial year ended 30 June 2020.

**MOTION**

That Council receive and note *Willoughby City Council's Annual Report 2019-20*.

**MOVED COUNCILLOR NORTON**

**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, Coppock, Eriksson, Fernandez, Mustaca, Norton, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil



**15.6 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE DRAFT CODE OF MEETING PRACTICE 2020**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. DRAFT CODE OF MEETING PRACTICE 2020</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

To report on the outcome of the public exhibition process and to seek adoption of the draft *Code of Meeting Practice 2020*.

**RESOLUTION**

That Council:

- 1. Note that no submissions were received during the public exhibition period.**
- 2. Adopt the Code of Meeting Practice 2020.**
- 3. Authorise the Chief Executive Officer to make any necessary amendments which do not alter the intent or result in material changes and execute all necessary documentation to give effect to this resolution.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**15.7 LEGAL SERVICES REPORT DECEMBER 2020**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. LEGAL SERVICES REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CHARLTON – GOVERNANCE, RISK &amp; CORPORATE PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

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

**MOTION**

That Council receive the legal services report for December 2020.

**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, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**Absent:** Councillor Coppock.

Councillor Coppock withdrew from the meeting at 7:55pm and returned at 7:56pm having declared a non-pecuniary significant interest in this item.  
(*Nature of Interest: I am named in the report.*)

**PLANNING & INFRASTRUCTURE DIRECTORATE****15.8 LOCAL HERITAGE ITEM NOMINATION FOR THE ARTARMON BOWLING CLUB - 1A BURRA ROAD ARTARMON**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. NOMINATION FOR LOCAL HERITAGE LISTING OF THE ARTARMON BOWLING CLUB 3. HERITAGE IMPACT STATEMENT REPORT - ARTEFACT HERITAGE SEPTEMBER 2019 4. REPORT FROM INDEPENDENT HERITAGE EXPERT - ARCHITECTURAL PROJECTS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – ACTING PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>NORMA SHANKIE-WILLIAMS - TEAM LEADER STRATEGIC PLANNING</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES 5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

This report is to inform Council of the findings of an independent review of the Nomination for Local Heritage Listing of the Artarmon Bowling Club.

**MOTION**

**That Council:**

- 1. Note the findings of the independent review recommending the Artarmon Bowling Club site be listed as a Local Heritage Item on the basis of its historic, social and representative significance.**
- 2. Include the Artarmon Bowling Club, the bowling green, Club house and surrounding landscaping as an item of Local Heritage Significance in the draft Willoughby Local Environmental Plan for exhibition and on the basis of criteria (a) Historical significance, (d) Social Significance and (g) Representativeness.**

3. Prepare a Heritage Inventory Sheet for the Artarmon Bowling Club and include for exhibition in conjunction with the Willoughby Local Environmental Plan, based on the findings and recommendations of the independent review.

**MOVED COUNCILLOR COPPOCK**

**SECONDED COUNCILLOR SAVILLE**

**NOT PUT**

## **AMENDMENT**

**That Council:**

1. Note the findings of the independent review recommending the Artarmon Bowling Club site be listed as a Local Heritage Item on the basis of its historic, social and representative significance.
2. Note that the independent review notes that the clubhouse building has been modified and lost its integrity and does not demonstrate either aesthetic or rarity significance and that the building has the capacity for further adaptation, extension or modification.
3. Include the Artarmon Bowling Club as an item of Local Heritage Significance in the draft Willoughby Local Environmental Plan for exhibition.
4. Prepare a Heritage Inventory Sheet for the Artarmon Bowling Club and include for exhibition in conjunction with the Willoughby Local Environmental Plan, based on the findings and recommendations of the independent review.
5. Consider the recommendations of the independent review in the refinement of the concept designs for the Artarmon Parklands Pavilion.

**MOVED COUNCILLOR TUON**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**The amendment on being put to the meeting was CARRIED to become the motion.**

### **Voting**

**For the Amendment:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rutherford, Tuon and Zhu.

**Against:** Councillors Coppock, Saville and Wright.

**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, Rutherford, Tuon and Zhu.

**Against:** Councillors Coppock, Saville and Wright.

Councillor Coppock declared a non-pecuniary less than significant interest in this Item.  
(Nature of Interest: I am mentioned in the report.)

**15.9 REVIEW OF THE WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. PLANNING PROPOSAL 3. WLEP 2012 WITH TRACK CHANGES 4. WILLOUGHBY LOCAL PLANNING PANEL ADVICE (ATTACHMENTS 2-4 TO BE DISTRIBUTED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – ACTING PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JANE GIBSON – STRATEGIC PLANNER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO 3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

**PURPOSE OF REPORT**

The purpose of this report is to seek endorsement of a Planning Proposal which contains a comprehensive review of *Willoughby Local Environmental Plan 2012* and its forwarding to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

**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 comprehensive amendments to *Willoughby Local Environmental Plan 2012*.**
- 2. Be presented with a report which outlines the proposed amendments to the Willoughby Development Control Plan.**
- 3. Delegate authority to the Chief Executive Officer to make any amendments to the Planning Proposal which do not alter the intent or result in material changes and incorporate advice from the Department of Planning, Industry and Environment.**
- 4. In line with the *Willoughby Local Environmental Plan 2012* treatment of other school sites, rezone the Mowbray Public School site from R2 residential to SP2 education.**

**MOVED COUNCILLOR CAMPBELL**

**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, Rutherford, Tuon and Zhu.

**Against:** Councillors Coppock, Norton, Saville and Wright.

**15.10 PLANNING PROPOSAL - 100 EDINBURGH ROAD CASTLECRAIG**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b> <b>2. COUNCIL DETAILED ASSESSMENT</b> <b>3. PLANNING PROPOSAL AND DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS.</b> <b>4. ADDITIONAL INFORMATION PROVIDED BY THE PROPONENT.</b> <b>4A. ADDITIONAL INFORMATION PLANS</b> <b>5. RESPONSE FROM TRANSPORT FOR NSW</b> <b>6. WILLOUGHBY LOCAL PLANNING PANEL ADVICE</b> <b>(ATTACHMENTS 2-6 TO BE DISTRIBUTED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – ACTING PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN SHILLINGTON – STRATEGIC PLANNER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.4 - CREATE DESIRABLE PLACES TO BE AND ENJOY</b> <b>4.6 - FACILITATE THE VIABILITY AND VIBRANCY OF OUR VILLAGE CENTRES</b> <b>3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES</b> <b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

To provide Council with an assessment and recommendation on a Planning Proposal (PP 2020/05) to allow a mixed-use development including commercial and residential development at 100 Edinburgh Road Castlecrag.

**MOTION**

**That Council:**

- 1. Not support the Planning Proposal and draft amendments to *Willoughby Local Environmental Plan 2012* at 100 Edinburgh Road Castlecrag (being lot 1 DP 43691 and lot 11 DP 611594) to allow mixed development including commercial and residential development with a floor space ratio of 2:1 and maximum height limit ranging from 18.5m to 22.5m.**

2. Notify the proponent of Council's decision with advice that a reduced scheme in line with the *Willoughby Local Centres Strategy* could be supported.

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR MUSTACA

**NOT PUT**

## AMENDMENT

That Council:

1. Support the referral of the Planning Proposal and draft amendments to *Willoughby Local Environmental Plan 2012* at 100 Edinburgh Road Castlecrag (being lot 1 DP 43691 and lot 11 DP 611594) to gateway to allow mixed development including commercial and residential development with a floor space ratio of 2:1 and maximum height limit ranging from 18.5m to 22.5m.
2. Notify the proponent of Council's decision.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ERIKSSON

**LOST**

## Voting

**For the Amendment:** Councillors Eriksson, Rutherford and Wright.

**Against:** Councillors Fernandez, Mustaca, Norton, Saville, Tuon, and Zhu.

**Absent:** Councillors Coppock, Giles-Gidney and Campbell.

Councillor Coppock withdrew from the meeting at 8:32pm and did not return.



**AMENDMENT**

That Council defer this item to enable the Castlecrag Progress Association to consider the matter further.

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

The amendment on being put to the meeting was **CARRIED** to become the motion.

**Voting**

**For the Amendment:** Councillors Eriksson, Norton, Rutherford, Saville and Wright.

**Against:** Councillors Fernandez, Mustaca, Tuon and Zhu.

**Absent:** Councillors Coppock Giles-Gidney and Campbell.

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

**Voting**

**For the Motion:** Councillors Eriksson, Fernandez, Norton, Rutherford, Saville, Wright and Zhu

**Against:** Councillors Mustaca and Tuon.

**Absent:** Councillors Coppock, Giles-Gidney and Campbell.

Her Worship the Councillor Giles-Gidney withdrew from the meeting at 8:30pm and returned at 9:03pm having declared a non-pecuniary significant interest in this item.

*(Nature of Interest: I am a Member of the Sydney North Planning Panel.)*

Deputy Mayor Councillor Campbell withdrew from the meeting at 8:30pm and returned at 9:03pm having declared a non-pecuniary significant interest in this item.

*(Nature of Interest: I am a member of the Sydney North Planning Panel.)*

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

**15.11 ADOPTION OF THE FLAT ROCK CREEK FLOODPLAIN RISK  
MANAGEMENT STUDY AND PLAN**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. EXECUTIVE SUMMARY OF REPORT 3. FLAT ROCK CREEK FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN 4. ACTION PLAN INITIATIVES – MAPPED 5. COMMUNITY CONSULTATION SUMMARY (ATTACHMENTS 2-5 TO BE DISTRIBUTED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – ACTING PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SCOTT KAVANAGH – DESIGN ENGINEER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

To adopt the *Flat Rock Creek Floodplain Risk Management Study and Plan*. The report provides a summary of the Flat Rock Creek Floodplain Risk Management project findings and outcomes of the public exhibition and community consultation process.

**RESOLUTION**

**That Council adopt the Flat Rock Creek Floodplain Risk Management Study and Plan inclusive of all recommendations and proposed actions.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**COMMUNITY, CULTURE & LEISURE DIRECTORATE****15.12 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF LONG DAY CARE FEES**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. CHATSWOOD CBD - LONG DAY CARE FEES AND PROPOSED LONG DAY CARE FEES 3. CONSULTATION REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHAEL CASHIN – COMMUNITY LIFE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

For Council to note the summary of responses received during the public exhibition of the proposed fee increase for Devonshire Street Long Day Care Centre and adopt the recommended fee increases and schedule.

**MOTION**

**That Council:**

- 1. Note the summary of responses received during the public exhibition period of the proposed phased increase to Devonshire Street Children's Centre Long Day Care fees in the 2020/21 and 2021/22 financial years.**
- 2. Endorse the implementation of the phased increased fee increase by 15% in total for the Devonshire Street Children's Centre Long Day Care in the 2020/21 and 2021/22 financial years as detailed in Attachment 2 (Item 2.2) of the report.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR NORTON**

**NOT PUT**

**AMENDMENT**

That Council note the summary of responses received during the public exhibition period of the proposed phased increase to Devonshire Street Children's Centre Long Day Care fees in the 2020/21 and 2021/22 financial years.

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR RUTHERFORD**

**CARRIED**

The amendment on being put to the meeting was **CARRIED** to become the motion.

**Voting**

**For the Amendment:** Councillors Fernandez, Mustaca, Norton, Rutherford, Saville and Wright

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

**Absent:** Councillor Coppock.

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, Rutherford, Saville, Wright and Zhu.

**Against:** Councillors Tuon.

**Absent:** Councillor Coppock.

**15.13 ENDORSEMENT OF THE CONCOURSE PERFORMING ARTS SUBSIDY  
ROUND 2 AND OUT OF TERM COMMUNITY GRANTS APPLICATIONS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. RECOMMENDATIONS – THE CONCOURSE PERFORMING ARTS SUBSIDY 2020/21 3. RECOMMENDATION – COMMUNITY DEVELOPMENT (OUT OF TERM) 2020/2021</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHAEL CASHIN – COMMUNITY LIFE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

**PURPOSE OF REPORT**

To seek Council endorsement for the distribution of grant funds under The Concourse Performing Arts Subsidy (Round 2) and the Community Small Grants Program (Out of Term applications) for the 2020/21 Financial Year.

**RESOLUTION**

That Council:

1. Endorse the distribution of grant funds through The Concourse Performing Arts Subsidy – Round 2 (2020/2021) as follows:

**The Concourse Performing Arts Subsidy – Round 2**

- |    |                             |         |
|----|-----------------------------|---------|
| a. | Soulfood A Cappella:        | \$5,000 |
| b. | Sydney Eisteddfod:          | \$5,000 |
| c. | Willoughby Theatre Company: | \$5,000 |

2. Endorse the Out of Term distribution of grant funds through the 2020/21 Community Small Grants Program (Category 1A: Community Development) as follows:

**Cat 1A: Community Development – Out of Term**

- |    |  |         |
|----|--|---------|
| a. | Phoenix House Youth Services Incorporated: | \$4,000 |
| b. | LifeSource Community Care:                 | \$4,000 |

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**15.14 REQUEST FOR MEMORIAL PLAQUE AT NORTHBRIDGE BATHS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. REQUEST FOR MEMORIAL PLAQUES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD – OPEN SPACE COORDINATOR</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

To approve the request for a memorial plaque at Northbridge Baths by Mr Bruce Wilson.

**RESOLUTION**

**That Council approve the request for a memorial plaque at Northbridge Baths by Mr Bruce Wilson.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**15.15 ADOPTION OF THE O H REID RESERVE MASTER PLAN 2020**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. COMMUNITY CONSULTATION SUMMARY REPORT 3. O H REID RESERVE MASTER PLAN</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD – OPEN SPACE CO-ORDINATOR</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.5 – MAKE IT EASY FOR CITIZENS TO PARTICIPATE IN DECISION MAKING</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

To seek Council's endorsement of the final *O H Reid Reserve Master Plan* dated October 2020 post public consultation.

**MOTION**

That Council:

1. **Adopt the *O H Reid Reserve Master Plan 2020*.**
2. **Delegate authority to the Chief Executive Officer to make minor amendments to the *Master Plan for O H Reid Reserve* which do not alter the intent.**

**MOVED COUNCILLOR CAMPBELL**

**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, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**Absent:** Councillor Coppock.



## 16 NOTICES OF MOTION

### 16.1 NOTICE OF MOTION - PUBLIC TRANSPORT SERVICES

<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – ACTING PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANDREW GILLIES – STRATEGIC TRANSPORT PLANNER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

### PURPOSE OF REPORT

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

### MOTION

That Council:

1. Note with concern the changes to local Willoughby bus services (Region 8) and impact on commuters, including the discontinuation of route 136, 144, 257. While there has been some re-routing of existing and new services, the changes to these current services may cause significant disruption, extra travel times, bus changeovers and the longer walking requirements for patrons who are using these services for the Royal North Shore Hospital, Northern Beaches Hospital, Willoughby Leisure Centre and including services in the Castle Cove, Naremburn and St Leonards areas, Willoughby Girls and Chatswood High Schools and East Chatswood and Artarmon industrial areas.
2. Write to the Premier, The Hon Gladys Berejiklian MP, Transport Minister The Hon Andrew Constance, the Hon Jonathan O’Dea MP, the Hon Anthony Roberts MP and Transport for NSW, requesting a full review of the impact on users of the service and a reinstatement of any service which is discontinued.

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR GILES-GIDNEY**

**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, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**Absent:** Councillor Coppock.

**16.2 NOTICE OF MOTION: HOMELESSNESS**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHAEL CASHIN – COMMUNITY LIFE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES</b>
<b>MEETING DATE:</b>	<b>14 DECEMBER 2020</b>

---

**PURPOSE OF REPORT**

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

**MOTION**

**That Council brings back a report by mid-2021 outlining the number of people homeless (including sleeping rough) within the CBD each night.**

**Potential actions Council may take to provide support to the homeless locally including local housing opportunities, refuges, and alternative housing options.**

**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, Rutherford, Saville, Tuon, Wright and Zhu.

**Against:** Nil

**Absent:** Councillor Coppock.

**AMENDMENT**

**That Council:**

- 1. Receives a report outlining the extent of homelessness in the Willoughby LGA once the 2021 national census data has been released.**
- 2. Continues to support the North Sydney / Willoughby Homelessness Coordination Project.**

**MOVED COUNCILLOR CAMPBELL**

**SECONDED COUNCILLOR ZHU**

**WITHDRAWN**

## 17 CONFIDENTIAL MATTERS

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

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.

### 17.1 CONFIDENTIAL - SHOP 2 INVESTIGATION

#### Reason for Confidentiality

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

- (a) personnel matters concerning particular individuals (other than councillors)
- (e) information that would, if disclosed, prejudice the maintenance of law

This report discusses the governance arrangements in place to resolve the issues at Shop 2, The Concourse. The settlement arrangements are the subject of a confidential deed of agreement and are not to be disclosed to third parties. On balance, the public interest in preserving the confidentiality of information about this matter outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would make public issues related to the performance of individual staff members and breach the confidential deed of agreement already entered into.

### 17.2 CONFIDENTIAL - REMNANT PORTION OF SCOTT STREET WILLOUGHBY AND VOLUNTARY PLANNING AGREEMENT (RELATING TO THE CHANNEL 9 SITE)

#### Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) 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

This report discusses negotiations with the owner of 6-30 Artarmon Road Willoughby regarding the remnant portion of Scott Street Willoughby (adjacent to the Channel 9 Site). On balance, the public interest in preserving the confidentiality of information about this matter outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would provide a commercial advantage to an outside party with which Council is proposing to conduct business.

**17.3 CONFIDENTIAL - LEGAL SERVICES REPORT DECEMBER 2020****Reason for Confidentiality**

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

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

This report provides Councillors with information that assists them to understand the status of current legal matters. The release of this information would provide person(s) with whom Council conducts business or parties that are subject to legal proceedings details of Council's legal strategy, intentions and expenditure. On balance, it is not in the public interest to release information that, if disclosed, would compromise Council's legal prospects.

**PROCEDURAL MOTION**

That Council resolve into closed session.

**MOVED COUNCILLOR MUSTACA****SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Coppock.

Council moved into closed session at 9:46pm.

**17.1 CONFIDENTIAL - SHOP 2 INVESTIGATION**

**RECOMMENDATION**

That Council receive and note the report on the investigation into shop 2, The Concourse.

**MOVED COUNCILLOR FERNANDEZ**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Councillors Rutherford and Saville.

**Absent:** Councillor Coppock.

**17.2 CONFIDENTIAL - REMNANT PORTION OF SCOTT STREET WILLOUGHBY  
AND VOLUNTARY PLANNING AGREEMENT (RELATING TO THE  
CHANNEL 9 SITE)**

**RECOMMENDATION**

**That Council:**

- 1. Receive a further report outlining a mechanism that will ensure that no development opportunities can take place on the land and receive a second valuation for the remnant portion of Scott Street, Willoughby.**
- 2. Delegate authority to the Chief Executive Officer to execute the Voluntary Planning Agreement, involving monetary contributions towards upgrading the Willoughby Road/Artarmon Road/Small Street intersection and Walter Street Reserve, and provision of additional affordable housing.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Coppock.

**17.3 CONFIDENTIAL - LEGAL SERVICES REPORT DECEMBER 2020  
RECOMMENDATION**

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

**MOVED COUNCILLOR FERNANDEZ**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Coppock.

Councillor Coppock declared, a non-pecuniary significant interest in Item 17.3 Legal Services Report December 2020. Councillor Coppock withdrew from the meeting at 8:35pm and did not return.

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

**PROCEDURAL MOTION**

That the meeting resolve into open session of Council.

**MOVED COUNCILLOR CAMPBELL**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Coppock.

Council reverted to open session at 10:30pm.

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

**MOTION**

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

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Coppock.



## 18 QUESTIONS WITH NOTICE

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

**RESPONSIBLE OFFICER:** CHRIS BINNS – ACTING PLANNING AND  
INFRASTRUCTURE DIRECTOR

**AUTHOR:** IAN ARNOTT – PLANNING MANAGER

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

**MEETING DATE:** 14 DECEMBER 2020

---

#### QUESTION

I consider that my Question on Notice in the Council papers 9 November 2020 was not properly answered.

I have been advised to resubmit that question.

The question was:

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

As this question was not answered when asked in this form, I rephrase the question in the following manner.

1. An answer was provided in Item 18.1 on 12 October 2020 in the following form:

*"Council dealt with the proponents whose Planning Proposals had already received Council endorsement to proceed to Gateway at the DPIE. They were Develotek, Goldfields, Central Element, and H and R Vakilli."*

#### **Developtek**

- (a) Is the reference to Develotek, a reference to Developtek Property Group?

#### **Response**

No. The reference to Develotek is to Develotek Property Group (not Developtek). The exact applicant details are provided below in answer 1(b).

- (a1) If not, to who does it refer and what is the full name of the entity concerned?

#### **Response**

N/A.

- (b) If it is Developtek Property Group, on what date did Council approve their Gateway proposal?

**Response**

“Gateway proposal” is not an accurate term in the NSW Planning system. In the context of the question, the correct term to use is Planning Proposal.

- The Council does not approve Planning Proposals at Gateway – the Gateway is a function of the NSW Department of Planning, Industry and Environment (DPIE).
  - As of this date, DPIE have not issued any Gateway Determinations for any of the four Planning Proposals.
  - Four Planning Proposals involving Developtek Property Group have been supported by Council, following consideration at Council Meetings, to be forwarded to the Department of Planning, Industry and Environment Gateway for a Gateway Determination. They are:
    - A. 629 Pacific Highway  
Council Meeting date 12 February 2018  
Applicant details: DPG Project 23 Pty Ltd
    - B. 5-9 Gordon Avenue  
Council Meeting date 11 February 2019  
Applicant details: DPG Project 17 Pty Ltd
    - C. 54 to 56 Anderson Street  
Council Meeting date 25 June 2018  
Applicant details: DPG Project 18 Pty Ltd
    - D. 51 to 61 Archer Street, 34 to 34B Albert Avenue, and 30 to 32A Bertram Street  
Council Meeting date 24 September 2018
  - Applicant details: DPG Project 33 Pty Ltd
- (b1) If not, on what date was the Gateway Proposal approved by Council for the proponent that Council refers to as Developtek in the Council Agenda Item 18.1 12 October 2020?

**Response**

See answer above.

- (c) Is it correct that Developtek Property Group is involved with a development to deliver 600 apartments in Chatswood as is stated on the website ‘the urbandeveloper.com’?

**Response**

No. Developtek are not involved in a single Planning Proposal involving 600 apartments in Chatswood.

- (d) Is the relevant site of the Gateway Proposal located in Archer Street, Bertram Street and Albert Avenue of 5,420sqm and a further site of 5,000sq m located at Gordon Avenue, Anderson Street and Pacific Highway?

**Response**

The Planning Proposal site at 51 to 61 Archer Street, 34 to 34B Albert Avenue, and 30 to 32A Bertram Street is 5,434m2.

The area of other sites are:

- 629 Pacific Highway: 1,185m2
- 5-9 Gordon Avenue: 1,522m2
- 54 to 56 Anderson Street: 2,216m2

- (e) If not, which site does the Gateway Proposal relate to?

**Response**

N/A.

- (f) What is the status of this Gateway Approval?

**Response**

See answer above to question 1(b).

- (g)(i) Has a development application been received by Council for this Gateway Proposal?

**Response**

No.

- (g)(ii) If so, on what date was the development application received?

**Response**

N/A.

- (g)(iii) If it was received, at what stage is the processing of the development application?

**Response**

N/A.

**Goldfields**

- (f) Is the reference to Goldfields, to Gold Fields Residential Sydney Pty Ltd?

**Response**

The reference to Goldfields involves the applicant name Goldfields No. 1 Pty Ltd.

- (f1) If not, to who does it refer and what is the full name of the entity concerned?

**Response**

N/A.

- (i) If it is Gold Fields Residential Sydney Pty Ltd, is the parent company of this entity, Le Cao Holdings Pty Ltd?

**Response**

Unknown.

- (j) Did Council approve a Gateway Proposal for Gold Fields Residential Sydney Pty Ltd?

**Response**

Gateway proposal" is not an accurate term in the NSW Planning system. In the context of the question, the correct term to use is "Planning Proposal".  
No.

- (k ) If so, what was the date of that approval?

**Response**

N/A.

- (k1) if not, on what date was the Gateway Proposal approved by Council for the proponent that Council refers to as Goldfield in the Council Agenda Item 18.1 12 October 2020?

**Response**

One Planning Proposal involving Goldfields No. 1 Pty Ltd has been supported by Council, following consideration at a Council Meeting, to be forwarded to the DPIE Gateway for a Gateway Determination. The site is 871-877 Pacific Highway, at the Council Meeting 11 February 2019

- (l) What is the status of this Gateway Approval?

**Response**

With DPIE, awaiting Gateway Determination.

- (m)(i) Has a development application been received by Council for this Gateway Proposal?

**Response**

No.

- (m)(ii) If so, on what date was the development application received?

**Response**

N/A.

- (m)(iii) If it was received, at what stage is the processing of the development application?

**Response**

N/A.

**Central Element**

- (n) Is the reference to Central Element, a partnership based in North Sydney?

**Response**

Central Element have a North Sydney Office. The exact applicant is Ellis Street Development Pty Ltd.

- (o) If so, on what date did Council approve their Gateway proposal.

**Response**

“Gateway proposal” is not an accurate term in the NSW Planning system. In the context of the question, the correct term to use is “Planning Proposal”. With DPIE, awaiting Gateway determination.

- (o1) If not, on what date was the Gateway Proposal approved by Council for the proponent that Council refers to as Central Element in the Council Agenda Item 18.1 12 October 2020?

**Response**

At the Council meeting 12 November 2018, Council supported this Planning Proposal being forwarded to DPIE for a Gateway Determination.

- (p) Is it correct Central Element has a development site located at 15 Ellis St and 53 Pacific Highway Chatswood? Is this the Gateway Proposal site?

**Response**

No. The correct address is 753 Pacific Highway and 15 Ellis Street.

- (q) If not, which site does the Gateway Proposal relate to?

**Response**

N/A.

- (r) What is the status of this Gateway Approval?

**Response**

With DPIE, awaiting Gateway Determination.

- (s)(i) Has a development application by received by Council for this Gateway Proposal?

**Response**

No.

- (s)(ii) If so, on what date was the development application received?

**Response**

N/A.

- (s) (iii) If it was received, at what stage is the processing of the development application?

**Response**

N/A.

**H and R Vakilli**

- (t) On what date did Council approve the Gateway proposal relating to these people?.

**Response**

“Gateway proposal” is not an accurate term in the NSW Planning system. In the context of the question, the correct term to use is “Planning Proposal”.

H and R Vakilli have been involved in two Planning Proposals. The Planning Proposal for 58 Anderson Street was supported by Council to proceed to Gateway on 12 November 2018. It is currently with DPIE, awaiting Gateway Determination.

The Planning Proposal for 3-5 Help Street was supported by Council to proceed to Gateway on 11 February 2019. A Gateway Determination was issued by DPIE on 24 November 2020.

- (u) Is it correct that H and R Vakilli are proposing a 27 storey tower at 58 Anderson St Chatswood?

**Response**

No. 14 storeys are proposed on 58 Anderson Street.

- (v) Is this the site of their Gateway Proposal?

**Response**

The correct term is “Planning Proposal”. H and R Vakilli are involved in two Planning Proposals:

- 58 Anderson Street - The exact Applicant details are Parade Consulting Pty Ltd.
- 3-5 Help Street - The exact Applicant details are Parade Consulting Pty Ltd.

- (w) If not, which site does the Gateway Proposal relate to?

**Response**

See Answer above.

- (x) What is the status of this Gateway Approval?

**Response**

In regards 58 Anderson Street, the Planning Proposal is currently with DPIE, awaiting Gateway Determination.

- (y)(i) Has a development application been received by Council for this Gateway Proposal?

**Response**

No, not for 58 Anderson Street.

- (y) (ii) If so, on what date was the development application received?

**Response**

N/A.

- (y) (iii) If it was received, at what stage is the processing of the development application?

**Response**

N/A.

2. Council advised on 18 October 2020 that:

An approach was arrived at between Council and proponents in late 2019 to engage independent consultants to prepare studies addressing each of the matters raised by DPIE with a view to addressing concerns raised by DPIE.

Is this still correct? If not, what has changed?

**Response**

Yes.

3. Council advised on 18 October 2020 that:

ARUP were engaged to prepare documentation addressing transport issues. This process was outlined to DPIE on a number of occasions and supported, subject to the process being supervised by Council Officers (the Planning Manager and Strategic Planning Team) and Peer Reviewed by Transport for NSW.

Council Officers and Transport for NSW supervised the work and the proponents paid for the work.

The Peer Review on transport was undertaken by Transport for NSW at no cost to Council.

- (a) Is this still correct? If not, what has changed?

**Response**

Yes.

- (b) What monies did each of the proponents named by Council and identified above pay to ARUP?

**Response**

Not known

- (c) Does Council have an invoice for all the work done by ARUP in this brief or briefs?

**Response**

No. Council did not commission the work. It oversighted the work with TfNSW and DPIE.

- (d) If so, what is the total figure of these invoices?

**Response**

N/A.

- (e) What date was any monies paid by Council or the proponents to this consultant?

**Response**

No money was paid by Council to ARUP in respect to the work done in response to the DPIE letter dated 9 August 2019 regarding the CBD Strategy. Not known regarding proponents.

4. Council advised on 18 October 2020 that:

SGS Economics and Planning were engaged, supervised and paid to prepare economic feasibility testing by Council Officers (the Planning Manager and Strategic Planning Team).

The cost for this work was \$26,224 using budget for Council's overarching task to renew the LEP and DCP.

- (a) Is this still correct? If not, what has changed?

**Response**

Yes.

- (b) What monies did each of the proponents named by Council and identified above pay to SGS Economics and Planning?

**Response**

Nil.

- (c) Does Council have an invoice for all the work done by ARUP in this brief or briefs?

**Response**

No. ARUP was not commissioned for this work. Council has invoices for the work commissioned by SGS Economics.

- (d) If so, what is the total figure of these invoices?

**Response**

For SGS as already stated on 18 October 2020, \$26,224

- (e) What date was any monies paid by Council or the proponents to this consultant?

**Response**

These invoices were paid on 28/11/2019, 20/12/2019, 17/01/2020, 28/02/2020 and 26/03/2020.

5. Council advised on 18 October 2020 that:

GMU were engaged to prepare documentation addressing urban design issues. Council Officers supervised and proponents paid for the work.

The Peer Review on urban design and heritage was undertaken by the DPIE Urban Design Team at no cost to Council.



- (a) Is this still correct? If not, what has changed?

**Response**

Yes.

- (b) What monies did each of the proponents named by Council and identified above pay to GMU?

**Response**

GMU was not commissioned for this work. No monies were paid by Council to GMU. Payments to proponents are unknown.

- (c) Does Council have an invoice for all the work done by ARUP in this brief or briefs?

**Response**

ARUP was not commissioned for this work. Council did not commission the work from GMU. Together with DPIE, Council oversighted the work.

- (d) If so, what is the total figure of these invoices?

**Response**

Not known.

- (e) What date was any monies paid by Council or the proponents to this consultant?

**Response**

No money was paid by Council to GMU. Payments to proponents are unknown.

6. Council advised on 18 October 2020 that:

Weir Phillips Heritage and Planning were engaged to prepare documentation addressing heritage issues.

The Peer Review on heritage was undertaken by the DPIE Urban Design Team at no cost to Council.

- (a) Is this still correct? If not, what has changed?

**Response**

Yes.

- (b) What monies did each of the proponents named by Council and identified above pay to GMU?

**Response**

Are we still talking about Weir Phillips? Regardless of either company and the work completed, not known.

- (c) Does Council have an invoice for all the work done by ARUP in this brief or briefs?

**Response**

Are we still talking about Weir Phillips? Regardless of either company and the work completed, no.

- (d) If so, what is the total figure of these invoices?

**Response**

Not known.

- (e) What date was any monies paid by Council or the proponents to this consultant?

**Response**

N/A.

7.

- (a) Is it correct that Council is required to provide a list of contracts, details of legal fees and consultancies expenses in the Quarterly Budget Review Statement where more than \$50,000 or 1 per cent of Council's estimated income from continuing operations, whichever is the lesser, is incurred?

**Response**

Yes, Clause 203(3) of the Local Government (General) Regulation 2005 (the Regulations) requires council to list contracts that have a value of equal to or more than \$50,000 or 1% council's estimated income from continuing operations, whichever is the lesser. The Regulations also require the report to include the expenditure to date for consultancies and external legal fees. Council has at all times satisfied these regulations.

- (b) If the answer to question 7(a) is yes, did Council provide any of the information provided in the answer to these Questions on Notice in the relevant Quarterly Budget Review Statement?

**Response**

No. It was less than \$50,000 or 1% of Council's estimated income and as such there was no legal requirement to do so.

- (c) If the answer to question 7(b) is yes, what was the date of relevant Quarterly Budget Review Statement?

**Response**

N/A.

- (d) If no details were provided in any Quarterly Budget Review Statement about the details set out in the questions and answers of this Question on Notice, why is this so?

**Response**

Refer to answer 7(b) above.

## **19 CONCLUSION OF THE MEETING**

The Council meeting concluded at 10:32pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council meeting held on 14 December 2020. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.