



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

on 10 May 2021

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1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY

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

Joining the meeting via Zoom Conferencing: Councillor Rutherford.

Officers

Ms Just (Chief Executive Officer), Ms Kendall (Customer & Corporate Director), Mrs Smith (Community, Culture & Leisure Director), Mr Phemister (Planning & Infrastructure Director), Mr Arnott (Planning Manager), Mr Binns (Design Construction Maintenance Group Manager), Mr Elliott (Economic Development Manager), Ms Charlton (Governance, Risk & Corporate Planning Manager), Ms Williams (Governance Team Leader), Ms Sheldrake (Governance Meeting Administrator), Mr Racchi (information Technology Team leader) and Mr Long (Network Support Officer).

2 DISCLOSURES OF INTERESTS

- Councillor Eriksson declared a non-pecuniary less than significant interest in Item 12:2: Minutes – Traffic Committee – meeting held 21 April 2021 as it relates to Item 6.10 Edinburgh Road and Linden Way Castlecrag – Traffic Management. Councillor Eriksson chose to remain in the meeting and take part in the discussion and voting on this item.
(Nature of Interest: I reside in Castlecrag near the intersection in question).
- Councillor Wright declared a non-pecuniary less than significant interest in Item 15.1: Investment Report for the month of April 2021. 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 Group with whom Council has investments).
- Chief Executive Officer, Ms Just declared a non-pecuniary significant interest in Item 15.4: Exemption to Tendering. Ms Just chose to leave the meeting and take no part in the discussion on this item.
(Nature of Interest: I am a Director of CivicRisk Mutual.)
- Councillor Giles-Gidney declared a non-pecuniary significant interest in Item 15.10: Planning Proposal – 44-52 Anderson Street Chatswood. 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 – 44-52 Anderson Street Chatswood. 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 Giles-Gidney declared a non-pecuniary less than significant interest in Item 15.12: Talus Street Reserve Parking Petition. Councillor Giles-Gidney chose to remain in the meeting and take part in the discussion and voting on this item. *(Nature of Interest: I am a patron of the Northern Suburbs Tennis Association).*
- Councillor Norton declared a non-pecuniary less than significant interest in Item 18.3: Questions on Notice from Councillor Coppock – 06/2021 – Properties at 688-692 and 627-629 Pacific Highway Chatswood. Councillor Norton chose to remain in the meeting and take part in the discussion and voting on this item. *(Nature of Interest: Chatswood Public School is mentioned. I am employed by the Department of Education as a Senior Psychologist).*

3 CONFIRMATION OF MINUTES

MOTION

That the Minutes of the ordinary Council meeting held 12 April 2021, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

MOTION

That Council grant the application for a leave of absence by Councillors Coppock, Fernandez and Saville for the 10 May 2021 meeting.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Note:

Councillors Coppock, Fernandez and Saville tendered an apology and requested a leave of absence be granted for the 10 May 2021, Council meeting.

5 PETITIONS

5.1 PETITION - 277 BUS ROUTE, CASTLE COVE

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER

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

MEETING DATE: 10 MAY 2021

PURPOSE OF REPORT

To table a petition received from Head Petitioner Nadine Cornet relating to the 277 bus route containing 16 signatures.

MOTION

That Council receive and note the petition relating to the 277 bus route, Castle Cove.

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR MUSTACA

CARRIED

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

Voting

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

Against: Nil

6 OPEN FORUM — MATTERS NOT ON THE AGENDA

NIL

7 MAYORAL MINUTE

NIL

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

NIL

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

15.12 TALUS STREET RESERVE PARKING PETITION

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

AUTHOR: MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR

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

MEETING DATE: 10 MAY 2021

PURPOSE OF REPORT

To provide Council with further information regarding the request from petitioners to amend parking signage at Talus Street Reserve.

MOTION

That Council defer this matter to the 15 June 2021 ordinary Council meeting.

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR ROZOS

CARRIED

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

Voting

For the Motion: Councillors Giles-Gidney, Mustaca, Norton, Rozos, Rutherford,

Against: Councillor Campbell, Eriksson, Wright, Tuon and Zhu.

The vote being even the Mayor used her casting vote FOR the motion.

Note:

Councillor Giles-Gidney declared a non-pecuniary less than significant interest in this item.

16.2 NOTICE OF MOTION 08/2021 - COUNCIL AND NSW TO GO 100% RENEWABLE

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: DAVID ROBERTS – ENVIRONMENT MANAGER

CITY STRATEGY OUTCOME: 1.5 – REDUCE CARBON AND GREENHOUSE GAS EMISSIONS

MEETING DATE: 10 MAY 2021

MOTION

That Council defer this matter to the 15 June 2021 ordinary Council meeting.

MOVED COUNCILLOR WRIGHT / 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, Mustaca, Norton, Rozos, Rutherford, Tuon, Wright and Zhu.

Against: Councillor Rutherford.

10 MATTERS REQUIRING ELABORATION OR DEBATE

At the Mayor's invitation, Councillors identified the following items of business in the meeting agenda to be transacted individually:

- 12.2 Minutes – Traffic Committee – Meeting held 21 April 2021
- 15.4 Exemption to Tendering
- 15.6 Property Lease Portfolio
- 15.7 Remote attendance by Councillors at Council meetings – Consultation Paper
- 15.8 Legal Services Report – May 2021
- 15.10 Planning Proposal – 44-52 Anderson Street Chatswood
- 15.12 Talus Street Reserve Parking Petition
- 16.1 Notice of Motion 07/2021 – Vacancy Report on Council Properties
- 16.2 Notice of Motion 08/2021 – Council and NSW to Go 100% Renewable
- 16.3 Notice of Motion 09/2021 – 277 Bus Route
- 17.1 Confidential – Property Lease Portfolio
- 17.2 Confidential – Legal Services Report – May 2021

MOTION

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

- 12.1 **Draft Minutes – Audit, Risk and Improvement Committee Meeting held on 17 March 2021**
- 15.1 **Investment Report for the month of April 2021**
- 15.2 **Quarterly Budget Review 2020-21 March Quarter Report**
- 15.3 **Submission to IPart issues paper – Review of the Rate Peg to include Population Growth**
- 15.5 **Update on footway Dining outside 108 Hampden Road Artarmon**
- 15.9 **Development Assessment – Quarter 3 (1 January to 31 March 2021)**
- 15.11 **Outcome of public exhibition and adoption of Castle Cove Park Reserve Action Plan 2021**

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

11 PUBLIC FORUM — MATTERS ON THE AGENDA

- **15.10 - Planning Proposal – 44-52 Anderson Street, Chatswood**
Ian Cady, Mecone (planning consultant) addressed Council speaking for the officer's recommendation on this item.

Notes:

1. *The Mayor Councillor Giles-Gidney and Deputy Mayor Councillor Campbell declared a non-pecuniary significant interest in this item and left the chambers at 7:16pm and did not participate in the discussion or voting.*
2. *Former Deputy Mayor Councillor Eriksson assumed the Chair in the Mayor's and Deputy Mayor's absence.*

15.10 PLANNING PROPOSAL - 44-52 ANDERSON STREET, CHATSWOOD

RESPONSIBLE OFFICER: HUGH PHEMISTER – DIRECTOR PLANNING AND INFRASTRUCTURE

AUTHOR: CRAIG O'BRIEN – STRATEGIC PLANNER

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

MEETING DATE: 10 MAY 2021

PURPOSE OF REPORT

The purpose of this report is to seek endorsement for the forwarding of Planning Proposal 2021/1 for 44-52 Anderson Street, Chatswood, to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

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

MOTION

That Council:

1. Forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, with the following amendments to *Willoughby Local Environmental Plan 2012*:
 - a) To add Clause 5.6 'Architectural roof features', (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”
 - b) To amend Clause 6.8 (2) to include “Area 3 or Area 8 or Area 9” on the Special Provisions Area Map.
 - c) To amend Clause 6.10 “Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings” in part to the following:

6.10 Minimum lot sizes for attached dwellings, dual occupancies, secondary dwellings, multi dwelling housing, residential flat buildings and Shop top housing.

- (1) The objectives of this clause are:
 - (a) to achieve planned residential density in certain zones by:
 - (i) enabling development sites to be of sufficient size to provide adequate area for drainage, landscaping, and separation between buildings for privacy and solar and vehicular access, and
 - (ii) reducing the instances of isolated lots being left with reduced development potential.
 - (b) to increase the efficiency and safety of the road network by minimising the number of driveway crossings.
- (2) Development consent may be granted to development for a purpose shown in Column 1 of the Table to this subclause on a lot in a zone shown in Column 2 of that Table opposite that purpose, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of that Table.

Column 1	Column 2	Column 3
Shop top housing	B4 Mixed use	1,200 square metres

The remainder of this clause is unchanged.

- d) To amend Clause 6.23 (2) to include “Area 8” or “Area 12” on the Special Provisions Area Map.
- e) To add Clause 6.24 as follows:
 - “6.24 Minimum commercial floor space within the Mixed Use zone
 - Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 8 on the Special Provisions Area Map.”
- f) To amend the Land Zoning Map (Sheet LZN_004) for 44-52 Anderson Street, Chatswood, to B4 Mixed Use.
- g) To amend the Height of Buildings Map (Sheet HOB_004) for 44-52 Anderson Street, Chatswood, to 90 metres.
- h) To amend the Floor Space Ratio Map (Sheet FSR_004) for 44-52 Anderson Street, Chatswood, to 6:1 (including affordable housing).
- i) To amend the Special Provisions Area Map (Sheet SPA_004) to show 44-52 Anderson Street, Chatswood, as Area 8.
- j) To amend the Active Street Frontages Map (Sheet ASF_004) to include 44-52 Anderson Street, Chatswood, to include the Anderson Street, O’Brien Street and Day Street frontages.
- k) To amend the Lot Size Map (Sheet LSZ_004) to include 44-52 Anderson Street, Chatswood, with a minimum lot size of 2,500sq metres.

2. Subject to 1. above, endorse for public exhibition the Planning Proposal as amended, with the accompanying draft site specific Development Control Plan provisions.
3. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - a) To proceed as recommended.
 - b) To not proceed with the Planning Proposal.
4. Request that the Department of Planning, Industry and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning, Industry and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.
5. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which do not alter the policy intent.

MOVED COUNCILLOR WRIGHT / 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 Eriksson, Tuon, Wright and Zhu.

Against: Councillors Mustaca, Norton, Rozos and Rutherford

Absent: Councillors Giles-Gidney and Campbell.

The vote being even, former Deputy Mayor Councillor Eriksson used his casting vote **FOR** the motion.

12 REPORTS OF COMMITTEES

12.1 DRAFT MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 17 MARCH 2021

RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER AND 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:	10 MAY 2021

PURPOSE OF REPORT

To present to Council the draft minutes of the Audit, Risk and Improvement Committee meeting of the 17 March 2021.

RESOLUTION

That Council note the draft minutes of the Audit, Risk and Improvement Committee meeting of 17 March 2021.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR ERIKSSON

CARRIED EN BLOC

12.2 MINUTES - TRAFFIC COMMITTEE - MEETING HELD 21 APRIL 2021

RESPONSIBLE OFFICER: HUGH PHEMISTER- PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: GORDON FARRELLY – TRAFFIC & TRANSPORT TEAM LEADER

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

MEETING DATE: 10 MAY 2021

PURPOSE OF REPORT

To advise Council of the outcome of the latest Traffic Committee meeting held on 21 April 2021.

MOTION

That Council receive and adopt the recommendations arising from the Traffic Committee Meeting held on 21 April 2021 noting the following Local Traffic Committee's Recommendations be amended to:

1. Item 6.6: Ross Lane, Naremburn – Full time no parking restrictions:

“That Council approve the implementation of full time No Parking restrictions in Ross Lane, west side of the road, between Ross Street and Hutton Lane with a preference to retaining residential parking spots.”

2. Item 6.10: Edinburgh Road and Linden Way, Castlecrag – Traffic Management:

“That Council:

- *Approve the removal of the single speed cushion and associated signs in Linden Way from its current location at the intersection of Edinburgh Road and Linden Way.*
- *Note that an investigation will be undertaken to assess the feasibility to implement traffic management measures in Edinburgh Road, west of Linden Way, to reduce the illegal bypass of the speed cushion.*
- *Note that there is no funding available in Council's 2020/21 Traffic Management program for works at the intersection of Edinburgh Road and Linden Way and the traffic and pedestrian study. Funding for these initiatives will be sought in Council's 2021/22 Traffic Management Program and future years.*
- *Approve that the speed cushion in Edinburgh Road, west of Linden Way, be retained on a trial basis for a further six months.*
- *Approve investigations into alternate speed management solutions at Edinburgh Road and Linden Way to replace the speed cushion.”*

3. Item 7.1: Brook Street and Merrenburn Avenue:

“That Council request TfNSW to incorporate a left hand turn on red as part of the work they are considering with the introduction of a right hand turn arrow and phase for Brook Street southbound at Merrenburn Avenue.”

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED

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

Voting

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

Against: Nil

Notes:

1. Mayor Councillor Giles-Gidney returned to the meeting at 7:28pm and resumed the Chair.
2. Councillor Campbell returned to the meeting at 7:28pm.
3. Council recommitted Item 12.2 Minutes – Traffic Committee – Meeting held 21 April 2021, to allow officers to provide further clarification in relation to Item 6.6 – Ross Lane Naremburn – full time no parking restriction.
4. Councillor Eriksson declared a non-pecuniary less than significant interest in this item.

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 INVESTMENT REPORT FOR MONTH OF APRIL 2021

RESPONSIBLE OFFICER: LAURA KENDALL - CUSTOMER & CORPORATE DIRECTOR

AUTHOR: STEPHEN NAVEN – CHIEF FINANCIAL OFFICER

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

MEETING DATE: 10 MAY 2021

PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 30 April 2021 under section 625 of the *Local Government Act 1993*.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 30 April 2021.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR ERIKSSON

CARRIED EN BLOC

Note:

Councillor Wright declared a non-pecuniary less than significant interest in this item.

15.2 QUARTERLY BUDGET REVIEW 2020-21 MARCH QUARTER REPORT**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR**AUTHOR:** STEPHEN NAVEN – CHIEF FINANCIAL OFFICER**CITY STRATEGY OUTCOME:** 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**MEETING DATE:** 10 MAY 2021

PURPOSE OF REPORT

To provide a quarterly update on Council's progress towards achieving full year Operational Plan, Budget and Financial Performance targets and to report on financial performance during the third quarter (Q3) of the 2020/21 financial year (1 October 2020 to 31 March 2021). To seek Council approval on proposed budget adjustments and the carry-over of eight unspent project budgets from 2020/21 to 2021/22 in order to finalise all associated works.

RESOLUTION**That Council:**

1. **Note the Quarterly Budget Review 2020/21 – March Quarter.**
2. **Approve the increase in Grants & Contributions provided for Capital Purpose of \$84K.**
3. **Approve the increase in operating budget income (excluding capital income) of \$126K and a decrease in operating budget expense of \$2.5M resulting in a net positive impact of \$2.6M to the 2020/21 full year budget operating result before capital items.**
4. **Approve the decrease in Capital Expenditure for the 2020/21 Financial Year of \$6.2M.**
5. **Approve the deferral of eight projects into the 2021/22 financial year and approve carry-over budget of \$2M to fund these projects in the 2021/22 financial year (with \$43.7K funded from General Fund).**

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR ERIKSSON**CARRIED EN BLOC**

15.3 SUBMISSION TO IPART ISSUES PAPER - REVIEW OF THE RATE PEG TO INCLUDE POPULATION GROWTH

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: STEPHEN NAVEN – CHIEF FINANCIAL OFFICER

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

MEETING DATE: 10 MAY 2021

PURPOSE OF REPORT

To seek endorsement of a submission to the Independent Pricing and Regulatory Tribunal (IPART) which has been prepared to respond to the issues paper – *Review of the Rate Peg to include population growth* (the issues paper).

RESOLUTION

That Council:

- 1. Endorse the submission to IPART (Attachment 2) in response to the issues paper – *Review of the Rate Peg to include population growth*.**
- 2. Authorise the Chief Executive Officer to make amendments to the IPART submission which do not alter the scope, purpose or intent of the submission.**

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR ERIKSSON

CARRIED EN BLOC

15.4 EXEMPTION TO TENDERING

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: KIM HARDY – PROCUREMENT OFFICER

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

MEETING DATE: 10 MAY 2021

PURPOSE OF REPORT

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

MOTION

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

1. Software maintenance contract for core corporate system Infor Pathway.
2. Workers compensation insurance.
3. Waste disposal services for the disposal of street sweeping waste.
4. General insurance services being public liability, professional indemnity, casual hirer liability, crime, property, councillors and officers liability, motor vehicle, personal accident and public and products liability.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR 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, Mustaca, Rozos, Tuon, Wright and Zhu.

Against: Councillors Norton and Rutherford,

Note:

The Chief Executive Officer declared a non-pecuniary significant interest in this item and left the meeting at 7:48pm, returned at 7:55pm and did not take part in the discussion.

**15.5 UPDATE ON FOOTWAY DINING OUTSIDE 108 HAMPDEN ROAD,
ARTARMON****RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE
DIRECTOR****AUTHOR: TERRY CARROLL –PROPERTY STRATEGY
SPECIALIST****CITY STRATEGY OUTCOME: 4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF
OUR VILLAGE CENTRES****MEETING DATE: 10 MAY 2021**

PURPOSE OF REPORT

To provide Council with information on the outcomes of a six-month trial of licensed footway dining in front of 108 Hampden Road, Artarmon.

RESOLUTION

That Council notes a six-month trial of licensed footway dining in front of 108 Hampden Road, Artarmon did not identify concerns that would warrant discontinuing footway dining at this location.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR ERIKSSON**CARRIED EN BLOC**

15.6 PROPERTY LEASE PORTFOLIO

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: TERRY CARROLL – PROPERTY STRATEGY SPECIALIST

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

MEETING DATE: 10 MAY 2021

PURPOSE OF REPORT

The purpose of this report is to present a monthly status update of Council's property lease portfolio.

MOTION

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

MOVED COUNCILLOR CAMPBELL / 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, Mustaca, Norton, Rozos, Rutherford, Tuon, Wright and Zhu.

Against: Nil

15.7 REMOTE ATTENDANCE BY COUNCILLORS AT COUNCIL MEETINGS - CONSULTATION PAPER

RESPONSIBLE OFFICER:	LAURA KENDALL – 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:	10 MAY 2021

PURPOSE OF REPORT

To seek endorsement of the submission to the Office of Local Government (OLG), which has been prepared to respond to the consultation paper – *Remote Attendance by Councillors at Council Meetings* (the consultation paper).

MOTION

That Council endorse the submission to the Office of Local Government in response to the consultation paper – *Remote Attendance by Councillors at Council Meetings* subject to the following paragraph being amended to include:

“Supports other measures outlined in the consultation paper regarding councillor behaviour, and mechanisms for enforcement of each council’s Code of Meeting Practice. Noting that the proposed amendments will require a councillor to ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public, it is respectfully suggested that further consideration be given as to how this can be assured.”

MOVED COUNCILLOR WRIGHT / 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, Eriksson, Mustaca, Rozos, Rutherford, Tuon, Wright and Zhu.

Against: Councillors Norton and Campbell.

15.8 LEGAL SERVICES REPORT - MAY 2021

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

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

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

MEETING DATE: 10 MAY 2021

PURPOSE OF REPORT

To present for noting the legal services report for May 2021.

MOTION

That Council receive the legal services report for May 2021.

MOVED COUNCILLOR CAMPBELL / 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, Mustaca, Norton, Rozos, Rutherford, Tuon, Wright and Zhu.

Against: Nil

PLANNING & INFRASTRUCTURE DIRECTORATE**15.9 DEVELOPMENT ASSESSMENT - QUARTER 3 (1 JANUARY TO 31 MARCH 2021)**

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	10 MAY 2021

PURPOSE OF REPORT

To provide Council with details relating to development assessment for quarter 3 (1 January to 31 March 2021).

RESOLUTION

That Council notes:

1. The variations to development standards and development applications determined under delegated authority during quarter 3 (1 January to 31 March 2021).
2. The current development applications list as at 6 April 2021.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR ERIKSSON

CARRIED EN BLOC

**15.11 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF CASTLE COVE
PARK RESERVE ACTION PLAN 2021**

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NICHOLAS YU – NATURAL ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	10 MAY 2021

PURPOSE OF REPORT

To report on the submissions received in response to the public exhibition and to seek Council's adoption of the *Castle Cove Park Reserve Action Plan 2021*.

RESOLUTION

That Council:

- 1. Adopt the *Castle Cove Park Reserve Action Plan 2021*.**
- 2. Delegate authority to the Chief Executive Officer to make minor amendments to the *Castle Cove Park Reserve Action Plan 2021* which do not alter the intent.**

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR ERIKSSON

CARRIED EN BLOC

16 NOTICES OF MOTION

16.1 NOTICE OF MOTION 07/2021 - VACANCY REPORT ON COUNCIL PROPERTIES

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: TERENCE CARROLL - STRATEGIC PROPERTY SPECIALIST

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

MEETING DATE: 10 MAY 2021

PURPOSE OF REPORT

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

MOTION

It is recommended that vacant Council properties form part of the Open Property Report that is tabled each month.

MOVED COUNCILLOR GILES-GIDNEY / SECONDED COUNCILLOR WRIGHT

CARRIED

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

Voting

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

Against: Nil

16.3 NOTICE OF MOTION 09/2021 - 277 BUS ROUTE

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY – TRAFFIC & TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY
MEETING DATE:	10 MAY 2021

PURPOSE OF REPORT

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

MOTION

That Council support the petition requesting a minor change to the 277 bus route and request that TfNSW reroute the 277 bus via Denawan Road, Castle Cove.

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR ROZOS

CARRIED

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

Voting

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

Against: Nil

17 CONFIDENTIAL MATTERS

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

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

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

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

That Council resolve into closed session.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MUSTACA

CARRIED

The Motion on being put to the meeting was **CARRIED** to become a resolution of Council

Voting

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

Against: Nil

Note:

Council moved into closed session at 8:14pm.

PROCEDURAL MOTION - MOVE INTO OPEN SESSION

That the meeting resolve into open session of Council.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ERIKSSON

CARRIED

The Motion on being put to the meeting was **CARRIED** to become a resolution of Council

Voting

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

Against: Nil

Notes:

- 1. Council moved into open session at 8:28pm.*
- 2. The Chair reported the following confidential resolutions passed in closed session.*

17.1 CONFIDENTIAL - PROPERTY LEASE PORTFOLIO

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: TERRY CARROLL – STRATEGIC PROPERTY OFFICER

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

MEETING DATE: 10 MAY 2021

REASON FOR CONFIDENTIALITY

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

This report is confidential as disclosure of information in it could put Council at a commercial disadvantage in its future dealings with Council's tenants and would also make public commercially confidential information pertaining to the tenancies.

PURPOSE OF REPORT

The purpose of this report is to present a monthly status update of Council's property lease portfolio.

RECOMMENDATION

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

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Wright.

Note:

Councillor Wright left the meeting at 8:18pm.

17.2 CONFIDENTIAL - LEGAL SERVICES REPORT - MAY 2021

RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	10 MAY 2021

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.

PURPOSE OF REPORT

To present for noting confidential matters that relate to the legal services report for May 2021.

RECOMMENDATION

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

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Note:

Councillor Wright returned to the meeting at 8:19pm.

PROCEDURAL MOTION

That the recommendations formed in closed session of Council be adopted.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MUSTACA

CARRIED

The Motion on being put to the meeting was **CARRIED** to become a resolution of Council

Voting

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

Against: Nil

18 QUESTIONS WITH NOTICE

18.1 QUESTION ON NOTICE FROM COUNCILLOR COPPOCK - 04/2021 - QUESTIONS FROM RESIDENTS

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CHRIS BINNS – DESIGN, CONSTRUCTION & MAINTENANCE GROUP MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	10 MAY 2021

QUESTION

These questions arise out of questions from residents.

1. **What safety precautions has Council undertaken in respect to the open water channel that runs parallel to Northcote Street, Naremburn from Chandos Street to Dalleys Rd?**

Council has undertaken channel repairs in the section from Mitchell St to Dalleys Road. Fencing repairs have also been undertaken in Talus Reserve from Evans Lane to Lane W171.

Council's Safe Inlet Design Program has identified the unfenced channel section west of Mitchell Street requires future safety treatment. This has been proposed for a funding allocation in the draft 2021/22 Operational Plan as part of project bid 301918.

2. **In the last five years what works have Council undertaken in respect to a stormwater drain in East Naremburn in Market St or Garland St?**

In recent years Council has undertaken a number of projects at the above locations. They include:

- Relining a pipe in 2017/18 that was in poor condition from Market Street to Garland Road, upstream of 22 Garland Road.
- Performing maintenance works in 2019/20 on a pit and pipeline through 23-25 Garland Road.
- Reconstructing the stormwater system under Market Street as part of the 2020/21 Operational Plan.

3. **If any such works have been undertaken, exactly were these works?**

As detailed above.

4. **If these works have been undertaken what subterranean issues did Council find in undertaking the works?**

No excessive seepage or ponding of ground water was evident during the excavation of trenches or construction works. The ground beneath the road surface appeared normal.

5. **Has Council received reports of land slippage over time at the eastern end of Market St Naremburn and the northern end of Adolphus St?**

The Design & Infrastructure Team and the Bushland team who have been involved in projects in this area have not identified or received reports on land slippage. Anyone wishing to report incidents of land slippage can contact Council on 9777-1000 or by email at email@willoughby.nsw.gov.au.

6. **Has Council undertaken any work to ascertain the state of the road foundations in Garland, Market, King, High and Adolphus Streets, Naremburn?**

As part of a pro-active asset management program Council undertakes a comprehensive Road Pavement Survey every four years. That program assists in the prioritisation of annual road maintenance and renewal schedules.

The next Road Pavement Survey is due in 2021/22. It is a road surface condition assessment and although it can indicate road foundation failure, geotechnical investigation including road subgrade drilling and testing are not undertaken unless specific concerns have been raised or identified. Anyone wishing to report road related concerns can contact Council on 9777-1000 or by email at email@willoughby.nsw.gov.au

7. **Councillors received a letter via email from Somerville Legal on or about 7 April 2021 concerning a Submission – Request to amend Schedule 1 of Draft Willoughby LEP Premises: Lot 6 in Strata Plan 60959 (located at 36 Burke Lane, Naremburn). What are the Officers' view on the issues raised in this submission?**

A letter dated 7 April 2021 has been received by Council regarding 36 Burke Lane Naremburn. The site is within an R3 Medium Density Residential Zone, within which single dwellings are a prohibited use. The letter seeks inclusion of that use in the LEP as an additional permitted use for this site.

An email response has been sent Somerville's stating the following:

"Your client has been advised by Council staff that the request to amend Schedule 1 is unlikely to be supported. Council is currently making preparations to exhibit a comprehensive Local Environmental Plan. Should your client wish to pursue the matter, a submission can be made when the LEP is on exhibition".

8. **If in response to question 7 the answer is in the negative, can the Officers outline the reasons for taking this view?**

Inclusion in Schedule 1 to the LEP of a single dwelling use on this site would be unlikely to be supported due to this being an R3 Zone. Such a use is against the objectives of the R3 Zone which is focused on medium density development and would set a poor precedent in the Council area.

9. **I have been approached by a representative of residents of 7 -13 Hebert St, St Leonards with an inquiry. That inquiry is that for the past 12 months Council has refused to service the garbage bins at this address.**

- **Is this so?**
- **If so, why?**
- **What is the resolution to the issue as the residents all pay Council rates, if garbage is not being collected?**

Council has not refused to provide waste services to 7-13 Herbert Street (220 units) and has continuously provided twice-weekly garbage, weekly recycling and clean-up services. Council contractor's trucks retain video footage as evidence. Council has liaised with the building manager and contractor on a number of occasions to provide an efficient and sustainable waste service. Council's Waste Team have undertaken research to identify solutions to the existing waste and recycling situation, and provided recommendations to effectively resolve those issues.

On 18 November 2019 the building manager at 7-13 Herbert Street emailed Council. On 26 November Council's Waste Team Leader met with the building manager and inspected the bin room. Communication continued throughout November and December to resolve the issues associated with the bin room and bins.

On 3 March 2020, Council received a referral of complaint from NSW Ombudsman. The building manager had lodged a complaint about Council refusing to respond to his emails. This complaint was incorrect, records demonstrate that four emails or onsite meetings were provided throughout November and December 2019 where Council actively assisted the building manager.

On 15 September 2020, the building manager requested more recycling bins. On 18 September 2020 Council's Waste Operations Team delivered recycling bins (CSR# 534019).

On 6 November 2020, Council was informed that the bin room and garbage chute were upgraded and building management had procured their own plastic bulk garbage bins. The Waste Team coordinated with the waste contractors (JJ Richards) to remove and dispose of the metal (1500L) bins.

On 17 February 2021, the Building Manager requested additional 240 litre recycling bins up to the limit of the building's entitlement and they were delivered on 19 February 2021 (CSR# 544910).

10. **For decades Council's street sweepers in the Council have operated on a fortnightly rotation. This regularity has changed done now to intermittent and irregular street operations being between 4 to 5 weeks visits. Why is this? What is the policy or operational issues behind this change?**

The street sweeping schedule is generally fortnightly, which has been the case for many years. That program is subject to all machinery being operational, but can at times be affected by breakdowns, in which case we prioritise certain high activity locations. Given the ageing nature of one of our two road sweepers, we have tendered for and purchased a new road sweeping machine and expect delivery before the end of May 2021. In line with asset renewal plans and funding availability, our second road sweeping machine will be replaced next financial year.

11. **What audits are carried out on the contractors engaged by Council for garden maintenance and street speed traffic calmer gardens? Please include the frequency and manner that the audits occur so that an understanding of what is occurring can be obtained if audits do occur.**

Auditing for the maintenance of gardens in our Local Area Traffic Management (LATM's) devices is by visual inspection. The contract is supervised by Council's Recreation Assets Officer and whilst driving around the LGA undertaking park inspections and triaging customer service requests, he sees the majority of LATM's. Targeted visits are made to LATM's in less regularly travelled back streets.

Each inspection checks the condition of plants, weed growth and litter. Where necessary, work is referred to the contractors for attention in line with maintenance standards or if a site appeared to have been missed in the contractor's program of work.

Unfortunately, landscape works are sometimes vandalised, in particular through the theft of new plantings for what appears to be private use. Some incidents are reported as Customer Service Requests. Mostly, they are noticed and rectified by Council staff as part of their normal duties.

Anyone wishing to report concerns about the condition of gardens in our LATM's can contact Council on 9777-1000 or by email at email@willoughby.nsw.gov.au

12. **At the end of 2020 in a zoom conference with a fellow councillor in a discussion about the rescission motion on the LEP, it was agreed that the rescission motion be withdrawn provided:**

- **the Councillors be provided with the letter forwarding the draft LEP to the DPIE and**

All Councillors were advised by email at 6.07pm on 4 February 2021 that the explanatory information and a copy of the letter to DPIE had been placed within the public domain on the Council website. The text from that email is provided below:

Good afternoon Councillors,

You will recall that a number of questions have been raised about the process by which development proponents commissioned and paid for consultancy reports to address the requirements of DPIE in their consideration of Council's Chatswood CBD and Urban Design Strategy 2036.

We have now provided explanatory information on Council's website, including a link to the letter sent to DPIE which confirmed the arrangements. The information can be viewed at <https://www.willoughby.nsw.gov.au/Council/News-and-media/Chatswood-CBD-Planning-and-Urban-Design-Strategy-2036>

Kind regards and FYI

Chris.....

- **a copy of this letter be placed into the public domain, and**

As detailed above, the information [has been available to the public since 4 February 2021 and](https://www.willoughby.nsw.gov.au/Council/News-and-media/Chatswood-CBD-Planning-and-Urban-Design-Strategy-2036) can be viewed at:

<https://www.willoughby.nsw.gov.au/Council/News-and-media/Chatswood-CBD-Planning-and-Urban-Design-Strategy-2036>

- **that a copy of the minutes of the meeting between Council Planning staff and developers or their representatives who paid for planning reports detailed in question on notice in certain council papers in 2020.**

Minutes relating to all meetings to progress the CBD Strategy related to the substance of the Strategy itself. The comment by the proponents about what they would do to progress their proposals to satisfy DPIE requirements was not noted in that context, as any work done by them would be subject to further probity checks as agreed by Council staff and DPIE staff. Minutes of all meetings that talk more generally about the work at hand were supplied in response to recent GIPAA request processes.

- **Neither of these actions has been completed by Council Officers at the time of submitting these questions.**

When will this agreement be honoured? It is now over 4 months since the meeting.

The subject actions were completed by Council Officers on 4 February 2021.

**18.2 QUESTIONS ON NOTICE FROM COUNCILLOR SAVILLE - 05/2021 -
ABORIGINAL LAND AT TALUS**

RESPONSIBLE OFFICER: MELANIE SMITH – COMMUNITY CULTURE &
LEISURE DIRECTOR

AUTHOR: MELANIE SMITH – COMMUNITY CULTURE &
LEISURE DIRECTOR

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

MEETING DATE: 10 MAY 2021

1. To what extent is the Aboriginal Land claim at Talus a critical matter for councillors as council is manager of the Crown land within the LGA, including at Talus Reserve?

Council has no formal role in the assessment or determination of the Aboriginal Land Claim. This is a matter for the Minister for Water, Property and Housing (currently Ms Melinda Pavey) and her Department to determine. The Minister is being advised on the claim by the Aboriginal Land Claim Assessment Team, Crown Lands within the Department of Planning, Industry and Environment (DPIE). Councillors have been briefed and will continue to be briefed with relevant information relating to the Aboriginal land Claim at Talus Street Reserve and any other matters pertinent to their management of Crown Lands, such as the preparation and endorsement for referral to the Minister of Plans of Management.

2. Is it true that that the Aboriginal Land Claim was lodged in 2013, and that the claim is currently being processed?

The Department has advised Council that an Aboriginal Land Claim was lodged on 28 October 2013. It has been under assessment since it was received.

3. Has council been involved in leasing of the land since that time?

Since the Aboriginal Land Claim was lodged in October 2013, NSTA has been in occupation of the Tennis Facilities at Talus Street Reserve, under a Lease granted by Council in December 2000. They have been under a 'Tenancy at Will' since the expiration of the Lease in April 2018. No other part of the reserve has been the subject of a Lease or Licence.

4. What formal correspondence has council provided councillors with regards to the Aboriginal land claim, to assist councillors gain further understanding of council's position regarding this matter?

A number of Councillor Briefings and Council Reports have provided updates to Councillors on the Aboriginal Land Claim. These include:

Reports to Council:

- 13 February 2017
- 23 April 2018
- 12 April 2021

Councillor Briefings:

- 3 April 2018
- 6 April 2021

5. Have councillors been provided with all copies of correspondence to the relevant ministers and departments related to the Aboriginal land claim at Talus?

At the 6 April 2021 Councillor Briefing, a summary of correspondence sent by Council's Chief Executive Officer to DPIE was provided.

No other formal correspondence relating to the Aboriginal Land Claim has been undertaken.

6. Is it correct that councillors comprise the "governing body" of our council (as stipulated in section 222 of the Local Government Act), and with respect to this ongoing Talus matter and, in particular the resolution of the Aboriginal Land Claim over Talus, (note section 223(1) of the Local Government Act includes the following roles of a local council's governing body:

- (b) to provide effective civic leadership to the local community,**
- (k) to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,**
- (l) to be responsible for ensuring that the council acts honestly, efficiently and appropriately.**

Yes, Council is the governing body of the Talus Street Reserve as stipulated in the *Local Government Act 1993*.

As indicated above, determination of the Aboriginal Land Claim is a matter for the Minister and her Department to resolve.

To date, there have been no decisions for Councillors to make in relation to the Aboriginal Land Claim.

Council Officers have responded to requests for information from the Department concerning the use of Talus Street Reserve at the time of the claim, to assist the Department in its assessment of whether the reserve is "claimable crown land" under the *NSW Aboriginal Land Rights Act 1983*.

7. Does council support Aboriginal people as the first nation people of Australia, their culture, heritage and claims for land?

Council plays an active role in supporting Aboriginal people and their culture via a number of mechanisms as outlined below:

- A member Council supporting the Aboriginal Heritage Office.
- Ongoing support for, and participation in the Gai-Mariagal Festival and NAIDOC week events.
- Visual Arts exhibitions of Aboriginal Artists e.g. Desert Colours, Shaping Wit.
- Partner with the Aboriginal Heritage Office to organise and run walks and talks on Aboriginal sites within the LGA.
- Acknowledgement of Country is carried out at the commencement of Council Meetings and other significant events.
- Welcome to Country is carried out at Citizenship Ceremonies, Australia Day and other significant events.
- Development of an 'Aboriginal Heritage' webpage for the Library Services website.

8. When will councillors receive a fulsome briefing, and copies of correspondence related to the Aboriginal Land claim?

Councillors received a briefing as recently as 6 April 2021. A copy of the correspondence was provided at that Briefing and there has been no further correspondence with the Department since.

The claim is yet to be determined by the Minister. When Council has been notified of the claim outcome, it will be communicated immediately with Councillors.

**18.3 QUESTIONS ON NOTICE FROM COUNCILLOR COPPOCK - 06/2021 -
PROPERTIES AT 688-692 AND 627-629 PACIFIC HIGHWAY CHATSWOOD**

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	10 MAY 2021

1. In the years 2020 and 2021, what applications has Council received in respect to the property 688 – 692 Pacific Highway Chatswood?

No Development Applications or Planning Proposal applications were received for properties 688-692 Pacific Highway, Chatswood in 2020 or 2021.

2. In the years 2020 and 2021, what applications has Council received in respect to the property 627 – 629 Pacific Highway Chatswood?

No Development Applications were received for 627-629 Pacific Highway, Chatswood in 2020 or 2021. A Planning Proposal application (PP2021/4) was received on 21 April 2021 for properties 613-627 Pacific Highway, Chatswood.

3. In the years 2020 and 2021, what correspondence has Council received in respect to the property 688 – 692 Pacific Highway Chatswood?

Informal discussions including some email correspondence has occurred regarding the potential for a future easement for stormwater drainage from the site through the adjoining Kenneth Slessor Park in conjunction with any future redevelopment of the site.

4. In the years 2020 and 2021, what correspondence has Council received in respect to the property 627 – 629 Pacific Highway Chatswood?

Other than lodgement of information associated with the Planning Proposal no other correspondence received.

5. In the years 2020 and 2021, what meetings have Council Officers conducted in respect to the property 688 – 692 Pacific Highway Chatswood?

A meeting was held on 28 January 2021 between Council officers (Chris Binns and Norma Shankie-Williams) and representatives of Aqualand (Andrew Cooper and Jeff Ellis).

6. If there have been meetings what has been the outcome of these meetings between Council Officers and the meeting attendee(s) for each meeting in respect to the property 688 – 692 Pacific Highway Chatswood?

The meeting was requested by Aqualand for a proposal to dedicate the subject site to Council in return for transfer of floor space to other sites within the CBD. Council officers raised concern with the principle of transferring planning rights to other sites and highlighted the sensitivities around height and floor space on the other sites cited (Archer, Albert, Bertram block and 629 – 637 Pacific Highway). Ian Arnott reiterated this position in a subsequent phone conversation with Jeff Ellis.

7. In the years 2020 and 2021 what meetings have Council Officers conducted in respect to the property 627 – 629 Pacific Highway Chatswood?

A Pre- Planning Proposal meeting was held on 24 February 2021 between Council Officers (Ian Arnott, Norma Shankie-Williams, Craig O'Brien and Andrew Gillies) and representatives of the proponent (Jim Murray, Sarah Papalia, Stanley Lei and George Wang). The property 629 – 637 Pacific Highway was referred to in the meeting of 28 January 2021 as outlined above.

8. If there have been meetings what has been the outcome of these meetings between Council Officers and the meeting attendee(s) for each meeting in respect to the property 627 – 629 Pacific Highway Chatswood?

Detailed written comments provided following the Pre-Planning Proposal meeting stating that the strategic merit in exploring a mixed use development on this site is recognized and discouraging any variations to the adopted CBD Strategy.

Note:

Councillor Norton declared a non-pecuniary less than significant interest in this item.

19 CONCLUSION OF THE MEETING

The Council meeting concluded at 8:29pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the ordinary Council meeting held on 10 May 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.