



Willoughby City Council

EXTRAORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

on 30 March 2020

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1 PRESENT

Her Worship the Mayor Councillor G Giles-Gidney, Councillors C Campbell, H Eriksson, D Fernandez, A Rozos, N Wright and B Zhu

Officers

Ms D Just (Chief Executive Officer), Ms M Smith (Community Culture & Leisure Director), Mr G McDonald (Customer & Corporate Director), Mr S Naven (Chief Financial Officer), Ms S Charlton (Governance, Risk & Corporate Planning Manager), Mr V Grepl (Governance Officer) and Ms P Sheldrake (Governance Meeting Administration Officer)

2 DISCLOSURES OF INTERESTS

NIL

3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

That Council note Councillors Coppock, Mustaca, Norton, Rutherford, Saville and Tuon tendered an apology and requested Leave of Absence for tonight's meeting.

RESOLUTION

That Council note the apologies tendered by Councillors Coppock, Mustaca, Norton, Rutherford, Saville and Tuon and grant Leave of Absence.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Recommendation: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Rozos, Wright and Zhu.

Against: Nil

4 MAYORAL MINUTE – ACKNOWLEDGING WORK OF COUNCIL STAFF

MEETING DATE: 30 MARCH 2020

MOTION

That Council thank the officers formally for their hard work and dedication under the leadership of not only the Chief Executive Officer but also the very hardworking Directors and the Chief Financial Officer. Council thanks Mr Naven - Chief Financial Officer, Ms Smith - Community Leisure Director, Mr McDonald - Customer and Corporate Director and Mr Binns - Acting Planning and Infrastructure Director for the efforts, their dedication and commitment. I formally move that we thank the officers for the dedication and commitment during this extremely trying period of time and advise that we look forward to working with them and supporting them in the future.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

5. REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

5.1 COUNCIL RESPONSE TO THE BUSINESS AND COMMUNITY IMPACTS OF COVID19 VIRUS

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	30 MARCH 2020

PURPOSE OF REPORT

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

RESOLUTION

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

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Rozos, Wright and Zhu.

Against: Nil

5.2 INSTRUMENT OF DELEGATION TO MAYOR AND CHIEF EXECUTIVE OFFICER

ATTACHMENTS:	1. IMPLICATIONS 2. DELEGATIONS IN RESPONSE TO COVID-19 FROM GEORGES RIVER AND RYDE COUNCIL 3. DELEGATIONS FROM GEORGES RIVER COUNCIL AND RYDE COUNCIL
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:	30 MARCH 2020

PURPOSE OF REPORT

To seek Council's delegation of authority to the Mayor and the Chief Executive Officer (and their alternates) to facilitate urgent decision making in circumstances where a quorum cannot be achieved at a meeting of the Council due to the impacts of COVID-19 or in the circumstances where an urgent decision of Council is required to address matters arising from COVID-19.

RESOLUTION

That Council:

1. Pursuant to section 377 of the *Local Government Act 1993* delegate jointly to:
 - (i) the Mayor, or the Deputy Mayor if the Mayor is not available; and
 - (ii) the Chief Executive Officer (including any person who has been appointed to act in that position)

all of the functions, powers, duties, and authorities of the Council that it may lawfully delegate under the NSW *Local Government Act 1993*, and any other Act, Regulation, Rule or similar instrument (other than those functions referred to in section 377(1) of the *Local Government Act 1993* as functions which may not be delegated by Council) subject to the following conditions:

 - a) The delegation may only be exercised whilst a Public Health Order under the NSW *Public Health Act 2010* to address COVID-19 is in force;
 - b) The Mayor (or Deputy Mayor if applicable) and the Chief Executive Officer are to concur and jointly use this delegation to make decisions in circumstances where a quorum cannot be achieved at a meeting of the Council due to the impacts of COVID-19 or in the circumstances where an urgent decision of Council is required to address matters arising from COVID-19.

- c) The Chief Executive Officer is to prepare a list at the end of each week of the functions exercised and matters dealt with under this delegation and provide the list to Council by way of email to all Councillors as soon as practicable.
2. Pursuant to Section 351 of the *Local Government Act 1993*, temporarily appoint to the position of Chief Executive Officer the person holding the position of Customer and Corporate Director if the Chief Executive Officer is absent from work for a period of two consecutive business days during the period in which the delegation made in paragraph one is in force.
 3. Note that in regard to the delegation outlined in point 1 of the recommendation:
 1. A reference in this delegation to the Chief Executive Officer is a reference to the person who has been appointed as the General Manager of Willoughby City Council under section 334 of the *Local Government Act 1993*.
 2. This delegation does not revoke any existing delegations. All existing delegations continue unchanged.
 3. This delegation operates in addition to the existing delegations to the Mayor and the Chief Executive Officer and is to allow the Mayor and the Chief Executive Officer to jointly, decide to deal with matters that are excluded from their current delegations.
 4. This delegation is limited to the COVID-19 period which is the period during which any Public Health Order under the NSW *Public Health Act 2010* to address COVID- 19 remains in force.
 5. This delegation is also limited to dealing with urgent and necessary matters that arise from COVID-19.
 6. This delegation is imposed for six months.

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Rozos, Wright and Zhu.

Against: Nil

6 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 WRIGHT

SECONDED COUNCILLOR ERIKSSON

CARRIED

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

Council moved into closed session at 6:08pm.

6.1 CONFIDENTIAL - COVID-19 BUSINESS SUPPORT PLAN

Reason for Confidentiality

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

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

This report requires confidentiality as it considers commercial information of businesses who are Council's tenants. The report also contains information on leasing amounts that if disclosed would disadvantage Council in future commercial leasing negotiations.

RECOMMENDATION

That Council:

1. **Approve the Business Support Plan as detailed in the report and as amended below.**
2. **Provide rental relief to tenants of Council owned properties for a period of up to six months by way of a waiver of rent for small business tenants in the food and hospitality industries and not for profits as identified in Attachment 2 with an estimated financial impact of \$573,000.**

3. Waive licenses and fees for all sporting organisations for a period of six months with an estimated financial impact of \$600,000 with the exception of Northern Suburbs Tennis Association with whom further discussions will be held and a final decision made under delegation to the Mayor and Chief Executive Officer.
4. Note that in the event of the need to revisit the Business Support Plan for additional Council tenants that are impacted by further health orders, or benefit from State or Federal Government assistance, a report will be brought back to Council unless urgent.
5. Approve, for all businesses, the waiving of the environmental health inspection fees, fire safety fees, footway dining and advertising fees and a 50% fee reduction for Chatswood Mall Market stallholders, all for a period of up to 6 months equating to approximately \$435,000 as detailed in the report.
6. Note the budget adjustments for 2019/20 will be confirmed in the March Quarterly review which will be presented to Council in May 2020.
7. Note the impact on the 2020/21 budget will be addressed in the development of the draft 2020/21 budget.
8. Endorse discretionary measures relating to enforcement of some infringements where those discretions will not have an adverse impact on human health or safety, estimated to be \$55,000 in addition to any decrease due to reduced traffic for a period of up to three months.
9. To expedite assistance, delegate authority jointly to the Mayor and Chief Executive Officer to make amendments to the Business Support Plan as necessary to avoid overlaps with the State and Federal Government assistance packages when released and keep Councillors informed of such amendments and their budgetary impacts.
10. The Council resolution be released following the meeting.

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

For the Recommendation: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Rozos, Wright and Zhu.

Against: Nil

6.2 CONFIDENTIAL - COVID-19 FINANCIAL IMPACTS AND STRATEGY

Procedural Motion

That the following people registered submissions to Council which was distributed to all Councillors.

- Martin Maikim
- Assad Karem

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

The report needs to be confidential as it discloses sensitive financial information that could place Council at a disadvantage in future commercial negotiations.

RECOMMENDATION

That Council note the report and endorse the proposed financial response and strategy.

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Recommendation: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Rozos, Wright and Zhu.

Against: Nil

PROCEDURAL MOTION

That the meeting revert to Open Council.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR ZHU

CARRIED

Council moved into open session at 8:12pm.

RESOLUTION

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Rozos, Wright and Zhu.

Against: Nil

7 CONCLUSION OF THE MEETING

- The meeting concluded at 8:19pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Extraordinary Council Meeting held on 30 March 2020. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.