



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber Level 6, 31 Victor Street, Chatswood

27 July 2020

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1 PRESENT

Councillors

Her Worship the Mayor Councillor G Giles-Gidney, Councillors Campbell, Eriksson, Fernandez, Norton, Rutherford, Saville, Wright and Zhu.

Joining the meeting via Zoom Conferencing: Councillors Coppock, Mustaca, Rozos, and Tuon.

Officers

Ms D Just (Chief Executive Officer), Mr G McDonald (Customer & Corporate Director), Mrs S Connor (Acting Community, Culture & Leisure Director), Mr C Binns (Acting Planning & Infrastructure Director), Mr I Arnott (Planning Manager), Ms S Charlton (Governance, Risk & Corporate Planning Manager), Sherryn William (Governance Team Leader), Ms P Sheldrake (Governance Meeting Administration Officer), Mr B Herring (Chief Information Officer) and Mr J Racchi (Information Technology Team Leader).

Joining the meeting via Zoom Conferencing: Mr S Naven (Chief Financial Officer).

The Mayor Councillor Giles-Gidney welcomed Ms Williams as Council's Governance Team Leader.

2 DISCLOSURES OF INTERESTS

- Councillor Zhu declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Items 15.1: Willoughby City Operational Plan and Budget 2020-21 and Schedule of Fees and Charges 2020-21 as it relates to 112 Victoria Avenue community radio upgrades and 15.3: Lease – 112 Victoria Avenue, Chatswood.
(Nature of Interest: I have been appointed a Board Director at Northside Radio who is the tenant.)
- Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Items 15.1: Willoughby City Operational Plan and Budget 2020-21 and Schedule of Fees and Charges 2020-21 and 15.3: Lease – 112 Victoria Avenue, Chatswood.
(Nature of Interest: Business or community relationships with either presenters, producers or board members.)
- Councillor Coppock declared, a non-pecuniary significant interest in Items 15.2: Legal Services Report July 2020 and 17.2: Confidential – Legal Services Report July 2020.
(Nature of Interest: I'm named in 15.2 but not in 17.2. I am exercising caution given the history of the last three years.)
- Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.4: Monthly Investment Report – June 2020.
(Nature of Interest: I am an employee of the Westpac Group with whom Council has investments.)

- Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.6: Planning Proposal – 7 Westbourne Avenue and 12 Frederick Street, St Leonards (PP2018/11).
(Nature of Interest: Historical business and community relationships with either the proponent or project professionals.)
- Councillor Campbell declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.6: Planning Proposal – 7 Westbourne Avenue and 12 Frederick Street, St Leonards (PP2018/11).
(Nature of Interest: As Deputy Mayor I am an alternate to the Sydney North Planning Panel so I may be called to decide on this matter in that capacity.)
- Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.6: Planning Proposal – 7 Westbourne Avenue and 12 Frederick Street, St Leonards (PP2018/11).
(Nature of Interest: Member of the Sydney North Planning Panel. Association with Dexus Chief Executive Officer.)
- Councillor Campbell declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.9: Coolaroo Reserve Action Plan 2020 – Outcome of Public Exhibition and Adoption.
(Nature of Interest: My house adjoins the Coolaroo Reserve.)
- Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 16.2: Notice of Motion – Treaty on the prohibition of nuclear weapons.
(Nature of Interest: Member of the National Council, Medical Association for Prevention of War which is a partner organisation of International Campaign to Abolish Nuclear Weapons, the originally community now international organisation leading the Treaty on Prohibition of Nuclear Weapons.)

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

3 CONFIRMATION OF MINUTES

RESOLUTION

That:

1. The Minutes of the Ordinary Meeting of Council held 9 June 2020, copies of which have been circulated to each member of Council, be confirmed.
2. Council note the advice from Councillor Eriksson that in relation to the Council Meeting of the 9 June 2020, he had overlooked the declaration of a non-pecuniary less than significant interest in relation to Item 12.1: being Minutes – Local Traffic Committee Meeting held 22 April 2020, in relation to item no 5.1 – Edinburgh Road, Castlecrag - Traffic Safety Improvements and that subsequent to the becoming aware of this matter had lodged a declaration.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

NIL

5 PETITIONS

5.1 PETITION - FREEMAN ROAD/PACIFIC HIGHWAY, CHATSWOOD - 15 MINUTE PARKING SPOTS

RESPONSIBLE OFFICER: GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: PATRICIA SHELDRAKE – GOVERNANCE MEETING ADMINISTRATION OFFICER

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

MEETING DATE: 27 JULY 2020

PURPOSE OF REPORT

To consider a petition from Head Petitioner, the owners of Allure Café & Co, containing 67 petitions seeking three parking spots on Freeman Road be allocated a 15-minute parking time from 6:30am to 6:30pm Monday to Friday.

MOTION

That Council receive and note the petition seeking that the three parking spots on Freeman Road be amended to 15-minute parking time from 6:30am to 6:30pm Monday to Friday and refer it to the Planning & Infrastructure Director for consideration.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

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

Voting

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

Against: Nil

5.2 PETITION - 128 BEACONSFIELD ROAD, CHATSWOOD**MEETING DATE: 27 JULY 2020**

PURPOSE OF REPORT

Deputy Mayor Councillor Campbell tabled a petition from Head Petitioners, Ferndale, Dellwood and Beaconsfield residents, containing 30 signatures, in principle supporting the development of Chatswood Golf Club (DA 2020/117) 128 Beaconsfield Road, Chatswood but expressing concerns about traffic congestion and impacts on the environment.

MOTION

That Council receive and note the petition expressing concerns about traffic congestion and impacts on the environment in relation to the development at 128 Beaconsfield Road, Chatswood (DA 2020/117) and refer it to the Planning & Infrastructure Director for consideration.

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

Against: Nil

6 OPEN FORUM — MATTERS NOT 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.

A submission was made by Ms Sarkar in regards to 27 Centennial Avenue, Chatswood – DA2018/75.

7 MAYORAL MINUTE

NIL

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 12.1 Minutes – Local Traffic Committee Meeting held on 17 June 2020
- Item 15.1 Willoughby City Operational Plan and Budget 2020-21 and Schedule of Fees and Charges 2020-21
- Item 15.2 Legal Services Report July 2020
- Item 15.3 Lease – 112 Victoria Avenue, Chatswood
- Item 15.4 Monthly Investment Report – June 2020
- Item 15.5 Councillor Attendance at LGNSW Annual Conference 2020
- Item 15.6 Planning Proposal – 7 Westbourne Avenue and 12 Frederick Street, St Leonards (PP2018/11)
- Item 15.8 Chatswood Mall Extension
- Item 15.9 Coolaroo Reserve Action Plan 2020 – Outcome of Public Exhibition and Adoption
- Item 15.10 Annual Fee for Mayor and Councillors 2020-2021
- Item 16.1 Notice of Motion – Public Bus Service
- Item 16.2 Notice of Motion – Treaty on the Prohibition of Nuclear Weapons
- Item 17.1 Confidential – Negotiated Proposal – The Concourse Chatswood – Cladding Replacement
- Item 17.2 Confidential – Legal Services Report July 2020
- Item 17.3 Confidential – Voluntary Planning Agreement relating to Planning proposal at 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood – Public Exhibition

RESOLUTION

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

Item 15.7 Infrastructure Contributions Reform Discussion Paper – Submission
Item 15.11 Public Art Policy – Outcome of Public Exhibition and Adoption
Item 15.12 The Concourse Chatswood – Cladding Replacement Negotiated Proposal

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Coppock, 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.

Item 15.6: Planning Proposal – 7 Westbourne Avenue and 12 Frederick Street, St Leonards (PP2018/11)

Submissions were received from:

- Mr Keary – Keylan - Consulting Pty Ltd
- Mr Skulander and Mr Websdale - Dexus

12 REPORTS OF COMMITTEES

12.1 MINUTES - LOCAL TRAFFIC COMMITTEE MEETING HELD ON 17 JUNE 2020

ATTACHMENTS:	1. IMPLICATIONS 2. TRAFFIC COMMITTEE MINUTES OF 17 JUNE 2020
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY –TRAFFIC AND TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	27 JULY 2020

PURPOSE OF REPORT

To report the minutes of the Traffic Committee meeting held on 17 June 2020.

MOTION

That Council receive and adopt the recommendations of the Traffic Committee meeting held on 17 June 2020 noting that in Item 5.2: Sailors Bay Road, Northbridge between Strathallen Avenue and Euroka Street – timed no parking regulatory restrictions that the restrictions only apply outside 126 Sailors Bay Road, Northbridge.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR FERNANDEZ

CARRIED

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

Voting

For the Motion: Councillors Giles-Gidney, Campbell, Coppock, Eriksson, Fernandez, Mustaca, Norton, 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 WILLOUGHBY CITY OPERATIONAL PLAN AND BUDGET 2020-21 AND SCHEDULE OF FEES AND CHARGES 2020-21

ATTACHMENTS:

1. IMPLICATIONS
2. OPERATIONAL PLAN 2020-21
3. SCHEDULE OF FEES AND CHARGES 2020-21
4. SUBMISSIONS ON DRAFT OPERATIONAL PLAN 2020-21 AND DRAFT SCHEDULE OF FEES AND CHARGES 2020-21
(ATTACHMENTS 2, 3 AND 4 TO BE DISTRIBUTED SEPARATELY)

RESPONSIBLE OFFICER: GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
KATRINA FURJANIC – CORPORATE STRATEGIC PLANNER

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

MEETING DATE: 27 JULY 2020

PURPOSE OF REPORT

To consider submissions received in response to the recent public exhibition and to adopt the draft *Willoughby City Council Operational Plan 2020-21* encompassing the Budget and Revenue Policy and draft *Willoughby City Council Schedule of Fees and Charges 2020-21*.

MOTION

That Council adopt line item 301723: 112 Victoria Avenue – Community Radio Upgrade – \$20,000 as written on page 21 in the *Operational Plan 2020-2021* under *Building and Investment Properties*.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR WRIGHT

CARRIED

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

Voting

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

Against: Nil

Absent: Councillors Fernandez and Zhu.

MOTION**That Council:**

- 1 **Adopt the *Operational Plan 2020-21 and Schedule of Fees and Charges 2020-21* with amendments as outlined in Section 4 of this report, noting that line item 301723 - 112 Victoria Avenue – Community Radio Upgrade – \$20,000 on page 21 in the under *Building and Investment Properties* was resolved separately.**
- 2 **Resolve to make a Domestic Waste Management Charge of \$530 per annum per service on all properties categorised as Residential for the 2020/21 rating year, pursuant to Sections 496 and 535 of the *Local Government Act 1993*.**
- 3 **Resolve to make a Domestic Waste Management Charge for eligible Pensioners and qualifying Self-Funded Retirees of \$400 per annum per service on all properties categorised as Residential for the 2020/21 rating year, pursuant to Sections 496 and 535 of the *Local Government Act 1993*.**
- 4 **Resolve to allow the aggregation of the values of certain parcels of land subject to minimum rates in accordance with Section 548A of the *Local Government Act 1993*.**
- 5 **Resolve to make the following Stormwater Management Service Charges for the 2020/21 rating year, pursuant to Sections 496A and 535 of the *Local Government Act 1993*.**
 - **\$25.00 per rateable residential property**
 - **\$12.50 per rateable strata titled property**
 - **\$25 per 350 square metres for business related properties (minimum charge of \$5.00).**
- 6 **Resolve to make the following ordinary rates for the 2020/21 rating and financial year where such rates consist of an ad valorem amount and subject to a minimum amount, pursuant to Sections 492-494, 497-498, 533-535, 543 and 548 (inclusive) of the *Local Government Act 1993*:**

Ordinary Rate Category Section 493	Ordinary Rate Sub Category Section 529	Ad Valorem Amount (cents in the \$)	Minimum Rate Amount	Yield
Residential	-	.00085185	\$878.80	\$31.11m
Business	-	.00462275	\$1,255.05	\$12.52m
Business	Chatswood Town Centre (CTC)	.00672827	\$1,334.85	\$7.22m
Business	Chatswood Major Retail – Chatswood Chase	.0161685	\$1,118.70	\$0.92m
Business	Chatswood Major Retail Centre – Westfield	.0150422	\$1,118.70	\$1.18m
Business	Strata Storage Facility	.0067015	\$848.50	\$0.09m
			Total	\$53.04m

- 7 Resolve to apply land valuations, with a base date 1 July 2019, for rating purposes in the 2020/21 rating and financial year.
- 8 Resolve that the interest rate applicable on overdue rates and charges is 0% per annum for amounts overdue between 1 July 2020 and 31 December 2020, and 7.0% per annum for the period 1 January 2021 to 30 June 2021. These charges for the 2020/21 rating year are pursuant to Section 566 of the *Local Government Act 1993*.
- 9 Delegate authority to the Chief Executive to make minor and administrative amendments to the *Operation Plan 2020-21* and *Schedule of Fees and Charges 2020-21* which do not alter the intent.
- 10 Endorse the following new or materially changed fees for 28 days of public notice, and consider any submissions made during that period, in accordance with Section 610F of the *Local Government Act 1993*:

Fee Name	Previously Exhibited 2020/21 Fee (incl. GST)	Proposed Fee for Public Exhibition
Out of School Hours Care – Search Fee	\$8.00	\$20.00
Restoration Works – Footpath - Standard paving - PGH Pompee Header Course with Bitumen infill (per Square Metre)	\$0.00	\$712.00
Restoration Works – Footpath - Traffic Control for Restoration Works (per day) on Main Traffic Routes (e.g. State Roads, Regional roads and Important local roads including signalised intersections)	\$0.00	\$1,237.00
Restoration Works – Footpath – Surcharge for Night Works / Weekends	0	40% of scheduled fee
Restoration Works – Footpath – Concrete / Asphalt Plant Opening Fee for Night Works (for each night of opening)	\$0.00	\$3,140.00
Restoration Works – Footpath Crossings - Traffic Control for Restoration Works (per day) on Main Traffic Routes (e.g. State Roads, Regional roads and Important local roads including signalised intersections)	\$0.00	\$1,237.00
Restoration Works – Footpath Crossings – Surcharge for Night Works / Weekends	0	40% of scheduled fee

Restoration Works – Footpath Crossings – Concrete / Asphalt Plant Opening Fee for Night Works (for each night of opening)	\$0.00	\$3,140.00
Annual Permit Fee - Cat not desexed by 4 months of age	\$0.00	\$80.00
Annual Permit Fee - Dog of restricted breed	\$0.00	\$195.00
Annual Permit Fee - Dog declared dangerous	\$0.00	\$195.00
Late Fees - Where any of the above three permits are not paid within legislated 28 days	\$0.00	\$16.00

11. **Endorse the increase of the fee for Application, Installation and Administration for new car share parking space (on page 58 of the *Willoughby City Council Fees and Charges 2020-2021*), to a maximum amount of \$1,500.00.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR ROZOS

CARRIED

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

Voting

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

Against: Nil

Councillors Fernandez declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.1: Willoughby City Operational Plan and Budget 2020-21 and Schedule of Fees and Charges 2020-21 as it relates to 112 Victoria Avenue, Chatswood. Councillor Fernandez withdrew from the meeting taking no part in the discussion or voting on this part of the paper.

(Nature of Interest: Business or community relationships with either presenters, producers and board members.)

Councillor Zhu declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.1: Willoughby City Operational Plan and Budget 2020-21 and Schedule of Fees and Charges 2020-21 as it relates to 112 Victoria Avenue, Chatswood. Councillor Zhu withdrew from the meeting taking no part in the discussion or voting on this part of the paper.

(Nature of Interest: I have been appointed a Board Director at Northside Radio who is the tenant.)

15.2 LEGAL SERVICES REPORT JULY 2020

ATTACHMENTS:	1. IMPLICATIONS 2. LEGAL SERVICES REPORT
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:	27 JULY 2020

PURPOSE OF REPORT

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

MOTION

That Council receive the legal services report for July 2020.

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, Rutherford, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillor Coppock.

Councillor Coppock declared a non-pecuniary significant interest in Item 15.2: Legal Services Report July 2020. Councillor Coppock withdrew from the meeting taking no part in the discussion or voting on this topic.

(Nature of Interest: I'm named in 15.2 but not in 17.2 I am exercising caution given the history of the last three years.)

15.3 LEASE - 112 VICTORIA AVENUE CHATSWOOD

ATTACHMENTS:	1. IMPLICATIONS 2. PROPOSED LEASE
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	ANNA VECCHIO – PROPERTY LEASING OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 JULY 2020

PURPOSE OF REPORT

To obtain Council's endorsement to enter into a three year lease with the Northside Broadcasting Co-Operative Limited (2NSB), for the premises at 112 Victoria Avenue, Chatswood.

MOTION

That Council:

- 1. Enter into a three year lease with the Northside Broadcasting Co-Operative Limited, for the premises at 112 Victoria Avenue, Chatswood.**
- 2. Authorise the Chief Executive Officer to execute the lease and any other associated documents.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ERIKSSON

CARRIED

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

Voting

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

Against: Nil

Absent: Councillors Coppock, Fernandez and Zhu.

Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.3: Lease – 112 Victoria Avenue, Chatswood. Councillor Fernandez withdrew from the meeting taking no part in the discussion or voting on this topic. *(Nature of Interest: Business or community partnerships with either presenters, producers and board members.)*

Councillor Zhu declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.3: Lease – 112 Victoria Avenue, Chatswood. Councillor Zhu withdrew from the meeting taking no part in the discussion or voting on this topic.

(Nature of Interest: I have been appointed a Board Director at Northside Radio who is the tenant.)

15.4 MONTHLY INVESTMENT REPORT - JUNE 2020

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2019) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	GREG MCDONALD - 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:	27 JULY 2020

PURPOSE OF REPORT

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

MOTION

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

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ERIKSSON

CARRIED

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

Voting

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

Against: Nil

Absent: Councillor Coppock.

Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.4: Monthly Investment Report – June 2020.

(Nature of Interest: I am an employee of the Westpac Group with whom Council has investments.)

15.5 COUNCILLOR ATTENDANCE AT LGNSW ANNUAL CONFERENCE 2020

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT PROGRAM AS AT 16 JULY 2020
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SHERRYN WILLIAMS - GOVERNANCE TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 JULY 2020

PURPOSE OF REPORT

To nominate Councillor delegates and observers to attend the Local Government NSW (LGNSW) Annual Conference.

MOTION

That Council:

- 1. Nominate Councillors Giles-Gidney, Campbell, Norton, Saville and Wright as voting delegates to attend the Local Government NSW 2020 Annual Conference, being held on the 22 to 24 November 2020.**
- 2. Nominate Councillors Eriksson, Rozos, Tuon and Zhu to attend the Conference as observers.**
- 3. Consider, at the 14 September 2020 Council meeting, motions to be submitted for debate at the LGNSW Annual Conference.**

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock.

PLANNING & INFRASTRUCTURE DIRECTORATE**15.6 PLANNING PROPOSAL - 7 WESTBOURNE AVENUE AND 12 FREDERICK STREET ST LEONARDS (PP2018/11)**

ATTACHMENTS:

- 1. IMPLICATIONS**
- 2. DETAILED ASSESSMENT**
- 3. REVISED PLANNING PROPOSAL**
- 4. COUNCIL REPORT 27 JUNE 2016**
- 5. PROPOSED VPA LETTER OF OFFER**
- 6. WLPP – RECORD OF ADVICE**

(ATTACHMENTS 2-6 TO BE DISTRIBUTED SEPARATELY)

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**

MEETING DATE: **27 JULY 2020**

PURPOSE OF REPORT

To provide Council with an assessment and recommendation not to support a Planning Proposal (PP 2018/011) to allow additional permitted uses including low cost housing in the industrial area at 7 Westbourne Avenue and 12 Frederick Street, St Leonards.

MOTION

That Council:

- 1. Not support the Planning Proposal and draft amendments to Willoughby Local Environmental Plan 2012 to rezone 7 Westbourne Avenue and 12 Frederick Street, St Leonards (being lots 1 and 2 DP1239553) to allow for additional uses including low cost housing with a Floor Space Ratio up to 4.5:1 and maximum height limit ranging from 46.5m (RL122.00) to 63.3m (RL140.00).**
- 2. Endorse provision of advice to the proponent that an alternative Planning Proposal to amend Willoughby Local Environmental Plan 2012 allowing “Health Services Facilities” use with a Floor Space Ratio up to 4.5:1 and Willoughby Development Control Plan for 12 Frederick Street, St Leonards (being Lot 2 DP1239553) could be supported for public exhibition.”**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

AMENDMENT

That Council:

1. **Not support the Planning Proposal and draft amendments to Willoughby Local Environmental Plan 2012 to rezone 7 Westbourne Avenue and 12 Frederick Street, St Leonards (being lots 1 and 2 DP 1239553) to allow for additional uses including low cost housing with a Floor Space Ratio up to 4.5:1 and maximum height limit ranging from 46.5m (RL 122.00) to 63.3m (RL 140.00).**
2. **Endorse provision of advice to the proponent that an alternative Planning Proposal to amend Willoughby Local Environmental Plan 2012 allowing “hospital” use with a Floor Space Ratio up to 4.5:1 and Willoughby Development Control Plan for 12 Frederick Street, St Leonards (being Lot 2 DP 1239553) could be supported for public exhibition.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

CARRIED

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

Voting

For the Amendment: Councillors, Norton, Rozos, Rutherford, Saville, Tuon.

Against: Councillor Mustaca, Eriksson, Wright, Zhu.

Absent: Councillors Giles-Gidney, Campbell, Coppock, Fernandez

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, Norton, Rozos, Rutherford, Saville, Tuon, Eriksson, Wright and Zhu.

Against: Councillor Mustaca.

Absent: Councillors Giles-Gidney, Campbell, Coppock and Fernandez

Her Worship the Mayor Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.6: Planning Proposal – 7 Westbourne Avenue and 12 Frederick Street, St Leonards (PP2018/11). Mayor Councillor Giles-Gidney withdrew from the meeting taking no part in the discussion or voting on this topic.

(Nature of Interest: Member of Sydney North Planning Panel. Association with Dexu Chief Executive Officer.)

Councillor Campbell declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.6: Planning Proposal – 7 Westbourne Avenue and 12 Frederick Street, St Leonards (PP2018/11). Councillor Campbell withdrew from the meeting taking no part in the discussion or voting on this topic.

(Nature of Interest: As Deputy Mayor I am an alternate on the Sydney North Planning Panel, so I may be called to decide on this matter in that capacity.)

Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.6: Planning Proposal – 7 Westbourne Avenue and 12 Frederick Street, St Leonards (PP2018/11). Councillor Fernandez withdrew from the meeting taking no part in the discussion or voting on this topic.

(Nature of Interest: Historical business and community relationships with either the proponent or project professionals.)

Former Deputy Mayor Councillor Rutherford assumed the Chair in the Mayor's and Deputy Mayors absence for consideration of this item.

15.7 INFRASTRUCTURE CONTRIBUTIONS REFORM DISCUSSION PAPER - SUBMISSION

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT SUBMISSION ON CONTRIBUTIONS REFORM
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	SYLVANIA MOK – CONTRIBUTIONS SPECIALIST
CITY STRATEGY OUTCOME:	3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES 5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	27 JULY 2020

PURPOSE OF REPORT

To seek Council's endorsement of the draft submission (**Attachment 2**) on the State Government's *Infrastructure Contributions Reform Package* to be forwarded to *NSW Department of Planning, Industry and Environment ('DPIE')*.

RESOLUTION**That Council**

- 1. Endorse the draft submission on the Government's Infrastructure Contributions Reform for forwarding to NSW Department of Planning, Industry and Environment.**
- 2. Authorise the Chief Executive Officer to make appropriate amendments to the submission which do not alter the intent or result in material changes of the submission.**

MOVED COUNCILLOR ERIKSSON**SECONDED COUNCILLOR MUSTACA****CARRIED****Voting**

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

Against: Nil

15.8 CHATSWOOD MALL EXTENSION

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	CHRIS BINNS – DIRECTOR PLANNING AND INFRASTRUCTURE (ACTING)
AUTHOR:	WIL ROBERTSON – URBAN DESIGN SPECIALIST
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	27 JULY 2020

PURPOSE OF REPORT

To respond to a Notice of Motion at Council's meeting of 11 May 2020 which resolved:

“That Council receive a report on the implications of a proposal to extend Chatswood Mall.”

MOTION

That Council note the preliminary information provided regarding the potential for extension of the existing Chatswood Mall.

MOVED COUNCILLOR MUSTACA

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, Rutherford, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillor Coppock.

15.9 COOLAROO RESERVE ACTION PLAN 2020 - OUTCOME OF PUBLIC EXHIBITION AND ADOPTION

ATTACHMENTS:	1. IMPLICATIONS 2. COOLAROO RESERVE ACTION PLAN 2020 3. EXHIBITION SUMMARY REPORT - COOLAROO RESERVE – RESERVE ACTION PLAN – JUNE 2020
RESPONSIBLE OFFICER:	CHRIS BINNS – PLANNING & INFRASTRUCTURE DIRECTOR (ACTING)
AUTHOR:	NICHOLAS YU – NATURAL ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	27 JULY 2020

PURPOSE OF REPORT

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

MOTION

That Council:

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

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR WRIGHT

CARRIED

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, Wright and Zhu.

Against: Nil

Absent: Councillor Coppock.

Councillor Campbell declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.9: Coolaroo Reserve Action Plan 2020 – Outcome of Public Exhibition and Adoption.

(Nature of Interest: Item 15.9 – My house adjoins the Coolaroo Reserve.)

15.10 ANNUAL FEE FOR MAYOR AND COUNCILLORS 2020-2021

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SHERRYN WILLIAMS – TEAM LEADER GOVERNANCE
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 JULY 2020

PURPOSE OF REPORT

To determine the fees to be paid to the Mayor and Councillors for the 2020/2021 financial year.

MOTION

That Council pursuant to section 248 and 249 of the *Local Government Act 1993*, fixes the annual fee at the maximum level for Metropolitan Medium category based on the 2020 determination of the Local Government Remuneration Tribunal, for the period 1 July 2020 to 30 June 2021 as follows:

1. Councillors annual fee of \$25,790.
2. Mayor additional fee of \$68,530.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR ERIKSSON

CARRIED

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

Voting

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

Against: Nil

Absent: Councillor Coppock.

15.11 PUBLIC ART POLICY - OUTCOME OF PUBLIC EXHIBITION AND ADOPTION

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT PUBLIC ART POLICY
RESPONSIBLE OFFICER:	CHRIS BINNS – PLANNING & INFRASTRUCTURE DIRECTOR (ACTING)
AUTHOR:	WIL ROBERTSON- URBAN DESIGN SPECIALIST
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	27 JULY 2020

PURPOSE OF REPORT

To report on the outcomes of the public exhibition and seek the adoption of the draft *Public Art Policy* (the Policy).

RESOLUTION

That Council:

1. Adopt the *Public Art Policy*.
2. Revoke the *Willoughby City Council Public Art Policy (2009)*.
3. Delegate authority to the Chief Executive Officer to make minor and administrative amendments to the *Public Art Policy*, which do not alter the intent.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

**15.12 THE CONCOURSE CHATSWOOD - CLADDING REPLACEMENT
NEGOTIATED PROPOSAL**

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	TERRIE CHIN – SENIOR PROJECT MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO. 5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	27 JULY 2020

PURPOSE OF REPORT

To seek Council's approval to accept the proposal from the preferred bidder for the negotiation for the replacement of the external cladding at The Concourse.

RESOLUTION

That Council accept the proposal from the preferred bidder, as outlined in the confidential report, for the replacement of the external cladding of The Concourse, 409 Victoria Avenue, Chatswood.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16 NOTICES OF MOTION

16.1 NOTICE OF MOTION - PUBLIC BUS SERVICE

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY – SENIOR TRAFFIC ENGINEER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY
MEETING DATE:	27 JULY 2020

PURPOSE OF REPORT

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

MOTION

That, in support of reliable and customer focused bus service provision:

- a) **Willoughby City Council write to the Minister for Transport and Roads to seek a meeting with Mayor and Chief Executive Officer to discuss the privatisation of State Transit Authority and the impact to on time running, bus stops and bus routes in Willoughby Local Government Area**
- b) **Request a written guarantee from the Minister for Transport and Roads that:**
 - **on time running will remain at or better than the current rate of 95 percentage**
 - **there will be no reduction in the number or movement of bus stops without a formal public consultation process**
 - **there will be no changes to existing bus routes without a formal public consultation process.**

MOVED COUNCILLOR SAVILLE

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, Rutherford, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillor Coppock.

16.2 NOTICE OF MOTION - TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT MANAGER
CITY STRATEGY OUTCOME:	1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	27 JULY 2020

PURPOSE OF REPORT

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

MOTION

Willoughby City Council is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long lasting consequences for people and the environment.

Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017, and we call on our national leaders to sign and ratify it without delay.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR FERNANDEZ

LOST

Voting

For the Motion: Councillors, Fernandez, Mustaca, Norton, Saville, Wright.

Against: Giles-Gidney, Campbell, Eriksson, Rozos, Rutherford, Tuon, and Zhu

Absent: Councillor Coppock.

Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 16.2: Notice of Motion – Treaty on the prohibition of nuclear weapons.

(Nature of Interest: Member of the National Council, Medical Association for Prevention of War which is a partner organisation of International Campaign to Abolish Nuclear Weapons, the originally community now international organisation leading the Treaty on Prohibition of Nuclear Weapons.)

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:

1. Resolve itself into Closed Session with the Press and Public excluded from the meeting to deal with the following confidential items.
2. Resolve into Committee of the Whole in order to deal with these confidential items.

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR SAVILLE

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 8:41pm.

17.1 CONFIDENTIAL - NEGOTIATED PROPOSAL - THE CONCOURSE CHATSWOOD - CLADDING REPLACEMENT

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c), (d)(i) 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.
- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it.
- (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 includes commercial information and legal advice. The release of this information would provide person(s) with whom Council conducts business or proposes to conduct business an advantage and would prejudice the commercial information of the person who supplied it. On balance, it is not in the public interest to release information that, if disclosed, would compromise Council's or a third parties commercial position.

17.2 CONFIDENTIAL - LEGAL SERVICES REPORT JULY 2020**Reason for Confidentiality**

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

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

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

17.3 CONFIDENTIAL - VOLUNTARY PLANNING AGREEMENT RELATING TO PLANNING PROPOSAL AT 1A-29 BOWEN STREET AND 6-18 MORIARTY ROAD CHATSWOOD - PUBLIC EXHIBITION**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 includes commercial information. The release of this information would provide person(s) with whom Council conducts business or proposes to conduct business an advantage. On balance, it is not in the public interest to release information that, if disclosed, would compromise Council's commercial position.

17.1 CONFIDENTIAL - NEGOTIATED PROPOSAL - THE CONCOURSE CHATSWOOD - CLADDING REPLACEMENT**RECOMMENDATION**

That Council:

1. **Accept the proposal from Buildcorp Pty Ltd for a lump sum amount of \$6,967,252 (excluding GST) for replacement of the external cladding of The Concourse, 409 Victoria Avenue, Chatswood.**
2. **Approve an additional construction contingency, as a percentage of the lump sum contract to cover any unforeseen construction or project delivery issues to the amount as detailed in section 4 of the confidential report.**

3. Delegate authority to the Chief Executive Officer to negotiate the final terms of the contract and execute all associated documents.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

17.2 CONFIDENTIAL - LEGAL SERVICES REPORT JULY 2020

RECOMMENDATION

That Council receives the confidential legal services report for July 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

Absent: Councillor Coppock.

Councillor Coppock declared a non-pecuniary significant interest in Item 17.2: Legal Services Report July 2020. Councillor Coppock withdrew from the meeting taking no part in the discussion or voting on this topic.

(I'm named in 15.2 but not in 17.2 I am exercising caution given the history of the last three years.)

17.3 CONFIDENTIAL - VOLUNTARY PLANNING AGREEMENT RELATING TO PLANNING PROPOSAL AT 1A-29 BOWEN STREET AND 6-18 MORIARTY ROAD CHATSWOOD - PUBLIC EXHIBITION

RECOMMENDATION

That Council:

1. Endorse the draft Voluntary Planning Agreement (VPA) being publicly exhibited for 28 days 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, or result in material changes to the VPA following consideration of public submissions.
3. A report be brought back to Council following the exhibition if there are proposed significant or material changes to the Voluntary Planning Agreement.
4. Authorise the Chief Executive Officer to execute the VPA following public exhibition subject to no material changes being made to the draft VPA following public notification and exhibition.

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Councillor Saville.

Absent: Councillor Coppock.

PROCEDURAL MOTION

That the meeting revert to Open Council.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Council moved into open session at 8:58pm.

RESOLUTION

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

MOVED COUNCILLOR FERNANDEZ

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

Absent: Councillor Coppock.

18 QUESTIONS WITH NOTICE

18.1 QUESTION ON NOTICE FROM CR SAVILLE - WILLOUGHBY ENVIRONMENTAL PLAN

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PROPERTY & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 JULY 2020

QUESTION

1. With regards to the Willoughby LEP, what is the current status of the un-exhibited Draft LEP?
2. Can you please clarify the status of gazettal of the Draft WCC LEP?
3. When will public comment be permitted for the Draft WCC LEP?
4. Can you please clarify the current status of the planning proposals submitted to WCC (e.g. including Ellis Street, Anderson Street near Wilson and Brian Streets, Albert, Archer/Bertram and Pacific Highway/Wilson)?
5. Is there a specific timeline for a formal process for the WCC LEP? If so, what is the timeline?
6. Can the Planning Minister direct the department to override the Draft LEP?
7. Has there been any recent communication from the NSW Department of Planning, Infrastructure and Environment that resolves issues related to Planning Proposals in the CBD that have been stalled?

ANSWER

1. **With regards to the Willoughby City Council's (WCC) Local Environment Plan (LEP), what is the current status of the un-exhibited Draft LEP?**

Strategic work has been undertaken and is continuing to inform the preparation of a revised Local Environmental Plan. It is intended to brief councillors and report a draft LEP to Council before the end of 2020.

The new LEP aims to deliver on the objectives of the North District Plan as expressed in Council's Local Strategic Planning Statement (LSPS). The LSPS brings together all the recent strategic work undertaken by Council including:

- *Our Future Willoughby 2028 Community Strategic Plan*
- *Chatswood CBD Planning and Urban Design Strategy*
- *Willoughby Housing Strategy*

- *Willoughby Local Centres Strategy*
- *Our Green City Plan 2028*
- *Willoughby draft Integrated Transport Strategy (being finalised for Council's endorsement following exhibition)*
- *Willoughby draft Affordable Housing Strategy*
- *Willoughby draft Industrial Lands Strategy (recently on exhibition and yet to be adopted by Council).*

The new LEP will also be informed by the provisions of the *St Leonards/ Crows Nest Draft 2036 Plan* when this is finalised by State Government and will include any housekeeping amendments that are needing to be made.

2. Can you please clarify the status of gazettal of the Draft WCC LEP?

Work is still underway in preparing the Planning Proposal that is the first step in preparing a new LEP. Gazettal of the LEP is the final step in the process and would occur following exhibition and adoption by Council (See response to Question 5).

3. When will public comment be permitted for the Draft WCC LEP?

A report will be put to Council prior to the end of 2020 seeking endorsement of this Planning Proposal for the new LEP and for it to be forwarded to the Department of Planning Industry and Environment (DPIE) seeking Gateway approval to publicly exhibit the draft document (see response to Question 5).

4. Can you please clarify the current status of the planning proposals submitted to WCC (e.g. including Ellis Street, Anderson Street near Wilson and Brian Streets, Albert, Archer/Bertram and Pacific Highway/Wilson)?

A number of site specific Planning Proposals are currently with Council. There are 18 in total, some of which have been under negotiation with Council for a considerable period. Of this total number, there are 13 located in the Chatswood CBD, 8 of which have been endorsed by Council during 2018 and 2019. All were forwarded to DPIE to obtain a Gateway determination to enable the Planning Proposals (PPs) to proceed to exhibition. It is noted that the 2018 Planning Proposal for 3 Ellis Street was not supported and therefore not forwarded to DPIE.

Despite the *Chatswood CBD Planning and Urban Design Strategy* having been endorsed by Council and supported by the Greater Sydney Commission, DPIE has requested Council address certain aspects prior to full endorsement. The PPs forwarded to DPIE were returned to Council until the strategy matters are addressed to DPIE's satisfaction.

Council officers, in consultation with DPIE have reviewed the Strategy, in regard to the following matters raised by DPIE:

- Relationship to adjoining Heritage Conservation areas
- Traffic
- Commercial viability.

A briefing of councillors will be scheduled prior to a report to Council on the proposed changes currently targeted for September. It is expected that once DPIE have provided their full support to the Strategy the PPs will be resubmitted to the Department for consideration.

5. Is there a specific timeline for a formal process for the WCC LEP? If so, what is the timeline?

A timeline for the LEP is dependent on various stakeholders including the DPIE and so is presented as indicative only. On this basis it is:

- November 2020 – Report to Council requesting to proceed to Gateway for exhibition
- December 2020 – Forward Planning Proposal for LEP to DPIE seeking Gateway
- April/May 2021 – Earliest expected Gateway determination from DPIE
- May/June 2021 – Earliest expected public exhibition
- October 2021 – Earliest expected report to Council for adoption
- November 2021 – Forward to DPIE for gazettal.

6. Can the Planning Minister direct the department to override the Draft LEP?

Yes.

7. Has there been any recent communication from the NSW Department of Planning, Infrastructure and Environment that resolves issues related to Planning Proposals in the CBD that have been stalled?

Council received a letter on 14 July 2020 from the Department of Planning, Industry and Environment (DPIE) advising that it was prepared to provide full endorsement to the *Chatswood CBD Planning and Urban Design Strategy (CBD Strategy)* subject to certain recommended changes which include:

- Incorporating recommended changes from a final traffic and transport study currently being undertaken in collaboration with Arup and Transport for NSW
- Review minimum non-residential floor space required in B4 zone
- Incorporated built form changes (including height and FSR) for areas neighbouring low density conservation areas as proposed in the *CBD Urban Design Study* undertaken by GMU Urban Designers and Chatswood precinct Heritage review undertaken by Wier Phillips Architects
- Consider increasing minimum allotment size for development in the B4 zone; and
- Continue to progress a Public Realm Strategy.

It is proposed to advise Councillors in an August Briefing on the advice from the DPIE and the implications for the *CBD Strategy* with the aim of reporting the matter to Council soon after. This will then determine the manner in which deferred Planning Proposals can proceed.

19 CONCLUSION OF THE MEETING

- Councillors Fernandez and Zhu left the meeting at 7:31pm prior to the discussion on Item 15.1 – Willoughby City Operational Plan and Budget 2020/21 and Schedule of Fees and Charges 2020-21 when consideration was given to 112 Victoria Avenue, Chatswood and returned to the meeting at 7:33pm.
- Councillor Coppock left the meeting at 7:47pm prior to the discussion on Item 15.2 – Legal Services Report July 2020 and returned to the meeting at 7:48pm
- Councillor Coppock left the meeting at 7:49pm and did not return to the meeting.
- The Mayor Councillor Giles-Gidney, Deputy Mayor Councillor Campbell and Councillor Fernandez left the meeting at 7:55pm prior to the discussion on Item 15.6: Planning Proposal – 7 Westbourne Avenue and 12 Frederick Street, St Leonards (PP2018/11) and returned to the meeting at 8:31pm.
- Former Deputy Mayor Councillor Rutherford assumed the chair in the Mayor and the Deputy Mayor's absence for Item 15.6: Planning Proposal – 7 Westbourne Avenue and 12 Frederick Street, St Leonards (PP2018/11).
- The Mayor Councillor Giles-Gidney thanked Councillors for their attendance and IT staff for facilitating the meeting with Councillors through the Zoom link.
- The meeting concluded at 9.01pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 27 July 2020. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.