



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

8 February 2021

TABLE OF CONTENTS

TABLE OF CONTENTS	2
1 PRESENT	4
2 DISCLOSURES OF INTERESTS	4
3 CONFIRMATION OF MINUTES	5
4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS	6
11 PUBLIC FORUM — MATTERS ON THE MINUTES	7
PLANNING & INFRASTRUCTURE DIRECTORATE	8
15.11 DEFERRED PLANNING PROPOSAL - 100 EDINBURGH ROAD CASTLECRAIG	8
15.10 PLANNING PROPOSAL FOR 282-284 VICTORIA AVENUE CHATSWOOD	10
5 PETITIONS	12
6 OPEN FORUM — MATTERS NOT ON THE MINUTES	12
7 MAYORAL MINUTE	13
7.1 MAYORAL MINUTE 01/2021 - 2021 AUSTRALIA DAY HONOURS AWARDS.....	13
8 CHIEF EXECUTIVE OFFICER'S LATE REPORT	15
9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY	15
10 MATTERS REQUIRING ELABORATION OR DEBATE	16
12 REPORTS OF COMMITTEES	17
12.1 DRAFT MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE - 16 DECEMBER 2020	17
13 DEFERRED MATTERS	18
14 CORRESPONDENCE	18
15 REPORTS FROM THE OFFICERS	19
CUSTOMER & CORPORATE DIRECTORATE	19
15.1 INVESTMENT REPORT FOR THE MONTH OF DECEMBER 2020.....	19
15.2 INVESTMENT REPORT FOR MONTH OF JANUARY 2021	20
15.3 QUARTERLY BUDGET REVIEW 2020-21 DECEMBER QUARTER.....	21
15.4 DELIVERY PROGRAM SIX MONTHLY PROGRESS REPORT - JULY - DECEMBER 2020	22
15.5 CLASSIFICATION OF AFFORDABLE HOUSING UNITS LOCATED AT 654 PACIFIC HIGHWAY CHATSWOOD AS OPERATIONAL LAND	23
15.6 APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PANEL	24
15.7 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2021	25
15.8 MATTERS DEALT WITH UNDER DELEGATED AUTHORITY DURING THE 2020/2021 RECESS PERIOD	26
15.9 LEGAL SERVICES REPORT FEBRUARY 2021	27
PLANNING & INFRASTRUCTURE DIRECTORATE	28
15.12 DEVELOPMENT ASSESSMENT - QUARTER 2 (1 OCTOBER TO 31 DECEMBER 2020)	28

15.13	APPOINTMENT OF PANEL MEMBERS - WILLOUGHBY LOCAL PLANNING PANEL AND SYDNEY NORTH PLANNING PANEL.....	29
15.14	OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF NORTH ARM RESERVE ACTION PLAN 2020	30
15.15	OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF WILLIS PARK RESERVE ACTION PLAN 2020	31
	COMMUNITY, CULTURE & LEISURE DIRECTORATE	32
15.16	REQUEST FOR PLAQUE AT WILLOUGHBY PARK FOR MRS LAURIE GRUNDY	32
15.17	OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE PLAN OF MANAGEMENT BICENTENNIAL RESERVE 2020.....	33
16	NOTICES OF MOTION	34
16.1	NOTICE OF MOTION NO 01/2021 - THE CONCOURSE TENANCIES REPORT	34
17	CONFIDENTIAL MATTERS	35
17.1	CONFIDENTIAL - LEGAL SERVICES REPORT FEBRUARY 2021	35
18	QUESTIONS WITH NOTICE.....	37
18.1	QUESTION ON NOTICE FROM COUNCILLOR WRIGHT - 18.1 CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY 2036 (FROM 12 OCTOBER 2020 COUNCIL MEETING AND QON FROM COUNCILLOR COPPOCK (FROM 14 DECEMBER 2020 COUNCIL MEETING)	37
19	CONCLUSION OF THE MEETING	40

1 PRESENT

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

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

Officers

Ms D Just (Chief Executive Officer), Mr L Di Lernia (Interim Customer & Corporate Director), Mrs M Smith (Community, Culture & Leisure Director) and Mr C Binns (Acting Planning & Infrastructure Director), Mr I Arnott (Planning Manager), Mr S Naven (Chief Financial Officer), Ms S Charlton (Governance, Risk & Corporate Planning Manager), Ms S Williams (Governance Team Leader), Ms T Strydom (Governance Administration Officer), Mr J Racchi (Information Technology Team Leader) and Mr M Long (Network Support Officer).

2 DISCLOSURES OF INTERESTS

- Councillor Wright declared a non-pecuniary less than significant interest in Item 15.1: Investment Report for the month of December 2020. Councillor Wright chose to remain in the meeting and take part in the discussion and voting on this item.
(Nature of Interest: I am an employee of Westpac Bank with whom Council has investments.)
- Councillor Wright declared a non-pecuniary less than significant interest in Item 15.2: Investment Report for the month of January 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 Bank with whom Council has investments.)
- Councillor Coppock declared a non-pecuniary significant interest in Item 15.9: Legal Services Report February 2021. Councillor Coppock chose to leave the meeting and take no part in the discussion and voting on this item.
(Nature of Interest: I am named in the report.)
- Councillor Giles-Gidney declared a non-pecuniary significant interest in Item 15.10: Planning Proposal for 282-284 Victoria Avenue 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 for 282-284 Victoria Avenue 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 significant interest in Item 15.11: Deferred Planning Proposal – 100 Edinburgh Road, Castlecrag. Councillor Giles-Gidney chose to leave the meeting and take no part in the discussion and voting on this item.
(Nature of Interest: I am a Member of the Sydney North Planning Panel.)
- Councillor Campbell declared a non-pecuniary significant interest in Item 15.11: Deferred Planning Proposal – 100 Edinburgh Road, Castlecrag. Councillor Campbell chose to leave the meeting and take no part in the discussion and voting on this item.
(Nature of Interest: I am a member of the Sydney North Planning Panel.)
- Councillor Coppock declared a non-pecuniary significant interest in Item 17.1: Confidential - Legal Services Report February 2021. Councillor Coppock chose to leave the meeting and take no part in the discussion and voting on this item.
(Nature of Interest: I am named in the report.)

3 CONFIRMATION OF MINUTES

MOTION

That the Minutes of the Ordinary Meeting of Council held 14 December 2020, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Motion: Unanimous

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

That Council note Councillor Rutherford tendered an apology and requested a Leave of Absence for the 8 February 2021 Council meeting.

MOTION

That Council note the apology and grant Leave of absence to Councillor Rutherford for the 8 February 2021 Council meeting.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

For the Motion: Unanimous

PROCEDURAL MOTION

That Council suspend business in accordance with the Code of Meeting Practice and bring forward Items 11, 15.11 and 15.10.

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Motion: Unanimous

11 PUBLIC FORUM — MATTERS ON THE MINUTES

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

- **Item 15.11: Deferred Planning Proposal – 100 Edinburgh Road, Castlecrag**
Michael Neustein, Dr Paul Stokes, Gavin Kernot and Richard Francis-Jones addressed Council speaking against the officer's recommendation on this item. Andrew Johnson, Kathryn McCann, Ross de la Motte, Adrienne Kabos, Suzie Gold and David Burke addressed Council speaking in support of the officer's recommendation on this item.
- **Item 15.10: Planning Proposal for 282-284 Victoria Avenue Chatswood**
Gilbert de Chalian and Tony Leung addressed Council speaking against the officer's recommendation on this item.\

Notes:

1. *The Mayor Councillor Giles-Gidney and Deputy Mayor Councillor Campbell left the meeting at 7:12pm having declared a non-pecuniary significant interest on items 15.10: Planning Proposal for 282-284 Victoria Avenue Chatswood and 15.11: Deferred Planning Proposal – 100 Edinburgh Road Castlecrag.*
2. *Former Deputy Mayor Councillor Eriksson assumed the Chair in the Mayors absence.*

PLANNING & INFRASTRUCTURE DIRECTORATE**15.11 DEFERRED PLANNING PROPOSAL - 100 EDINBURGH ROAD
CASTLECRAG****ATTACHMENTS:**

1. IMPLICATIONS
2. COUNCIL DETAILED ASSESSMENT
3. PLANNING PROPOSAL AND DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS.
4. ADDITIONAL INFORMATION PROVIDED BY THE PROPONENT
- 4A. ADDITIONAL INFORMATION PLANS
5. RESPONSE FROM TRANSPORT FOR NSW
6. WILLOUGHBY LOCAL PLANNING PANEL ADVICE
7. COMMUNITY SUBMISSIONS RECEIVED
8. COUNCIL REPORT 14 DECEMBER 2020 MEETING
(ATTACHMENTS 2-8 TO BE DISTRIBUTED SEPARATELY)

LINKS TO ATTACHMENTS 2-8 PUBLISHED ON
WILLOUGHBY CITY COUNCIL'S WEBSITE

RESPONSIBLE OFFICER:

**CHRIS BINNS – ACTING PLANNING &
INFRASTRUCTURE DIRECTOR**

AUTHOR:

IAN SHILLINGTON – STRATEGIC PLANNER

CITY STRATEGY OUTCOME:

**3.4 – CREATE DESIRABLE PLACES TO BE AND
ENJOY**

**3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING
POPULATION GROWTH WITH THE PROVISION OF
ASSETS AND SERVICES**

**4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF
OUR VILLAGE CENTRES**

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

MEETING DATE:

8 FEBRUARY 2021

PURPOSE OF REPORT

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

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

MOTION**That Council:**

1. Not support the Planning Proposal and draft amendments to *Willoughby Local Environmental Plan 2012* at 100 Edinburgh Road Castlecrag (being lot 1 DP 43691 and lot 11 DP 611594) to allow mixed development including commercial and residential development with a floor space ratio of 2:1 and maximum height limit ranging from 18.5m to 22.5m.
2. Notify the proponent of Council's decision with advice that a reduced scheme in line with the *Willoughby Local Centres Strategy* could be supported.

MOVED COUNCILLOR ZHU**SECONDED COUNCILLOR FERNANDEZ****CARRIED**

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

Voting

For the Motion: Councillors Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillors Giles-Gidney and Campbell

Note:

The Mayor Councillor Giles-Gidney and Deputy Mayor Councillor Campbell declared a non-pecuniary significant interest on this item and did not participate in the discussion or voting.

15.10 PLANNING PROPOSAL FOR 282-284 VICTORIA AVENUE CHATSWOOD

ATTACHMENTS:

- 1. IMPLICATIONS**
- 2. COUNCIL DETAILED ASSESSMENT**
- 3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS'**
- 4. PLANNING PROPOSAL CONCEPT PLANS**
- 5. PLANNING PROPOSAL ECONOMIC IMPACT ASSESSMENT**
- 6. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 1 FEBRUARY 2021**

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

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: **8 FEBRUARY 2021**

PURPOSE OF REPORT

The purpose of this report is to seek endorsement to not forward the Planning Proposal for 282 – 284 Victoria Avenue, 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 public exhibition.

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

MOTION

That Council:

- 1. Not 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*, as the Planning Proposal:**
 - a) Is a departure from the current planning controls on the site which prohibit residential land use apart from limited shop top housing with development consent if the ground level and first level of the development are used for the purpose of retail premises or business premises.**
 - b) Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy 2036* which identifies this site as B3 Commercial Core and prohibits residential land use.**

- c) Is inconsistent with the strategic objectives of *the Greater Sydney Region Plan* and the *North District Plan* which encourages protection of the Chatswood CBD commercial core for employment purposes.
- d) Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy 2036* which identifies this site as having a maximum height of 7m on the Victoria Avenue frontage, for a minimum setback of 6m, with a possible maximum height of 90m.

2. Notify the proponent of Council's decision.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

CARRIED

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

Voting

For the Motion: Councillors Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillors Giles-Gidney and Campbell

Note:

The Mayor Councillor Giles-Gidney and Deputy Mayor Councillor Campbell declared a non-pecuniary significant interest on this item and did not participate in the discussion or voting.

PROCEDURAL MOTION

That Council resume the standing order of business in accordance with the Code of Meeting Practice.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Motion: Councillors Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillors Giles-Gidney and Campbell

5 PETITIONS

NIL

6 OPEN FORUM — MATTERS NOT ON THE MINUTES

NIL

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE 01/2021 - 2021 AUSTRALIA DAY HONOURS AWARDS

MEETING DATE: 8 FEBRUARY 2021

PURPOSE OF REPORT

To inform Council of the Willoughby residents and a member of Council's Seniors Advisory Committee who received awards in the 2021 Australia Day Honours List.

DISCUSSION

On 26 January 2021, the Australia Day Honours List was announced by the Governor-General, the Honourable David Hurley. The Honours List recognises outstanding and inspirational Australians in the General Division of the Order of Australia.

Council acknowledges in the report the outstanding service and contributions made by these recipients recognised in the 2021 Australia Day Honours Awards:

Member of the Order of Australia (AM)

Mr John PEACOCK
Artarmon NSW 2064

For significant service to the associations and not-for-profit sectors through a range of initiatives.

Ms Yvonne KEANE (Former Hills Mayor)
Kellyville NSW 2155

For significant service to women and children, and to those who are deaf or hard of hearing.

Medal of the Order of Australia (OAM)

Mr Ross Warwick ALEXANDER
Northbridge NSW 2063

For service to the community through a range of charitable initiatives.

Mr Bruce Hasting CARFRAE
Castle Cove NSW 2069

For service to the community through a range of roles.

Mrs Wendy CARVER
St Ives NSW 2075

For service to community mental health.

Mr Mark GINSBURG
Lindfield NSW 2070
For service to the Jewish community, and to music.

Dr Sheryl Anne VAN NUNEN
Chatswood NSW 2067
For service to medicine, particularly to clinical immunology and allergy.

MOTION

That Council acknowledge the recipients on their awards in the 2021 Australia Day Honours List and write a letter of congratulations.

MOVED COUNCILLORS GILES-GIDNEY

CARRIED

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

Voting

For the Motion: Unanimous

Notes:

1. *Mayor Councillor Giles-Gidney returned to the meeting at 8:32pm and assumed the Chair.*
2. *Councillor Campbell returned to the meeting at 8:32pm.*

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 15.4 Delivery Program Six Monthly Progress Report - July - December 2020
- Item 15.6 Appointment of the Chief Executive Officer's Performance Review Panel
- Item 15.7 National General Assembly of Local Government 2021
- Item 15.9 Legal Services Report February 2021
- Item 15.14 Outcome of Public Exhibition and Adoption of North Arm Reserve Action Plan 2020
- Item 15.15 Outcome of Public Exhibition and Adoption of Willis Park Reserve Action Plan 2020
- Item 15.16 Request for Plaque At Willoughby Park For Mrs Laurie Grundy
- Item 15.17 Outcome of Public Exhibition and Adoption of the Plan of Management Bicentennial Reserve 2020
- Item 16.1 Notice of Motion No 01/2021 - The Concourse Tenancies Report
- Item 17.1 Confidential - Legal Services Report February 2021

MOTION

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

- Item 12.1 Draft Minutes - Audit, Risk and Improvement Committee - 16 December 2020
- Item 15.1 Investment Report for the month of December 2020
- Item 15.2 Investment Report for the month of January 2021
- Item 15.3 Quarterly Budget Review 2020-21 December Quarter
- Item 15.5 Classification of Affordable Housing Units Located At 654 Pacific Highway Chatswood as Operational Land
- Item 15.8 Matters dealt with under Delegated Authority during the 2020/2021 recess period
- Item 15.12 Development Assessment - Quarter 2 (1 October to 31 December 2020)
- Item 15.13 Appointment of Panel Members - Willoughby Local Planning Panel and Sydney North Planning Panel

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED

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

Voting

For the Motion: Unanimous

Note:

Councillor Wright declared a non-pecuniary less than significant interest on this items 15.1: Investment Report for the month of December 2020 and 15.2: Investment Report for the month of January 2021 and remained in the meeting and participated in the discussion and voting.

12 REPORTS OF COMMITTEES

12.1 DRAFT MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE - 16 DECEMBER 2020

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 16 DECEMBER 2020
RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM 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:	8 FEBRUARY 2021

PURPOSE OF REPORT

To provide Council with the draft minutes of the Audit Risk and Improvement Committee meeting held on 16 December 2020.

RESOLUTION

That Council note the draft minutes of the Audit, Risk and Improvement Committee meeting held on 16 December 2020.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED EN BLOC

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 INVESTMENT REPORT FOR THE MONTH OF DECEMBER 2020

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2020) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM 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:	8 FEBRUARY 2021

PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 31 December 2020 under section 625 of the *Local Government Act 1993*.

RESOLUTION

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

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED EN BLOC

Note:

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

15.2 INVESTMENT REPORT FOR MONTH OF JANUARY 2021

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2020) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	LINO DI LERNIA - INTERIM 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:	8 FEBRUARY 2021

PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 31 January 2021 under section 625 of the *Local Government Act 1993*.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 January 2021.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED EN BLOC

Note:

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

15.3 QUARTERLY BUDGET REVIEW 2020-21 DECEMBER QUARTER

ATTACHMENTS:	1. IMPLICATIONS 2. BUDGET VARIATIONS DECEMBER QUARTER 3. QUARTERLY BUDGET REVIEW STATEMENT 4. PRINCIPAL ACTIVITIES VARIATIONS 5. PROJECTS & CAPITAL WORKS
RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM 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:	8 FEBRUARY 2021

PURPOSE OF REPORT

To provide a quarterly update on Council's progress towards achieving full year Operational Plan, Budget and Financial Performance targets. To seek Council approval on proposed budget adjustments and to report on financial performance during the second quarter (Q2) of the 2020/21 financial year (1 October 2020 to 31 December 2020).

RESOLUTION

That Council:

- 1. Note the Quarterly Budget Review 2020/21 – December Quarter.**
- 2. Approve the increase in Grants & Contributions provided for Capital Purpose of \$1,568K.**
- 3. Approve the increase in operating budget income (excluding capital income) of \$1,613K and a decrease in operating budget expense of \$1,386K resulting in a net positive impact of \$3M 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 \$5,542K.**

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED EN BLOC

15.4 DELIVERY PROGRAM SIX MONTHLY PROGRESS REPORT - JULY - DECEMBER 2020

ATTACHMENTS:	1. IMPLICATIONS 2. SIX MONTHLY PROGRESS REPORT – JUN-DEC 2020 (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	KATRINA FURJANIC – CORPORATE STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	8 FEBRUARY 2021

PURPOSE OF REPORT

To inform Council on progress report against the fourth year of the Delivery Program 2017-2021 (Operational Plan 2020/21).

MOTION

That Council receive and note the six monthly progress report on Council's Delivery Program 2017-2021 and the Operational Plan 2020-21 as at 31 December 2020.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR SAVILLE

CARRIED

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

Voting

For the Motion: Unanimous

**15.5 CLASSIFICATION OF AFFORDABLE HOUSING UNITS LOCATED AT 654
PACIFIC HIGHWAY CHATSWOOD AS OPERATIONAL LAND**

ATTACHMENTS:	1. IMPLICATIONS 2. CONDITION 25 IN DA 2016/18 DEVELOPMENT CONSENT
RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	TERENCE CARROLL – PROPERTY STRATEGY SPECIALIST
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	8 FEBRUARY 2021

PURPOSE OF REPORT

To seek Council's concurrence to classify three affordable housing units to be transferred to Council by the developer of 654 Pacific Highway, as Operational Land in accordance with the *Local Government Act 1993*.

RESOLUTION

That Council resolve to classify Lots 45, 47 & 52 in Strata Plan 101857 as Operational Land under the provisions of the *Local Government Act 1993*.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED EN BLOC

15.6 APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PANEL

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	MONICA LONERGAN – PEOPLE AND CULTURE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	8 FEBRUARY 2021

PURPOSE OF REPORT

To appoint a Performance Review Panel and delegate to the panel the task of undertaking the review of the Chief Executive Officer's performance.

MOTION

That Council:

1. Establish a Performance Review Panel comprising of the Mayor, Deputy Mayor, Councillor Fernandez and Councillor Zhu who was appointed by the Chief Executive Officer.
2. Authorise the Performance Review Panel to review and update the Performance Agreement and undertake interim and annual reviews of the Chief Executive Officer performance.
3. Appoint an independent facilitator to:
 - provide the required training prior to the review meeting
 - facilitate the process of reviewing and updating the Performance Agreement at the review meeting.
4. Request the Performance Review Panel to provide a report to Council on the outcome of the review process.
5. Endorse that the date for the end of year review be moved forward to ensure it can be completed prior to the end of the current Council term.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

The Motion 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, Saville, Tuon, Wright and Zhu.

Against: Councillor Coppock

15.7 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2021

ATTACHMENTS:	1. IMPLICATIONS 2. DISCUSSION PAPER 2021
RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER AND 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:	8 FEBRUARY 2021

PURPOSE OF REPORT

To advise Council that the National General Assembly of Local Government will be held in Canberra on the 20-23 June 2021, and to seek consideration of motions for submission to the conference.

MOTION

That Council note:

- 1. The upcoming National General Assembly of Local Government on 20-23 June 2021.**
- 2. Councillors wishing to attend the National General Assembly of Local Government are to advise the Governance, Risk and Corporate Planning Manager.**
- 3. A further report will be provided to the March Council Meeting regarding the submission of motions for consideration at the National General Assembly of Local Government.**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR ROZOS

CARRIED

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

Voting

For the Motion: Unanimous

15.8 MATTERS DEALT WITH UNDER DELEGATED AUTHORITY DURING THE 2020/2021 RECESS PERIOD

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM 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:	8 FEBRUARY 2021

PURPOSE OF REPORT

To report items dealt with by the Mayor and Chief Executive Officer under delegated authority during the 15 December 2020 to 8 February 2021 recess period.

RESOLUTION

That Council receive the report – Matters dealt with under delegated authority during the 2020/2021 recess period.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED EN BLOC

15.9 LEGAL SERVICES REPORT FEBRUARY 2021

ATTACHMENTS:	1. IMPLICATIONS 2. LEGAL SERVICES REPORT
RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER AND 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:	8 FEBRUARY 2021

PURPOSE OF REPORT

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

MOTION

That Council receive the legal services report for February 2021.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR CAMPBELL

CARRIED

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

Voting

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

Against: Nil

Absent: Councillor Coppock

Note:

Councillor Coppock left the meeting at 8:46pm having declared a non-pecuniary significant interest on this item.

PLANNING & INFRASTRUCTURE DIRECTORATE

Note:

Items 15.10: Planning Proposal for 282-284 Victoria Avenue Chatswood and 15.11: Deferred Planning Proposal - 100 Edinburgh Road Castlecrag were considered earlier in the meeting. Refer pages 8 and 10.

15.12 DEVELOPMENT ASSESSMENT - QUARTER 2 (1 OCTOBER TO 31 DECEMBER 2020)

ATTACHMENTS:

- 1. IMPLICATIONS**
- 2. VARIATIONS TO DEVELOPMENT STANDARDS – QUARTER 2**
- 3. APPLICATIONS DETERMINED – QUARTER 2**
- 4. CURRENT DEVELOPMENT APPLICATIONS AS AT 4 JANUARY 2021**

RESPONSIBLE OFFICER: **CHRIS BINNS – ACTING 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: **8 FEBRUARY 2021**

PURPOSE OF REPORT

To provide Council with details relating to development assessment for quarter 2 (1 October to 31 December 2020).

RESOLUTION

That Council:

- 1. Note the variations to development standards and development applications determined under delegated authority during quarter 2 (1 October to 31 December 2020).**
- 2. Note the current development applications list as at 4 January 2021.**

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED EN BLOC

**15.13 APPOINTMENT OF PANEL MEMBERS - WILLOUGHBY LOCAL
PLANNING PANEL AND SYDNEY NORTH PLANNING PANEL**

ATTACHMENTS:	1. IMPLICATIONS 2. EMAIL CORRESPONDENCE FROM DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING 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:	8 FEBRUARY 2021

PURPOSE OF REPORT

To seek Council endorsement to extend the current Council appointments to the Sydney North Planning Panel and the Willoughby Local Planning Panel to June 2021.

RESOLUTION

That Council:

- 1. Retain existing expert and community representatives for the Willoughby Local Planning Panel through to June 2021.**
- 2. Seek expressions of interest for community representatives for the Willoughby Local Planning Panel for appointment from June 2021.**
- 3. Receive a report prior to June 2021 for determination of appointment of expert and community representatives on the Willoughby Local Planning Panel to take effect after June 2021 with advice from the selection committee which is to include the Mayor, the Planning and Infrastructure Director and the Planning Manager.**
- 4. Retain existing representatives for the Sydney North Planning Panel through to June 2021.**
- 5. Receive a report prior to June 2021 for determination of appointment of Council representatives on the Sydney North Planning Panel to take effect after June 2021.**

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR MUSTACA

CARRIED EN BLOC

15.14 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF NORTH ARM RESERVE ACTION PLAN 2020

ATTACHMENTS:	1. IMPLICATIONS 2. NORTH ARM RESERVE ACTION PLAN 2020 3. EXHIBITION SUMMARY REPORT – NORTH ARM – RESERVE ACTION PLAN – DECEMBER 2020
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NICHOLAS YU – NATURAL ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, AND WILDLIFE
MEETING DATE:	8 FEBRUARY 2021

PURPOSE OF REPORT

To report on the submissions received in response to the public exhibition and to seek Council's adoption of the *North Arm Reserve Action Plan 2020*.

MOTION

That Council:

- 1. Adopt the *North Arm Reserve Action Plan 2020*.**
- 2. Delegate authority to the Chief Executive Officer to make minor amendments to the *North Arm Reserve Action Plan 2020* which do not alter the intent.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

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

Voting

For the Motion: Unanimous

Note:

Councillor Coppock returned to the meeting at 8:47pm.

15.15 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF WILLIS PARK RESERVE ACTION PLAN 2020

ATTACHMENTS:	1. IMPLICATIONS 2. WILLIS PARK RESERVE ACTION PLAN 2020 3. EXHIBITION SUMMARY REPORT – WILLIS PARK – RESERVE ACTION PLAN – DECEMBER 2020
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NICHOLAS YU – NATURAL ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, AND WILDLIFE
MEETING DATE:	8 FEBRUARY 2021

PURPOSE OF REPORT

To report on the submissions received in response to the public exhibition and to seek adoption of the *Willis Park Reserve Action Plan 2020* (Action Plan).

MOTION

That Council:

- 1. Adopt the *Willis Park Reserve Action Plan 2020*.**
- 2. Delegate authority to the Chief Executive Officer to make minor amendments to the *Willis Park Reserve Action Plan 2020* which do not alter the intent.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

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

Voting

For the Motion: Unanimous

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.16 REQUEST FOR PLAQUE AT WILLOUGHBY PARK FOR MRS LAURIE GRUNDY**

ATTACHMENTS:	1. IMPLICATIONS 2. EMAIL REQUEST FOR PLAQUE AT WILLOUGHBY PARK FOR MRS LAURIE GRUNDY
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD – OPEN SPACE COORDINATOR
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	8 FEBRUARY 2021

PURPOSE OF REPORT

To approve the request for a plaque at Willoughby Park for Mrs Laurie Grundy.

MOTION

That Council approve the request for a plaque at Willoughby Park for Mrs Laurie Grundy.

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: Unanimous

.

15.17 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE PLAN OF MANAGEMENT BICENTENNIAL RESERVE 2020

ATTACHMENTS:	1. IMPLICATIONS 2. BICENTENNIAL RESERVE PLAN OF MANAGEMENT 3. PUBLIC HEARING REPORT 4. COMMUNITY FEEDBACK
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD – OPEN SPACE CO-ORDINATOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	8 FEBRUARY 2021

PURPOSE OF REPORT

To report on the submissions received in response to the public exhibition and to seek adoption of the draft *Bicentennial Reserve Plan of Management* dated August 2020.

MOTION

That Council adopt the *Bicentennial Reserve Plan of Management* dated August 2020.

MOVED COUNCILLOR FERNANDEZ

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, Fernandez, Mustaca, Norton, Rozos, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillor Coppock

Note:

Councillor Coppock left the meeting at 8:52pm and did not return.

16 NOTICES OF MOTION

16.1 NOTICE OF MOTION NO 01/2021 - THE CONCOURSE TENANCIES REPORT

RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	TERRENCE CARROLL – STRATEGIC PROPERTY SPECIALIST
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	8 FEBRUARY 2021

PURPOSE OF REPORT

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

MOTION

That councillors be provided a chronological report of tenancies, vacancies, arrears and losses accrued each year over the last 3 years at the Concourse.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR GILES-GIDNEY

CARRIED

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

Voting

For the Motion: Unanimous

Note:

This item was considered prior to item 15.17: Outcome of Public exhibition and Adoption of the Plan of Management Bicentennial Reserve 2020 at which time Councillor Coppock was present.

.

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

17.1 CONFIDENTIAL - LEGAL SERVICES REPORT FEBRUARY 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.

PROCEDURAL MOTION

That Council resolve into closed session.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

Note:

Council moved into closed session at 8:53pm.

17.1 CONFIDENTIAL - LEGAL SERVICES REPORT FEBRUARY 2021**MOTION**

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

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR CAMPBELL

CARRIED

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

Voting

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

Against: Nil

Absent: Councillor Coppock

Note:

Councillor Coppock declared a non-pecuniary significant interest on this item. Councillor Coppock had left the meeting at 8:52pm and did not return.

PROCEDURAL MOTION

That the meeting resolve into open session of Council.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

Notes:

1. Council moved into open session at 9:00pm.
2. Mayor Councillor Giles-Gidney reported the confidential resolutions passed in closed session.

18 QUESTIONS WITH NOTICE

18.1 QUESTION ON NOTICE FROM COUNCILLOR WRIGHT - 18.1 CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY 2036 (FROM 12 OCTOBER 2020 COUNCIL MEETING AND QON FROM COUNCILLOR COPPOCK (FROM 14 DECEMBER 2020 COUNCIL MEETING))

ATTACHMENTS:

1. COUNCIL LETTER TO DPIE DATED 23 DECEMBER 2019
2. DPIE LETTER TO COUNCIL DATED 17 JANUARY 2020
3. URBAN DESIGN STUDY – METHODOLOGY
4. CHATSWOOD CBD STRATEGIC STUDY
TRANSPORT ASSESSMENT METHODOLOGY
5. HERITAGE STUDY - METHODOLOGY

RESPONSIBLE OFFICER: CHRIS BINNS – ACTING PLANNING AND
INFRASTRUCTURE DIRECTOR

AUTHOR: CRAIG O'BRIEN – STRATEGIC PLANNER

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

MEETING DATE: 8 FEBRUARY 2021

QUESTION

1. With reference to the answers supplied in item 18.1 on the agenda papers dated 14 December, what correspondence was entered into by Council with Develotek, Goldfields, Central Element and H and R Vakili, when requesting that they contribute to the cost of the report development?

Council staff did not request proponents contribute to the cost of report development or preparation.

2. Can that correspondence be attached these questions? If not, why not?

No, see above.

3. Did Council seek legal advice as to whether it could ask developers to pay for these reports? If not, why not?

No, Council did not seek legal advice, nor did Council staff ask developers to pay for these reports.

The probity of the process was discussed internally. It was considered appropriate to consult with the Department of Planning, Industry and Environment (DPIE), who requested the additional information, to ensure the probity of the process.

4. **ARUP, GMU and Weir Philips are reported to have been engaged to prepare these reports. What correspondence was entered into by Council with DPIE regarding this arrangement? Did Council explicitly advise DPIE that it would be seeking to request developer contributions to cover this expense? Did DPIE express any concerns about this relationship?**

An approach was arrived at between Council and proponents in late 2019 to engage independent consultants to prepare studies addressing each of the concerns raised by DPIE in response to the Council endorsed draft *Chatswood CBD Planning and Urban Design Strategy 2036*.

GMU, Weir Phillips and ARUP were engaged to prepare documentation addressing urban design, heritage and traffic issues.

The process was discussed with DPIE including letters sent by Council and received from DPIE.

Council did not request developer contributions for this work.

DPIE were consulted and did not raise concerns with the process leading to the GMU, Weir Phillips or ARUP reports.

5. **Can that correspondence be attached these questions? If not, why not?**

Council's letter of 23 December 2019 to DPIE is attached (refer to **attachment 1**).

The DPIE response to Council dated 17 January 2020 is also attached (refer to **attachment 2**).

6. **If Council did not pay for the work done by ARUP, GMU, Weir Phillips etc. and is not in receipt of documentation regarding payments, how did it effectively oversee the studies?**

Through meetings and providing feedback on draft and final documents. Council was also involved in establishing a Methodology for each of the reports prior to commencement.

7. **Who set the terms of reference for these studies? Did Council make efforts to ensure that terms of reference were suitable for the study?**

The terms of reference were established through the DPIE requirements for additional information. Yes, each methodology was forwarded to DPIE for its input and concurrence with their requirements (refer to **attachments 3, 4 and 5**).

8. **Is Council aware of any restrictions placed on the ARUP, GMU, Weir Philips (or any other organisation that may have been involved in writing these reports) by the proponents or those who paid them?**

No.

9. **If Council is unaware of any restrictions, did Council make enquiries as to whether there were restrictions in place?**

The Proponents were advised that any work would be carefully reviewed by Council, should be prepared by reputable companies and furthermore would be Peer Reviewed.

- 10. What measures are in place to ensure that transparency for the community with regards to these donations? Is there a register?**

There were no donations made to Council or discussion with Council regarding money matters in the preparation of these reports required by DPIE.

There is no register.

- 11. How are staff being ask to manage any conflict of interest going forward? Is there a framework in place?**

Council staff were more than aware of Council's Code of Conduct and the necessity for probity in the process. Council staff supported an independent Peer Review undertaken respectively by DPIE and TfNSW.

- 12. Have any other reports or surveys used in the development of the Willoughby LEP or DCP, been paid for by external parties?**

No

- 13. If any of the correspondence between aforementioned parties cannot be attached due to confidentiality, can you please provide the sections of the appropriate legislation that afford this protection?**

Requested correspondence isn't considered confidential and is attached.

19 CONCLUSION OF THE MEETING

The Council meeting concluded at 9:00pm.