



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

on 12 April 2021

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1 OPEN MEETING – ACKNOWLEDGEMENT OF COUNTRY

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

Joining the meeting via Zoom Conferencing: Councillor Saville.

Officers

Ms Just (Chief Executive Officer), Ms Kendall (Customer & Corporate Director), Mrs Smith (Community, Culture & Leisure Director), Mr Phemister (Planning & Infrastructure Director) Ms Shankie-Williams (Strategic Planning Team Leader), Mr Naven (Chief Financial Officer), Mr Elliott (Economic Development Manager), Ms Charlton (Governance, Risk & Corporate Planning Manager), Ms Strydom (Acting Governance Team Leader), Ms Shel Drake (Governance Meeting Administrator), Mr Racchi (Information Technology Team Leader) and Mr Long (Network Support Officer).

2 DISCLOSURES OF INTERESTS

- Councillor Zhu declared a non-pecuniary less than significant interest in Items 12.3: Minutes – Traffic Committee Meeting held on 17 February 2021 relating to Item 5.2 in the Minutes – Fullers Road, Chatswood West – Bicycle and Pedestrian Improvement Works and 16.1 Notice of Motion 04/2021- Fullers Road Cycleway. Councillor Zhu chose to remain in the meeting and take part in the discussion and vote on these items.
(Nature of Interest: I live in that area but not sufficiently close to be affected, therefore, it is less than significant).
- Councillor Wright declared a non-pecuniary less than significant interest in Item 15.1: Investment Report for the month of March 2021. Councillor Wright chose to remain in the meeting and take part in the discussion and vote on this item.
(Nature of Interest: I am an employee of Westpac Bank with whom Council has investments).
- Councillor Zhu declared a pecuniary significant interest in Item 15.2: Public Exhibition of Draft Operational Plan 2021/22 and review of Delivery Program 2017-2021 for the part of the Operational Plan relating to 301723 112 Victoria Avenue – community radio upgrade. Councillor Zhu chose to leave the meeting and take no part in the discussion or voting on this part of the Operational Plan.
(Nature of Interest: I am on the Board of the Community Radio which is owned by Council as the lessor).
- Councillor Giles-Gidney declared a non-pecuniary significant interest in Items 15.7: Planning Proposal for 45 Victor Street and 410-416 Victoria Avenue Chatswood and 15.8: Planning Proposal for 338-340 Victoria Avenue Chatswood. Councillor Giles-Gidney chose to leave the meeting and take no part in the discussion or 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 Items 15.7: Planning Proposal for 45 Victor Street and 410-416 Victoria Avenue Chatswood and 15.8: Planning Proposal for 338-340 Victoria Avenue Chatswood. Councillor Campbell chose to leave the meeting and take no part in the discussion or 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 15.13: Outcome of Public Exhibition and Adoption of the Haven Amphitheatre Plan of Management and Landscape Plan. Councillor Giles-Gidney chose to leave the meeting and take no part in the discussion or voting on this item.
(Nature of Interest: My residence is in close proximity to the site).
- Councillor Zhu declared a non-pecuniary less than significant interest in Item 16.1 Notice of Motion 04/2021 Fullers Road Cycleway. Councillor Zhu chose to remain in the meeting and take part in the discussion or voting on this item.
(Nature of Interest: I live in that area but not sufficiently close to be affected, therefore, it is less than significant).

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 8 March 2021, copies of which have been circulated to each member of Council, be confirmed with the following amendments:

1. Page 25 – the deletion a duplicate of the last two bullet points.
2. Page 5 amendment of the nature of interest of Councillor Saville’s disclosure to read as underlined “Community Participation and Planetary Health” Committee.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Notes:

1. *Councillors Coppock and Rutherford tendered an apology and requested a leave of absence be granted for 12 April 2021 Council meeting.*
2. *Councillor Rozos is on leave previously granted.*

MOTION

That Council:

1. Grant the application for a leave of absence by Councillors Coppock and Rutherford for the 12 April 2021 meeting and note that leave of absence has previously been granted to Councillor Rozos.
2. Accept the apologies from Councillors.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR NORTON

CARRIED

5 PETITIONS

NIL

6 OPEN FORUM — MATTERS NOT ON THE AGENDA

The following people addressed Open Forum:

- Emma Rogerson – DA/2021/75
- Nicole Upfold – Australian Childcare Alliance

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE – PASSING OF DR JOHN STEEL

MEETING DATE: 12 APRIL 2021

PURPOSE OF REPORT

To report on the passing of Dr John Steel and to convey Council's condolences to his family.

DISCUSSION

It is with much sadness that I advise of the passing of Dr John Steel on 5 March 2021.

Dr Steel was involved in many areas of our community over many years - especially the Castlecrag Progress Association, the Haven and Bushcare.

He served as Vice-President of the Castlecrag Progress Association from 1998 and then became President from 2004-2007. In 2013 John again took on the position of Vice President which he served dutifully until his recent death. John was an active committee member, serving in executive roles and often providing "the voice of reason" to many local issues. He also found time to act as Assistant Editor, Advertisement Manager and Deliverer for *The Crag*. John was a keen photographer and documented many local events, including the Fairs.

He was an advocate for The Haven, working with interested community groups to create a consensus. He was a great supporter of the preservation of our natural and built heritage.

As a Founding Member of the Oriel Bushcare Group, he had a strong interest in environmental sustainability and acted as a Co-ordinator in many local bushcare projects. He welcomed new members to the group, sharing his knowledge and often provided morning tea.

For over twenty years, John made an enormous contribution to the community he loved.

He was a man of intellect, integrity and enthusiasm and will be greatly missed.

MOTION

That Council note the passing of Dr John Steel and write a letter of condolence to the family.

MOVED COUNCILLOR GILES-GIDNEY

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, Saville, Tuon, Wright and Zhu.

Against: Nil

7.2 MAYORAL MINUTE – PASSING OF HIS ROYAL HIGHNESS PRINCE PHILIP, DUKE OF EDINBURGH**MEETING DATE: 12 APRIL 2021**

PURPOSE OF REPORT

To note the passing of His Royal Highness Prince Philip, Duke of Edinburgh.

DISCUSSION

It is with much sadness that I note the passing of His Royal Highness Prince Philip, Duke of Edinburgh, on 9 April 2021.

Born into the Greek and Danish Royal Families, he and his family were exiled from their home country and he spent most of his life in the United Kingdom.

Prince Philip joined the British Royal Navy in 1939 and served with distinction in the Mediterranean and Pacific Fleets during the Second World War.

He showed an incredible degree of loyalty, service and devotion to the British Royal Family and also to the Commonwealth countries, where he was a frequent visitor.

He was at the forefront of many community service initiatives and had a positive impact on the lives of so many.

He was patron, president or member of over 780 organisations and when he officially retired from his royal duties in 2017 at the age of 96, he had completed 22,219 solo engagements since 1952.

He was a man of intellectual curiosity, warmth, kindness and unfailing good humour, universally trusted and respected. He was the embodiment of a generation that is fast disappearing.

Prince Philip's legacy will live on for many years to come.

He will be greatly missed.

MOTION

That Council note the passing of His Royal Highness Prince Philip, Duke of Edinburgh and stand for a minute's silence.

MOVED COUNCILLOR GILES-GIDNEY**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, Saville, Tuon, Wright and Zhu.

Against: Nil

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

NIL

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

NIL

RECOMMITTAL MOTION

That Council recommit standing item 9 being Matters for Deferral and Procedural Priority.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR NORTON

CARRIED

PROCEDURAL MOTION

That Council move the following Closed Agenda items, being item numbers 17.1: Property Lease Portfolio and 17.4: Talus Reserve Update into the Open Agenda.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR MUSTACA

THE MAYOR RULED THE PROCEDURAL MOTION OUT OF ORDER

10 MATTERS REQUIRING ELABORATION OR DEBATE

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

- 12.3 Minutes – Traffic Committee Meeting held on 17 February 2021.
- 15.1 Investment Report for the month of March 2021
- 15.2 Public Exhibition of Draft Operational Plan 2021/22 and Review of Delivery Program 2017-2021
- 15.6 DA-2020/127/A – 15 Richmond Avenue Willoughby NSW 2068 – Owners consent for Development Application
- 15.7 Planning Proposal for 45 Victor Street and 410-416 Victoria Avenue Chatswood
- 15.8 Planning Proposal for 338-340 Victoria Avenue Chatswood
- 15.13 Outcome of Public Exhibition and Adoption of the haven Amphitheatre Plan of Management and Landscape Plan
- 15.14 Parks Plan of Management – Crown Lands Referral
- 16.1 Notice of Motion 04/2021 – Fullers Road Cycleway
- 16.2 Notice of Motion 05/2021 – Stormwater
- 16.3 Notice of Motion 06/2021 – Attendance at Councillor Briefings
- 17.1 Confidential – Property Lease Portfolio
- 17.2 Confidential – Legal Services Report April 2021
- 17.3 Confidential – Tender T05 – 2020 – 258 Sailors Bay Road – Development of Affordable Housing
- 17.4 Confidential – Talus Reserve Update

MOTION

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

- 12.1 Minutes – Companion Animals Advisory Committee Meeting held on 8 December 2020.
- 12.2 Minutes Bicycle Consultative Committee Meeting held on 11 February 2020
- 15.3 Legal Services Report – April 2021
- 15.4 Proposed Amendment to 2021 Council Meeting Schedule
- 15.5 Petition Biannual Report
- 15.9 Outcome of Public Exhibition and Adoption – Northbridge Local Centre Public Domain Plan
- 15.10 Tender T05-2020 – 258 Sailors bay Road – Development of Affordable Housing
- 15.11 Public Exhibition of Grants and Awards for the Community Policy
- 15.12 Public Exhibition of Warners Park Draft Master Plan
- 15.15 Midterm report of the Willoughby Community and Economic Recovery Plans

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

11 PUBLIC FORUM — MATTERS ON THE AGENDA

- **15.7 Planning Proposal for 45 Victor Street and 410-416 Victoria Avenue Chatswood**
Adrian Checchin, Mirvac Group addressed Council speaking against the officer's recommendation on this item.
- **15.8 Planning Proposal for 338-340 Victoria Avenue Chatswood**
Rohit Lunawat, Aplus Design Group addressed Council speaking against the officer's recommendation on this item.

12 REPORTS OF COMMITTEES

12.1 MINUTES - COMPANION ANIMALS ADVISORY COMMITTEE MEETING HELD ON 8 DECEMBER 2020

RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	TEENA STRYDOM - GOVERNANCE ADMINISTRATION OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	12 APRIL 2021

PURPOSE OF REPORT

To provide Council with the minutes of the Companion Animals Advisory Committee meeting held on 8 December 2020.

RESOLUTION

That Council receive and note the minutes of the Companion Animals Advisory Committee meeting held on 8 December 2020.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

**12.2 MINUTES - BICYCLE CONSULTATIVE COMMITTEE MEETING HELD 11
FEBRUARY 2020**

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY – TRAFFIC & TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	12 APRIL 2021

PURPOSE OF REPORT

To advise Council of the outcome of the Bicycle Consultative Committee meeting held on 11 February 2020.

RESOLUTION

That Council receive and note the recommendations arising from the 11 February 2020 Bicycle Consultative Committee meeting.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

12.3 MINUTES - TRAFFIC COMMITTEE MEETING HELD ON 17 FEBRUARY 2021

RESPONSIBLE OFFICER:	CHRIS BINNS - ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY – TRAFFIC & TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	12 APRIL 2021

PURPOSE OF REPORT

To advise Council of the outcome of the latest Traffic Committee Meeting held on 17 February 2021.

MOTION

That Council receive and adopt the recommendations arising from the Traffic Committee Meeting held on 17 February 2021.

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, Saville, Tuon, Wright and Zhu.

Against: Nil

Note:

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

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 INVESTMENT REPORT FOR MONTH OF MARCH 2021

RESPONSIBLE OFFICER: LAURA KENDALL- CUSTOMER & CORPORATE DIRECTOR

AUTHOR: STEPHEN NAVEN – CHIEF FINANCIAL OFFICER

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

MEETING DATE: 12 APRIL 2021

PURPOSE OF REPORT

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

MOTION

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

MOVED COUNCILLOR ZHU / 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, Saville, Tuon, Wright and Zhu.

Against: Nil

Note:

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

15.2 PUBLIC EXHIBITION OF DRAFT OPERATIONAL PLAN 2021/22 AND REVIEW OF DELIVERY PROGRAM 2017-2021

RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM 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:	12 APRIL 2021

PURPOSE OF REPORT

The purpose of this report is to endorse for public exhibition the *Draft 2021/22 Operational Plan* which includes the draft annual budget, Draft Revenue Policy and Draft Fees and Charges for 2021/22 and adopt the revised Delivery Program - *Draft Delivery Program 2017-2022*.

MOTION

- 1. Endorse the Draft 2021/22 Operational Plan which includes the Draft Annual Budget, Draft Revenue Policy and Draft Fees and Charges for the purposes of public exhibition and consultation in accordance with s.405 of the *Local Government Act 1993* with the exception of Item 301723 112 Victoria Avenue – community radio upgrade.**
- 2. Amend the Draft 2021/22 Operational Plan as follows:**
 - Page 23, project reference 300142 – Install synthetic cricket wickets at Willoughby Oval and Bales park**
 - Page 24, project reference 301890 – upgrade the Cloudmaster (irrigation) control units at Warners park and Croquet greens**
 - Page 24, project reference 301891 – Oval floodlights reglobe at Castle Cove and Gore Hill Ovals**
 - Page 34 of the Draft 2021/22 Operational Plan to expand on the financial consequences of COVID-19 as follows:
“Impact of COVID-19 on 2020/21 Revenue and Council’s response
COVID-19 and related restrictions had a profound impact on revenues throughout the 2019/20 and 2020/21 financial years with combined revenue losses estimated at \$14m. Changes to the economic environment and consumer behaviour in the wake of COVID-19 will continue to have a major impact on areas such as paid parking, interest returns and rental revenue. This ongoing impact meant that the starting point for the 2021/22 budget was \$6.2 million in deficit. In response, Council and staff worked collaboratively to identify opportunities to reduce variable costs and to optimise revenue where possible. We found \$5.5 million savings in employee costs, operational expenses and by introducing controllable cost**

savings in areas such as consultants and materials. Of the remaining, \$1 million will be raised by way of fee increases, where they are under market value or haven't kept pace with inflation.

Our collaborative effort results in us presenting a balanced budget with a minor surplus for the 2021/22 financial year, putting Council and our community in good stead as we continue to recover from the impacts for COVID-19."

3. Give public notice of the *Draft 2021/22 Operational Plan* in accordance with s405(3) of the *Local Government Act 1993* and publicly exhibit the *Draft 2020/21 Operational Plan* in accordance with that public notice.
4. Receive submissions from the public on the *Draft 2021/22 Operational Plan*.
5. Adopt the revised Delivery Program (*Draft Delivery Program 2017-2022*) to reflect the extension of Council's term by a further year and to address minor updates, and to comply with section 404 of the *Local Government Act 1993* and the *Integrated Planning and Reporting Guidelines*.
6. Authorise the Chief Executive Officer to make amendments to the *Draft 2021/22 Operational Plan* and *Draft Delivery Program 2017-2022* which do not alter the scope, purpose or intent of the plans.
7. Note that Council will consider submissions from the public prior to adopting the *2021/22 Operational Plan* at the 15 June meeting of the Council.
8. Thank the Chief Financial Officer, the Finance Team, staff and the CEO for their hard work in preparing the Draft Operational Plan and Draft Annual Budget.

MOVED COUNCILLOR CAMPBELL / 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, Eriksson, Fernandez, Mustaca, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

AMENDMENT

That in addition to points 1-8 of the motion to endorse the Draft 2021/22 Operational Plan, draft Fees and Charges; the waste fee for pensioners be increased by \$10 rather than \$15.

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR SAVILLE**LOST****Voting****For the Amendment:** Councillors Norton and Saville.**Against:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Tuon, Wright and Zhu.

MOTION:

That Council endorse the Draft 2021/22 Operational Plan which includes the Draft Annual Budget, Draft Revenue Policy and Draft Fees and Charges for the purposes of public exhibition and consultation in accordance with s.405 of the *Local Government Act 1993* as it relates to Item 301723112 Victoria Avenue – community radio upgrade.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ERIKSSON**CARRIED**

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

Voting**For the Motion:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Saville, Tuon and Wright.**Against:** Nil**Absent:** Councillor Zhu.*Note:*

Councillor Zhu declared a pecuniary significant interest in this item. Councillor Zhu left the meeting at 8:24pm and returned after the vote was concluded at 8:25pm which relates to Item 301723 112 Victoria Avenue – community radio upgrade.

15.3 LEGAL SERVICES REPORT - APRIL 2021

RESPONSIBLE OFFICER: LINO DI LERNIA – INTERIM 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: 12 APRIL 2021

PURPOSE OF REPORT

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

RESOLUTION

That Council receive the legal services report for April 2021.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

**15.4 PROPOSED AMENDMENT TO 2021 COUNCIL MEETING SCHEDULE AND
TRANSITIONING BACK TO IN-PERSON MEETINGS**

RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM 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:	12 APRIL 2021

PURPOSE OF REPORT

To propose an amendment to the 2021 adopted Council Meeting Schedule and to inform Council on the processes initiated by the Office of Local Government (OLG) for transitioning back to in-person meetings.

RESOLUTION**That Council:**

- 1. Endorse the following amendments to the 2021 Council meeting and reschedule:
1. the 20 September 2021 ordinary Council meeting to the 27 September 2021
2. the 11 October 2021 ordinary Council rescheduled to 18 October 2021.**
- 2. Note the amendments made to the Model Meeting Code to facilitate council meetings during COVID conditions expired on 25 March 2021.**
- 3. Seek an extension with the Office of Local Government for Council to lodge a submission on the proposed amendments to the Model Meeting Code to allow additional time for engagement with Councillors.**
- 4. Note any Councillors wishing to provide comment on the proposed amendments to the Model Meeting Code to allow Councillors to continue attending meetings via audio-visual link; are to be submitted to the Governance, Risk and Corporate Planning Manager prior to 20 April 2021 for inclusion in the submission.**
- 5. Receive a report on the proposed amendments to the Model Meeting Code and submission at the May 2021 Council meeting.**

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

15.5 PETITION BIENNIAL REPORT

RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM 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:	12 APRIL 2021

PURPOSE OF REPORT

To present to Council the biannual report regarding the status of petitions presented to Council for the period November 2020 - March 2021.

RESOLUTION

That Council receive and note the report regarding the status of petitions presented for the period November 2020 - March 2021.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

PLANNING & INFRASTRUCTURE DIRECTORATE**15.6 DA-2020/127/A - 15 RICHMOND AVENUE WILLOUGHBY NSW 2068 - OWNERS CONSENT FOR DEVELOPMENT APPLICATION**

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING AND INFRASTRUCTURE DIRECTOR
AUTHOR:	MARK BOLDUAN- SENIOR DEVELOPMENT ASSESSMENT OFFICER
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:	12 APRIL 2021

PURPOSE OF REPORT

This report requests Council to provide owner's consent for works in the public domain (Walter Street Reserve, Artarmon) adjacent to the Channel 9 site.

MOTION

That Council:

1. Provide owner's consent for the works as outlined in modification application – DA2020/127/A for the demolition of the TX Tower.
2. Grant delegation to the Chief Executive Officer to sign the letter providing the consent of Council as the owner of the land.
3. Include a condition of consent that requires that on completion of the works the bushland be restored to its current state.

MOVED COUNCILLOR GILES-GIDNEY / 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, Eriksson, Fernandez, Mustaca, Norton, Saville, Tuon and Zhu.

Against: Councillor Wright

15.7 PLANNING PROPOSAL FOR 45 VICTOR STREET AND 410-416 VICTORIA AVENUE CHATSWOOD

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:	12 APRIL 2021

PURPOSE OF REPORT

The purpose of this report is to seek endorsement to not forward the Planning Proposal for 45 Victor Street, and 410-416 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, for the part of the site fronting Victoria Avenue, 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 RL 246.8m, an approach to design excellence and specified setbacks and street wall heights.**

2. **Not support the inclusion of part of Post Office Lane as part of the subject Planning Proposal.**
3. **Notify the proponent and Department of Planning, Industry and Environment of Council's decision.**

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

Against: Nil

Absent: Councillors Giles-Gidney and Campbell.

Note:

1. *The Mayor Councillor Giles-Gidney and Deputy Mayor Councillor Campbell having declared a non-pecuniary significant interest in this item left the chambers at 7:34pm and did not participate in the discussion or voting.*
2. *Former Deputy Mayor Councillor Eriksson assumed the Chair in the Mayor's and Deputy Mayor's absence.*

15.8 PLANNING PROPOSAL FOR 338-340 VICTORIA AVENUE CHATSWOOD

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: 12 APRIL 2021

PURPOSE OF REPORT

The purpose of this report is to seek endorsement to not forward the Planning Proposal for 338-340 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 this 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, a minimum site area of 1,800m² and specified setbacks and street wall heights.**

2. Notify the proponent of Council's decision.

MOVED COUNCILLOR MUSTACA / 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 Eriksson, Fernandez, Mustaca, Norton, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillors Giles-Gidney and Campbell.

Notes:

1. *The Mayor Councillor Giles-Gidney and Deputy Mayor Councillor Campbell declared a non-pecuniary significant interest in this item and left the chambers at 7:45pm and did not participate in the discussion or voting.*
2. *Former Deputy Mayor Councillor Eriksson assumed the Chair in the Mayor's and Deputy Mayor's absence.*
3. *Mayor Councillor Giles-Gidney returned to the meeting at 7:54pm and resumed the chair.*
4. *Councillor Campbell returned to the meeting at 7:54pm.*

15.9 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION - NORTHBRIDGE LOCAL CENTRE PUBLIC DOMAIN PLAN**RESPONSIBLE OFFICER: CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR****AUTHOR: GYNT DRINAN – TEAM LEADER PROJECT MANAGER****CITY STRATEGY OUTCOME: 5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS****MEETING DATE: 12 APRIL 2021**

PURPOSE OF REPORT

This report aims to apprise Council of the outcomes of recent community consultation and seeks Council's adoption of the Northbridge Local Centre Public Domain Plan as the primary design guide for the Northbridge Local Centre.

RESOLUTION**That Council:**

- 1. Note the outcomes of the public exhibition of the Northbridge Local Centre Public Domain Plan.**
- 2. Adopt the Northbridge Local Centre Public Domain Plan as the primary design guide for all future public domain projects in Northbridge Local Centre.**
- 3. Endorse the commencement of detailed design and documentation for Stage 1 of the Plan.**

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

15.10 TENDER T05-2020 - 258 SAILORS BAY ROAD - DEVELOPMENT OF AFFORDABLE HOUSING

RESPONSIBLE OFFICER:	CHRIS BINNS – PLANNING & INFRASTRUCTURE DIRECTOR (ACTING)
AUTHOR:	DARREN WOOD – DESIGN AND INFRASTRUCTURE DELIVERY MANAGER
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	12 APRIL 2021

PURPOSE OF REPORT

To inform Council of the evaluation outcome and seek approval to award Tender T05-2020 for the development of the rear section of Council's property at 258 Sailors Bay Road, Northbridge as affordable housing.

RESOLUTION**That Council:**

- 1. Accept the design and construction tender as detailed in the confidential report for Tender T05-2020 for the development of the rear section of Council's property at 258 Sailors Bay Road, Northbridge as affordable housing.**
- 2. Grant delegation to the Chief Executive Officer to execute documents required to finalise the design and construction contract and to obtain necessary development consent.**

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

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.11 PUBLIC EXHIBITION OF GRANTS AND AWARDS FOR THE COMMUNITY POLICY**

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	STUART GIBB – COMMUNITY DEVELOPMENT TEAM LEADER
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	12 APRIL 2021

PURPOSE OF REPORT

To place the revised *Grants and Awards for the Community Policy* on public exhibition and for Council to note the *Grants and Awards for the Community Procedure*.

RESOLUTION

That Council:

1. Place on public exhibition the amended *Grants and Awards for the Community Policy*.
2. Receive a further report after the conclusion of the public exhibition of the amended *Grants and Awards for the Community Policy*.
3. Note the *Grants and Awards for the Community Procedure* which includes the introduction of a non-financial annual business award.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.12 PUBLIC EXHIBITION OF WARNERS PARK DRAFT MASTER PLAN

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

AUTHOR: AMY BARNES – OPEN SPACE PROJECTS OFFICER

CITY STRATEGY OUTCOME: 5.5 – MAKE IT EASY FOR CITIZENS TO PARTICIPATE IN DECISION MAKING

MEETING DATE: 12 APRIL 2021

PURPOSE OF REPORT

To place the *Warners Park Draft Master Plan* on public exhibition.

RESOLUTION

That Council:

1. Place the *Warners Park Draft Master Plan* on public exhibition.
2. Receive a further report after the conclusion of the public exhibition for the *Draft Warners Park Master Plan*.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.13 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE HAVEN AMPHITHEATRE PLAN OF MANAGEMENT AND LANDSCAPE PLAN

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:	12 APRIL 2021

PURPOSE OF REPORT

To adopt the *Haven Amphitheatre Plan of Management March 2021* and *Haven Amphitheatre Landscape Plan July 2020*.

MOTION

That Council:

1. Adopt the *Haven Amphitheatre Plan of Management March 2021*.
2. Adopt and implement the *Haven Amphitheatre Landscape Plan July 2020*.
3. Authorise the Chief Executive Officer to make any necessary amendments which do not alter the intent or result in material changes and execute all necessary documentation to give effect to this resolution.
4. That the following amendments be made to the *Haven Amphitheatre Plan of Management* noting that they do not require the document to be re-exhibited as they do not alter the intent of the document:
 - a) Include the prior ownership of the Haven site by Marion Mahony Griffin and her Deed of Gift under Section 2.1 Land Ownership.
 - b) The removal of the word “alternately” from Figure 5-A City that is liveable-middle column.

MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR ZHU

CARRIED

PROCEDURAL MOTION

That motion be put.

MOVED COUNCILLOR WRIGHT

CARRIED

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

Voting

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

Against: Nil

Absent: Councillor Giles-Gidney

AMENDMENT

That Council defer this matter in response to the concerns of the community as articulated in correspondence.

MOVED COUNCILLOR SAVILLE

LAPSED FOR WANT OF SECONDER

Note:

1. *The Mayor Councillor Giles-Gidney having declared a non-pecuniary significant interest in this item left the meeting at 8:25pm and did not participate in the discussion or voting.*
2. *Deputy Campbell assumed the chair in the Mayor's absence.*
3. *Mayor Councillor Giles-Gidney returned to the meeting at 8:44pm.*

RECOMMITTAL MOTION

That Council recommit Item 15.14 Parks - Plan of Management - Crown Land Referral.

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR FERNANDEZ

CARRIED

15.14 PARKS PLAN OF MANAGEMENT - CROWN LANDS REFERRAL

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: 12 APRIL 2021

PURPOSE OF REPORT

For Council to refer the draft *Parks Plan of Management 2020* to the Minister for Lands and Forestry as stated in the requirements of Section 39 of the *Local Government Act 1993*.

MOTION

That Council refer the *Draft Parks Plan of Management 2020* to the Minister for Lands and Forestry as stated in the requirements of Section 39 of the *Local Government Act 1993* for endorsement to place on public exhibition.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR NORTON

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, Saville, Tuon, Wright and Zhu.

Against: Nil

15.15 MIDTERM REPORT OF THE WILLOUGHBY COMMUNITY AND ECONOMIC RECOVERY PLANS

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

AUTHOR: JOHN ELLIOTT – ECONOMIC DEVELOPMENT MANAGER
LARA OTTIGNON – COMMUNITY PROJECTS OFFICER

CITY STRATEGY OUTCOME: 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
4 – A CITY THAT IS PROSPEROUS AND VIBRANT

MEETING DATE: 12 APRIL 2021

PURPOSE OF REPORT

For Council to note the midterm progress of the *Willoughby Community Recovery Plan* and the *Willoughby Economic Recovery Plan*.

RESOLUTION

That Council note the Midterm Report of the Willoughby Community and Economic Recovery Plans.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

16 NOTICES OF MOTION

16.1 NOTICE OF MOTION 04/2021 - FULLERS ROAD CYCLEWAY

RESPONSIBLE OFFICER:	CHRIS BINNS – PLANNING & INFRASTRUCTURE DIRECTOR (ACTING)
AUTHOR:	GORDON FARRELLY – TRAFFIC AND TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE
MEETING DATE:	12 APRIL 2021

PURPOSE OF REPORT

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

MOTION

Council note that the bicycle and pedestrian infrastructure works will be completed in 2020/21 subject to Council approval to the proposal in the Minutes of the Traffic Committee Meeting on 17 February 2021.

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

Against: Nil

Note:

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

16.2 NOTICE OF MOTION 05/2021 - STORMWATER

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CHRIS BINNS
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	12 APRIL 2021

PURPOSE OF REPORT

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

MOTION

That Council officers prepare a report on the current condition of the stormwater drainage system throughout the LGA within three months and the report:

1. Clarifies Council's responsibility regarding the stormwater drainage system.
2. Quantifies work completed, and yet to be undertaken on the Stormwater system across the LGA following introduction of the Infrastructure Levy.
3. Addresses Integrated Asset Management, and specifically outlines estimated costs to identify recent damage; repairs, maintenance and/or upgrade required to the existing stormwater drainage system within the LGA to ensure adequate stormwater management with capacity to meet future demands; having regard to resilience, climate change and current storm event.
4. Outlines strategies to maximise re-use of stormwater, and to minimise generation of uncollected stormwater.
5. Identify potential partnerships and funding opportunities to upgrade the stormwater drainage system and improve stormwater management.
6. Estimates potential effects from increasing population and increased urban development on existing stormwater infrastructure (e.g. increased hard surfaces, loss of soft landscapes, increased run off).
7. Provides:
 - a) an update on the current situation regarding the stormwater collection tank and grey water system in situ at the Concourse
 - b) the % stormwater recycled and re-used in grey water
 - c) the effectiveness of membrane/osmosis/filtering system installed and if operational aspects can be improved, partnership/funding opportunities.

MOVED COUNCILLOR SAVILLE

LAPSED FOR WANT OF SECONDER

16.3 NOTICE OF MOTION 06/2021 - ATTENDANCE AT COUNCILLOR BRIEFINGS

RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	12 APRIL 2021

PURPOSE OF REPORT

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

MOTION

That Council provide both remote access and in person access to Council briefings.

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR FERNANDEZ

LOST

Voting

For the Motion: Councillors Fernandez, Mustaca, Norton, Saville and Tuon.

Against: Councillors Giles-Gidney, Campbell, Eriksson, Wright and Zhu.

The vote being even the Mayor used her casting vote AGAINST the Motion.

PROCEDURAL MOTION

That Council resolve into closed session.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Note:

Council moved into closed session at 9:07pm.

17 CONFIDENTIAL MATTERS

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

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

17.1 CONFIDENTIAL - PROPERTY LEASE PORTFOLIO

RESPONSIBLE OFFICER: LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR

AUTHOR LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR

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

MEETING DATE: 12 APRIL 2021

REASON FOR CONFIDENTIALITY

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

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

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

PURPOSE OF REPORT

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

RECOMMENDATION

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

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Wright

Note:

Councillor Wright left the meeting at 9:18pm during voting on this item. He returned to Chambers at 9:20pm.

17.2 CONFIDENTIAL - LEGAL SERVICES REPORT - APRIL 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:	12 APRIL 2021

REASON FOR CONFIDENTIALITY

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

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

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

PURPOSE OF REPORT

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

RECOMMENDATION

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

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Ni

17.3 CONFIDENTIAL - TENDER T05 - 2020 - 258 SAILORS BAY ROAD

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DARREN WOOD – ACTING DESIGN AND INFRASTRUCTURE MANAGER
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	12 APRIL 2021

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and (d) (i) 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.

The information in the report is confidential as disclosure of information would place Council at a commercial disadvantage if the entities related to the subject of the report were to become aware of Council's financial and related information.

This matter is also confidential because it contains details of entities and their commercial operations which, if revealed, would result in commercial disadvantage to them. This information was provided to Council in the expectation that it will be treated as commercial in confidence. On balance, it is not in the public interest to reveal Council's financial and related information (that Council requires to make its decision) to potential suppliers, nor to disclose the commercial information of potential suppliers.

RECOMMENDATION

That Council:

- 1. Accept the tender from Sydney Building Group for the development of 258 Sailors Bay Road, Northbridge to accommodate affordable housing as an AS 4902 Design and Construct Contract for the amount of \$178,687.80.**
- 2. Allocate an additional contingency sum as recommended in section 4 of the report.**
- 3. Make public the successful tenderer's name following the Council's resolution to accept the tender.**

4. **Grant delegation to the Chief Executive Officer to execute documents required to finalise and execute the contract and all documents necessary to obtain development consent.**

MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Ni

17.4 CONFIDENTIAL - TALUS RESERVE UPDATE

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEBRA JUST – CHIEF EXECUTIVE OFFICER
AUTHOR:	MELANIE SMITH – COMMUNITY, CULTURE & LESIURE DIRECTOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	12 APRIL 2021

REASON FOR CONFIDENTIALITY

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

The information in the report is confidential as it concerns litigation or advice that would otherwise be privileged from production from legal proceedings on the grounds of legal professional privilege.

The release of this information would provide parties that are subject to legal proceedings details of Council's legal strategy. On balance, it is not in the public interest to release information that would compromise Council's legal prospects.

MOTION

That Council:

- 1. Note the update on matters relating to the Talus Street Reserve.**
- 2. Cease action to recover the rental discount from Northern Suburbs Tennis Association.**
- 3. Not provide COVID-19 tenant relief to Northern Suburbs Tennis Association for 2019/20 financial year as they have been unable to demonstrate the requirement for a 30% reduction in income.**
- 4. Exclude the Tennis Facility at Talus Reserve from the Expression of Interest for the remaining Tennis Facilities in the Local Government Area and continue the current 'tenancy at will' arrangements.**
- 5. A further report be provided on the issues in relation to restricting parking for recreational use of Talus Street Reserve.**

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Councillor Saville

AMENDMENT

That Council:

1. **Note the update on matters relating to the Talus Street Reserve.**
2. **Not provide COVID-19 tenant relief to Northern Suburbs Tennis Association for 2019/20 financial year as they have been unable to demonstrate the requirement for a 30% reduction in income.**
3. **Exclude the Tennis Facility at Talus Reserve from the Expression of Interest for the remaining Tennis Facilities in the Local Government Area and continue the current 'tenancy at will' arrangements.**

MOVED COUNCILLOR SAVILLE

LAPSED FOR WANT OF SECONDER

PROCEDURAL MOTION

That the meeting resolve into open session of Council.

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Note:

Council moved into open session at 10:02pm

PROCEDURAL MOTION

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

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

18 QUESTIONS WITH NOTICE

NIL

19 CONCLUSION OF THE MEETING

The Council meeting concluded at 10:05pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 12 April 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.