



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chamber, Level 6, 31 Victor Street, Chatswood

on 20 April 2020

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## 1 PRESENT

**Her Worship the Mayor Councillor G Giles-Gidney**

**Joining the meeting via Zoom Conferencing: Councillors C Campbell, H Eriksson, D Fernandez, T Mustaca, W Norton, A Rozos, J Rutherford, L Saville, C Tuon, N Wright and B Zhu**

### Officers

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

## 2 DISCLOSURES OF INTERESTS

- Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.4: Investment Report for the month of March 2020  
*(Nature of Interest: I am an employee of the Westpac Group with whom Council has investments)*
- Councillor Saville declared, via a Disclosures of Interest form, a pecuniary interest of Eddy Road, Chatswood and a less than significant interest in the rest of the paper for Item 15.5: Proposed Heritage Items  
*(Nature of Interest: I submitted a heritage nomination for 126 Greville Street. My family submitted heritage/conservation zone nominations for Eddy/ De Villiers. I live in Eddy Road, Chatswood. If the items are dealt with separately I believe I can make independent decision in community interest re 126 Greville Street. I will leave the meeting for discussion re proposal for Eddy/De Villiers as I have a pecuniary interest as a resident.)*
- The Mayor Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Confidential Item 17.2: Public Exhibition of Voluntary Planning Agreement relating to Planning Proposal at Walter Street and Willoughby Road  
*(Nature of Interest: I am a member of the Sydney North Planning Panel)*

## 3 CONFIRMATION OF MINUTES

### RESOLUTION

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

**That the Minutes of the Extraordinary Meeting of Council held 16 March 2020, copies of which have been circulated to each member of Council, be confirmed.**

That the Minutes of the Extraordinary Meeting of Council held 30 March 2020, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ROZOS

**CARRIED**

**Voting**

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

**Against:** Nil

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

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

#### **RESOLUTION**

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

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR CAMPBELL

**CARRIED**

**Voting**

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

**Against:** Nil

**5 PETITIONS**

NIL

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

NIL

## **7 MAYORAL MINUTE**

### **7.1 MAYORAL MINUTE - COVID-19 FINANCIAL SUPPORT**

**MEETING DATE:** 20 APRIL 2020

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#### **PURPOSE OF REPORT**

To seek Council's endorsement for lobbying Federal and State Governments to implement a range of economic stimulus measures and legislative changes to address the financial impact of COVID-19 on the local government sector.

#### **MOTION**

**That Council:**

- 1. Call on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.**
- 2. Call for packages incorporating measures as outlined in the Mayoral Minute.**
- 3. Commend the NSW and Federal Governments on their stewardship during this crisis and commitment to working in partnership to protect community health and sustain local economies through this crisis.**
- 4. Write to these local Federal and State Member(s):**
  - a) Prime Minister the Hon Scott Morrison MP, Federal Treasurer the Hon Josh Frydenberg MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese and Federal Shadow Minister for Local Government Jason Clare MP**
  - b) NSW Premier the Hon Gladys Berejiklian MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, NSW Opposition Leader Jodi McKay MP and NSW Shadow Minister for Local Government Greg Warren MP**

**to request their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.**
- 5. Endorse Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.**
- 6. Advise LGNSW President Linda Scott of the adoption of this Mayoral Minute.**

**MOVED COUNCILLOR GILES-GIDNEY**

**CARRIED**

**7.2 MAYORAL MINUTE – ANZAC DAY ARRANGEMENTS****MEETING DATE: 20 APRIL 2020**

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Mayor Giles-Gidney advised that special arrangements are in place for ANZAC day services due to COVID-19 restrictions. The ANZAC Dawn Service will be held at 6:00am in the Memorial Garden, Chatswood with only three attendees: Barney Flanagan, President and Welfare Officer, Chatswood RSL Sub-branch and Custodian of the Memorial Garden in Chatswood, Colonel David Ross CSC (Ret'd), Chatswood-Willoughby ANZAC Dawn Service Committee and the Mayor. The Mayor and Colonel Ross will then attend Club Willoughby for the laying of the wreath.

Police will be in attendance to ensure social distancing guidelines are followed in accordance with COVID-19 restrictions on gatherings.



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

NIL

**9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY**

NIL

**10 MATTERS REQUIRING ELABORATION OR DEBATE**

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

- Item 12.3 Minutes – Access and Inclusion Advisory Committee Meeting held 13 November 2019
- Item 15.2 Councillors' Superannuation Discussion Paper
- Item 15.3 Petitions Update
- Item 15.4 Investment Report for the month of March 2020
- Item 15.5 Proposed Heritage Items
- Item 15.6 Council Submission on Western Harbour Tunnel EIS
- Item 15.7 O.H. Reid Reserve Draft Master Plan – for public exhibition
- Item 16.1 Notice of Motion – Planning Decisions
- Item 16.2 Notice of Motion – 5G Technologies
- Item 17.1 Confidential – Legal Services Report March 2020
- Item 17.2 Confidential – Public exhibition of Voluntary Planning Agreement relating to planning proposal at Walter Street and Willoughby Road

**RESOLUTION**

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

- Item 12.1 Minutes – Willoughby Park Centre Advisory Committee Meeting held 27 August 2019**
- Item 12.2 Minutes – Willoughby Seniors' Advisory Committee Meeting held 12 November 2019**
- Item 15.1 Legal Services Report March 2020**
- Item 15.8 Sports Facilities Plan of Management – adoption**
- Item 15.9 Memorial Plaque – Christopher John Hopwood**

**MOVED COUNCILLOR ZHU****SECONDED COUNCILLOR ERIKSSON****CARRIED****Voting**

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

**Against:** Nil

## 11 PUBLIC FORUM — MATTERS ON THE AGENDA

Due to the restrictions on public gatherings imposed by Public Health Orders, members of the community were invited to forward their submissions to Council. 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.

The following people have made submissions:

### Item 15.5 Proposed Heritage Items

- Margrit Frischknecht
- Lill and Lucan Jenner
- Polly Seidler (daughter of Architect Harry Seidler)

### Item 15.6 Council Submission on Western Harbour Tunnel EIS

- Dr Meredith Foley – Willoughby Environmental Protection Association (WEPA)
- Paul Stokes – Castlecrag Progress Association
- Linda Tully – Willoughby South Progress Association

### Item 16.1 Notice of Motion – Planning Decisions

- Dr Meredith Foley – Willoughby Environmental Protection Association (WEPA)

### Item 16.2 Notice of Motion – 5G Technologies

- Dr Priyanka (Pri) Bandara – Researcher/Educator in Environmental Health
- Leo Leung
- Marie Gunderson-Briggs
- Daniel
- Rotem Kubovsky
- Nova
- Nerida Nicholas
- Haifeng
- Angelene Buckland

## 12 REPORTS OF COMMITTEES

### 12.1 MINUTES - WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING HELD 27 AUGUST 2019

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES - WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING HELD 27 AUGUST 2019
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	CHRISTINE WAYGOOD - FACILITY & PROGRAM TEAM LEADER
CITY STRATEGY OUTCOME:	3.2 – CREATE RECREATION SPACES FOR ALL
MEETING DATE:	20 APRIL 2020

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#### PURPOSE OF REPORT

To provide Council with the minutes of the Willoughby Park Centre Advisory Committee meeting held 27 August 2019.

#### RESOLUTION

That Council receive and note the minutes of the Willoughby Park Centre Advisory Committee meeting held 27 August 2019.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR ERIKSSON

**CARRIED**

#### Voting

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

**Against:** Nil

**12.2 MINUTES - WILLOUGHBY SENIORS' ADVISORY COMMITTEE MEETING  
HELD 12 NOVEMBER 2019**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. MINUTES - WILLOUGHBY SENIORS' ADVISORY COMMITTEE – 12 NOVEMBER 2019</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ELLEN MILLER - COMMUNITY VENUES &amp; SERVICES TEAM LEADER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY</b>
<b>MEETING DATE:</b>	<b>20 APRIL 2020</b>

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**PURPOSE OF REPORT**

To provide Council with the minutes of the Willoughby Seniors' Advisory Committee meeting held Tuesday 12 November 2019.

**RESOLUTION**

**That Council receive and note the minutes of the Willoughby Seniors' Advisory Committee meeting held Tuesday 12 November 2019.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**12.3 MINUTES - ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD 13 NOVEMBER 2019**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. MINUTES – ACCESS AND INCLUSION ADVISORY COMMITTEE – 13 NOVEMBER 2019</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>20 APRIL 2020</b>

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**PURPOSE OF REPORT**

To provide Council with the minutes of the Access and Inclusion Advisory Committee meeting held 13 November 2019.

**RESOLUTION**

**That Council receive and note the minutes of the Access and Inclusion Advisory Committee meeting held 13 November 2019 noting that “Denizen Playground” referred to in General Business Item 8.2 should be “Denawen Playground”.**

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR RUTHERFORD**

**CARRIED**

**Voting**

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

**Against:** Nil

**13 DEFERRED MATTERS**

NIL

**14 CORRESPONDENCE**

NIL

## 15 REPORTS FROM THE OFFICERS

### CUSTOMER & CORPORATE DIRECTORATE

#### 15.1 LEGAL SERVICES REPORT MARCH 2020

ATTACHMENTS:	1. IMPLICATIONS 2. LEGAL SERVICES REPORT MARCH 2020
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	20 APRIL 2020

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#### PURPOSE OF REPORT

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

#### RESOLUTION

That Council receives the legal services report for March 2020.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR ERIKSSON

**CARRIED**

#### Voting

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

**Against:** Nil

**15.2 COUNCILLORS' SUPERANNUATION DISCUSSION PAPER**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMATHA 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>20 APRIL 2020</b>

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**PURPOSE OF REPORT**

To inform Council of the *Councillor Superannuation Discussion Paper* issued by the Office of Local Government and the invitation for comment by the public and Councillors.

**RESOLUTION**

**That Council:**

1. Receive the report on the *Councillor Superannuation Discussion Paper*, and
2. Note that the public and Councillors can make their submissions directly to the Office of Local Government by 8 May 2020.

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil



**15.3 PETITIONS UPDATE**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. LISTING OF PETITIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>PATRICIA SHELDRAKE – GOVERNANCE MEETING ADMINISTRATION 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>20 APRIL 2020</b>

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**PURPOSE OF REPORT**

To present to Council the biannual report regarding the status of petitions presented to Council.

**RESOLUTION**

**That Council review and note the updated listing of petitions.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**15.4 INVESTMENT REPORT FOR THE MONTH OF MARCH 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>20 APRIL 2020</b>

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**PURPOSE OF REPORT**

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

**RESOLUTION**

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

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.4: Investment Report for the month of March 2020  
(*Nature of Interest: I am an employee of the Westpac Group with whom Council has investments*)

## PLANNING & INFRASTRUCTURE DIRECTORATE

### 15.5 PROPOSED HERITAGE ITEMS

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. GATEWAY DETERMINATION 3. SUMMARY OF SUBMISSIONS 4. UPDATED INVENTORY SHEETS (TO BE DISTRIBUTED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>JANE GIBSON – STRATEGIC PLANNER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES</b>
<b>MEETING DATE:</b>	<b>20 APRIL 2020</b>

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome from the exhibition of the Planning Proposal to list 8 properties as heritage items and to obtain Council's endorsement to proceed with the amendment to *Willoughby Local Environmental Plan 2012*.

### RESOLUTION

That Council not proceed with the proposal to make Eddy Road and De Villiers Avenue a Heritage Conservation Area.

**MOVED COUNCILLOR CAMPBELL**

**SECONDED COUNCILLOR ZHU**

**CARRIED**

### Voting

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

**Against:** Nil

**Absent:** Councillor Saville

### MOTION

That Council:

1. **Amend *Willoughby Local Environmental Plan 2012* (WLEP 2012) in accordance with the *Environmental Planning and Assessment Act 1979* as follows**
  - 1.1 **List the following properties in Schedule 5 as items of local significance;**

- 11 Padulla Place Castle Cove
- 8 The Bulwark Castlecrag
- 13 The Citadel Castlecrag
- 2 The Tor Walk Castlecrag
- 14 The Tor Walk Castlecrag
- 126 Greville Street Chatswood
- 1A North Arm Road Middle Cove
- 8 First Avenue Willoughby East
- 1.2 List the property at 80 The Bulwark, Castlecrag in Schedule 5 as an item of State significance;
- 1.3 Add the properties listed in 1.1 above to the Heritage Map;
- 1.4 Add the following properties to the Dual occupancy Restriction Map;
  - 11 Padulla Place Castle Cove
  - 8 The Bulwark Castlecrag
  - 2 The Tor Walk Castlecrag
  - 14 The Tor Walk Castlecrag
  - 1A North Arm Road Middle Cove
- 2. Not amend the Dual Occupancy Restriction Map to include 8 First Avenue, Willoughby East as was proposed in the exhibited Planning Proposal;
- 3. Remove the tennis court at 8 First Avenue, Willoughby East from the Heritage Map;
- 4. Forward the Planning Proposal to the Department of Planning, Industry & Environment for finalisation; and

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR SAVILLE

NOT PUT

#### AMENDMENT

That Council:

1. Amend *Willoughby Local Environmental Plan 2012 (WLEP 2012)* in accordance with the *Environmental Planning and Assessment Act 1979* as follows:
  - 1.1 List the following properties in Schedule 5 as items of local significance;
    - 11 Padulla Place Castle Cove
    - 8 The Bulwark Castlecrag
    - 13 The Citadel Castlecrag
    - 2 The Tor Walk Castlecrag
    - 14 The Tor Walk Castlecrag
    - 126 Greville Street Chatswood
    - 8 First Avenue Willoughby East
  - 1.2 List the property at 80 The Bulwark, Castlecrag in Schedule 5 as an item of State significance;
  - 1.3 Add the properties listed in 1.1 above to the Heritage Map;

- 1.4 Add the following properties to the Dual occupancy Restriction Map;  
11 Padulla Place Castle Cove;  
8 The Bulwark Castlecrag  
2 The Tor Walk Castlecrag  
14 The Tor Walk Castlecrag
2. Not amend the Dual Occupancy Restriction Map to include 8 First Avenue, Willoughby East and 1A North Arm Road Middle Cove as was proposed in the exhibited Planning Proposal;
3. Remove the tennis court at 8 First Avenue, Willoughby East from the Heritage Map; and
4. Forward the Planning Proposal to the Department of Planning, Industry & Environment for finalisation.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR NORTON

**CARRIED**

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

**Voting**

**For the Amendment:** Councillors Campbell, Eriksson, Fernandez, Norton, Rozos, Rutherford, and Zhu.

**Against:** Councillors Giles-Gidney, Mustaca, Saville, Tuon and Wright.

The motion (as shown in the amendment) was put to the meeting and was **CARRIED** to become the resolution of Council.

**Voting**

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

**Against:** Councillor Wright.

Councillor Saville declared via a Disclosures of Interest form a pecuniary interest in regards to Eddy Road, Chatswood and a less than significant interest in the rest of the paper for Item 15.5: Proposed Heritage Items. Councillor Saville withdrew from the meeting at 7:29pm, taking no part in the discussion or voting on Eddy Road, Chatswood and returned to the Chamber at 7:30pm for discussion and voting on the rest of the paper.

*(Nature of Interest: I submitted a heritage nomination for 126 Greville Street. My family submitted heritage/conservation zone nominations for Eddy/De Villiers. I live in Eddy Road, Chatswood. If the items are dealt with separately I believe I can make independent decision in community interest re 126 Greville Street. I will leave the meeting for discussion re proposal for Eddy/De Villiers as I have a pecuniary interest as a resident.*

**15.6 COUNCIL SUBMISSION ON WESTERN HARBOUR TUNNEL EIS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. DRAFT WILLOUGHBY COUNCIL EIS SUBMISSION (TO BE DISTRIBUTED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – ACTING PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>NORMA SHANKIE-WILLIAMS – STRATEGIC PLANNING 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 2.5 CREATE FAMILY FRIENDLY NEIGHBOURHOODS THAT CONNECT PEOPLE</b>
<b>MEETING DATE:</b>	<b>20 APRIL 2020</b>

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**PURPOSE OF REPORT**

To seek Council endorsement for submission of the attached response to the Environmental Impact Statement (EIS) on the proposed Western Harbour Tunnel and Warringah Freeway Upgrade to Transport for NSW.

**MOTION**

That Council:

1. **Endorse the attached submission as amended by Council in response to the Environmental Impact Statement (EIS) on the proposed Western Harbour Tunnel and Warringah Freeway Upgrade project for lodgement with both Transport for NSW (TfNSW) and NSW Department of Planning, Industry and Environment (DPIE) and forward the community submissions received for consideration by TfNSW and DPIE.**
2. **Amend and update the draft submission as follows;**
  - i) **Page 2, 6<sup>th</sup> paragraph, 2<sup>nd</sup> sentence, amend to:**

**The negative effects on safety, health, environment and local amenity as a result of this potential impact are unacceptable.**

**It is noted that a public transport alternative was not assessed. A public transport solution should be at the very least modelled, analysed and considered.**
  - ii) **Page 3, 7<sup>th</sup> paragraph, 1<sup>st</sup> sentence, amend to:**

**The overall community engagement approach by TfNSW (formerly RMS) has generally been appropriate for this phase of the project, however**

specific consultation with Willoughby City Council did not occur nor were any consultations scheduled for the heavily impacted suburbs of Willoughby especially Naremburn. Early scoping of the project did not include impacted suburbs, particularly in relation to route selection which has created a technical gap in terms of risk assessment.

iii) Page 6, insert after 3<sup>rd</sup> sentence as follows:

**It is noted that the Gore Hill Connection is referred to at several points of this EIS however a full risk assessment has not been undertaken. Chapter 6: Construction Work states *“Should timeframes for the Beaches Link component of the Beaches Link and Gore Hill Freeway Connection project be advanced, some elements of the Beaches Link component may be delivered as part of the Western Harbour Tunnel and Warringah Freeway Upgrade project...”***

**This is unacceptable, the Beaches Link and Gore Hill Connection should not be permitted to proceed in any form until the Beaches Link EIS has been published, consulted on and fully assessed. According to the EIS this area is a sensitive environment and there are significant contamination risks.**

iv) Page 6, 4<sup>th</sup> paragraph, 1<sup>st</sup> sentence, amend to:

**The EIS demonstrates that construction works/activities will generate noise and vibration which will affect the amenity of occupiers of residential premises in proximity to the works and with noise from vehicle movements to other occupiers of residential premises within the local government area. In particular, the Miller Street to Willoughby Road surface works are predicted to generate noise exceedances and night-time noise disturbance over significant period of time. Given that the area is highly residential, containing a high proportion of young children, this is of great concern particularly regarding educational outcomes and mental health.**

**Council requests to receive a detailed analysis and plan for impact mitigation for occupiers of residential premises within the Willoughby local area that confirms:**

- **there will be no detrimental effects of noise, vibration and construction vehicle movements during the construction period.**
- **noise and vibration will be further mitigated during any periods of construction outside of 'traditional' working hours.**
- **that an assessment considers measures for the mitigation of potential noise, vibration and impacts upon all areas, post construction.**
- **that vehicle movements will be limited to the Warringah and Gore Hill Freeway. Any access to surface roads should be agreed via a transport plan with Council and should only be considered as an exception during school hours.**

Need to expand on noise abatement needs once operational as the EIS identifies a number of receivers in the City of Willoughby who will be eligible for noise abatement post construction, suggesting that our traffic impacts will be significant.

All property treatments should be mandated as a condition of approval in addition to noise barriers and road treatments. Ongoing noise monitoring should be employed to identify any buildings requiring further treatment after opening. Sensitive receivers such as Naremburn Library, Childcare Centres, Schools, Community Facilities and Churches should be offered noise abatement as a matter of priority.

- v) Page 7, 1<sup>st</sup> paragraph, 1<sup>st</sup> sentence, amend to:

Unfiltered ventilation stacks and operations buildings will be built to service the tunnels across the residential area – these are close to schools, homes and hospitals. As a result, surrounding residents may be subject to unacceptable exposure to air pollution.

- vi) The EIS assumes Euro 6 vehicle standards which have not been legislated so it is likely that pollution impacts are underestimated.

Should the project proceed as documented, strict dust control measures are required and work which generates excessive dust should not be permitted during school pick up and drop off times.

The EIS confirms that 7.29Ha of green space will be lost along the route and that several parks such as Cammeray Oval and St Leonards Park will be subject to dust and noise risks during construction. This puts further pressure on Willoughby's limited green spaces which are already under pressure due to increasing population.

- vii) Page 7, Accessibility - insert after 2<sup>nd</sup> Paragraph, sentences as follows:

The EIS fails to recognise that hundreds of Willoughby City school children must transverse the project footprint daily due to school zoning (Cammeray Public, Anzac Park, Cammeraygal and Willoughby Girls High School). Of particular concern is the bus stop used by dozens of school children close to the Willoughby Road exit. A bus stop on a land bridge at Merrenburn Ave (which re-joins Naremburn at its commercial centre) would allow for children to be safely re-located away from construction and additional traffic.

A land bridge has the potential to reduce other impacts from this project such as noise and pollution and give back to Naremburn some of the visual amenity and access that has been lost due to the division of the suburb when the Warringah Freeway was built. Changes to bus routes should be made in consultation with Council and key community stakeholders such as schools.

Brook Street is the only point of exit and entry for many residents in surrounding streets, in part due to the cut through of the original Warringah Freeway. The use of Brook Street as a truck or traffic thoroughfare should be avoided.



Additional traffic controls along Brook Street need to be considered to allow safe access to homes and schools.

- viii) Page 7, insert New Heading “Heritage” after Accessibility, with the following sentences:

Naremburn is a conservation area with historical significance. Given the age of buildings and existing ground movement residents already invest heavily in maintenance to preserve the character of the area. There is significant community concern that truck movements and works will cause damage to these buildings and consequently risk health and safety.

It is noted that the Church on the corner of Merremburn and Willoughby Roads has been earmarked for heritage consideration but residences of similar age and historical significance across Naremburn have not. Further investigation is needed with regard to the historical significance of the area as this was not included in scoping documents.

- ix) Page 8, Waste Management, insert additional sentence as follows:

Strict conditions regarding the transport of contaminated waste should be a condition of approval and agreed with Willoughby Council. Contaminated Waste should not be transported via local streets and at times when children are moving through the area.

- x) Page 8, Climate Change.../... insert additional sentence as follows:

Willoughby City Council recently declared a Climate Emergency. Based on the climate and sustainability data detailed in the EIS this project is not currently consistent with that declaration nor does it appear to satisfy the *Protection of the Environment Administration Act 1991*. Specifically, the project itself will generate more than 1M Tonnes of CO<sub>2</sub> per year which is an increase of over 31,000 CO<sub>2</sub> Tonnes per year compared to not completing the project.

Known alternative solutions with lower climate impacts need to be considered to be consistent with action on climate change and improved resilience.

- xi) Page 8, insert New Heading “Risks to Parks and Flat Rock Gully”, with the following sentence:

Further analysis of contaminants, groundwater changes and re-routing to avoid both Quarry and Flat Rock Creek should be considered to minimise risk.

- xii) Page 8, insert New Heading “Tree Impact and Urban Heat Island Impact”, with the following sentences:

A large number of trees will be removed or impacted in the course of construction. Given the proximity of residential and other buildings to the Warringah Freeway and the large amount of concrete urban heating is already a concern. Trees should be maintained or replaced

as close as possible to existing trees in and around the Warringah Freeway.

There should be no net loss of tree canopy if the project proceeds.

- xiii) Page 29, Pedestrian Links, insert the following sentence:

Given that the catchment for several schools crosses the project footprint and considering the increase in traffic created by the project, additional measures are needed to separate pedestrians moving through the area e.g. children and families who cross Brook Street into Cammeray via surrounding streets i.e. ramps, pedestrian tunnel, shared user pathways.

- xiv) Page 31, Willoughby Road and Penshurst Street, Naremburn to Roseville, insert after 4<sup>th</sup> paragraph, the following sentences:

Council has deep concerns and disagrees with the current proposed reconfiguration design of the Warringah Freeway at the interface sections of Brook Street and Willoughby Road. The reconfiguration works will have a major impact by increasing the traffic load on Willoughby Road are:

- i) the loss of access to the Miller Street and Brook Street exit ramps for Sydney Harbour Tunnel traffic heading north.
- ii) the loss of access to the Sydney Harbour Tunnel from the Brook Street on- ramp for traffic heading south.

Both Brook and Miller Street entry/exit ramps are major dispersal roads for traffic which would not use the proposed Beaches Link Tunnel. This comprises a significant amount of traffic heading to East Chatswood, Northbridge, Castlecrag, Castle Cove, Roseville, Lindfield and north to St Ives as well as the areas of Forestville, Killarney Heights, Frenchs Forest, Belrose, Davidson, Terrey Hills and beyond.

In view of the successful existing traffic configuration, with Sydney Harbour Tunnel traffic having the option of using both Miller and Brook Street ramps, it is difficult to appreciate both the reasons for, and the benefits of, the proposed reconfiguration and we request that this aspect of the planning be abandoned in favour of the existing ramp entries and exits. To shift a major portion of the Sydney Harbour Tunnel traffic onto Willoughby Road will further overload an arterial road already acknowledged as operating at full capacity in peak hours.

Council's additional concern is the current lack of a traffic study of Willoughby Road by TfNSW as Chapter Nine of the EIS addresses traffic management associated with the Western Harbour Tunnel/Warringah Freeway project. In this chapter there are several locations where studies have shown there will be further impairment of existing traffic flow due to the Warringah Freeway reconfiguration. One of these is in Artarmon, at the Warringah Freeway on-ramp for Pacific Highway traffic, in the morning peak. Some of this traffic already uses Willoughby Road as an alternate access to the Warringah Freeway and this will be exacerbated by the proposed Warringah Freeway reconfiguration. However, nowhere

in Chapter Nine, discussion focuses on a study of the traffic effects on Willoughby Road and surrounding Willoughby streets in the City of Willoughby.

It is worth noting and drawing to TfNSW that within the next three years more than 700 additional apartments will be added in Artarmon Road and Walter Street, immediately adjacent to Willoughby Road, and additional traffic lights, approved by the former RMS, are contemplated in conjunction with the Walter Street development. Morning peak traffic delays in Artarmon Road at the Willoughby Road intersection, often already at two or even three light changes, are more likely to be exacerbated by the additional Willoughby Road traffic.

Council requests the EIS be revised with additional sections added to Chapter Nine providing a detailed study on:

- i) the impact to Willoughby Road and its feeder roads of Penshurst and Mowbray Roads as the above closures will force more traffic onto these roads.
  - ii) the impact to the local streets surrounding Willoughby Road as traffic attempts to rat-run through residential suburbs.
  - iii) the impact on the Local Centres of the increased traffic as Willoughby Road, and its Penshurst Street extension, bisects at least three of the seven Local Centres in the Willoughby Local Government Area.
  - iv) The Willoughby Road and Penshurst intersection also bisects Willoughby Girls High School. Consideration needs to be given to student safety both pedestrian and access to public transport.
3. Place the updated and lodged Council submission on Council's website for public reference.
  4. Delegate authority to the Chief Executive Officer to incorporate any amendments or additions that do not alter the intent of the amendments and finalise the submission.
  5. Make separate written representations regarding the need to establish a process for determining terms of reference setting out guiding principles and a framework for the development of any future Interface Agreement or Deed of Agreement with TfNSW in relation to Council assets and to adequately ameliorate the identified adverse impacts of the project on the City of Willoughby.

**MOVED COUNCILLOR FERNANDEZ**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

**AMENDMENT**

That Council:

1. Endorse the attached submission as amended by Council in response to the Environmental Impact Statement (EIS) on the proposed Western Harbour Tunnel and Warringah Freeway Upgrade project for lodgement with both Transport for NSW (TfNSW) and NSW Department of Planning, Industry and Environment (DPIE) and forward the community submissions received for consideration by TfNSW and DPIE.

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It is worth noting and drawing to TfNSW that within the next three years more than 700 additional apartments will be added in Artarmon Rd and Walter Street, immediately adjacent to Willoughby Road, and additional traffic lights, approved by the former RMS, are contemplated in conjunction with the Walter Street development. Morning peak traffic delays in Artarmon Rd at the Willoughby Road intersection, often already at two or even three light changes, are more likely to be exacerbated by the additional Willoughby Road traffic.

Council requests the EIS be revised with additional sections added to Chapter Nine providing a detailed study on:

- i) the impact to Willoughby Road and its feeder roads of Penshurst and Mowbray Rds as the above closures will force more traffic onto these roads.
  - ii) the impact to the local streets surrounding Willoughby Road as traffic attempts to rat-run through residential suburbs.
  - iii) the impact on the Local Centres of the increased traffic as Willoughby Road, and its Penshurst St extension, bisects at least three of the seven Local Centres in the Willoughby Local Government Area.
  - iv) The Willoughby Road and Penshurst intersection also bisects Willoughby Girls High School. Consideration needs to be given to student safety both pedestrian and access to public transport.
3. Place the updated and lodged Council submission on Council's website for public reference.
  4. Delegate authority to the Chief Executive Officer to incorporate any amendments or additions that do not alter the intent of the amendments and finalise the submission.



5. **Make separate written representations regarding the need to establish a process for determining terms of reference setting out guiding principles and a framework for the development of any future Interface Agreement or Deed of Agreement with TfNSW in relation to Council assets and to adequately ameliorate the identified adverse impacts of the project on the City of Willoughby.**
6. **Due to the scope and depth of impacts to Willoughby presented in the EIS and a clear failure of the current project to meet stated goals (ie it does not relieve local congestion) we wish to have our submission categorised as an objection. Should the project be amended to satisfy its stated goals and fully mitigate risk we would be happy to withdraw the objection."**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR SAVILLE**

**LOST**

**The amendment on being put to the meeting was lost.**

**Voting**

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

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

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

**Voting**

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

**Against:** Nil

The Mayor thanked Councillors for their collaborative approach and in particular Councillor Fernandez for reviewing submissions and drafting the motion. The Mayor also acknowledged the hard work and commitment of Mr Chris Binns, Acting Planning & Infrastructure Director and his officers.

**COMMUNITY, CULTURE & LEISURE DIRECTORATE****15.7 O.H. REID RESERVE DRAFT MASTER PLAN - FOR PUBLIC EXHIBITION**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. O.H. REID CITIZENS PANEL REPORT (TO BE DISTRIBUTED SEPARATELY) 3. O.H. REID RESERVE DRAFT MASTER PLAN</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ROGER FAULKNER – OPEN SPACE PROJECTS OFFICER</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>20 APRIL 2020</b>

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**PURPOSE OF REPORT**

To place the *O.H. Reid Reserve Draft Master Plan* on public exhibition.

**MOTION**

That Council:

1. Place the *O.H. Reid Reserve Draft Master Plan* on public exhibition.
2. Prior to exhibition, include in the *draft Master Plan* that floodlights will not be considered for the OH Reid Reserve.
3. Receive a further report after the conclusion of the public exhibition for the *O.H. Reid Reserve Draft Master Plan*.

**MOVED COUNCILLOR CAMPBELL**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

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

**Voting**

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

**Against:** Councillors Tuon and Wright.

**15.8 SPORTS FACILITIES PLAN OF MANAGEMENT - ADOPTION**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. SPORTS FACILITIES PLAN OF MANAGEMENT (DISTRIBUTE SEPARATELY) 3. PUBLIC HEARING REPORT 4. COMMUNITY FEEDBACK</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>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>20 APRIL 2020</b>

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**PURPOSE OF REPORT**

To approve the Willoughby City *Sports Facilities Plan of Management* dated November 2019.

**RESOLUTION**

**That Council approve the Willoughby City *Sports Facilities Plan of Management* dated November 2019.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

**15.9 MEMORIAL PLAQUE - CHRISTOPHER JOHN HOPWOOD**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE AND 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>20 APRIL 2020</b>

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**PURPOSE OF REPORT**

To approve the placing of a memorial plaque in memory of Christopher John Hopwood at the Griffin Fountain at the junction of Edinburgh Road and The Sortie Port, Castlecrag.

**RESOLUTION**

**That Council approve the request for a memorial plaque to be placed in memory of Christopher John Hopwood at the Griffin Fountain in Castlecrag.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

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

**Against:** Nil

## 16 NOTICES OF MOTION

### 16.1 NOTICE OF MOTION - PLANNING DECISIONS

<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – PLANNING &amp; INFRASTRUCTURE DIRECTOR (ACTING)</b>
<b>AUTHOR:</b>	<b>NORMA SHANKIE-WILLIAMS – ACTING 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>20 APRIL 2020</b>

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### PURPOSE OF REPORT

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

### MOTION

That Council:

1. Writes to the Minister for Planning Rob Stokes MP and the Premier Gladys Berejiklian to express its opposition to the recent changes to the Environmental Planning and Assessment Act which grant the Minister unprecedented powers to override planning decisions made by local councils.
2. Notes that:
  - a) Recognises that planning decisions should be community led and that local councils are best placed to make decisions about planning that is appropriate for their local area and constituents;
  - b) Understands that even in times of economic and health crisis, planning approvals should consider the impact of development on the environment, local communities or neighbouring residents;
  - c) Recognises that existing oversight powers are in place to make sure profit motivated property developers don't impose undue costs on our community and environment; and
  - d) Recognises that extending permissible construction hours has the potential to severely disrupt compulsory work and learn from home arrangements.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR WRIGHT

LOST

**AMENDMENT**

That Council:

1. **Write to the Minister for Planning, Rob Stokes MP, seeking confirmation that all orders made under the terms of *COVID-19 Legislative Amendments (Emergency Measures) Act 2020* will cease to have effect following the end of the State of Emergency for the COVID-19 pandemic, and COVID-19 pandemic related buildings constructed using those measures during the pandemic will be removed.**
2. **Notes that:**
  - a. **Planning decisions should be community led and that local councils are best placed to make decisions about planning that is appropriate for their local area and constituents.**
  - b. **In times of an economic and health crisis, planning approvals should consider the impact of development on the environment, local communities or neighbouring residents;**
  - c. **Existing oversight powers are in place to ensure profit motivated property developers do not impose undue costs on our community and environment; and**
  - d. **Extending permissible constructions hours has the potential to severely disrupt compulsory work and learn from home arrangements.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR RUTHERFORD**

**LOST**

**The amendment on being put to the meeting was lost.**

**Voting**

**For the Amendment:** Councillors Giles-Gidney, Eriksson, Rozos, Rutherford and Zhu.

**Against:** Campbell, Fernandez, Mustaca, Norton, Saville, Tuon and Wright

**The motion on being put to the meeting was lost.**

**Voting**

**For the Motion:** Councillors Campbell, Fernandez, Norton, Saville, Tuon and Wright.

**Against:** Giles-Gidney, Eriksson, Mustaca, Rozos, Rutherford and Zhu.

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

**16.2 NOTICE OF MOTION - 5G TECHNOLOGIES**

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

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

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

**MEETING DATE:** 20 APRIL 2020

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**PURPOSE OF REPORT**

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

**MOTION**

That Council:

1. Does not currently support the proposed upgrade that will facilitate 5G technologies and continues to support a moratorium on the installation of 5G technology infrastructure until the previously requested information is provided, including:
  - a) identification of and commitment by a State or Federal Government body to do a comprehensive review of the cumulative impacts of the 5G technology,
  - b) identification of who holds responsibility for the on-going monitoring of any cumulative impacts,
  - c) commitment from the State Government to review the current planning processes for the installation of small cells and consideration of any possible improvements.
  
2. Invoke the Precautionary Principle and reject the ARPANSA Standard as “evidence” of 5G safety by:
  - (i) formally opposing all 5G upgrades to existing towers
  - (ii) formally opposing all small cell installations (as these are an integral part of the 5G roll-out and are intended to be upgraded to 5G)
  - (iii) calling on the State and Federal governments to:
    - a. impose a moratorium on 5G deployment
    - b. undertake a comprehensive review of the cumulative impacts 5G technology
    - c. identify who holds responsibility for the ongoing monitoring of cumulative impacts of 5G technology
    - d. facilitate the deployment of safer wired telecommunications options for service provision, with wireless as an adjunct only where necessary

- e. amend telecommunications legislation to empower local governments and communities to determine mobile phone base station deployments.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

**NOT PUT**

**AMENDMENT**

That Council note the information provided on the Parliamentary Inquiry into 5G in Australia and the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) submission to the inquiry.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR FERNANDEZ

**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, Rozos, Tuon, Wright and Zhu.

**Against:** Councillors Mustaca, Norton, Rutherford and Saville.

The motion (as shown in the amendment) was put to the meeting and was **CARRIED** to become the resolution of Council.

**Voting**

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

**Against:** Councillors Mustaca, Norton and Saville.



## 17 CONFIDENTIAL MATTERS

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

### Procedural Motion

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

### MOVED COUNCILLOR SAVILLE

### SECONDED COUNCILLOR ERIKSSON

**CARRIED**

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

Council moved into closed session at 8:53pm.

## 17.1 CONFIDENTIAL - LEGAL SERVICES REPORT MARCH 2020

### Reason for Confidentiality

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

- (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. This information is confidential and contains information that is subject to legal professional privilege. and cannot be disclosed by Council. On balance, the public interest test is best served if the information that is subject to legal professional privilege remains confidential.

## 17.2 CONFIDENTIAL - PUBLIC EXHIBITION OF VOLUNTARY PLANNING AGREEMENT RELATING TO PLANNING PROPOSAL AT WALTER STREET AND WILLOUGHBY ROAD

### 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 needs to be confidential in order for Council to consider and receive advice on the terms of a formal commercial agreement in which Council is a party. If this information was disclosed, the information may be accessible to the other party, thus placing Council at a disadvantage in the formulation of the agreement. On balance, the public interest is best served if the commercial information is kept confidential until the agreement is completed.

## 17.1 CONFIDENTIAL - LEGAL SERVICES REPORT MARCH 2020

### RECOMMENDATION

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

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR ERIKSSON

**CARRIED**

### Voting

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

**Against:** Nil

## 17.2 CONFIDENTIAL - PUBLIC EXHIBITION OF VOLUNTARY PLANNING AGREEMENT RELATING TO PLANNING PROPOSAL AT WALTER STREET AND WILLOUGHBY ROAD

### RECOMMENDATION

That Council:

1. Agree to the draft Voluntary Planning Agreement being publicly notified and exhibited in accordance with Section 7.5 of the *Environmental Planning and Assessment Act 1979* and Clause 25D of the *Environmental Planning and Assessment Regulation 2000*.

2. Authorise the Chief Executive Officer to make appropriate amendments to the Voluntary Planning Agreement which do not alter the intent of the Voluntary Planning Agreement, or result in material changes to the Voluntary Planning Agreement following consideration of public submissions.
3. Receive a further report if, following exhibition there are proposed significant or material changes to the Voluntary Planning Agreement.
4. Authorise the Chief Executive Officer to execute the Voluntary Planning Agreement following public exhibition subject to no material changes being made to the draft Voluntary Planning Agreement following public notification and exhibition.
5. Make public the content of the confidential report on the Voluntary Planning Agreement following the execution of the Voluntary Planning Agreement as a final agreement.

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR FERNANDEZ**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Giles-Gidney

Her Worship the Mayor Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Confidential Item 17.2: Public Exhibition of Voluntary Planning Agreement relating to Planning Proposal at Walter Street and Willoughby Road. Her Worship the Mayor Councillor Giles-Gidney withdrew from the meeting taking no part in the discussion or voting on this paper.

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

The Deputy Mayor Councillor Campbell assumed the Chair.

It was noted that at the commencement of the meetings, during the declarations of interest, that the Deputy Mayor Councillor Campbell would assume the Chair at this stage of the meeting; Councillor Campbell would absent himself from any further consideration of the matter by the SNPP.

**PROCEDURAL MOTION**

That the meeting revert to Open Council.

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

Council moved into open session at 9:20pm.

The Mayor Councillor Giles-Gidney returned to the Chamber.

**RESOLUTION**

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

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR TUON**

**CARRIED**

**Voting**

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

**Against:** Nil

The Mayor Councillor Giles-Gidney assumed the Chair for remainder of the meeting.

## 18 QUESTIONS WITH NOTICE

### 18.1 QUESTIONS ON NOTICE FROM COUNCILLOR SAVILLE - COUNCIL OPERATIONS

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

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

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

**MEETING DATE:** 20 APRIL 2020

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#### QUESTION

**1. Have any staff been stood down, or offered reduced/flexible hours, and if so, are arrangements in place for their jobs to be retained?**

No staff have been stood down. As per the Chief Executive Officer's email to Councillors, most casuals from closed venues have been provided with letters setting out that there are no shifts available at this time.

**2. Have any staff been seconded to any other areas or levels of government, for example Social Services?**

No staff have been seconded to any other areas or levels of government.

**3. Is council continuing to implement plans and projects, for example the WCC Community Plan, Green City Plan?**

Council is continuing to implement plans and projects.

**4. How council explored potential for community meetings to continue by Zoom or other means?**

All Advisory Committee and Community Information Seminars have been suspended and many matters relating to their Terms of Reference are in hiatus due to social isolation. Council does not currently have the capacity to service these community meetings while also servicing the majority of staff working from home. Community members can voluntarily remain in contact if they wish by establishing their own informal meetings via various free platforms.

**5. Has council explored continuation of community education programmes etc. to be continued by Zoom or other means?**

Council's Youth Services are exploring online options for young people to remain engaged during the Covid-19 restrictions. Willoughby Leisure Centre is providing online fitness sessions from a third party provider to members to enable them to continue with their fitness regime. Council's Library Services provide access to e-resources and streaming services for members to access a broad range of resources. Council's website continues to provide environmental education information and links.

**6. How will council ensure continuation of other activities such as the LEP that require public consultation?**

Council's Strategic Planning Team is continuing to progress work towards the draft Local Environment Plan (LEP). It is not anticipated that a draft LEP or Development

Control Plan (DCP) will be on exhibition until early 2021. Work is currently being undertaken on the Industrial Lands Strategy which will be reported to Council in May, following which it will proceed to exhibition. Officers will seek to determine the best way to engage with the community which may include on-line workshops, presentations and/or Q & A sessions.

## 19 CONCLUSION OF THE MEETING

- Councillor Giles-Gidney left the meeting at 9:16pm during discussion on Confidential Item 17.2 - Public exhibition of Voluntary Planning Agreement relating to Planning Proposal at Walter Street and Willoughby Road and returned to the meeting at 9:20pm when the meeting reverted to Open Council.
- Deputy Mayor Councillor Campbell assumed the chair in the Mayor's absence for Confidential Item 17.2 - Public exhibition of Voluntary Planning Agreement relating to Planning Proposal at Walter Street and Willoughby Road and for the adoption of the recommendations of the closed session of Council.
- The meeting concluded at 9:25pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 20 April 2020). I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.