



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

on 8 March 2021

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1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY

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

Joining the meeting via Zoom Conferencing: Councillors Coppock and Saville.

Officers

Ms D Just (Chief Executive Officer), Mr L Di Lernia (Interim Customer & Corporate Director), Mrs M Smith (Community, Culture & Leisure Director), Mr C Binns (Acting Planning & Infrastructure Director), Mr S Naven (Chief Financial Officer), Mr D Wood (Design & Infrastructure Delivery Manager), Mr T Unfried (Project Manager - Major Works), Ms S Charlton (Governance, Risk & Corporate Planning Manager), Ms S Williams (Governance Team Leader), Ms T Strydom (Governance Administration Officer), Mr J Racchi (Information Technology Team Leader) and Mr M Long (Network Support Officer).

2 DISCLOSURES OF INTERESTS

- Councillor Wright declared a non-pecuniary less than significant interest in Item 15.1: Investment Report for the month of February 2021. Councillor Wright chose to remain in the meeting and take part in the discussion and voting on this item. *(Nature of Interest: I am an employee of Westpac Bank with whom Council has investments.)*¹
- Councillor Coppock declared a non-pecuniary significant interest in Item 15.5: Legal Services Report March 2021. Councillor Coppock chose to leave the meeting and take no part in the discussion and voting on this item. *(Nature of Interest: I am named in the report.)*
- Councillor Saville declared a non-pecuniary less than significant in Item 15.8: Gore Hill Indoor Sports Centre - Business Case. Councillor Saville chose to remain in the meeting and take part in the discussion and voting on this item. *(Nature of Interest: The content of the Agenda item pertains to the proposed Gore Hill Indoor Sports Centre and the content of the item 15.8, refers to Royal North Shore Hospital (RNSH). I have worked at RNSH in teaching capacity through university contract over many years, although not currently. I am also a community representative on two committees at RNSH (Community Participation & Planetary Health).*
- Councillor Coppock declared a non-pecuniary significant interest in Item 17.2: Confidential - Legal Services Report March 2021. Councillor Coppock chose to leave the meeting and take no part in the discussion and voting on this item. *(Nature of Interest: I am named in the report.)*

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 8 February 2021, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

For the Motion: Unanimous

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Notes:

- 1. Councillor Rutherford tendered an apology and requested a Leave of Absence be granted for 8 March 2021 Council meeting.*
- 2. Councillor Rozos tendered an apology and requested a Leave of Absence be granted for 12 April 2021 Council meeting.*

MOTION

That Council:

- 1. Grant the applications for a leave of absence from Council meetings for Councillor Rutherford for the 8 March 2021; and Councillor Rozos for the 12 April 2021.**
- 2. Any apologies from Councillors be accepted.**

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR ERIKSSON

CARRIED

5 PETITIONS

5.1 PETITION - CHATSWOOD GOLF CLUB SENIORS DEVELOPMENT

RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	8 MARCH 2021

PURPOSE OF REPORT

To table a petition received in regards to the Chatswood Golf Club Seniors Development.

MOTION

That Council

1. Receive and note the petition opposing the Chatswood Golf Club Senior Development.
2. Note that the number of petitions received to date is 1,776.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Unanimous

6 OPEN FORUM — MATTERS NOT ON THE MINUTES

The following person addressed Open Forum:

- Anna Greco - International Women Day - Artarmon Bowling Clubhouse
-

PROCEDURAL MOTION

That Council suspend business in accordance with the Code of Meeting Practice and bring forward items 11 and 15.6.

MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Unanimous

11 PUBLIC FORUM — MATTERS ON THE AGENDA

- **Item 15.6 - Council Submission - Beaches Link and Gore Hill Freeway Connection Project Environmental Impact Statement**
Carolyn New (on behalf of Bike North), Larissa Penn and John Moratelli addressed Council speaking in support of the officer's recommendation on this item.

15.6 COUNCIL SUBMISSION - BEACHES LINK AND GORE HILL FREEWAY CONNECTION PROJECT ENVIRONMENTAL IMPACT STATEMENT

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING AND INFRASTRUCTURE DIRECTOR
AUTHOR:	ANDREW GILLIES – STRATEGIC TRANSPORT PLANNER
CITY STRATEGY OUTCOME:	2.1 ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 2.4 REDUCE PARKING AND TRAFFIC CONGESTION 5.2 DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	8 MARCH 2021

PURPOSE OF REPORT

To seek Council endorsement of the attached draft submission to the Department of Planning, Industry and Environment on the Environmental Impact Statement for the Beaches Link and Gore Hill Freeway Connection project.

MOTION:

That:

1. Council endorse the attached submission in response to the Environmental Impact Statement (EIS) on the proposed Beaches Link and Gore Hill Freeway Connection project for lodgement with both Transport for NSW (TfNSW) and NSW Department of Planning, Industry and Environment (DPIE).
2. The draft Council submission is to be amended and updated as follows:
 - i) 3d - Strategic opportunities presented by the Project - Overview

In the Comments column amend the sentence commencing “Considering the significant change in trip travel times and traffic demands, it is considered appropriate that Council...” to “Assuming that these forecast decrease in trip travel times and traffic demands are met, it is considered appropriate that Council:...”

- ii) 3e - Strategic opportunities presented by the Project - Urban Renewal
Insert in the Comments Column after “Using the Movement and Place framework, significant benefits could be realised to promote the Place function of several of Council’s local centres located along the Penshurst Street / Willoughby Road corridor.” insert “as well as Flat Rock Drive / Brook Street.”

Insert in the Recommendation Column add an additional last bullet point “Flat Rock Drive / Brook Street.”

iii) 5e - Application of Tolling

Insert in the Comments Column the following final paragraph: “Council objects to any additional Harbour crossing tolls as a consequence of either the WHT/FEU or BL/GHFC Projects.”

iv) 6g - Middle Harbour south cofferdam (BL7) and Middle Harbour north cofferdam (BL8)

Insert in the Comments Column after “Key activities impact on Council assets”, the following:

“The construction of the cofferdams and associated water borne staging activities represent significant maritime navigational waterway changes and cannot be easily mitigated at this stage of project and design development. The recreational waterway activities, sailing, boating risks and hazards require additional and specialist review and mitigation prior to commencing any pre-construction or primary construction works in the Middle Harbour area.”

Insert in the Recommendation Column after “...these cofferdams and any restrictions on recreational activities.”, the following:

“Maritime Working Group (MWG)

(MWG-01) The Proponent is to prepare a *Maritime Communication Strategy* to provide mechanisms to facilitate communication about restrictions to waterways, changes in berthing and moorings, pre-construction and construction activities.

The Strategy is to address who (the Proponent, Independent Appointments and/or Construction contractor) in the maritime community, relevant councils and maritime agencies, and how they will be engaged and the timing of engagements.

The strategy must provide:

- a four (4) week look ahead approach for external party communications planning
- a six (6) and twelve (12) month calendar including a forward plan of:
 - upcoming work, planned engagements and stakeholder activities
 - maritime stakeholder, community and Middle Harbour Maritime and CPHA meetings
 - updating processes for notifications and newsletters
 - an update on any current or emerging maritime and CPHA issues
 - an update on complaints received and actions taken to resolve them

- an update on any neighbouring construction projects (including Sydney Water sewerage/stormwater contamination treatment works which affect Middle Harbour) where cumulative impacts need to be actively communicated and locally managed.

(MWG-02) The Proponent is to establish an independent *Maritime Working Group* to provide input into the Maritime Communication Strategy, into the maritime planning and design elements of the project, pre-construction detailed planning and maritime construction risks, hazards and mitigations for the project.

The Proponent is to establish the working group before relevant works commence including any intrusive excavations. The Secretary must be informed of the members and the working group must comprise maritime planning, geotechnical and engineering experts independent of the design and construction team.

The working group is to contain a representative selection of regular waterway users, of immediately adjacent potentially affected landowners and local aboriginal groups. The working group must meet bi-monthly during the pre-construction phase and then quarterly during the primary construction phase, unless agreed otherwise by the parties.

The Maritime Working Group is:

- not be used solely a 'presentation sessions'
- be attended by suitably qualified and experienced key individuals, who have the appropriate levels of delegated authority from the stakeholders and adjacent landowners to bind the objectives, inputs and outcomes
- assess the Proponents intended approach to meeting the requirements of the EIS and other Planning Approvals (including any Environmental Protection License - EPL)
- review any specific maritime technical requirements (e.g. navigational changes and restricted work areas) and agree these between the Proponent and future contractor(s)
- identify, discuss, resolve, agree resolution of problems or mitigation measures associated with the maritime technical designs and maritime construction methods.

Note: Where an impasse exists between members of the working group, the Planning Secretary will provide final approval or endorsement.

(MWG-03) The Proponent is to gain endorsement of the Maritime Communication Strategy and Maritime Working Group composition from the Planning Secretary, prior to the commencement of pre-construction activities, unless otherwise agreed by the Planning Secretary.

Pre-construction phase

(MWG-04) The Proponent is to develop a *Maritime - Construction Environmental Management Plan* (M.CEMP) in consultation with Maritime Working Group and with feedback from other maritime stakeholders (e.g. Maritime Rescue and NSW Water Police) and maritime user of the Middle Harbour waterway and stakeholder of the Clive Park Heritage Area (CPHA).

The Plan is to provide technical staging, programming and detail all preliminary investigations, any pre-construction and construction phase maritime impingements to navigational waters (refer MWG-01 to MWG-03).

The M.CEMP is to be submitted to the Sydney Harbour Master for approval and or endorsement prior to any changes in navigational waters. Where maritime notices and publications are required, the Proponent must allow a minimum of two (2) months' notice prior to any changes to those navigational patterns, unless in an emergency and at the approval of the Sydney Harbour Master.

Further, any changes to navigational waters must be notified in accordance with the Sydney Harbour Masters requirements and in accordance with the Maritime Communication Strategy (MWG-01).

Construction phase

(MWG-05) The proposed construction methods is to reduce navigational risks and hazards while optimising the use of the Middle Harbour for maritime users. The Proponent must implement the requirements of the M.CEMP (MWG-04) and provide regular updates on the maritime activities to the Maritime Working Group and to the Secretary Planning (MWG-02).

(MWG-06) The proponent is to restrict construction activities related to crossing-construction hours reference MHC_07 Inundate and remove cofferdams and MHC_10 Immerse and connect tube tunnel units to being carried out between May and be complete before the end of August of each calendar year, when Middle Harbour waterway use is generally at its lowest.

Note: these intrusive and disruptive works are currently scheduled for the Middle Harbour 'peak summer' sailing and waterway activity periods during 2025 and 2026."

- v) 7a – Overall community engagement approach and consultation to the present

Insert in the Recommendations Column after "This Strategy should be developed in consultation with Council, residents, businesses and other key stakeholders..." insert "such as Parents and Citizens' (P&C) associations and Progress Associations..."

vi) 8a - Construction traffic and transport impacts - Overview

Insert in the Recommendation Column after third point "...road network for all users.", the following new point:

"Complete a detailed Transport and Traffic Management Study of the Naremburn to Roseville and Northbridge to Roseville Road Corridors, investigating and responding to the cumulative impacts at the following:

- **The impact to Willoughby Road and its feeder roads of Artarmon Road, Penshurst Street and Mowbray Road.**
- **The impact to Brook Street, Alpha Road and its feeder roads of Edinburgh Road, Sailors Bay Road and Mowbray Road.**
- **The impact to Strathallen Avenue, Sailors Bay Road and its feeder roads of Miller Street, Eastern Valley Way and Edinburgh Road.**
- **The impact to the local streets of Naremburn, Northbridge, Willoughby South, Willoughby, Willoughby North, Castlecrag, Middle Cove and Castle Cove and the road network as traffic attempts to rat-run through residential areas not designed to handle the increase in traffic volumes.**
- **The impact on the Local Centres of Naremburn, Northbridge, Willoughby, Castlecrag and East Chatswood Industrial Area due to the increased traffic congestion associated with construction.**
- **Consideration needs to be given to active public transport, public safety, pedestrian amenity and access to public transport, acknowledging the varying needs of commuters, the elderly, primary school and high school students.**
- **The construction impacts associated with the redevelopment of the Channel Nine site and Willoughby Leisure Centre.**
- **The cumulative impacts of the WHF and WFU.**

This Study will identify traffic demands and intersection performance within the area and works required to ensure safety, accessibility and efficient operation of the road network for all users..."

vii) 8b - Construction traffic and transport impacts - Flat Rock Drive site (BL2)

In the Recommendations Column delete the first bullet point and replace with the following: "A 'left hand turn on red' sign to allow this movement from Merrenburn Avenue, eastbound, into Brook Street northbound."

viii) 8c - Construction traffic and transport impacts - Artarmon industrial area sites (BL3, BL4 and BL5)

In the Recommendations Column amend the second bullet point "...request that TfNSW funds a..."

- ix) 8d - Construction traffic and transport impacts - Middle Harbour cofferdam sites (BL7 and BL8) – Roads and maritime

Insert in the Comments Column after "...construction road traffic does not use Willoughby LGA and impact on resident safety and amenity.", the following as new paragraph:

"Council is not supportive of any temporary access tunnel during the construction phase and or permanent tunnel access being established within Clive Park or adjacent residential properties within proximity of Minimbah Road, Tycannah Road, Coolawin Road and Sailors Bay Road, Northbridge due to traffic congestion associated with potential construction related truck movements along a singular access road to a peninsula suburb."

Insert in the Recommendation Column insert a new bullet point three as follows:

"In the event of potential changes associated with the design development of the project and subsequent planning modification lodgement by the Proponent seeking to establish either temporary tunnel access, evacuation tunnel or permanent tunnel access at Clive Park that the Proponent complete a Transport Study of Northbridge, to ensure safety, accessibility and efficient operation of the road network for all users."

- x) 9b - Road traffic - Artarmon industrial and residential area

Remove in the Comments Column the following paragraph:

"The use of Reserve Road for bus movements strengthens the need to reclassify the section between Frederick Street and Gore Hill Freeway to a Regional Road (it is currently a Local Rod). Consideration of Dickson Ave, Frederick Street and Herbert Street (between Frederick Street and the Pacific Highway) to Regional Roads."

Remove in the Recommendation Column second bullet point, third paragraph:

"Reclassification of roads in the Artarmon industrial area from Local to Regional Roads, in particular part of Reserve Road, Frederick Street, part of Herbert Street and Dickson Avenue."

- xi) 10a - Noise and vibration of tunnelling – General comments

Insert in the Comments Column the following final paragraphs:

"Council is concerned that given the nature of the construction activities, the mitigation measures may not be adequate, leading to significant negative impact on the health and wellbeing of Northbridge residents.

Insert in the Recommendation Column a second bullet point at the end as follows:

“This is of particular importance in relation to properties in the vicinity of the Flat Rock Drive temporary construction support site (BL2).

That all relevant noise management, mitigation and consultation provisions in the recent Western Harbour Tunnel (WHT) approval are made conditions of approval for Beaches Link Tunnel:

- **Consistent with the WHT approval, that a suitably qualified Acoustics Advisor must be nominated for the duration of the construction phase.**
- **This expert should be employed by and report to an appropriate NSW Government body independently of the design and construction contractors.**
- **Council and community organisations permitted direct access to the Acoustics Advisor for information and consultation on additional mitigation measures as needed.**
- **The Acoustics Advisor to publish or provide Council and community organisations with a monthly report on noise and vibration levels and any breaches.**
- **That the NSW Government formalise the process for responding to noise level excesses and complaints.**
- **That the NSW Government commit to timely publication on at least a monthly basis of summary statistics from the Complaints Register relating to noise level excesses.**
- **In order to undertake out-of-hours work, the contractor to identify appropriate respite periods in consultation with the Council and the community.”**

xii) 12a - Airborne contaminates

Insert in the Recommendation Column

- **at the end of bullet point three following the word “...alerts...”:
“including an on-site monitor screen at the Bicentennial Reserve Ovals and Flat Roc Baseball Diamond to alert sport users to poor air quality events.”**
- **at the end of bullet point four following the word “...equipment.”:
“It is recommended that the EPA install and maintain permanent air quality monitoring equipment.” Insert ‘including at Bicentennial Reserve, Willoughby.’**

xiii) 15a - Potential impact on Aboriginal heritage items or areas

Insert in the Comments Column the following final new paragraphs:

“Construction, operational noise and vibration posed significant risks and hazards to the Clive Park and have the potential to damage irreplaceable Aboriginal heritage elements and potentially destabilise rock caves, shelters and rock carvings that are appreciated by the local community.

Council recognises that controlled blasting can have significant public benefits by reducing the need and duration of other forms of intensive excavation techniques, such as rock breaking and rock sawing, however, with the proposed tunnels being located directly beneath the Aboriginal caves, shelters and rock carvings within 50 metres of the southern portal maritime works (BL7). Further detailed works plans, localised work restrictions and heritage protection is required.

Note: Any relaxation of preliminary investigations, or changes to construction methodologies or excavation and blasting activities be contingent on identifying and investigating construction delivery methods that reduce the risk of aesthetic and/or structural damage to the Aboriginal caves, shelters and carvings.

Insert in the Recommendation Column after “...“Furthermore, it is recommended that conditions of any approval be included as follows” the following:

Clive Park

(CP-01) At the approval of the Maritime Working Group, and for all works (including investigations, pre-construction works, general excavation, tunnelling, piling, jack hammering, compaction and blasting activities located adjacent to Clive Park, commencing at a line generally located between 453 Sailors Bay Road and 6 Tycannah Road, Northbridge including all Beaches Link tunnel works up to and including the Southern Coffey Dam location (BL7), that the Proponent’s construction planning, work methods and work activities be developed to ensure that the Clive Park is protected and enhanced.

Pre-construction analysis

(CP-02) A detailed geotechnical, structural and vibration analysis is carried out prior to any excavation or land lowering or ground water lowering activity. The Proponent must undertake a geotechnical, structural and vibration analysis of the Clive Park aboriginal caves, shelter structures and carved rock faces, to determine the effects of the tunnel works and activities on those elements. The Proponent must provide regular updates on the maritime and Clive Park activities to the Maritime Working Group and to the Secretary Planning.

(CP-03) The Proponent is to review alternative methods to rock hammering and blasting for excavation, as part of the detailed construction planning with a view to adopting methods that minimise impacts on sensitive receivers and heritage assets and artefacts. The geotechnical, structural and vibration analysis must:

- **(CP-03a)** be sufficient to identify and provide all geotechnical (including geological variations), structure (including short and long term rock fracture risk) and vibration information required to design, construct and maintain public and heritage asset safety during and post construction
-

- (CP-03b) determine the most appropriate construction method, excavation sequence, temporary supports, primary or permanent structural supports, and construction impacts to ground levels and rock faces, or for ground water and potential ground water induced settlement at Clive Park
- (CP-03c) encompass the structural adequacy, short and long term settlement or deformation and durability of Aboriginal heritage caves and shelter structures and adjacent carved rock faces;
- (CP-03d) predict the in-situ ground movements, structural movements and groundwater movements
- (CP-03e) predict effects over time.

(CP-04) The Proponent is to survey, monitor and control all pre-construction investigations, and primary construction tunnelling, excavation, water table draw down, and work activities in accordance with the geotechnical and vibration analysis findings.

(CP-05) The Proponent must at minimum of six (6) months prior to any site activities commencing and then at six (6) monthly intervals until 24 months post completion, provide updates on the monitoring findings, trigger levels and/or exceedances (if any) to the Maritime Working Group and to the Secretary Planning.

Construction phase

(CP-06) The construction methods is to reduce air and ground born vibration(s) to mitigate the risk to and potential damage to Clive Park including aboriginal shelters, caves, aboriginal carvings and community pool artifacts.

(CP-07) Construction methods to reduce reliance on blasting activities to mitigate the risk to and potential damage to Clive Park.

(CP-08) the construction methods must reduce vibration and adopt the least impact alternative resulting from construction and received at any structure and/or heritage assets or artifacts, and shall be limited to:

- (a) For structural damage vibration, the highest asset protection elements of – the acceptable vibration values set out in the German Standard DIN 4150: Part 3- 1999 ‘Structural Vibration in Buildings: Effects on Structures’ and/or British Standard BS 7385-2:1993 ‘Evaluation and measurement for vibration in buildings. Guide to damage levels from ground-borne vibration’; and
- (b) For human exposure to vibration - the acceptable vibration values set out in the ‘Assessing Vibration: A Technical Guideline’ (DEC 2006).

(CP-09) Wherever practical, the Proponent shall undertake piling activities using non-percussive piles.

(CP-10) Wherever practical, the Proponent shall undertake all relevant construction activities with the objective of not exceeding the following ground-borne noise criteria at community facilities (including adjacent boat sheds) and residential receivers:

- a) an internal LAeq (15min) of 40 dB(A) between 6:00 pm and 10:00pm
- b) an internal LAeq (15min) of 35 dB(A) between 10:00 pm and 7:00am.

(CP-11) The Proponent is to develop and implement all reasonable and feasible noise and vibration mitigation measures with the aim of minimising ground-borne noise and vibration impacts to Clive Park and at adjacent community facilities.

(CP-12) The Proponent is to take all reasonable steps so as not to harm, modify or otherwise impact any Aboriginal areas and artefacts associated, except as authorised by the Minister of Planning.”

xiv) 16a - Landfill potentially contaminated land

Amend in the Comments column insert before “Hallstrom Park Reserve” in the first sentence
“Bicentennial Reserve, Hallstrom Park and Flat Rock Reserve are known....”

xv) 16f – Groundwater (new item)

In the Comments column

“Council draws attention to the EIS Appendix N (Groundwater) predictions, which are for up to 35m of groundwater drawdown along the Flat Rock and Northbridge ridge line.

The EIS makes nil commentary to the potential loss of flora and fauna due to the significant change in water table. Also, the geotechnical studies show limited settlement during the 10yr assessment period.

In the Recommendations column

“16f. It is recommended that conditions of any approval be included in relation to the following:

- TfNSW are to provide Council with settlement predictions for all road assets, utilities, community, residential and commercial buildings within 100m (measured in the perpendicular to the tunnel and from the outer tunnel tube location) where water drawdown is predicted to be greater than 5m in change.
- Where the predicted groundwater effects indicate more than 10mm of ground settlement over time, TfNSW settlement and mitigation process are to be adjusted to the 10mm perimeter trigger area (i.e. the 50m limits adopted on other RMS motorway projects are to be adjusted to the predicted effects area for this project).

- TfNSW are required to convene an Independent Property Impact Assessment Panel (Panel). The Panel must comprise geotechnical and engineering experts independent of the design and construction team, and is responsible for independently reviewing condition survey reports, the resolution of property damage disputes and the establishment of ongoing settlement and vibration monitoring requirements. Note: Council officers are to be invited to observe the panel and may comment on risks to Council assets and property.
- TfNSW is to establish a written protocol, available to the public, prior to the commencement of construction as to how this Panel is to operate, taking into account but not limited to, any documentation the NSW Government may have in place with the construction company, that concerns dilapidation of restructures near or above the tunnel construction or associated matters, to provide quick attention to any reported matters and a process to resolution of such matters.

xvi) 17b - Flat Rock Drive construction site

Insert in the Comments Column after "...no salinity in the groundwater discharge however additional assurances are required.", the following:

"Council draws attention that the Proponent's investigations within the EIS documentation has confirmed that groundwater under Bicentennial Reserve is contaminated and the EIS states that it may move through and around the site if the landfill downstream is disturbed.

The groundwater drawdown impacts as a result of the project and as stated in the EIS are:

- Northbridge 28m
- Flat Rock Reserve 21m
- Willoughby Leisure Centre 22m

This will result in water stress for vegetation and settlement issues to buildings and structures. The draw down in the area will have a significant impact on the ability of our grounds to retain moisture and the viability of bushland in an area that supports endangered species. The area is already flood prone and settlement may exacerbate the issues around this as well as contamination."

Insert in the Recommendation Column the following two bullet points after "...potential work site identified within the Willoughby LGA.":

- **"It is recommended that as a condition of consent to mitigate the draw down impacts of the tunnel between Bicentennial Reserve, Flat Rock Gully and Middle Harbour that the tunnels be fully lined to minimise drawdown.**

- It is recommended that conditions of any approval be included in relation to the following:

Council is to receive detailed analysis and plan for impact mitigation detailing results of groundwater testing in the Long Bay Catchment focusing on Bicentennial Reserve and Flat Rock Gully and the Proponent will provide for containment solutions of contaminated groundwater prior to construction commencement.”

xvii) 17c - Middle Harbour construction site

Insert in the Recommendation Column after bullet point ending with “...literature review is required for accurate assessment of potential impacts.”, the following:

“The proposed tunnel construction, cofferdam piling, dredging and trenching works associated with the construction of the Harbour Crossing, submerged tubes and cofferdams, will have the potential to re-activate and re-animate existing sea floor toxins and heavy metal contaminants, and deposit toxin and heavy contaminants as siltation upon the foreshore areas and regenerating fauna and flora in the area.

The following conditions of any approval be included as follows;

Pre-construction analysis

(CON-01) A detailed contamination analysis, Phase 2 site audit be carried out prior to any sea floor excavations. The contamination audit must be prepared by a suitably qualified and experienced person in accordance with guidelines made or approved under the Contaminated Land Management Act 1997 (NSW).

The Proponent is to undertake a detailed analysis of the sea floor for 50m either side of the immersed tube and cofferdam works, and for 50m surrounding at all temporary construction sites that incorporate sea floor disturbance (anchoring and piling).

The Proponent is to undertake a detailed maritime analysis of the sea floor for all expected sedimentation deposit areas, based on the 98th percentile plume drift models, and base-line any existing lands/sea floor areas, to determine any existing pre-construction and post construction effects of the Proponent’s activities on the lands/sea floor, foreshore, beach, Clive Park and up to Sailors Bay Creek.

The Proponent is to submit the maritime analysis and plan as part of the M.CEMP to the Maritime Working Group and to the Secretary Planning. The maritime contamination analysis and plan must:

- (CON-01a) be sufficiently detailed to identify and provide existing contamination information required to enabled detailed design, construction and maintenance of human and aquatic health and safety pre, during and post construction.

- **CON-01b) include detailed flow or changes in flow, and contaminant flow models to allow prediction of human and aquatic life exposure levels, including Target, Trigger and Alarm event levels, during various months of the year.**
- **(CON-01c) contain and determine exposure limits for human and in particular children under 10 years of age group and set maximum thresholds for toxins and heavy metal contaminants of the area (Trigger and Alarm event levels). Of particular concern and based on previous scientific studies are the following heavy metals, which are present in Middle Harbour; Copper (Cu), Lead (Pb), Zinc (Zn), Chromium (Cr), and potentially 'Per- and polyfluoroalkyl substances' (PFAS).**
- **(CON-01d) determine the most appropriate construction methods and contaminate mitigations, either barge based pneumatic/suction dredging vs cam-bucketing of the toxin laden silt layer must be investigated during design development and appropriate excavation and construction sequences and schedules, for appropriate tidal ranges, temporary treatments and consideration of Target, Trigger, Alert and Alarm monitoring requirements based on the detailed analysis.**

Pre-construction and Construction phase

(CON-02) The Proponent must survey, investigate, monitor and control all pre-construction phase activities and all primary construction phase activities including tunnelling beneath Clive Park, cofferdam excavation and all other work activities in accordance with the maritime contamination analysis, methodologies and findings, as noted in CON-01.

(CON-03) The Proponent must at a minimum of six (6) months prior to any pre-construction works, including any intrusive site investigation activities and then following at bi-monthly intervals, until 24 months post completion, provide updates on the contaminant monitoring program findings, trigger levels and exceedances, if any, to the Maritime Working Group and to the Secretary.

(CON-04) The Proponent must provide within four (4) hours of an 'Alarm Level Exceedance' event and within twelve (12) hours of a 'Trigger Level Exceedance' event, provide a draft event report to the Maritime Working Group and to the Secretary Planning, and within 24 hours provide a further report outlining the discharge event and the Proponents planned mitigation works and further detailed reporting, until closure is received by the Secretary Planning, and/or Sydney Harbour Master and/or NSW Environmental Protection Authority (EPA).

All 'Alarm Level Exceedance' events must be reported immediately (and no greater than 1 hour) to the Sydney Harbour Master and the Maritime Working Group liaison personal, who will inform the local waterway users of the risks to waterway use and implement local response and action plans as necessary."

xviii) 19a – Biodiversity of Flat Rock Gully

Revise comments in the recommendations Column as follows:

- Recognising differing community views on the post-construction use of this area, it is recommended that a condition of any approval be included requiring TfNSW to prepare and implement a Community Communication Strategy.

TfNSW is to engage in early and meaningful consultation with Council and the community to agree on post-construction options for this and other temporary construction support sites.

- It is recommended that a condition of any approval be included requiring TfNSW to prepare and implement a Place, Design and Landscape Plan (PDLP).

The PDLP must be prepared to inform the final design of the Project and to give effect to the outcomes informed by any Design Review.

xix) 20c - Planning approvals – E2 Environmental Conservation zone

Insert in the Comments Column an additional paragraph at the end following "...appropriate approvals will be required.":

"The entire area of Clive Park has an E2 Environmental Conservation zoning. Appropriate approvals will be required."

xx) 21c – Flat Rock Reserve / Flat Rock Drive Temporary construction site (BL2) and post-construction use

Revise comments in the recommendations Column following "It is recommended that conditions of any approval be included in relation to the following" and insert:

- Recognising differing community views on the post-construction use of this area, it is recommended that a condition of any approval be included requiring TfNSW to prepare and implement a Community Communication Strategy.

TfNSW is to engage in early and meaningful consultation with Council and the community to agree on post-construction options for this and other temporary construction support sites.

- It is recommended that a condition of any approval be included requiring TfNSW to prepare and implement a Place, Design and Landscape Plan (PDLP).

The PDLP must be prepared to inform the final design of the Project and to give effect to the outcomes informed by any Design Review.

xxi) 21e – Economic Impact – investment of Environment Levy

Revise comments in the recommendations Column following “It is recommended that conditions of any approval be included in relation to the following” and insert:

- Recognising differing community views on the post-construction use of this area, it is recommended that a condition of any approval be included requiring TfNSW to prepare and implement a Community Communication Strategy.

TfNSW is to engage in early and meaningful consultation with Council and the community to agree on post-construction options for this and other temporary construction support sites.

- It is recommended that a condition of any approval be included requiring TfNSW to prepare and implement a Place, Design and Landscape Plan (PDLP).

The PDLP must be prepared to inform the final design of the Project and to give effect to the outcomes informed by any Design Review.

xxii) 22a – Urban design – General Comments

Revise comments in the recommendations Column following “It is recommended that conditions of any approval be included in relation to the following” and insert:

- Recognising differing community views on the post-construction use of this area, it is recommended that a condition of any approval be included requiring TfNSW to prepare and implement a Community Communication Strategy.

TfNSW is to engage in early and meaningful consultation with Council and the community to agree on post-construction options for this and other temporary construction support sites.

- It is recommended that a condition of any approval be included requiring TfNSW to prepare and implement a Place, Design and Landscape Plan (PDLP).

The PDLP must be prepared to inform the final design of the Project and to give effect to the outcomes informed by any Design Review.

xxiii) 23a - Hazards and risk – General comments

Insert in the Comments Column

- “*Contaminants and Groundwater*” a new second paragraph following “...proposed in this location: the following:

“Council requests that recent testing results at Bicentennial Reserve and Flat Rock Gully be released. In contrast to Middle Harbour, no numerical data indicating the degree of any contamination has been released for Bicentennial Reserve or Flat Rock Gully.”

- Insert the following new final paragraphs:

“It is recommended that consideration and assessment to the potential damage to below ground infrastructure, Sydney Water’s Northside Storage Tunnel in the project area be completed prior to planning determination. Failure to consider this utility asset may cause project delays, unexpected costs and present a risk to community and workers, as the storage tunnel has the capacity to hold 500,000 Million Litres of sewage and stormwater.

Governance of contracts between the NSW Government and private contractors

Large infrastructure projects pose significant risks due to the potential for conflict between the proponent, contractors and the community (in particular affected businesses). It is understood there is a document which governs contracts between the NSW Government and private contractors engaged on infrastructure projects.

However, given the presumed use of private contractors to construct this Project, there are concerns that in practice there will not be adequate safeguards or legal avenues available to residents and other affected property owners to rectify any potential damage caused by tunnelling for the Project. Accordingly, it is requested that the document governing contracts between the NSW Government and private contractors be made public to provide certainty on this issue.”

Revise in the Recommendations Column the following:

“23a. It is recommended that a Phase 2 Contamination Study be undertaken around the Flat Rock Gully Dive Site and take into consideration the Long Bay Catchment and the risks associated with an Immersed Tube crossing at Middle Harbour.

The Phase 2 Contamination Study when completed, will be made accessible to Council and the results published for further consultation with the community before finalising the planning determination.

It is recommended that the overall issue of hazard and risks are to be addressed through TfNSW's own risk assessment and management plans. Should the Project be approved, these issues are to be covered in conditions of any approval.

See the recommendations in sections 17b and 17e in relation to the issue of contaminants and groundwater and section 19a in relation to the issue of tree removal and biodiversity impacts, in particular in the Flat Rock Gully area.

“That the following conditions of consent be included to respond to ground movement and geological uncertainty:

Dilapidation Report

(GMG01) At the affected owner's option and subject to access being granted, a Dilapidation Report be undertaken on potentially affected properties along the tunnel route to establish a benchmark of existing conditions of buildings and structures, carried out by a suitably qualified engineer, independent of the proponent and project contractors.

- The Dilapidation Report shall be carried out, completed and issued to property owners before construction commencement. The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner.
 - The Report shall cover structural and geotechnical factors likely to arise from the development.
 - The proponent having the benefit of the development consent must, at their own cost, rectify any damage in a timely manner caused to other properties during the construction of the project.
 - It is requested that the document governing contracts between the NSW Government and private contractors be made public to provide certainty on the safeguards or legal avenues available to residents and other affected property owners to rectify any potential damage caused by tunnelling for the Project.”
3. The project is to comply all relevant Acts including but not limited to the Coastal Management Act 2016 and the Coastal Management SEPP; (which support the *Marine Estate Management Act 2014*)

4. Council make separate written representations regarding the need to establish a process for determining terms of reference setting out guiding principles and a framework for the development of any future Interface Agreement or Deed of Agreement with TfNSW in relation to Council assets and to adequately ameliorate the identified adverse impacts of the project on the City of Willoughby.
5. Due to the extent and uncertainty represented by the impacts listed in the EIS review (and as noted in Council's submission), Council objects to the Beaches Link Tunnel and Gore Hill Freeway Connection in its present form, until such time as the Department of Planning, Industry and Environment's 'Response to Submissions' is exhibited, addressing and responding to the concerns raised within Council's submission.
6. The Chief Executive Officer be delegated authority to incorporate any amendments or additions that do not alter the sentiment of the amendments and finalise the submission.
7. The updated and lodged Council submission be placed on Council's website for public reference.

MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR GILES-GIDNEY

CARRIED

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

Voting

For the Motion: Unanimous

Note:

Councillor Coppock left the meeting at 8:04pm and did not return.

PROCEDURAL MOTION

That Council resume the standing order of business in accordance with the Code of Meeting Practice.

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

7 MAYORAL MINUTE

NIL

Note:

Mayor Councillor Giles-Gidney announced the recent passing of community member Dr John Steel.

Dr Steel served as vice president to the Castlecrag Progress Association since 1998 and served as President from 2004 – 2007. In addition, he was a founding member of the Oriel Bushcare Group, had a strong interest in environmental sustainability and the preservation of our natural and built heritage.

At the ordinary Council meeting of 12 April 2021, a Mayoral Minute report will be put in relation to Dr Steel's passing.

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

8.1 VARIATION TO CONTRACT FOR BEAUCHAMP PARK COURT RENEWAL

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	AMY BARNES – OPEN SPACE PROJECTS OFFICER
CITY STRATEGY OUTCOME:	3.2 – CREATE RECREATION SPACES FOR ALL
MEETING DATE:	8 MARCH 2021

PURPOSE OF REPORT

To seek approval of the variation to the contract sum for J&M Schembri Pty Ltd for court renewal works at Beauchamp Park.

MOTION

That Council approve the variations of \$126,457 ex GST to the contract sum for J&M Schembri Pty Ltd for court renewal works at Beauchamp Park to rectify latent conditions namely the poor quality sub base.

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

Against: Nil

Absent: Councillor Coppock

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

10 MATTERS REQUIRING ELABORATION OR DEBATE

The Mayor invited Councillors to indicate the items that they wished to deal with separately:

- 15.3 The Concourse Tenancies Report
- 15.4 Motions For Submission - National General Assembly of Local Government
- 20-23 June 2021
- 15.8 Gore Hill Indoor Sports Centre - Business Case
- 16.1 Notice Of Motion 03/2021 - Pacific Highway Pedestrian Amenity
- 16.2 Notice Of Motion 02/2021 - Traffic Management and Pedestrian Safety Campaign
- 17.1 Confidential - The Concourse Tenancies Report
- 17.3 Confidential - Gore Hill Indoor Sports Centre

MOTION

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

- 15.1 Investment Report for Month of February 2021
- 15.2 Supplementary Quarterly Reporting - December 2020
- 15.5 Legal Services Report March 2021
- 15.7 Appointment Of Panel Member - Sydney North Planning
- 17.2 Confidential - Legal Services Report March 2021

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

Notes:

1. *Councillor Wright declared a non-pecuniary less than significant interest on item 15.1: Investment Report for Month of February 2021 and remained in the meeting and participated in the discussion and voting.*
2. *Councillor Coppock declared a non-pecuniary significant interest in Items 15.5 Legal Services Report March 2021 and 17.2 Confidential - Legal Services Report March 2021. Councillor Coppock left the meeting at 8:04pm and did not return.*

12 REPORTS OF COMMITTEES

NIL

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 INVESTMENT REPORT FOR MONTH OF FEBRUARY 2021

RESPONSIBLE OFFICER:	LINO DI LERNIA - INTERIM 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:	8 MARCH 2021

PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 28 February 2021, under section 625 of the *Local Government Act 1993*.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 28 February 2021.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED EN BLOC

Note:

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

**15.2 SUPPLEMENTARY QUARTERLY REPORTING - DECEMBER 2020 -
QUARTER 2**

RESPONSIBLE OFFICER: LINO DI LERNIA – INTERIM 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: 08 MARCH 2021

PURPOSE OF REPORT

To provide Council with specific extra quarterly reporting over and above regulatory requirements for the quarterly budget review.

RESOLUTION

That Council note the supplementary quarterly reports for the quarter ended 31 December 2020 (Quarter 2).

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED EN BLOC

15.3 THE CONCOURSE TENANCIES REPORT

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

AUTHOR: LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR

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

MEETING DATE: 8 MARCH 2021

PURPOSE OF REPORT

The purpose of report is to provide details of tenancies over the last three years at The Concourse.

MOTION

That Council note the report on tenancies, vacancies, arrears and losses for tenancies at The Concourse.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR WRIGHT

CARRIED

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

Voting

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

Against: Nil

Absent: Councillor Coppock

Note:

This item was considered after the conclusion of closed session following adoption of item 17.1: Confidential - The Concourse Tenancies Report.

15.4 MOTIONS FOR SUBMISSION - NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - 20 - 23 JUNE 2021

RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	8 MARCH 2021

PURPOSE OF REPORT

To seek consideration of motions for submission to the National General Assembly of Local Government that is being held in Canberra on 20 – 23 June 2021.

MOTION

That Council:

- 1. Note the upcoming National General Assembly of Local Government on 20-23 June 2021.**
- 2. Endorse the submission of the following motion to the National General Assembly of Local Government:**

That the National General Assembly of Local Government call on the Federal Government to include ‘cultural burns’ as a means of bushfire management within the National Natural Disasters Arrangements report by the Royal Commission.

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, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillor Coppock

15.5 LEGAL SERVICES REPORT MARCH 2021

RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	8 MARCH 2021

PURPOSE OF REPORT

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

RESOLUTION

That Council receive the legal services report for March 2021.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED EN BLOC

Note:

Councillor Coppock declared a non-pecuniary significant interest on this item.

PLANNING & INFRASTRUCTURE DIRECTORATE

Item 15.6 Council Submission - Beaches Link and Gore Hill Freeway Connect Project Environmental Impact Statement were considered earlier in the meeting. Refer to page 9.

15.7 APPOINTMENT OF PANEL MEMBER - SYDNEY NORTH PLANNING PANEL

RESPONSIBLE OFFICER: CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: IAN ARNOTT – PLANNING MANAGER

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

MEETING DATE: 8 MARCH 2021

PURPOSE OF REPORT

To seek Council endorsement to request the Department of Planning, Industry and Environment to appoint a second alternate Council expert representative to the Sydney North Planning Panel through to June 2021.

RESOLUTION

That Council request the Department of Planning, Industry and Environment to appoint Mr James Harrison as Council's second alternate expert representative on the Sydney North Planning Panel through to 30 June 2021.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED EN BLOC

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.8 GORE HILL INDOOR SPORTS CENTRE - BUSINESS CASE**

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	DARREN WOOD – DESIGN & INFRASTRUCTURE DELIVERY MANAGER ANGELA CASEY – CULTURE AND LEISURE MANAGER
CITY STRATEGY OUTCOME:	3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE
MEETING DATE:	8 MARCH 2021

PURPOSE OF REPORT

To note the business case for the Gore Hill Indoor Sports Centre and seek approval to progress to the planning and design phase of the project.

MOTION

That Council:

- 1. Note the business case findings for the Gore Hill Indoor Sports Centre.**
- 2. Progress to the planning and design phase of the project for Option 2 including retention of the existing at grade car parks as the preferred option.**
- 3. Note the current available capital funding is \$46M and that Council should actively seek external funding to meet the projected capital funding shortfall.**
- 4. Note that a further report will be presented to Council when the design and consultation has progressed to the Development Application stage.**
- 5. Be provided a Progress Report to Councillors at a Councillors briefing by August 2021 prior to the commencement of the caretaker period.**

MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR WRIGHT

CARRIED

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

Voting

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

Against: Nil

Absent: Councillor Coppock

Notes:

- Councillor Saville declared a non-pecuniary significant less than significant in Item 15.8: Gore Hill Indoor Sports Centre - Business Case.*
- Councillor Coppock left the meeting at 8:04pm and did not return.*

This item was considered after the conclusion of closed session following adoption of item 17.3: Confidential - Gore Hill Indoor Sports Centre.

16 NOTICES OF MOTION

16.1 NOTICE OF MOTION 03/2021 - PACIFIC HIGHWAY PEDESTRIAN AMENITY

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DARREN WOOD – DESIGN AND INFRASTRUCTURE DELIVERY MANAGER
CITY STRATEGY OUTCOME:	3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	8 MARCH 2021

PURPOSE OF REPORT

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

MOTION:

That Council develops a strategy to improve the amenity of streetscapes with tree planting and vegetation, within WCC, along Pacific Highway between Boundary Street and St. Leonards and be referred to the Operational Plan and Budget for consideration for 2021/22.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR CAMPBELL

CARRIED

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

Voting

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

Against: Councillors Rozos and Eriksson.

Absent: Councillor Coppock

16.2 NOTICE OF MOTION 02/2021 - TRAFFIC MANAGEMENT AND PEDESTRIAN SAFETY CAMPAIGN

RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY - TRAFFIC & TRANSPORT TEAM LEADER, PLANNING & INFRASTRUCTURE
CITY STRATEGY OUTCOME:	3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	8 MARCH 2021

PURPOSE OF REPORT

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

MOTION

That Council continue to support traffic management and road safety behaviour campaigns to maximise safety for all road users in Willoughby Local Government Area through the employment of a dedicated Road Safety Officer and other road safety initiatives as part of TfNSW and Council’s road safety programs.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

PROCEDURAL MOTION

That Council resolve into closed session.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

Note:

Council moved into closed session at 8.38pm.

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 - THE CONCOURSE TENANCIES REPORT

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

AUTHOR: LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR

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

MEETING DATE: 8 MARCH 2021

REASON FOR CONFIDENTIALITY

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

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

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

PURPOSE OF REPORT

The purpose of this report is to present commercially sensitive information to inform an analysis of the tenancies at The Concourse.

RECOMMENDATION

That Council note the report on tenancies, vacancies, arrears and losses for tenancies at The Concourse.

MOVED COUNCILLOR FERNANDEZ / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

Notes:

1. *Item 17.3 Confidential - Gore Hill Indoor Sports Centre was considered prior to item 17.1 Confidential - The Concourse Tenancies Report.*
2. *Councillor Eriksson returned to the meeting at 8:51pm.*

17.2 CONFIDENTIAL - LEGAL SERVICES REPORT MARCH 2021

RESPONSIBLE OFFICER:	LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	8 MARCH 2021

REASON FOR CONFIDENTIALITY

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

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

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

PURPOSE OF REPORT

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

RESOLUTION

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

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED EN BLOC

Note:

Councillor Coppock declared a non-pecuniary significant interest on this item.

17.3 CONFIDENTIAL - GORE HILL INDOOR SPORTS CENTRE

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	DARREN WOOD – DESIGN & INFRASTRUCTURE DELIVERY MANAGER ANGELA CASEY – CULTURE AND LEISURE MANAGER
CITY STRATEGY OUTCOME:	3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE
MEETING DATE:	8 MARCH 2021

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (d) commercial information of a confidential nature that would, if disclosed--
 - (ii) confer a commercial advantage on a competitor of the council

This report provides Councillors with information that assists them to understand the Gore Hill Indoor Sports Centre Business Case. The release of this information would provide financial details of the construction and operation of the facility to person(s) with whom Council proposes to conduct business. On balance, it is not in the public interest to release information that, if disclosed, would compromise the construction and operations of the Gore Hill Indoor Sports Centre.

PURPOSE OF REPORT

To present for noting confidential matters that relate to the business case for the Gore Hill Indoor Sports Centre.

RECOMMENDATION

That Council receive the confidential report for the Gore Hill Indoor Sports Centre.

MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

Absent: Councillors Coppock and Eriksson.

Note:

Councillor Eriksson left the Chambers at 8:44pm.

PROCEDURAL MOTION

That the meeting resolve into open session of Council.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against:

Absent: Councillor Coppock

Note:

Council moved into open session at 9:05pm.

PROCEDURAL MOTION

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

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

18 QUESTIONS WITH NOTICE

NIL

19 CONCLUSION OF THE MEETING

The Council meeting concluded at 9:17pm.