



# **Willoughby City Council**

**ORDINARY COUNCIL**

**MINUTES**

on 2 March 2022

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>2</b>
<b>1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY</b> .....	<b>5</b>
<b>2 DISCLOSURES OF INTERESTS</b> .....	<b>5</b>
<b>3 CONFIRMATION OF MINUTES</b> .....	<b>5</b>
<b>4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS</b> .....	<b>5</b>
<b>5 PETITIONS</b> .....	<b>6</b>
5.1 PETITION – DEVELOPMENT (DA-2021/340) AT 43 DONNELLY ROAD, NAREMBURN .....	6
<b>6 OPEN FORUM — MATTERS NOT ON THE MINUTES</b> .....	<b>6</b>
<b>7 MAYORAL MINUTE</b> .....	<b>6</b>
7.1 MAYORAL MINUTE - DON T LEAVE COMMUNITIES BEHIND NATIONAL ADVOCACY CAMPAIGN .....	6
<b>8 CHIEF EXECUTIVE OFFICER'S LATE REPORT</b> .....	<b>8</b>
<b>9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY</b> .....	<b>8</b>
<b>10 MATTERS REQUIRING ELABORATION OR DEBATE</b> .....	<b>8</b>
<b>11 PUBLIC FORUM — MATTERS ON THE AGENDA</b> .....	<b>9</b>
15.11 PLANNING PROPOSAL - 753 PACIFIC HIGHWAY AND 15 ELLIS STREET CHATSWOOD.....	9
15.11 PLANNING PROPOSAL - 753 PACIFIC HIGHWAY AND 15 ELLIS STREET CHATSWOOD.....	10
15.12 PLANNING PROPOSAL - 5-9 GORDON AVENUE CHATSWOOD.....	11
15.13 PLANNING PROPOSAL - 871-877 PACIFIC HIGHWAY CHATSWOOD.....	12
15.14 DEVELOPMENT CONTROL PLAN FOR 65 ALBERT AVENUE CHATSWOOD.....	13
<b>12 REPORTS OF COMMITTEES</b> .....	<b>13</b>
<b>13 DEFERRED MATTERS</b> .....	<b>13</b>
<b>14 CORRESPONDENCE</b> .....	<b>13</b>
<b>15 REPORTS FROM THE OFFICERS</b> .....	<b>13</b>
<b>CHIEF EXECUTIVE'S OFFICE</b> .....	14
15.1 NSW INFRASTRUCTURE CONTRIBUTION REFORMS UPDATE.....	14
<b>CUSTOMER &amp; CORPORATE DIRECTORATE</b> .....	14
15.2 DELIVERY PROGRAM - SIX MONTHLY PROGRESS REPORT JULY-DECEMBER 2021 .....	14
15.3 QUARTERLY BUDGET REVIEW 2021-22 DECEMBER QUARTER REPORT .....	15
15.4 INVESTMENT REPORT FOR MONTH OF JANUARY 2022 .....	15
15.5 APPOINTMENT OF COUNCILLORS' REPRESENTATION TO STATUTORY COMMITTEES, BOARDS AND MISCELLANEOUS ORGANISATIONS.....	15
15.6 APPOINTMENT OF CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PANEL.....	17

**17 CONFIDENTIAL MATTERS ..... 18**

17.1 CONFIDENTIAL - TENDER T12-2021 - GORE HILL INDOOR SPORTS CENTRE DESIGN SERVICES ..... 19

15.7 LEGAL MATTERS REPORT ..... 20

15.16 PROPERTY LEASE PORTFOLIO ..... 20

**PLANNING & INFRASTRUCTURE DIRECTORATE ..... 21**

15.8 RECENT STATE GOVERNMENT REFORMS ..... 21

15.9 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF CLIVE PARK RESERVE ACTION PLAN 2022 ..... 21

15.10 DEVELOPMENT ASSESSMENT - QUARTER 2 (1 OCTOBER TO 31 DECEMBER 2021) ..... 22

15.15 TENDER T12-2021 - GORE HILL INDOOR SPORTS CENTRE DESIGN SERVICES ..... 22

**16 NOTICES OF MOTION ..... 22**

16.1 NOTICE OF MOTION - TRIAL OF E-SCOOTERS AND PERSONAL MOBILITY DEVICES (PMD'S) ..... 23

**18 QUESTIONS WITH NOTICE..... 24**

**19 CONCLUSION OF THE MEETING ..... 24**

**Minutes of an ordinary Council meeting  
held on Wednesday, 2 March 2022  
at the Council Chamber, Chatswood commencing at 7:00pm**

**ATTENDANCE:**

**Councillors**

Tanya Taylor (Her Worship the Mayor)  
Brendon Zhu (Deputy Mayor)  
Georgie Roussac  
Nic Wright  
Anna Greco  
Roy McCullagh  
John Moratelli  
Hugh Eriksson  
Robert Samuel  
Angelo Rozos  
Sarkis Mouradian  
Craig Campbell  
Jam Xia

**Officers**

Debra Just (Chief Executive Officer)  
Maxine Kenyon (Customer & Corporate Director)  
Melanie Smith (Community, Culture & Leisure Director)  
Hugh Phemister (Planning & Infrastructure Director)  
Stephen Naven (Chief Financial Officer)  
Chris Binns (Design, Construction & Maintenance Group Manager)  
Ian Arnott (Planning Manager)  
Warwick Lawrence (Interim Governance, Risk & Corporate Planning Manager)  
Sherryn Williams (Governance Team Leader)  
Natalie Taylor (Governance Administration Officer)  
Jason Racchi (Information Technology Team Leader)  
Matthew Long (Network Support Officer)

**1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY**

As a sign of respect, Willoughby City Council acknowledges the traditional inhabitants of the land on which we stand, the Aboriginal people, their spirits and ancestors. We acknowledge the vital contribution that indigenous people and cultures have made and still make to the nation that we share, Australia.

**2 DISCLOSURES OF INTERESTS**

- Councillor Wright declared a non-pecuniary less than significant interest in Item 15.4: Investment Report for the month of January 2022. Councillor Wright chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

*“I am an employee of Westpac Bank with whom Council has investments.”*

- Councillor Xia declared a non-pecuniary less than significant interest in Item 15.4: Investment Report for the month of January 2022. Councillor Xia chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

*“I am a full time employee of Commonwealth Bank (Commercial Banking) with whom Council has investments.”*

- Councillor Zhu declared a non-pecuniary less than significant interest in Item 16.1 – Notice of Motion – Trial of E-Scooters and Personal Mobility Devices (PMD’s). Councillor Zhu chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

*“My wife works in the legal team at Transport for NSW. I will be staying in the Chamber. My wife is not in a position of sufficient seniority to be exposed to this item at Transport for NSW.”*

**3 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held 31 January 2022, copies of which have been circulated to each member of Council, be confirmed.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil

**4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

Nil.

**5 PETITIONS****5.1 PETITION – DEVELOPMENT (DA-2021/340) AT 43 DONNELLY ROAD, NAREMBURN****MOTION**

That Council receive and note the petition against the subdivision and proposed new infill dwelling fronting Donnelly Road (DA-2021/340) on the grounds of overdevelopment, negative impact on the broader curtilage of the historic church, loss of greenspace, negative impact on the heritage streetscape, the inappropriate style and scale of the infill dwelling and undesirable increase in amount of impervious surface area, and the matter be referred to the Planning and Infrastructure Director.

**MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil

**6 OPEN FORUM — MATTERS NOT ON THE MINUTES**

Open Forum allows members of the public to address Council for a maximum of three (3) minutes on any issues (but not on an item on the Minutes).

- Michelle Inns (on behalf of residents at Middle Cove) has registered to address Council on footpath works in Middle Cove.
- Sue Finn Boudakian has registered to address Council on proposed roadworks at Rembrandt Drive, Middle Cove.

**7 MAYORAL MINUTE****7.1 MAYORAL MINUTE - DON T LEAVE COMMUNITIES BEHIND NATIONAL ADVOCACY CAMPAIGN****MOTION**

**That Council:**

1. **Supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and**

2. **Agrees to support and participate in the Australian Local Government Association’s advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:**
  - a. **express support for ALGA’s funding priorities**
  - b. **identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA**
  - c. **seek funding commitments from the local members, candidates and their parties for these identified local projects and programs.**

**MAYOR TAYLOR**

### **AMENDMENT**

**That Council:**

1. **Supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia’s GDP and create 43,444 jobs; and**
2. **Agrees to support and participate in the Australian Local Government Association’s advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:**
  - a. **express support for ALGA’s funding priorities**
  - b. **identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA**
  - c. **seek funding commitments from the members, candidates and their parties for these identified local projects and programs.**
3. **Write to ALGA and recommend that they add a priority “supporting communities to transition from fossil fuel industries”.**

**COUNCILLOR MORATELLI / COUNCILLOR GRECO**

#### **Voting**

**For the Amendment:** Councillors Taylor, Greco, Moratelli, Roussac, Samuel, Wright, Xia and Zhu

**Against:** Councillor Rozos, Mouradian, Campbell, McCullagh and Eriksson.

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

**The motion on being put to the meeting became the resolution of Council**

**COUNCILLOR MORATELLI / COUNCILLOR GRECO**

**CARRIED**

#### **Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil

**8 CHIEF EXECUTIVE OFFICER'S LATE REPORT**

Nil

**9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY**

Nil

**10 MATTERS REQUIRING ELABORATION OR DEBATE**

The Mayor invited Councillors to nominate the items they wish Council to consider:

- 15.2 Delivery Program - Six Monthly Progress Report July-December 2021
- 15.5 Appointment of Councillors' representation to Statutory Committees, Boards and
- 15.6 Appointment of Chief Executive Officer's Performance Review Panel
- 15.7 Legal Matters Report
- 15.11 Planning Proposal - 753 Pacific Highway and 15 Ellis Street Chatswood
- 15.12 Planning Proposal - 5-9 Gordon Avenue Chatswood
- 15.13 Planning Proposal - 871-877 Pacific Highway Chatswood
- 15.15 Tender T12-2021 - Gore Hill Indoor Sports Centre Design Services
- 15.16 Property Lease Portfolio
- 16.1 Notice of Motion - Trial of e-Scooters and Personal Mobility Devices (PMD's)
- 17.1 Confidential - Tender T12-2021 - Gore Hill Indoor Sports Centre Design Services

**MOTION**

That the following items are adopted en bloc with the recommendations of Council officers being adopted:

- 15.1 NSW Infrastructure Contribution Reforms Update
- 15.3 Quarterly Budget Review 2021-22 December Quarter Report
- 15.4 Investment Report for Month of January 2022
- 15.8 Recent State Government Reforms
- 15.9 Outcome of Public Exhibition and Adoption of Clive Park Reserve Action Plan 2022
- 15.10 Development Assessment - Quarter 2 (1 October to 31 December 2021)
- 15.14 Development Control Plan for 65 Albert Avenue Chatswood

**COUNCILLOR WRIGHT / COUNCILLOR CAMPBELL****CARRIED****Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil



**11 PUBLIC FORUM — MATTERS ON THE AGENDA**

Public Forum allows members of the public to address Council for a maximum of three (3) minutes on an issue on the Agenda.

- **Item 15.11: Planning Proposal - 753 Pacific Highway and 15 Ellis Street, Chatswood**  
Daniel Barber (on behalf of Central Element Pty Ltd) addressed Council speaking in support of the officer's recommendation.
- **Item 15.12: Planning Proposal – 5 - 9 Gordon Avenue, Chatswood**  
Nick Juradowitch (Director – Ingham Planning Pty Ltd) addressed Council speaking in support of the officer's recommendation.
- **Item 15.13: Planning Proposal – 871 - 877 Pacific Highway, Chatswood**  
Tim Graham addressed Council speaking against the officer's recommendation and John Wynne (Town Planning Consultant – Urbis on behalf of Goldfields) addressed Council speaking against this item.
- **Item 15.14: Development Control Plan for 65 Albert Avenue, Chatswood**  
John Wynne (Town Planning Consultant - Urbis) addressed Council speaking against the officer's recommendation.

**15.11 PLANNING PROPOSAL - 753 PACIFIC HIGHWAY AND 15 ELLIS STREET CHATSWOOD****MOTION**

That Council:

1. **Note the submissions and proposed responses to feedback on the Planning Proposal and draft site specific Development Control Plan for 753 Pacific Highway and 15 Ellis Street, Chatswood following the public exhibition period.**
2. **Support the Planning Proposal for 753 Pacific Highway and 15 Ellis Street, Chatswood, on the basis of consistency with the Chatswood CBD Planning and Urban Design Strategy 2036, with particular regard to a two storey podium presentation to the Pacific Highway.**
3. **Support amendments to Willoughby Local Environmental Plan 2012 relating to 753 Pacific Highway and 15 Ellis Street, Chatswood as outlined in Attachment 7 and forward to the Department of Planning and Environment for finalisation.**
4. **Support the site specific draft Development Control Plan.**
5. **Note the outcome of exhibition of the draft Voluntary Planning Agreement and authorise the Chief Executive Officer to execute the Deed.**

6. Delegate authority to the Chief Executive Officer to make any minor amendments to the final planning proposal and Development Control Plan which do not alter the intent.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Wright, Xia and Zhu

**Against:** Nil

**Absent:** Councillor Samuel

*Note: Councillor Samuel left the meeting at 7:31pm.*

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**PROCEDURAL MOTION – RECOMMIT ITEM**

**That Council recommit item Planning Proposal 753 Pacific Highway and 15 Ellis Street Chatswood.**

**COUNCILLOR WRIGHT / COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Wright, Xia and Zhu

**Against:** Nil

**Absent:** Councillor Samuel

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**15.11 PLANNING PROPOSAL - 753 PACIFIC HIGHWAY AND 15 ELLIS STREET CHATSWOOD**

**MOTION**

**That Council:**

- 1. Note the submissions and proposed responses to feedback on the Planning Proposal and draft site specific Development Control Plan for 753 Pacific Highway and 15 Ellis Street, Chatswood following the public exhibition period.**
- 2. Support the Planning Proposal for 753 Pacific Highway and 15 Ellis Street, Chatswood, on the basis of consistency with the Chatswood CBD Planning and Urban Design Strategy 2036, with particular regard to a two storey podium presentation to the Pacific Highway.**
- 3. Support amendments to Willoughby Local Environmental Plan 2012 relating to 753 Pacific Highway and 15 Ellis Street, Chatswood as outlined in Attachment 7 and forward to the Department of Planning and Environment for finalisation.**
- 4. Support the site specific draft Development Control Plan.**
- 5. Note the outcome of exhibition of the draft Voluntary Planning Agreement and authorise the Chief Executive Officer to execute the Deed.**

6. Delegate authority to the Chief Executive Officer to make any minor amendments to the final planning proposal and Development Control Plan which do not alter the intent.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON****Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, and Zhu

**Against:** Councillor Xia

*Note: Councillor Samuel returned to the meeting at 7:32pm.*

**15.12 PLANNING PROPOSAL - 5-9 GORDON AVENUE CHATSWOOD****MOTION****That Council:**

1. Note the submissions and proposed responses to feedback on the Planning Proposal and draft site specific Development Control Plan for 5-9 Gordon Avenue, Chatswood following the public exhibition period.
2. Support the Planning Proposal for 5-9 Gordon Avenue, Chatswood, on the basis of consistency with the Chatswood Planning and Urban Design Strategy 2036.
3. Support amendments to Willoughby Local Environmental Plan 2012 relating to 5-9 Gordon Avenue, Chatswood as outlined in Attachment 7 and forward to the Department of Planning and Environment for finalisation.
4. Support the site specific draft Development Control Plan.
5. Note the outcome of exhibition of the draft Voluntary Planning Agreement and authorise the Chief Executive Officer to execute the Deed.
6. Delegate authority to the Chief Executive Officer to make any minor amendments to the final planning proposal and Development Control Plan which do not alter the intent.

**MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR WRIGHT****CARRIED****Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, and Zhu

**Against:** Councillor Xia

**15.13 PLANNING PROPOSAL - 871-877 PACIFIC HIGHWAY CHATSWOOD****MOTION**

That Council:

1. **Note the submissions and proposed responses to feedback on the Planning Proposal and draft site specific Development Control Plan for 871 - 877 Pacific Highway, Chatswood following the public exhibition period.**
2. **Support the Planning Proposal 871 - 877 Pacific Highway, Chatswood, on the basis of consistency with the Chatswood CBD Planning and Urban Design Strategy 2036, with particular regard to a two storey street wall podium presentation to the Pacific Highway.**
3. **Support amendments to Willoughby Local Environmental Plan 2012 relating to 871 - 877 Pacific Highway, Chatswood, as outlined in Attachment 7 and forward to the Department of Planning and Environment for finalisation.**
4. **Support the site specific draft Development Control Plan.**
5. **Note the outcome of exhibition of the draft Voluntary Planning Agreement and authorise the Chief Executive Officer to execute the Deed.**
6. **Delegate authority to the Chief Executive Officer to make any minor amendments to the final planning proposal and DCP which do not alter the intent.**

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, and Zhu

**Against:** Councillor Xia

**Absent:** Councillor Rozos

*Note: Councillor Rozos left the meeting at 7:53pm.*

**PROCEDURAL MOTION – RECOMMIT ITEM**

**That Council recommit item 15.14: Development Control Plan for 65 Albert Avenue, Chatswood.**

**COUNCILLOR WRIGHT / COUNCILLOR ZHU**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil

*Note: Councillor Rozos returned to the meeting at 7:55pm.*

**15.14 DEVELOPMENT CONTROL PLAN FOR 65 ALBERT AVENUE  
CHATSWOOD****MOTION**

That Council:

1. Note the submissions and proposed responses to feedback on the draft site specific Development Control Plan for 65 Albert Avenue, Chatswood following the public exhibition period.
2. Support the site specific draft Development Control Plan on the basis of consistency with the Chatswood CBD Planning and Urban Design Strategy 2036.
3. Delegate authority to the Chief Executive Officer to make any minor amendments to the final Development Control Plan which do not alter the intent.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright and Zhu

**Against:** Nil

**Absent:** Councillor Xia

*Note: Councillor Xia left the meeting at 8:06pm.*

**12 REPORTS OF COMMITTEES**

Nil

**13 DEFERRED MATTERS**

Nil

**14 CORRESPONDENCE**

Nil

**15 REPORTS FROM THE OFFICERS**

**CHIEF EXECUTIVE'S OFFICE****15.1 NSW INFRASTRUCTURE CONTRIBUTION REFORMS UPDATE****RESOLUTION**

That Council:

1. Note the two submissions made to the Department of Planning and Environment (DPE), and the Independent Pricing and Regulatory Tribunal (IPART) in response to the Productivity Commission's recommendations on Infrastructure Contributions reform in December 2021.
2. Write to the Department of Planning and Environment (DPE) endorsing the submission dated 17 December 2021 made by Council Officers to the Department of Planning and Environment.
3. Continue to advocate on the issues outlined in Council's submissions on the proposed infrastructure reforms individually and through the Northern Sydney Regional Organisation of Councils (NSROC), the combined Regions of Councils the Sydney Metropolitan Mayor's Group and Local Government NSW.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU

**ADOPTED EN BLOC**

**CUSTOMER & CORPORATE DIRECTORATE****15.2 DELIVERY PROGRAM - SIX MONTHLY PROGRESS REPORT JULY-DECEMBER 2021****MOTION**

That Council note the six monthly progress report on Council's Delivery Program 2017-2022 and the Operational Plan 2021-22 as at 31 December 2021.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ZHU

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil

*Note: Councillor Xia returned to the meeting at 8:07pm.*

**15.3 QUARTERLY BUDGET REVIEW 2021-22 DECEMBER QUARTER REPORT****RESOLUTION**

That Council:

1. Note the Quarterly Budget Review 2021/22 Quarter 2 – December Quarter.
2. Approve the increase in Grants & Contributions provided for Capital Purpose of \$5.4M.
3. Approve the increase in operating budget income (excluding capital income) of \$1.8M and a decrease in operating budget expense of \$1.4M resulting in a net positive impact of \$3.2M to the 2021/22 full year budget operating result before capital items.
4. Approve the increase in Capital Expenditure for the 2021/22 Financial Year of \$2.7M.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL**

**ADOPTED EN BLOC**

**15.4 INVESTMENT REPORT FOR MONTH OF JANUARY 2022****RESOLUTION**

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 January 2022.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL**

**ADOPTED EN BLOC**

**15.5 APPOINTMENT OF COUNCILLORS' REPRESENTATION TO STATUTORY COMMITTEES, BOARDS AND MISCELLANEOUS ORGANISATIONS****MOTION**

That Council endorse the appointment of Councillor representatives on the following Statutory Committee, Board and miscellaneous organisations for the term of this Council:

<b>Committee</b>	<b>Council Representation</b>
<b>Council Statutory Committee</b>	
<b>Audit, Risk and Improvement Committee</b> 2 Councillors 1 Councillor (alternative delegate)	<ul style="list-style-type: none"> <li>• Councillor Samuel</li> <li>• Councillor Xia</li> </ul> Alternative Delegate: <ul style="list-style-type: none"> <li>• Councillor Wright</li> </ul>
<b>External Organisations</b>	
<b>Dougherty Apartments Board</b> 2 Council representatives  By convention 1 Councillor and Council's Director Community Culture and Leisure.	<ul style="list-style-type: none"> <li>• Councillor Campbell</li> <li>• Council's Director Community Culture and Leisure.</li> </ul>
<b>District Bush Fire Management Committee</b> 1 Councillor	Councillor Mouradian
<b>Northern Sydney Regional Organisation of Councils (NSROC)</b> The Mayor and 1 Councillor 2 Councillors (alternative delegates)	<ul style="list-style-type: none"> <li>• Mayor Taylor</li> <li>• Councillor Eriksson</li> </ul> Alternative Delegates: <ul style="list-style-type: none"> <li>• Councillor McCullagh</li> <li>• Councillor Zhu</li> </ul>
<b>NSW Public Library Association</b> 1 Councillor	Councillor McCullagh
<b>Sydney Coastal Councils Group</b> 3 Council representatives Noting only one vote is allowed from each Council.  Council's representatives can be either Councillors or senior staff members.  By convention 3 Councillors	<ul style="list-style-type: none"> <li>• Mayor Taylor</li> <li>• Councillor Moratelli</li> </ul>
<b>Sydney North Planning Panel</b> 2 Councillors  By convention the Mayor and the immediate past Deputy Mayor (alternative delegate)	<ul style="list-style-type: none"> <li>• Mayor Taylor</li> </ul> Alternative Delegate <ul style="list-style-type: none"> <li>• Councillor Rozos</li> </ul>

**MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR XIA****CARRIED****Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil



**15.6 APPOINTMENT OF CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PANEL****MOTION**

That Council:

1. Establish a Review Panel, comprising the Mayor, Deputy Mayor, Councillor Wright and Councillor Eriksson (appointed by the Chief Executive Officer) to conduct the midterm and annual review of the Chief Executive Officers performance in 2022.
2. Appoint an independent facilitator to:
  - provide the required training for the Panel prior to the review meeting
  - facilitate the process of reviewing and updating the Chief Executive Officer Performance Agreement at the review meeting.
3. Authorise the Performance Review Panel to review and update the Performance Agreement and undertake midterm and annual reviews of the Chief Executive Officer performance in 2022.
4. Request the Performance Review Panel to provide a report to Council on the outcome of the review process.

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR XIA**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil

**PROCEDURAL MOTION – MOVE INTO CLOSED SESSION**

That Council move into closed session.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MCCULLAGH**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil

*Note: Council moved into closed session at 8:48pm .*

**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.

In accordance with the requirements of section 10A(2) of the Local Government Act 1993 as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- 15.7 – Legal Matters Report: Attachment 3 – This attachment provides Councillors with confidential information relating to legal strategy, prospects and costs, it has been included in the closed business paper as an confidential attachment. 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. Section 10A(2)(c) and (g) of the *Local Government Act 1993*.
- 15.16 – Property Lease Portfolio: Attachment 2 - This attachment is confidential as disclosure of the information included 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 tenancies. Section 10A(2)(d)(i) of the *Local Government Act 1993*.
- 17.1 – Confidential – Tender T12-2021 – Gore Hill Indoor Sports Centre Design Services. This report provides Councillors with details of entities and their commercial operations which, if revealed, would result in commercial disadvantage to them. 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. Section 10A(2)(c) and (d)(i) of the *Local Government Act 1993*.

**17.1 CONFIDENTIAL - TENDER T12-2021 - GORE HILL INDOOR SPORTS CENTRE DESIGN SERVICES****MOTION**

That Council:

1. **Accept the tender from Warren and Mahoney Pty Ltd for Design Services as the Principal Design Consultant for the Gore Hill Indoor Sports Centre for the assessed value of \$3,341,629 (excl. GST).**
2. **Approve a contingency of \$501,245 (excl. GST), which is 15% of the fee, to mitigate the financial risk of additional scope that may occur due to latent conditions, authority requirements, outcomes from community and stakeholder consultation or other unforeseen circumstances.**
3. **Delegate the Chief Executive Officer the authority to finalise, execute the contract and all associated documents in accordance with this report.**

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ROZOS**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil

**PROCEDURAL MOTION – MOVE INTO OPEN SESSION**

That Council move into open session.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil

*Notes:*

1. *Council moved into open session at 9:27pm.*
2. *The Chair reported to the public confidential resolution 17.1 – Confidential - Tender T12-2021 Gore Hill Indoor Sports Centre Design Services which was passed in closed session.*

**15.7 LEGAL MATTERS REPORT****MOTION**

That Council receive the legal services report.

**MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil

**Absent:** Councillor Greco

*Note: Councillor Greco left the meeting at 9:31pm.*

**15.16 PROPERTY LEASE PORTFOLIO****MOTION**

That Council:

1. **Note the report on Council's property lease portfolio and note the confidential information set out in Attachment 2 to the report.**
2. **Authorise the Chief Executive Officer to enter into a lease with Grand Wisdom Australia Pty Ltd for Shop 9a The Concourse under the terms and conditions as set out in Attachment 2 to the report.**
3. **Delegate authority to the Chief Executive Officer to execute the lease agreement and any associated documents including option to renew, assignments and variations related to the occupation of Shop 9a The Concourse.**

**MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ERIKSSON**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Councillor Nil

**Absent:** Councillor Greco

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**PLANNING & INFRASTRUCTURE DIRECTORATE**

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**15.8 RECENT STATE GOVERNMENT REFORMS**

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**RESOLUTION**

That Council:

1. Endorse the submissions to the Department of Planning and Environment regarding the *Discussion Paper on a New Approach to Rezoning*s, the Draft *Design and Place State Environmental Planning Policy (DP SEPP) 2021*, and the reform to BASIX which is related to the draft Design and Place SEPP but has been separately advertised.
2. Receive and note the Minister's Statement of Expectations.
3. Delegate authority to the Chief Executive Officer to make minor amendments to the submissions which do not alter the intent.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

**ADOPTED EN BLOC**

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**15.9 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF CLIVE PARK RESERVE ACTION PLAN 2022**

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**RESOLUTION**

That Council:

1. Adopt the *Clive Park Reserve Action Plan 2022* as amended and attached to this report at Attachment 2.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the *Clive Park Reserve Action Plan 2022* which do not alter the intent.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

**ADOPTED EN BLOC**

**15.10 DEVELOPMENT ASSESSMENT - QUARTER 2 (1 OCTOBER TO 31 DECEMBER 2021)****RESOLUTION**

That Council notes:

1. The variations to development standards and development applications determined under delegated authority during quarter 2 (1 October to 31 December 2021).
2. The current development applications list as at 31 December 2021.

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL**

**ADOPTED EN BLOC**

**15.15 TENDER T12-2021 - GORE HILL INDOOR SPORTS CENTRE DESIGN SERVICES****MOTION**

That Council:

1. Approve the appointment of the preferred tenderer for Tender T12-2021 for the Gore Hill Indoor Sports Centre Design Services (Principal Design Consultant).
2. Delegate to the Chief Executive Officer the authority to finalise and execute the contract and all associated documents as detailed in the confidential report for Tender T12-2021 for the Gore Hill Indoor Sports Centre Design Services contract (Principal Design Consultant).

**MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ROZOS**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

**Against:** Nil

*Note: Councillor Greco returned to the meeting at 9:34pm.*

**16 NOTICES OF MOTION**

**16.1 NOTICE OF MOTION - TRIAL OF E-SCOOTERS AND PERSONAL MOBILITY DEVICES (PMD'S)****MOTION**

That Council:

1. **Welcome the announcement by then Transport Minister, Rob Stokes MP on 28 November 2021 for a 12-month trial (hereafter "trial") of e-scooters in consultation with local councils in 2022.**
2. **Affirms its support for active transport including cycling, e-scooters, electric skateboards and electric unicycles to improve health, protect the environment and reduce traffic congestion.**
3. **Write to the Minister Rob Stokes MP, Minister for Infrastructure, Minister for Cities, and Minister for Active Transport, and Rob Sharp, Secretary of Transport for NSW to:**
  1. **Select the local government area of Willoughby City Council as a location for the trial.**
  2. **Provide an appropriate regulatory framework following the precedent set out in other state jurisdictions to ensure safety measures such as helmets, bells and speed limits are enforced to protect users, pedestrians and the broader community particularly on footpaths.**
  3. **Recognise that electric personal mobility devices (hereafter "PMDs") including e-scooters, electric unicycles and electric skateboards are legal on bicycle paths, shared footpaths and local roads in Western Australia, Tasmania, Queensland and Australian Capital Territory.**
  4. **Ensure the e-scooter trial includes PMDs such as electric unicycles and electric skateboards.**
  5. **Support a trial that includes residents who privately own, use and take care of their own PMDs.**
4. **In the event that Willoughby City Council be nominated for the trial, a report be brought back to Council and the Ministers be made aware that this will occur.**

**MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

**Voting**

**For the Motion:** Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu

**Against:** Councillor Rozos

**18 QUESTIONS WITH NOTICE**

Nil

**19 CONCLUSION OF THE MEETING**

The meeting concluded at 9.48pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the ordinary Council meeting held on 2 March 2022. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

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Mayor Tanya Taylor