



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

14 September 2020

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1 PRESENT

Councillors

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

Joining the meeting via Zoom Conferencing: Councillors Rutherford and Rozos.

Officers

Ms M Smith (Acting Chief Executive Officer), Mr G McDonald (Customer & Corporate Director), Mr C Binns (Acting Planning & Infrastructure Director), Mr P Brown (Acting Governance, Risk & Corporate Planning Manager), Ms A Casey (Acting Community Culture & Leisure Director) Mr I Arnott (Planning Manager), Ms S Williams (Governance Team Leader), Ms P Sheldrake (Governance Meeting Administration Officer), Mr B Herring (Chief Information Officer), Mr J Racchi (Information Technology Team Leader) and Mr M Long (Network Support Officer).

2 DISCLOSURES OF INTERESTS

- Councillor Saville declared, via a Disclosure of Interest form, a non-pecuniary less than significant interest in Item 15.17: Updated Chatswood CBD Planning and Urban Design Strategy 2036
(Nature of Interest: An acquaintance, Mr Paul Storm, is a resident of Johnson Street. His property is one that may be affected by the Plan.)
- Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.19: Public Exhibition of Draft Plan of Management – Haven Amphitheatre
(Nature of Interest: My residence is located near the Haven.)

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 10 August 2020, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

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

RESOLUTION

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

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Note:

An apology was not tendered on behalf of Councillor Tuon who was absent for the duration of the meeting.

5 PETITIONS

5.1 PETITION - REQUEST TO MOVE "NO STANDING" SIGNAGE ON AVIAN CRESCENT, LANE COVE

| | |
|-------------------------------|--|
| RESPONSIBLE OFFICER: | GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER |
| CITY STRATEGY OUTCOME: | 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To consider a petition containing 62 signatures requesting to move “No Standing” signage on Avian Crescent, Lane Cove on to Mowbray Road.

MOTION

That Council receive and note the petition from residents requesting to move the “No Standing” sign on Avian Crescent, Lane Cove to allow adequate traffic visibility when entering Mowbray Road 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, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville 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. No submissions were received.

7 MAYORAL MINUTE

The Mayor acknowledged the passing of Tony Humphrey, long term member of the Seniors' Advisory Committee and Tricia Fitzpatrick, wife of Kevin Fitzpatrick, who passed away on 4 September 2020 noting that both Tricia and Kevin were active community members, particularly in the Naremburn area. Councillors endorsed the sending of a letter of condolence to the families.

The Mayor presented certificates of long service to the following Councillors:

- Councillor Coppock – for continuous service from 1999-2020 and Deputy Mayor 2012-2013, 2014 and 2016-2017
- Councillor Mustaca – serving from 1995-1999; 2004-2008 and 2012-2017 and Deputy Mayor 1996-1997 and 2014-2015
- Councillor Saville – serving from 1999-2004 and 2008-2020
- Councillor Norton – for continuous service from 2004-2020 and Deputy Mayor 2010 and 2011

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 19 August 2020
- Item 15.1 Election of Deputy Mayor
- Item 15.3 Adoption of the Model Code of Conduct 2020 and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020
- Item 15.5 Councillors' Representation on Management and Advisory Committees
- Item 15.6 Councillors' Representation on Statutory Committees and External Organisations
- Item 15.7 Investment Report for the month of August 2020
- Item 15.8 Carryover of Unspent Project Funds from 2019/20 to 2020/21
- Item 15.9 Local Government NSW Annual Conference 2020 – Motions
- Item 15.10 Audit, Risk & Improvement Committee – Minutes – 4 March 2020

- Item 15.13 Public Exhibition of Revised Draft Planning Agreement Policy and Community Infrastructure Contributions Funding Study
- Item 15.15 Outcome of Public Exhibition of Planning Proposal – 1-31 Walter Street and 452-462 Willoughby Road, Willoughby
- Item 15.17 Updated Chatswood CBD Planning and Urban Design Strategy 2036
- Item 15.19 Public Exhibition of Draft Plan of Management – Haven Amphitheatre
- Item 16.1 Notice of Motion – Boat Trailer Parking Restrictions
- Item 16.2 Notice of Motion – Rate Control
- Item 16.3 Notice of Motion – Reinstatement of Advisory and Reference Committee Meetings via Zoom Conferencing

RESOLUTION

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

- Item 15.2 Public Exhibition of the Code of Meeting Practice 2020 – Proposed Amendment to Clause 13.8
- Item 15.4 Legal Services Report September 2020
- Item 15.11 Asset Management Progress Report
- Item 15.12 Temporary Exemption of Council's Footway Restaurant Policy outside 108 Hampden Road, Artarmon
- Item 15.14 Urban Bushland Plan of Management – Crown Lands Referral
- Item 15.16 Artarmon Road, Scott Street and Richmond Avenue, Willoughby – Owner's Consent for Development Application
- Item 15.18 Public Exhibition – Bicentennial Reserve Draft Plan of Management
- Item 17.1 Confidential Legal Services Report September 2020

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville 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 12.1 Minutes – Local Traffic Committee Meeting held 19 August 2020

A submission was received from Carolyn New for the Officer's recommendation.

Item 15.5 Councillors' Representation on Management and Advisory Committees

Submissions were received from the following people against the Officer's recommendation:

- Lorraine Cairnes
- Bruce Wilson
- Karen Byth Wilson

Item 15.12 Temporary Exemption of Council's Footway Restaurant Policy outside 108 Hampden Road, Artarmon

A submission was received from Max Menzies against the Officer's recommendation.

Item 15.13 Public Exhibition of Revised Draft Planning Agreement Policy and Community Infrastructure Contributions Funding Study

A submission was received from Christophe Charkos, Urbis against the Officer's recommendation.

Item 15.17 Updated Chatswood CBD Planning and Urban Design Strategy 2036

Submissions were received from the following people against the Officer's recommendation:

- Helen Xu
- David Wong – Archer Street Redevelopment
- Adam Peacock – Legpro 63 Pty Ltd
- Robert Sargis – Develotek Property Group – area at 54-56 Anderson Street, Chatswood
- Robert Sargis – Develotek Property Group – 2nd Submission – area at Archer, Albert and Bertram Streets, Chatswood
- Christophe Charkos – Urbis
- Gary Seeto
- Nicola Lucas
- Mike Williams – Legacy Property

Submissions were received from the following people for the Officer's recommendation:

- Nicolas Andrijic – Sanctuary Partners
- Daniel Barber – Central Elements

Item 15.19 Public Exhibition of Draft Plan of Management – Haven Amphitheatre

Submissions were received from the following people against the Officer's recommendation:

- Lorraine Cairnes
- Jill Newton
- Bruce Wilson
- Karen Byth Wilson

12 REPORTS OF COMMITTEES

12.1 MINUTES - LOCAL TRAFFIC COMMITTEE MEETING HELD 19 AUGUST 2020

| | |
|------------------------|---|
| ATTACHMENTS: | 1. IMPLICATIONS 2. TRAFFIC COMMITTEE MINUTES OF 19 AUGUST 2020 |
| 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 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To advise Council of the outcome of the Local Traffic Committee meeting held on 19 August 2020.

MOTION

That Council receive and adopt the recommendations of the Local Traffic Committee meeting held on 19 August 2020 with the following amendments:

1. Item 5.1: Spring Street, Chatswood – Disabled Parking Improvement Plan – add the following recommendation:

Replace motorcycle parking spaces lost in the reconfiguration of Spring Street parking arrangements with additional motorcycle parking on the southern side of Victoria Avenue west of Hercules Street.
2. Item 5.2: Chatswood to St Leonards via Artarmon – Bicycle Route Improvement Plan – add the following recommendation:

Note that the detailed design phase will consider an option to widen the footpath on the Gore Hill Freeway overpass to enable the creation of a 3.0M wide shared path for pedestrians and cyclists to enable the retention of parking spaces.
3. Item 5.6: The Fairway and Reid Drive, Chatswood West – Local Area Traffic Management Plan – reduce the review period from 12 months to six months by replacing dot point 5 with the following:

Note that the performance of the Local Area Traffic Management Plan will be reviewed six months after its implementation.

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

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 ELECTION OF DEPUTY MAYOR

| | |
|------------------------|--|
| ATTACHMENTS: | <ol style="list-style-type: none">1. IMPLICATIONS2. OFFICE OF LOCAL GOVERNMENT FACT SHEET – ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS3. OLG CIRCULAR A713425 – SEPTEMBER 2020 MAYORAL ELECTIONS4. NOMINATION FORM |
| 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: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To elect a Councillor to the position of Deputy Mayor for the period until the local government election scheduled on the 4 September 2021.

MOTION

That Council set aside standing orders to deal with Item 15.1: Election of Deputy Mayor.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR ZHU

CARRIED

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

Voting

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

Against: Nil

The Returning Officer for the election (Customer & Corporate Director) advised the meeting that he had received one nomination and asked if there were any other nominations before conducting the vote.

The nomination received was for Councillor Campbell. As there were no other nominations, Councillor Campbell was elected to the position of Deputy Mayor unopposed.

MOTION

That Council resume standing orders.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR CAMPBELL

CARRIED

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

Voting

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

Against: Nil

**15.2 PUBLIC EXHIBITION OF THE CODE OF MEETING PRACTICE 2020 -
PROPOSED AMENDMENT TO CLAUSE 13.8**

| | |
|-------------------------------|--|
| ATTACHMENTS: | 1. IMPLICATIONS 2. DRAFT CODE OF MEETING PRACTICE 2020 (TO BE DISTRIBUTED SEPARATELY) |
| RESPONSIBLE OFFICER: | GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | SAMANTHA CHARLTON - GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER |
| CITY STRATEGY OUTCOME: | 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To seek Council's endorsement to place the proposed amendment to the *Willoughby City Council Code of Meeting Practice 2019* on public exhibition.

RESOLUTION

That Council:

1. Endorse the public exhibition of the amended draft *Willoughby City Council Code of Meeting Practice 2019* for a period of 28 days.
2. Receive a further report at the conclusion of the exhibition period to allow consideration of any submissions received prior to adoption of the proposed amendment to the *Willoughby City Council Code of Meeting Practice 2019*.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

15.3 ADOPTION OF THE MODEL CODE OF CONDUCT 2020 AND PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW 2020

| | |
|------------------------|---|
| ATTACHMENTS: | 1. IMPLICATIONS 2. DRAFT WCC CODE OF CONDUCT 2020 (TO BE DISTRIBUTED SEPARATELY) |
| RESPONSIBLE OFFICER: | GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | SAMANTHA CHARLTON - GOVERNANCE RISK AND CORPORATE PLANNING MANAGER |
| CITY STRATEGY OUTCOME: | 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To seek adoption of the draft *Willoughby City Council Code of Conduct 2020 and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020*.

MOTION

That Council:

1. Adopt the draft *Willoughby City Council Code of Conduct 2020 and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020*.
2. Retain the existing \$50 cap on the value of gifts that may be accepted under the terms of the gifts and benefits provision of the *Willoughby City Council Code of Conduct 2020*.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

AMENDMENT

That Council adopt the draft *Willoughby City Council Code of Conduct 2020 and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020*.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR ERIKSSON

CARRIED

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

Voting

For the Amendment: Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Rozos, Rutherford and Zhu.

Against: Councillors Saville and Mustaca.

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, Norton, Rozos, Rutherford and Zhu.

Against: Councillors Saville and Mustaca.

15.4 LEGAL SERVICES REPORT SEPTEMBER 2020

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|-------------------------------|--|
| 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: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

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

RESOLUTION

That Council receive the legal services report for September 2020.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

15.5 COUNCILLORS' REPRESENTATION ON MANAGEMENT AND ADVISORY COMMITTEES

| | |
|-------------------------------|---|
| ATTACHMENTS: | 1. IMPLICATIONS 2. COUNCILLOR REPRESENTATION CRITERIA AND COUNCILLORS APPOINTED TO COMMITTEES 9 SEPTEMBER 2019 |
| RESPONSIBLE OFFICER: | GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER |
| CITY STRATEGY OUTCOME: | 5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To determine and appoint Councillor representation to Management and Advisory Committees in line with the relevant adopted Constitutions or Terms of Reference.

MOTION

That Council:

- Appoint the following Councillor representatives on Management and Advisory Committees:**

| Council Management Committee | |
|--|--|
| Committee | Representation as resolved at 14 September 2020 Council Meeting |
| Castlecrag Community Centre Management Committee Councillors – Sailors Bay Ward | Crs Eriksson, Fernandez and Zhu |
| Council Advisory Committees | |
| Access and Inclusion Advisory Committee (formerly Access Steering Committee) 2 Councillors | Crs Norton and Saville |
| Bicycle Consultative Committee 1 Councillor (minimum) | Crs Campbell and Norton |
| Bicentennial Reserve and Flat Rock Gully Advisory Committee Mayor 1 Councillor – Naremburn Ward 1 Councillor – Sailors Bay Ward | Mayor Giles-Gidney Crs Eriksson and Wright |
| Companion Animals Committee 2-3 Councillors | Crs Campbell and Norton |
| Cultural Events Committee Mayor (Chair) 1 Councillor as alternate delegate | Crs Norton, Rozos, Rutherford and Saville |

| | |
|---|--|
| Global Friendship Committee Mayor 1 Councillor | Mayor Giles-Gidney Crs Rozos, Tuon and Zhu |
| Heritage Advisory Committee 3 Councillors | Crs Norton and Saville |
| Multicultural Services Advisory Committee Mayor (Chair) 2 Councillors | Crs Norton, Rutherford and Tuon |
| Natural Heritage and Bushland Advisory Committee 4 Councillors | Mayor Giles-Gidney Crs Norton, Fernandez and Saville |
| Sustainability Reference Group 1 Councillor | Crs Fernandez and Saville |
| Willoughby Park Centre Committee 2 Councillors (minimum) | Crs Norton and Rozos |
| Willoughby Seniors Advisory Committee 2 Councillors | Crs Norton and Saville |
| Willoughby Symphony Orchestra and Choir Advisory Committee Interested Councillors | Cr Norton |

2. **Receive a briefing within one month to inform Councillors of the outcome of discussions with community members to assess their interest and technological capabilities of participating in meetings via an online platform.**

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, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville and Zhu.

Against: Nil

15.6 COUNCILLORS' REPRESENTATION ON STATUTORY COMMITTEES AND EXTERNAL ORGANISATIONS

| | |
|-------------------------------|--|
| ATTACHMENTS: | 1. IMPLICATIONS 2. COUNCILLOR REPRESENTATION CRITERIA AND COUNCILLOR REPRESENTATIVES APPOINTED 9 SEPTEMBER 2019 |
| RESPONSIBLE OFFICER: | GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER |
| CITY STRATEGY OUTCOME: | 5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To determine and appoint Councillor representation to statutory committees and external organisations in line with the relevant adopted Constitutions or Terms of Reference.

MOTION

That Council appoint the following Councillor representatives to statutory committees and external organisations:

| Council Statutory Committee | |
|---|--|
| Committee | Representation as resolved at Council Meeting held 14 September 2020 |
| Audit, Risk and Improvement Committee 2 Councillors | Crs Tuon and Wright (Note: Cr Wright is appointed to the committee however pending confirmation from Cr Wright, and should he choose to step down; Cr Norton is to be appointed.) |
| External Organisations | |
| Dougherty Apartments Board Any 2 Appointees from Council | Cr Fernandez as Councillor representative Community, Culture & Leisure Director as staff representative |
| District Bush Fire Management Committee 1 Councillor | Cr Zhu with alternates – Crs Wright and Saville |
| Northern Sydney Regional Organisation of Councils (NSROC) The Mayor and 1 Councillor as well as 2 Councillors to be alternate delegate with the same voting rights as the Mayor and appointed delegate. | Mayor Giles-Gidney Cr Zhu as delegate Crs Wright and Campbell as alternates |

| | |
|---|---|
| Sydney North Planning Panel Mayor by convention with Deputy Mayor as alternate | Mayor Giles-Gidney Deputy Mayor (alternate delegate) |
| NSW Public Library Association 1 Councillor | Cr Tuon |
| Sydney Coastal Councils Group Note: Council can appoint up to 3 members however only one vote is allowed from each Council. | Crs Saville and Norton with Cr Wright as alternate |

MOVED COUNCILLOR MUSTACA

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, and Zhu.

Against: Nil

15.7 INVESTMENT REPORT FOR THE MONTH OF AUGUST 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: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

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

MOTION

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

MOVED COUNCILLOR SAVILLE

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, Rozos, Rutherford, Saville and Zhu.

Against: Nil

15.8 CARRYOVER OF UNSPENT PROJECT FUNDS FROM 2019/20 TO 2020/21

| | |
|-------------------------------|---|
| ATTACHMENTS: | 1. IMPLICATIONS 2. RECOMMENDED CARRYOVER PROJECTS |
| 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: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To seek Council approval to carryover unspent project budgets from 2019/20 to 2020/21 in order to finalise all associated works.

MOTION

That Council approve the carryover of unspent project budgets from 2019/20 to 2020/21 totalling \$3,058,916 (with \$71,730 funded from General Fund).

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, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, and Zhu.

Against: Nil

15.9 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2020 - MOTIONS

| | |
|-------------------------------|--|
| ATTACHMENTS: | 1. IMPLICATIONS 2. RATIONALE TO SUPPORT MOTIONS 3. DRAFT CONFERENCE PROGRAM |
| 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: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To consider possible motions to be presented to the Local Government NSW (LGNSW) Annual Conference which will be hosted online due to public health restrictions.

MOTION

That Council submit the following motion to LGNSW for debate at the LGNSW Annual Conference:

That Local Government NSW seek endorsement from Transport for New South Wales (TfNSW) to amend the *NSW Speed Zoning Guidelines* to increase speed limits on dual lane and high quality highways to an upper limit from the current maximum 110km/h with the ability to have more variable speed limit zones to accommodate weather and other factors.

MOVED COUNCILLOR ERIKSSON

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 and Zhu.

Against: Councillors Rutherford, Rozos and Saville.

MOTION

That Council submit the following motions to LGNSW for debate at the LGNSW Annual Conference:

1. That Local Government NSW allow motorcycle or scooter parking on footpaths (unless otherwise signed) provided individuals do not obstruct pedestrian, public transport users, doorways, delivery vehicles or access to street infrastructure (such as parking meters and public bins) and parked cars.
2. That Local Government NSW seek reform of the eligibility criteria Service NSW use to permit medical professionals to issue disabled parking permits.
3. That Local Government NSW calls on the NSW Government to:
 1. Support the use of 'value capture' as a means of allowing Councils to apply a proportion of the value uplift gained from changes in planning controls to the provision of public infrastructure for the benefit the wider local community.
 2. Establish a new threshold for Section 7.11 contributions under the EP&A Act to be set at \$45,000 before the *Independent Pricing and Regulatory Tribunal (IPART)* review process comes into play.
4. That Local Government NSW calls on the NSW Government to legalise the use of electric scooters, electric skateboards and electric unicycles so that its usage can be safely expanded beyond the current restrictions where their non-motorised equivalents are permitted.
5. That Local Government NSW form a working group to advise councils interested in moving their investments to financial institutions with less exposure to the fossil fuel industry. The aim would be to gain further information about which financial institutions are strongly aligned with the fossil fuel industry to reduce risks from exposure from stranded assets in the longer term by seeking investments in financial institutions with less or no risk.

6. That Local Government NSW:

- 1. Seek endorsement from Transport for New South Wales (TfNSW) to extend the current 28 day boat trailer parking restrictions to all trailers and caravans not attached to the vehicle.**
- 2. Note that it is recommended that any expansion of trailer and caravan restrictions be an 'opt-in' choice for Local Councils to allow for flexibility across different local government areas i.e. outer suburban and regional areas where demand for on street parking is not at levels as it is in city areas like Willoughby or where there is a need for tradespeople to park work trailers for extended periods etc.**

MOVED COUNCILLOR CAMPBELL**SECONDED COUNCILLOR SAVILLE****CARRIED**

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

Voting

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

Against: Nil

15.10 AUDIT, RISK AND IMPROVEMENT COMMITTEE - MINUTES - 4 MARCH 2020

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|-------------------------------|--|
| ATTACHMENTS: | 1. IMPLICATIONS 2. AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES – 4 MARCH 2020 |
| RESPONSIBLE OFFICER: | GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | SAMANTHA CHARLTON – MANAGER GOVERNANCE, RISK AND CORPORATE PLANNING |
| CITY STRATEGY OUTCOME: | 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To provide Council with the Minutes of the Audit Risk and Improvement Committee held on 4 March 2020.

MOTION

That Council note the minutes of the Audit, Risk and Improvement Committee meeting on 4 March 2020.

MOVED COUNCILLOR FERNANDEZ

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 and Zhu.

Against: Nil

15.11 ASSET MANAGEMENT PROGRESS REPORT

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|-------------------------------|--|
| ATTACHMENTS: | 1. IMPLICATIONS 2. ASSET MANAGEMENT IMPROVEMENT PLAN 3. DRAFT ASSET MANAGEMENT STRATEGY |
| RESPONSIBLE OFFICER: | GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | TENDEKAI MAPEZA – SENIOR ASSETS MANAGEMENT SPECIALIST |
| CITY STRATEGY OUTCOME: | 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To provide a status update of Asset Management progress at Willoughby City Council.

RESOLUTION

That Council receive and note the Asset Management Progress Report.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

**15.12 TEMPORARY EXEMPTION OF COUNCIL'S FOOTWAY RESTAURANT
POLICY OUTSIDE 108 HAMPDEN ROAD, ARTARMON**

| | |
|-------------------------------|---|
| ATTACHMENTS: | 1. IMPLICATIONS 2. FOOTWAY DINING POLICY |
| RESPONSIBLE OFFICER: | GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | DAVID DI BIASE – PROPERTY AND CONSTRUCTION SERVICES MANAGER |
| CITY STRATEGY OUTCOME: | 4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF OUR VILLAGE CENTRES |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

This report seeks to obtain Council's concurrence for a temporary exemption of Council's *Footway Restaurant Policy* at the Artarmon Village shopping precinct, to allow the six month trial of alternate footway dining arrangements outside 108 Hampden Rd, Artarmon.

RESOLUTION

That Council:

- 1. Proceed with a temporary exemption to its *Footway Restaurant Policy* for the operator of the business at 108 Hampden Road, Artarmon, to allow for a six (6) month trial of alternate footway dining arrangements.**
- 2. Relocate the existing street furniture outside of 108 Hampden Road, Artarmon, to an adjacent suitable location within the vicinity of the Artarmon Village.**
- 3. On-charge all costs associated with the relocation of the affected existing street furniture and the trial exemption to the applicant.**
- 4. Waive the Footway Restaurant fees for the trial period.**
- 5. Provide the Chief Executive Officer with delegated authority to approve any further requests for inclusion in the temporary exemption to its Footway Restaurant Policy on a case by case basis and subject to consideration of their merit.**

6. That a further report detailing the outcome of the trial be presented for Council's consideration at the expiry of the trial period.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

PLANNING & INFRASTRUCTURE DIRECTORATE**15.13 PUBLIC EXHIBITION OF REVISED DRAFT PLANNING AGREEMENT
POLICY AND COMMUNITY INFRASTRUCTURE CONTRIBUTIONS
FUNDING STUDY**

| | |
|-------------------------------|---|
| ATTACHMENTS: | 1. IMPLICATIONS 2. SUMMARY OF COMMUNITY FEEDBACK ON EXHIBITED <i>DRAFT PLANNING AGREEMENTS POLICY AND PROCEDURES MANUAL</i> 3. <i>REVISED DRAFT PLANNING AGREEMENTS POLICY</i> 4. <i>CHATSWOOD CBD COMMUNITY INFRASTRUCTURE FUNDING STUDY</i> (ATTACHMENTS 2-4 DISTRIBUTED SEPARATELY) |
| RESPONSIBLE OFFICER: | CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR |
| AUTHOR: | SYLVANIA MOK – CONTRIBUTIONS SPECIALIST |
| 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: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To inform Council regarding community feedback received from the exhibition of an earlier *Draft Planning Agreements Policy and Procedures Manual* in 2019, present a *Revised Draft Planning Agreements Policy* and seek Council's agreement to publicly exhibit the *Revised Draft Planning Agreements Policy* and associated *Chatswood CBD Infrastructure Funding Study*.

MOTION

That Council:

- 1. Note the submissions received in relation to the exhibition of an earlier *Draft Planning Agreements Policy & Procedures Manual*.**
- 2. Support the introduction of the new approach - *Community Infrastructure Contributions* as part of a *Revised Draft Planning Agreement Policy*.**
- 3. Endorse for public exhibition the:**
 - *Revised Draft Planning Agreements Policy*; and**
 - *Chatswood CBD Community Infrastructure Funding Study*.**

4. Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents in preparation for public exhibition.

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, and Zhu.

Against: Councillors Rutherford and Saville.

MOTION

Council recommit this item to permit Councillor Saville to seek further clarification on conflicting statements regarding studies undertaken.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR ERIKSSON

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

Voting

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

Against: Nil

MOTION

That Council:

1. Note the submissions received in relation to the exhibition of an earlier *Draft Planning Agreements Policy & Procedures Manual*.
2. Support the introduction of the new approach - *Community Infrastructure Contributions* as part of a *Revised Draft Planning Agreement Policy*.
3. Endorse for public exhibition the:
 - *Revised Draft Planning Agreements Policy*; and
 - *Chatswood CBD Community Infrastructure Funding Study*.

4. Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents in preparation for public exhibition.

MOVED COUNCILLOR ERIKSSON

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 and Zhu.

Against: Nil

**15.14 URBAN BUSHLAND PLAN OF MANAGEMENT - CROWN LANDS
REFERRAL**

| | |
|-------------------------------|---|
| ATTACHMENTS: | 1. IMPLICATIONS |
| RESPONSIBLE OFFICER: | CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR |
| AUTHOR: | DAVID ROBERTS – ENVIRONMENT MANAGER |
| CITY STRATEGY OUTCOME: | 1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To request that Council refer the draft Urban Bushland Plan of Management 2020 to the Department of Planning, Industry and Environment (DPIE) as stated in the requirements of Section 39 of the *Local Government Act 1993*.

RESOLUTION

That Council refer the draft *Urban Bushland Plan of Management 2020* to the Department of Planning, Industry and Environment as required by Section 39 of the *Local Government Act 1993* for endorsement to place on public exhibition.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

**15.15 OUTCOME OF PUBLIC EXHIBITION OF PLANNING PROPOSAL - 1-31
WALTER STREET AND 452-462 WILLOUGHBY ROAD, WILLOUGHBY**

| | |
|-------------------------------|---|
| ATTACHMENTS: | 1. IMPLICATIONS 2. GATEWAY DETERMINATION DATED 14 FEBRUARY 2020 3. RESPONSE FROM TRANSPORT FOR NSW (TFNSW) 4. DRAFT DEVELOPMENT CONTROL PLAN 5. PUBLIC EXHIBITION – PLANNING ASSESSMENT OF ISSUES 6. SUMMARY OF SUBMISSIONS 7. DRAFT AMENDMENTS TO WLEP 2012 8. MLA TRAFFIC RESPONSE TO SUBMISSION FROM THE NAREMBURN PROGRESS ASSOCIATION |
| RESPONSIBLE OFFICER: | CHRIS BINNS – DIRECTOR PLANNING AND INFRASTRUCTURE (ACTING) |
| AUTHOR: | IAN SHILLINGTON - STRATEGIC PLANNER |
| CITY STRATEGY OUTCOME: | 3.4- CREATE DESIRABLE PLACES TO BE AND ENJOY |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To advise Council of the outcome from the exhibition of the Planning Proposal to rezone the properties at 1-31 Walter Street and 452-462 Willoughby Road, Willoughby and to obtain Council's endorsement to forward to the Department of Planning, Industry and Environment the amendments to *Willoughby Local Environmental Plan (WLEP2012)* with Council support and to adopt changes to *Willoughby Development Control Plan (WDCP)*.

MOTION

That Council:

- 1. Notify the Department of Planning, Industry and Environment that it supports amendments to Willoughby Local Environmental Plan 2012 (WLEP2012) relating to 1-31 Walter Street and 452-462 Willoughby Road, Willoughby as exhibited.**
- 2. Endorse amendments to the site specific controls in Section D.2.16.17 of Willoughby Development Control Plan (Willoughby DCP) as modified.**
- 3. Recognise the need for increased bus services and additional school capacity and seek State Government support in addressing these needs in order to cater for increased density in line with the North District Plan.**

4. Request that the Department of Planning, Industry and Environment require the surrender of Development Consent 2016/263 for a Child Care Centre at 1-1A Walter Street and 452-460 Willoughby Road, Willoughby prior to making the Planning Proposal relating to 1-31 Walter Street and 452-462 Willoughby Road.

MOVED COUNCILLOR CAMPBELL

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, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, and Zhu.

Against: Nil

**15.16 ARTARMON ROAD, SCOTT STREET AND RICHMOND AVENUE,
WILLOUGHBY - OWNERS CONSENT FOR DEVELOPMENT APPLICATION**

| | |
|-------------------------------|--|
| ATTACHMENTS: | 1. IMPLICATIONS 2. LETTER SEEKING OWNERS CONSENT 3. DEVELOPMENT APPLICATION FORM |
| RESPONSIBLE OFFICER: | CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR |
| AUTHOR: | RITU SHANKAR- DEVELOPMENT PLANNING TEAM LEADER |
| 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: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

This report requests that Council provide owner's consent for works in the public domain surrounding the Channel 9 site in Willoughby.

RESOLUTION

That Council:

- 1. Provide owner's consent for the public domain works as outlined in the Development Application – DA2020/135 for the Channel 9 site and surrounding road reserves along Artarmon Road, Scott Street, and Richmond Avenue, Willoughby.**
- 2. Grant delegation to the Chief Executive Officer to sign the Development Application form to provide the consent of Council as the owner of the land.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

15.17 UPDATED CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY 2036 (ITEM IS ON HOLD AND IS SUBJECT TO A RESCISSION MOTION AND WILL BE ADDRESSED AT THE 12 OCTOBER 2020 COUNCIL MEETING)

| | |
|-------------------------------|---|
| ATTACHMENTS: | 1. IMPLICATIONS 2. DETAILED REPORT 3. COUNCIL RESOLUTION DATED 26 JUNE 2017 4. DPIE LETTER DATED 9 AUGUST 2019 5. DPIE LETTER DATED 9 JULY 2020 6. UPDATED CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY 2036 |
| RESPONSIBLE OFFICER: | CHRIS BINNS – PLANNING AND INFRASTRUCTURE DIRECTOR (ACTING) |
| 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: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To advise Council of the full endorsement of the *Chatswood CBD Planning and Urban Design Strategy 2036* by the Department of Planning, Industry and Environment (DPIE) and associated recommendations for the *Strategy*.

MOTION

That Council:

1. Note the full endorsement by the Department of Planning, Industry and Environment of the *Chatswood CBD Planning and Urban Design Strategy 2036* and associated adjustments.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the *Chatswood CBD Planning and Urban Design Strategy 2036* which do not alter the intent.
3. Delegate authority to the Chief Executive Officer to amend the *Willoughby Housing Strategy 2036* in accordance with the endorsed *Chatswood CBD Planning and Urban Design Strategy 2036* consistent with the resolution of Council of 9 December 2019 and forward to the Department of Planning, Industry and Environment.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR MUSTACA

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, Rozos, Rutherford and Zhu.

Against: Councillors Fernandez, Norton and Saville

AMENDMENT

That Council:

1. **Note the full endorsement by the Department of Planning, Industry and Environment of the *Chatswood CBD Planning and Urban Design Strategy 2036* and associated adjustments.**
2. **Delegate authority to the Chief Executive Officer to amend the recommended heights contained in the *Chatswood CBD Planning and Urban Design Strategy* as follows:**

27-35 Archer Street – Reduction in height to a maximum of 45m
37-49 Archer Street – Reduction to a maximum of 45m
51-61 Archer Street – Reduction in height to a maximum of 70m at the southern edge
Bertram Street – Reduction to 22m between Albert Ave and Johnson Street.
3. **Delegate authority to the Chief Executive Officer to make other minor amendments to the *Chatswood CBD Planning and Urban Design Strategy 2036* which do not alter the intent.**
4. **Delegate authority to the Chief Executive Officer to amend the *Willoughby Housing Strategy 2036* in accordance with the amended *Chatswood CBD Planning and Urban Design Strategy 2036* and forward to the Department of Planning, Industry and Environment.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

LOST

Voting

For the Amendment: Councillors Eriksson, Fernandez, Norton, Saville and Zhu.

Against: Councillors Giles-Gidney, Campbell, Mustaca, Rozos and Rutherford.

The vote being equal the Mayor used her casting vote against the Amendment.

Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 15.17: Updated Chatswood CBD Planning and Urban Design Strategy 2036.

*(Nature of Interest: Mr Paul Storm is an acquaintance. He is a resident of Johnson Street.
His property is one that may be affected by the Plan)*

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.18 PUBLIC EXHIBITION - BICENTENNIAL RESERVE DRAFT PLAN OF MANAGEMENT**

| | |
|-------------------------------|---|
| ATTACHMENTS: | 1. IMPLICATIONS 2. DRAFT PLAN OF MANAGEMENT - BICENTENNIAL RESERVE |
| RESPONSIBLE OFFICER: | MELANIE SMITH, DIRECTOR COMMUNITY, CULTURE AND LEISURE |
| AUTHOR: | JULIE WHITFIELD, OPEN SPACE CO-ORDINATOR |
| CITY STRATEGY OUTCOME: | 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To place the draft *Plan of Management* for Bicentennial Reserve, Willoughby on public exhibition.

RESOLUTION

That Council:

1. Approve the public exhibition of the draft *Plan of Management* for Bicentennial Reserve as per the requirement of *Section 38 of the Local Government Act 1993*.
2. Receive a further report after the conclusion of the public exhibition and public hearing for the draft *Plan of Management* for Bicentennial Reserve.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

15.19 PUBLIC EXHIBITION OF DRAFT PLAN OF MANAGEMENT - HAVEN AMPHITHEATRE

| | |
|-------------------------------|---|
| ATTACHMENTS: | 1. IMPLICATIONS 2. DRAFT PLAN OF MANAGEMENT – HAVEN AMPHITHEATRE 3. LANDSCAPE PLAN- HAVEN AMPHITHEATRE |
| RESPONSIBLE OFFICER: | MELANIE SMITH, DIRECTOR COMMUNITY, CULTURE AND LEISURE |
| AUTHOR: | JULIE WHITFIELD, OPEN SPACE CO-ORDINATOR |
| CITY STRATEGY OUTCOME: | 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

To seek Councils approval to place the draft *Plan of Management* and draft *Landscape Plan* for the Haven Amphitheatre, Castlecrag on public exhibition.

MOTION

That Council:

1. Approve the public exhibition of the draft *Plan of Management* and draft *Landscape Plan* for the Haven Amphitheatre in accordance with the requirements of *Section 38 of the Local Government Act 1993*.
2. Receive a further report after the conclusion of the public exhibition and public hearing for the draft *Plan of Management* and the draft *Landscape Plan* for the Haven Amphitheatre.

MOVED COUNCILLOR MUSTACA

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 Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, and Zhu.

Against: Nil

Absent: Councillor Giles-Gidney.

Her Worship the Mayor Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 15.19: Public Exhibition of Draft Plan of Management – Haven Amphitheatre and withdrew from the meeting at 9:05pm taking no part in the discussion or voting on this item. The Mayor returned to the Chamber at 9:17pm.

(Nature of Interest: My residence is located near the Haven Amphitheatre)

Deputy Mayor Councillor Campbell assumed the Chair in the Mayor's absence for consideration of this item.

16 NOTICES OF MOTION

16.1 NOTICE OF MOTION - BOAT TRAILER PARKING RESTRICTIONS

| | |
|-------------------------------|--|
| RESPONSIBLE OFFICER: | CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR |
| AUTHOR: | MARK TAYLOR – MANAGER COMPLIANCE UNIT |
| CITY STRATEGY OUTCOME: | 2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

Councillor Eriksson has indicated his intention to move the following Notice of Motion.

MOTION

That Willoughby City Council:

1. Write to the Minister for Transport and Roads - The Hon Andrew Constance MP - to ask that the current TfNSW boat trailer 28 day parking restrictions be extended to all trailers and caravans not attached to a vehicle.
2. Refer the matter to the Local Traffic Committee for further consideration.
3. Any expansion of trailer and caravan restrictions be an 'opt-in' choice for Local Councils to allow for flexibility across different LGAs i.e. outer suburban and regional areas where demand for on street parking is not at levels as it is in city areas like Willoughby or where there is a need for tradespeople to park work trailers for extended periods etc.

MOVED COUNCILLOR ERIKSSON

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, and Zhu.

Against: Nil

16.2 NOTICE OF MOTION - RAT CONTROL

| | |
|-------------------------------|---|
| RESPONSIBLE OFFICER: | GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | DAVID DIBIASE – PROPERTY AND CONSTRUCTION SERVICES MANAGER |
| CITY STRATEGY OUTCOME: | 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

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

MOTION

That Council note:

1. **Concerns of the increased rat infestation within the Chatswood Central Business District (CBD).**
2. **Council officers have issued instructions to commence the Spring rodent baiting program to its buildings, urban reserves and CBD.**
3. **Council officers will undertake further investigation into alternate rodent baiting systems which do not utilise poisons or which further reduces the potential for secondary poisoning will be undertaken for bushland and other natural environments.**
4. **Environmental Health Officers will work with property owners and residents to develop rat baiting programs and, if necessary, issue orders for action.**

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, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville and Zhu.

Against: Nil

**16.3 NOTICE OF MOTION - REINSTATEMENT OF ADVISORY AND
REFERENCE COMMITTEE MEETINGS VIA ZOOM CONFERENCING**

| | |
|-------------------------------|--|
| RESPONSIBLE OFFICER: | GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR |
| AUTHOR: | SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER |
| CITY STRATEGY OUTCOME: | 5.5 – MAKE IT EASY FOR CITIZENS TO PARTICIPATE IN DECISION MAKING |
| MEETING DATE: | 14 SEPTEMBER 2020 |

PURPOSE OF REPORT

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

MOTION

That Council note:

1. Item 15.5 included in the agenda addresses the issues raised in this Notice of Motion and includes details on the appointment of Councillors to committees and groups.
2. In accordance, with the Model Terms of Reference, further consultation will be undertaken with community representatives to establish how they can meet in the current environment and their ability to utilise online platforms.

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, and Zhu.

Against: Nil

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.

17.1 CONFIDENTIAL - LEGAL SERVICES REPORT SEPTEMBER 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.

RESOLUTION

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

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

18 QUESTIONS WITH NOTICE

NIL

19 CONCLUSION OF THE MEETING

- The Mayor Councillor Giles-Gidney left the meeting at 9:05pm prior to the discussion on Item 15.19: Public Exhibition of Draft Plan of Management – Haven Amphitheatre and returned to the meeting at 9.17pm.
- Deputy Mayor Councillor Campbell assumed the chair in the Mayor's absence for Item 15.19: Public Exhibition of Draft Plan of Management – Haven Amphitheatre.
- The meeting concluded at 9:21pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 14 September 2020. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.