



Willoughby City Council

ORDINARY COUNCIL MEETING

MINUTES

Held on Tuesday 15 June 2021
in the Council Chamber, Level 6, 31 Victor Street, Chatswood
commencing at 7:00pm

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1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY

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

Joining the meeting via Zoom Conferencing: Councillors Coppock, Eriksson, Rozos, Rutherford and Saville.

Officers

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

2 DISCLOSURES OF INTERESTS

- Councillor Giles-Gidney declared a non-pecuniary less than significant interest in Item 13.1: Talus Street Reserve Parking Petition (Deferred from Council meeting 10 May 2021). Councillor Giles-Gidney chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Giles-Gidney was:
"I am a Patron of the Northern Suburbs Tennis Association. I am not a member of the executive and have no role in any decision making relating to the Club)".
- Councillor Wright declared a non-pecuniary less than significant interest in Item 15.1: Investment Report for the month of May 2021. Councillor Wright chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Wright was:
"I am an employee of Westpac Group with whom Council has investments".
- Councillor Zhu declared a non-pecuniary significant interest in Item 15.3: Willoughby City Operational Plan and Budget 2021-22 and Schedule of fees and Charges 2021-22. Councillor Zhu chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided by Councillor Zhu was:
"I am on the Board of the community radio. Item 301723 refers to the community radio building refurbishment at 112 Victoria Ave, Chatswood".
- Councillor Coppock declared a non-pecuniary significant interest in Item 15.5: Legal Matters Report – June 2021. Councillor Coppock chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided by Councillor Coppock was:
"I am named in the report".
- Councillor Giles-Gidney declared a non-pecuniary significant interest in Item 15.9: Planning Proposal – 3 Ellis Street, Chatswood. Councillor Giles-Gidney

chose to leave the meeting and take no part in the discussion and voting on these items. The reason provided by Councillor Giles-Gidney was:

"I am a Member of the Sydney North Planning Panel".

- Councillor Campbell declared a non-pecuniary significant interest in Item 15.9: Planning Proposal – 3 Ellis Street, Chatswood. Councillor Campbell chose to leave the meeting and take no part in the discussion and voting on these items. The reason provided by Councillor Campbell was:
"I am a Member of the Sydney North Planning Panel)".
- Councillor Giles-Gidney declared a non-pecuniary significant interest in Item 15.10: Planning Proposal – 849, 853, 859 Pacific Highway and 2 Wilson Street, Chatswood. Councillor Giles-Gidney chose to leave the meeting and take no part in the discussion and voting on these items. The reason provided by Councillor Giles-Gidney was:
"I am a Member of the Sydney North Planning Panel".
- Councillor Campbell declared a non-pecuniary significant interest in Item 15.10: Planning Proposal – 849, 853, 859 Pacific Highway and 2 Wilson Street, Chatswood. Councillor Campbell chose to leave the meeting and take no part in the discussion and voting on these items. The reason provided by Councillor Campbell was:
"I am a Member of the Sydney North Planning Panel".
- Councillor Giles-Gidney declared a non-pecuniary significant interest in Item 16.1 Notice of Rescission Motion 01/2021 – Planning Proposal – 44-52 Anderson Street, Chatswood. Councillor Giles-Gidney chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided by Councillor Giles-Gidney was:
"I am a Member of the Sydney North Planning Panel".
- Councillor Campbell declared a non-pecuniary significant interest in Item 16.1 Notice of Rescission Motion 01/2021 – Planning Proposal – 44-52 Anderson Street, Chatswood. Councillor Campbell chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided by Councillor Campbell was:
"I am a Member of the Sydney North Planning Panel".
- Councillor Coppock declared a non-pecuniary significant interest in Item 17.1: Confidential – Legal Matters Report – June 2021. Councillor Coppock chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided by Councillor Coppock was:
"I am named in the report".

PROCEDURAL MOTION – NOMINATION OF CHAIR

That Councillor Eriksson Chair the meeting for Items 15.9, 15.10 and 16.1 due to the Mayor and Deputy Mayor declaring an interest.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR FERNANDEZ

CARRIED

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

Voting

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

Against: Councillor Coppock.

3 CONFIRMATION OF MINUTES**MOTION**

That the Minutes of the Ordinary Meeting of Council held 10 May 2021, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR CAMPBELL

CARRIED

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

Voting

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

Against: Nil

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

MOTION

That Council note that the Mayor Councillor Giles-Gidney will depart the meeting at 8:00pm.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU

CARRIED

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

Voting

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

Against: Nil

5 PETITIONS

5.1 PETITION – THE PLANNING PROPOSAL AT 58 ANDERSON STREET, CHATSWOOD (2018/001)

RESPONSIBLE OFFICER: LAURA KENDALL – 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: 15 JUNE 2021

MOTION

That Council note the petition regarding the Planning Proposal at 58 Anderson Street, Chatswood (2018/001) and refer the matter to the Planning and Infrastructure Director.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR NORTON

CARRIED

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

Voting

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

Against: Nil

5.2 PETITION – REAR ACCESS TO HEADLAND ROAD VIA PINDARI AVENUE CASTLE COVE

RESPONSIBLE OFFICER: LAURA KENDALL – 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: 15 JUNE 2021

MOTION

That Council note the petition regarding the condition of the road surface at the rear access to Headland Road via Pindari Avenue Castle Cove and refer the matter to the Planning and Infrastructure Director.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR NORTON

CARRIED

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

Voting

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

Against: Nil

6 OPEN FORUM — MATTERS NOT ON THE AGENDA

Kristina Dodds addressed Council in regard to making a submission to the Parliamentary Inquiry on the Beaches Link.

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE – 2021 QUEEN’S BIRTHDAY HONOURS

MEETING DATE: 15 JUNE 2021

PURPOSE OF REPORT

To inform Council of the residents in the City of Willoughby who received an award in the 2021 Queen’s Birthday Honours List.

DISCUSSION

The Governor General released the 2021 Queen’s Birthday Honours List on 14 June 2020. This Minute is presented to acknowledge those residents within the Willoughby local government area and other significant persons who were recognised in the 2021 Queen’s Birthday Honours List.

Officer (AO) in the General Division of the Order of Australia

Professor Jane Alexandra McADAM

Roseville NSW 2069

For distinguished service to international refugee law, particularly to climate change and the displacement of people.

Medal in the General Division (OAM)

Mr Stephen Michael CARTWRIGHT

Northbridge 2063

For service to business administration

Mr David GOODRICH

Castlecrag NSW 2068

For service to the community and the defence sector

Mr Amir SALEM

Chatswood NSW 2067

For service to the Egyptian community of Australia

Mr John Christian VAUGHAN

Castlecrag NSW 2068

For service to vexilligraphy and history preservation

MOTION

That Council congratulate Professor Jane Alexandra McAdam, Mr Stephen Michael Cartwright, Mr David Goodrich, Mr Amir Salem and Mr John Christian Vaughan on their awards in the 2021 Queen’s Birthday Honours List.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

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

Voting

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

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

- 12.1 Minutes – Natural Heritage and bushland Advisory Committee meeting held 3 December 2020
- 13.1 Talus Street Reserve Parking Petition (Deferred from Council meeting 10 May 2021)
- 13.2 Notice of Motion 08/2021 – Council and NSW to go 100% Renewable (Deferred from Council meeting 10 May 2021)
- 15.3 Willoughby City Operational Plan and Budget 2021-22 and Schedule of Fees and Charges 2021–22
- 15.7 Review of Willoughby Development Control Plan
- 15.9 Planning Proposal – 3 Ellis Street, Chatswood
- 15.10 Planning Proposal – 849, 853 and 859 Pacific Highway and 2 Wilson Street, Chatswood
- 15.11 Planning Unit Legal Budget
- 15.12 Property Lease Portfolio
- 15.16 Response to Homelessness in the Willoughby LGA
- 16.1 Notice of Rescission Motion 01/2021 – Planning Proposal – 44-52 Anderson Street, Chatswood
- 17.1 Confidential - Legal Matters Report – June 2021
- 17.2 Confidential - Property Lease Portfolio

MOTION

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

- 12.2 **Minutes – Bicentennial Reserve & Flat Rock Gully Advisory Committee meeting held 1 December 2020**
- 12.3 **Minutes – Multicultural Services Advisory Committee meeting held 2 December 2020**
- 15.1 **Investment Report for the month of May 2021**
- 15.2 **Supplementary Quarterly Reporting – March 2021 – Quarter 3**
- 15.4 **Annual Fee for Mayor and Councillors – 2021 – 2022**
- 15.5 **Legal Matters Report – June 2021**
- 15.6 **Appointment of Panel Members to the Sydney North Planning Panel and the Willoughby Local Planning Panel**
- 15.8 **Endorsement for Exhibition – Draft Resilient Willoughby Strategy and Action Plan**
- 15.13 **Final Report of the Willoughby Community and Economic Recovery Plans**
- 15.14 **Tender 127867 – Café Operator Northbridge Bowling Club**
- 15.15 **Public Exhibition of the Draft Grants and Awards for the Community Policy**

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED

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

Voting

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

Against: Nil

11 PUBLIC FORUM — MATTERS ON THE AGENDA

Item 13.1 – Talus Street Reserve Parking Petition - Jo Tams, Taleen Marcarian, Kate Saunders and Judy Goldsmith addressed Council speaking against the officer's recommendation.

Item 15.7 – Review of Willoughby Development Control Plan - Kathryn McCann, Andrew Johnson and Suzie Gold addressed Council speaking for the officer's recommendation.

Item 15.9 – Planning Proposal – 3 Ellis Street Chatswood - Nick Juradowitch – Ingham Planning Pty Limited addressed Council speaking for the officer's recommendation.

Item 15.10 – Planning Proposal – 849, 853, 859 Pacific Highway and 2 Wilson Street Chatswood - Nicholas Andrijic (on behalf of Sanctuary Partners), Sue Francis (Planning Consultant), Mike Dickens and Carl Gilmore addressed Council speaking against the officer's recommendation.

16.1 – Notice of Rescission Motion 01/2021 – Planning Proposal – 44/52 Anderson Street Chatswood - Tom Cook – Heworth Holdings Group addressed Council speaking against the officer's recommendation.

13.1 TALUS STREET RESERVE PARKING PETITION (DEFERRED FROM COUNCIL MEETING 10 MAY 2021)

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

AUTHOR: MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR

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

MEETING DATE: 15 JUNE 2021

MOTION

That Council retain the existing four-hour restricted parking signage at Talus Street Reserve.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR SAVILLE

CARRIED

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

Voting

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

Against: Councillors Mustaca, Rutherford and Rozos.

AMENDMENT

That the Talus Street Car park be used for reserve users only from 7:00am to 6:00pm.

MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR MUSTACA

LOST

Voting

For the Amendment: Councillors Giles-Gidney, Campbell, Coppock, Eriksson, Fernandez, Norton, Saville, Tuon and Wright

Against: Councillors Mustaca, Rutherford, Rozos and Zhu.

Notes:

1. Jo Tams, Taleen Marcarian, Kate Saunders and Judy Goldsmith addressed Council speaking against the officer's recommendation.
2. The Mayor Councillor Giles-Gidney declared an interest in this item.

PROCEDURAL MOTION – ITEM MOVED EN BLOC BE RESUBMITTED

That item 15.5 – Legal Matters Report – June 2021 be resubmitted for a vote by Council.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney

Notes:

1. *The Mayor Councillor Giles-Gidney left the meeting at 7:52pm and did not return.*
2. *Deputy Mayor Councillor Campbell assumed the Chair.*
3. *It was acknowledged that Councillor Coppock should have left the chamber during the voting on item 15.5 – Legal Matters Report – June 2021 having declared an interest.*

15.5 LEGAL MATTERS REPORT – JUNE 2021

RESPONSIBLE OFFICER: LAURA KENDALL – 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: 15 JUNE 2021

MOTION

That Council receive the legal services report for June 2021.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU

CARRIED

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

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney and Coppock.

Note:

Councillor Coppock left the chamber at 7:52pm having declared an interest in this item.

15.7 REVIEW OF WILLOUGHBY DEVELOPMENT CONTROL PLAN

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	ARTHUR TSEMBIS – DEVELOPMENT ASSESSMENT OFFICER
CITY STRATEGY OUTCOME:	1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES 3.4 - CREATE DESIRABLE PLACES TO BE AND ENJOY 5.1 - BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	15 JUNE 2021

MOTION

That Council:

- 1. Endorse for public exhibition the *draft Willoughby Development Control Plan 2021* which will occur at the same time as exhibition of the *draft Willoughby Local Environmental Plan 2020*.**
- 2. Be provided with a further report following exhibition and consideration of any submissions, prior to finalising the *draft Willoughby Development Control Plan 2021*.**
- 3. Delegate authority to the Chief Executive Officer to make any minor amendments to *draft Willoughby Development Control Plan 2021* which do not alter the policy intent.**

MOVED COUNCILLOR ERIKSSON / 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 Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon and Zhu.

Against: Councillors Coppock and Wright.

Absent: Councillor Giles-Gidney.

Notes:

- Councillor Coppock returned to the chamber at 7:53pm.*
- Kathryn McCann, Andrew Johnson Suzie Gold addressed Council speaking for the officer's recommendation.*

15.9 PLANNING PROPOSAL – 3 ELLIS STREET, CHATSWOOD**RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER****AUTHOR: CRAIG O'BRIEN – STRATEGIC PLANNER****CITY STRATEGY OUTCOME: 3.5 MAINTAIN QUALITY OF LIFE BY BALANCING
POPULATION GROWTH WITH THE PROVISION OF
ASSETS AND SERVICES
5.1 BE HONEST, TRANSPARENT AND
ACCOUNTABLE IN ALL THAT WE DO****MEETING DATE: 15 JUNE 2021**

MOTION

That Council not forward the Planning Proposal to the Department of Planning, Industry and Environment seeking Gateway determination on the basis of overshadowing and non-compliance with lot size and floor space ratio.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR COPPOCK**CARRIED**

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

Voting**For the Motion:** Councillors Coppock, Fernandez, Mustaca, Rutherford and Saville.**Against:** Councillors Eriksson, Norton, Tuon and Zhu.**Absent:** Councillors Giles-Gidney, Campbell, Rozos and Wright.**AMENDMENT****That Council:**

1. Forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, with the following amendments to *Willoughby Local Environmental Plan 2012*:
 - a) To add Clause 4.4B 'Minimum non-residential floor space in the Mixed Use Zone' as follows:

"4.4B Minimum non-residential floor space in the Mixed Use Zone

Land zoned B4 Mixed Use is to contain a minimum non-residential floor space component. This is calculated at 17% of FSR as indicated on the Floor Space Ratio Map."

- b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

"(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3."

- c) To amend Clause 6.7 'Active street frontages' as follows:

"(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.

(2) This clause applies to land identified as "Active Street Frontages" on the Active Street Frontages Map.

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—
(a) entrances and lobbies (including as part of mixed use development),
(b) access for fire services,
(c) vehicular access.

(5) In this clause, a building has an active street frontage if:
a) In the Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.
b) In the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purposes of non-residential premises."

- d) To amend Clause 6.8 (2) to include "Area 3 or Area 8 or Area 9" on the Special Provisions Area Map.

- e) To amend Clause 6.23 (2) to include "Area 8" or "Area 12" on the Special Provisions Area Map.

- f) To add Clause 6.25 as follows:

"6.25 Sun access

(1) The objective of this clause is to:

- (a) protect certain public space in Chatswood CBD from excessive overshadowing.**
(b) Protect properties in South Chatswood Conservation Area from a reduction in solar access

- (2) The consent authority must not grant consent to development on land zoned B3 or B4 if the consent authority is satisfied that:
 - (a) the development will result in additional overshadowing in mid winter between 12 noon and 2pm, on:
 - Victoria Avenue between the interchange and Archer Street
 - Concourse Open Space
 - Garden of Remembrance
 - Tennis and croquet club
 - (b) the development will reduce solar access to any individual property within the South Chatswood Conservation Area to less than 3 hours between 9.00am and 3.00pm mid winter.
 - g) Add to Schedule 1 Additional Permitted Uses:
 - “75. Use of certain B4 land in Chatswood
 - (1) This clause applies to land zoned B4 in the Chatswood CBD.
 - (2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
 - (a) the ground level is used for non-residential purposes and
 - (b) A minimum of 17% of the total FSR is provided for non-residential purposes and
 - (c) No residential dwelling is located at the ground floor.”
 - h) To amend the Land Zoning Map (Sheet LZN_004) for 3 Ellis Street, Chatswood, to B4 Mixed Use.
 - i) To amend the Height of Buildings Map (Sheet HOB_004) for 3 Ellis Street, Chatswood, to 44 metres.
 - j) To amend the Floor Space Ratio Map (Sheet FSR_004) for 3 Ellis Street, Chatswood, to 4.5:1 (including affordable housing).
 - k) To amend the Special Provisions Area Map (Sheet SPA_004) to show 3 Ellis Street, Chatswood, as Area 8.
 - l) To amend the Active Street Frontages Map (Sheet ASF_004) to include 3 Ellis Street, Chatswood, to include the Ellis Street frontage.
 - m) To amend the Lot Size Map (Sheet LSZ_004) to include 3 Ellis Street, Chatswood, with a minimum lot size of 800 sq metres.
2. Subject to 1. above, endorse for public exhibition the Planning Proposal as amended.

3. Endorse for public exhibition the Planning Proposal, with the accompanying draft site specific Development Control Plan provisions, subject to the following amendments:
- a) Section 4 'Street Frontage Heights and Setbacks'
 - i. Add Performance Criteria 4 as follows:
"Adequate building separation to neighbouring properties must be provided."
 - ii. Add Control 2 as follows:
"Building separation to neighbouring properties is to be consistent with the Apartment Design Guidelines."
 - b) Section 5 'Building Exterior'
 - i. Amend Performance Criteria 1 to read:
"Buildings are to demonstrate a high visual quality of development when viewed from the public domain and the surrounding area, including the Frank Channon Walk."
 - ii. Amend Controls 1 to read:
"Façade designs must be sensitive to the pedestrian environment in terms of wall height finishes and setbacks from planting."
 - iii. Amend Controls 2 to read:
"Extensive blank walls will not be supported."
 - c) Section 6 'Amenity'
 - i. Amend Control 3 to read:
"Residential amenity is to be in accordance with the Apartment Design Guidelines."
 - d) Section 9 'Traffic and Transport'
 - i. Add Control 4:
"Two car share spaces are to be provided in Basement Level 2 close to lifts. Public access to be detailed at development application stage."
 - e) Section 11 'Design Excellence and Building Sustainability'
 - i. Amend heading to read:
"Design Excellence"
 - f) Add Section 15 'Sustainability'
 - i. Add Performance Criteria
"Achievement of design excellence shall include achievement of higher building sustainability standards."
 - ii. Add Control:
"A minimum 5 star GCBA building rating is expected. A report is to be submitted at development application stage."
4. Subject to 1, 2 and 3 above, prior to public exhibition, concept plans are to be provided that clearly show that at no point the proposed mixed use building encroaches on the sun access protection plane determining height on this site.

5. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - a) To proceed as recommended.
 - b) To not proceed with the Planning Proposal.
6. Request that the Department of Planning, Industry and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning, Industry and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.
7. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which do not alter the policy intent.

MOVED COUNCILLOR TUON / SECONDED COUNCILLOR ZHU

NOT PUT

Notes:

1. *Councillor Campbell left the chamber at 8:05pm having declared an interest in this item.*
2. *Councillor Eriksson assumed the Chair.*
3. *Nick Juradowitch (on behalf of Ingham Planning Pty Ltd) addressed Council speaking for the officer's recommendation.*
4. *Councillor Wright left the chamber at 8:12pm.*
5. *Councillor Rozos left the chamber at 8:14pm and did not return.*

**15.10 PLANNING PROPOSAL FOR 849, 853, 859 PACIFIC HIGHWAY AND
2 WILSON STREET, CHATSWOOD**

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

AUTHOR: CRAIG O'BRIEN – STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING
POPULATION GROWTH
5.1 – BE HONEST, TRANSPARENT AND
ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 15 JUNE 2021

MOTION

That Council:

1. Not forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, as the Planning Proposal:
 - a) Is a departure from the current planning controls on the site with the proposal seeking to utilize the floor space ratio for the part of the site zoned SP2 Infrastructure (Classified Road) on the remainder of the site zoned R4 High Density Residential under Willoughby Local Environmental Plan 2012, in addition to the maximum floor space ratio permitted.
 - b) Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy 2036* which does not change road widening requirements from Transport for NSW as expressed in Willoughby Local Environmental Plan 2012, with regard in this case to the Pacific Highway, or how such matters are processed.
 - c) Is inconsistent with the strategic objectives of *the Greater Sydney Region Plan* and the *North District Plan* which encourages development to be appropriate to its site.
 - d) Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy 2036* which identifies this site as having a maximum floor space ratio of 6:1.
2. Notify the proponent of Council's decision.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR TUON

CARRIED

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

Voting

For the Motion: Councillors Coppock, Eriksson, Saville, Tuon and Wright.

Against: Councillors Fernandez, Mustaca, Norton and Zhu.

Absent: Councillors Giles-Gidney, Campbell, Rozos and Rutherford.

Notes:

1. *Councillor Wright returned to the chamber at 8:44pm.*
2. *Nicholas Andrijic (on behalf of Sanctuary Partners), Sue Francis (Planning Consultant), Mike Dickens and Carl Gilmore addressed Council speaking against the officer's recommendation.*
3. *Councillor Rutherford left the chamber at 9:02pm and did not return.*

PROCEDURAL MOTION – MOTION BE PUT**MOTION**

That the motion be now put.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON

Voting

For the Motion: Councillors Coppock, Eriksson, Fernandez, Norton, Saville, Tuon, Wright and Zhu

Against: Councillor Mustaca

Absent: Councillors Giles-Gidney, Campbell, Rozos and Rutherford.

16.1 NOTICE OF RESCISSION MOTION 01/2021 – PLANNING PROPOSAL – 44-52 ANDERSON STREET, CHATSWOOD

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: CRAIG O'BRIEN – STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES
5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 15 JUNE 2021

MOTION

That Council:

1. Pursuant to notice, rescind the following resolution of Council, made on 10 May 2021, relating to Item 15.10: Planning Proposal – 44-52 Anderson Street, Chatswood:

“That Council:

1. *Forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, with the following amendments to Willoughby Local Environmental Plan 2012:*

- a) *To add Clause 5.6 ‘Architectural roof features’, (2A) as follows:*

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”

- b) *To amend Clause 6.8 (2) to include “Area 3 or Area 8 or Area 9” on the Special Provisions Area Map.*

- c) *To amend Clause 6.10 “Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings” in part to the following:*

6.10 Minimum lot sizes for attached dwellings, dual occupancies, secondary dwellings, multi dwelling housing, residential flat buildings and Shop top housing.

- (1) *The objectives of this clause are:*

- (a) *to achieve planned residential density in certain zones by:*

- (i) *enabling development sites to be of sufficient size to provide adequate area for drainage, landscaping, and*

- separation between buildings for privacy and solar and vehicular access, and*
- (ii) *reducing the instances of isolated lots being left with reduced development potential.*
- (b) *to increase the efficiency and safety of the road network by minimising the number of driveway crossings.*
- (2) *Development consent may be granted to development for a purpose shown in Column 1 of the Table to this subclause on a lot in a zone shown in Column 2 of that Table opposite that purpose, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of that Table.*

Column 1	Column 2	Column 3
Shop top housing	B4 Mixed use	1,200 square metres

The remainder of this clause is unchanged.

- d) *To amend Clause 6.23 (2) to include “Area 8” or “Area 12” on the Special Provisions Area Map.*
- e) *To add Clause 6.24 as follows:*
- “6.24 Minimum commercial floor space within the Mixed Use zone**
- Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 8 on the Special Provisions Area Map.”***
- f) *To amend the Land Zoning Map (Sheet LZN_004) for 44-52 Anderson Street, Chatswood, to B4 Mixed Use.*
- g) *To amend the Height of Buildings Map (Sheet HOB_004) for 44-52 Anderson Street, Chatswood, to 90 metres.*
- h) *To amend the Floor Space Ratio Map (Sheet FSR_004) for 44-52 Anderson Street, Chatswood, to 6:1 (including affordable housing).*
- i) *To amend the Special Provisions Area Map (Sheet SPA_004) to show 44-52 Anderson Street, Chatswood, as Area 8.*
- j) *To amend the Active Street Frontages Map (Sheet ASF_004) to include 44-52 Anderson Street, Chatswood, to include the Anderson Street, O’Brien Street and Day Street frontages.*
- k) *To amend the Lot Size Map (Sheet LSZ_004) to include 44-52 Anderson Street, Chatswood, with a minimum lot size of 2,500sq metres.*
2. *Subject to 1. above, endorse for public exhibition the Planning Proposal as amended, with the accompanying draft site specific Development Control Plan provisions.*

3. *Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:*
 - a) *To proceed as recommended.*
 - b) *To not proceed with the Planning Proposal.*
4. *Request that the Department of Planning, Industry and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning, Industry and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.*
5. *Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which do not alter the policy intent.*

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR COPPOCK

LOST

Voting

For the Motion: Councillors Coppock, Norton, Saville and Wright.

Against: Councillors Eriksson, Fernandez, Mustaca, Tuon and Zhu.

Absent: Councillors Giles-Gidney, Campbell, Rozos and Rutherford.

Note:

Tom Cook – Heworth Holdings Group addressed Council speaking against the officer's recommendation.

12 REPORTS OF COMMITTEES

12.1 MINUTES – NATURAL HERITAGE AND BUSHLAND ADVISORY COMMITTEE MEETING HELD 3 DECEMBER 2020

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NICHOLAS YU – NATURAL ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	15 JUNE 2021

MOTION

That Council receive and note the minutes of the meeting of the Natural Heritage and Bushland Advisory Committee held on 3 December 2020.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR NORTON

CARRIED

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

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney, Coppock, Rozos and Rutherford.

Notes:

1. Deputy Mayor Campbell returned to the chamber at 10:00pm and assumed the Chair.
2. Councillor Coppock left the chamber at 10:00pm and did not return.

12.2 MINUTES – BICENTENNIAL RESEVE & FLAT ROCK GULLY ADVISORY COMMITTEE MEETING HELD 1 DECEMBER 2020

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

AUTHOR: JULIE WHITFIELD- OPEN SPACE CO-ORDINATOR

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

MEETING DATE: 15 JUNE 2021

RESOLUTION

That Council receive and note the minutes of the Bicentennial Reserve and Flat Rock Gully Advisory Committee held 1 December 2020.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

12.3 MINUTES – MULTICULTURAL SERVICES ADVISORY COMMITTEE MEETING HELD 2 DECEMBER 2020

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

AUTHOR: ANGELA CASEY – MANAGER, CULTURE & LEISURE

CITY STRATEGY OUTCOME: 2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY

MEETING DATE: 15 JUNE 2021

RESOLUTION

That Council receive and note the minutes of the Multicultural Services Advisory Committee held 2 December 2020.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

13 DEFERRED MATTERS

13.2 NOTICE OF MOTION 08/2021 – COUNCIL AND NSW TO GO 100% RENEWABLE (DEFERRED FROM COUNCIL MEETING 10 MAY 2021)

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT MANAGER
CITY STRATEGY OUTCOME:	1.5 – REDUCE CARBON AND GREENHOUSE GAS EMISSIONS
MEETING DATE:	15 JUNE 2021

MOTION

It is recommended that Council be provided with a briefing prior to any report being prepared to look at options and likely costs.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR ERIKSSON

CARRIED

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

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney, Coppock, Rozos and Rutherford.

14 CORRESPONDENCE

NIL

15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 INVESTMENT REPORT FOR THE MONTH OF MAY 2021

RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	15 JUNE 2021

RESOLUTION

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

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

Note:

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

15.2 SUPPLEMENTARY QUARTERLY REPORTING – MARCH 2021 – QUARTER 3

RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	15 JUNE 2021

RESOLUTION

That Council note the supplementary quarterly reports for the quarter ended 31 March 2021 (Quarter 3).

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.3 WILLOUGHBY CITY OPERATIONAL PLAN AND BUDGET 2021/2022 AND SCHEDULE OF FEES AND CHARGES 2021/22

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

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

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

MEETING DATE: 15 JUNE 2021

MOTION

That Council:

1. Adopt the *Willoughby City Council Operational Plan 2021/22* and *Willoughby City Council Schedule of Fees and Charges 2021/22*.
2. Resolve to make a Domestic Waste Management Charge of \$545.00 per annum per service on all properties categorised as Residential for the 2021/22 rating year, pursuant to Section 496 and 535 of the *Local Government Act 1993*.
3. Resolve to make a Domestic Waste Management Charge for eligible Pensioners and qualifying Self-Funded Retirees of \$415.00 per service on all properties categorised as Residential for the 2021/22 rating year, pursuant to Sections 496 and 535 of the *Local Government Act 1993*.
4. Resolve to allow the aggregation of the values of certain parcels of land subject to minimum rates in accordance with Section 548A of the *Local Government Act 1993*.
5. Resolve to make the following Stormwater Management Service Charges for the 2021/22 rating year, pursuant to Sections 496A and 535 of the *Local Government Act 1993*:
 - \$25.00 per rateable residential property
 - \$12.50 per rateable strata titled property
 - \$25.00 per 350 square metres for business related properties (minimum charge of \$5.00).

6. Resolve to make the following ordinary rates for the 2021/22 rating and financial year where such rates consist on an ad valorem amount and subject to a minimum amount, pursuant to Sections 492-294, 497-498, 533-535, 543 and 548 (inclusive) of the *Local Government Act 1993*:

Ordinary Rate Category Section 493	Ordinary Rate Sub Category Section 529	Ad Valorem Amount (cents in the \$)	Minimum Rate Amount	Yield
Residential	-	.00086802	\$896.40	\$31.80m
Business	-	.00471265	\$1,280.15	\$12.77m
Business	Chatswood Town Centre (CTC)	.00685895	\$1,361.55	\$7.35m
Business	Chatswood Major Retail – Chatswood Chase	.016491	\$1,141.10	\$0.94m
Business	Chatswood Major Retail Centre – Westfield	.0153425	\$1,141.10	\$1.20m
Business	Strata Storage Facility	.0068305	\$865.50	\$0.09m
Total				\$54.17m

7. Resolve to apply land valuations with a base date 1 July 2019, for rating purposes in the 2021/22 rating and financial year.
8. Resolve that the interest rate applicable on overdue rates and charges is 6.0% per annum for amounts overdue between 1 July 2021 to 30 June 2022. These charges for the 2021/22 rating year are pursuant to Section 566 of the *Local Government Act 1993*.
9. Note Council will allocate \$63K of grant funds to the implementation of The Haven Amphitheatre Landscape Plan, in addition to the projects and capital works included in the *Willoughby City Council Operational Plan 2021/22*.
10. Delegate authority to the Chief Executive Officer to make minor and administrative amendments to the *Willoughby City Council Operational Plan 2021/22* and *Willoughby City Council Schedule of Fees and Charges 2021/22* which do not alter the intent.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR FERNANDEZ

CARRIED

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

Voting

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

Against: Councillor Wright.

Absent: Councillors Giles-Gidney, Coppock, Rozos, Rutherford and Zhu.

Note:

Councillor Zhu left the chamber at 10:05pm having declared an interest in this item.

15.4 ANNUAL FEE FOR MAYOR AND COUNCILLORS – 2021 - 2022

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: SHERRYN WILLIAMS – TEAM LEADER GOVERNANCE

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

MEETING DATE: 15 JUNE 2021

RESOLUTION

That Council, pursuant to section 248 and 249 of the *Local Government Act 1993*, fixes the annual fee at the maximum level for Metropolitan Medium category based on the 2021 determination of the Local Government Remuneration Tribunal, for the period 1 July 2021 to 30 June 2022 as follows:

1. Councillors annual fee of \$26,310.
2. Mayor additional annual fee of \$69,900.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

PLANNING & INFRASTRUCTURE DIRECTORATE**15.6 APPOINTMENT OF PANEL MEMBERS TO THE SYDNEY NORTH PLANNING PANEL AND THE WILLOUGHBY LOCAL PLANNING PANEL**

RESPONSIBLE OFFICER:	HUGH PHEMISTER – 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:	15 JUNE 2021

MOTION

That Council:

1. Endorse the appointment of the following Council representatives to the Sydney North Planning Panel for the period 1 July 2021 to 29 February 2024:
 - a) The elected Mayor.
 - b) James Harrison (at a mutually agreeable rate) as a person with expertise in planning or a related field.
2. Endorse the appointment of the following Council representatives to the Sydney North Planning Panel as alternatives to the elected Mayor and James Harrison:
 - a) The current Councillor who most recently held the role of Deputy Mayor (and is not the current Deputy Mayor) to act as the alternate representative to the Mayor. Should alternate to the Mayor be unavailable, conflicted or is no longer a current Councillor, Philippa Hayes and Kara Krason to act as further alternates at mutually agreeable rates.
 - b) Philippa Hayes and Kara Krason to act as alternate representatives to James Harrison at mutually agreeable rates as persons with expertise in planning or a related field.
3. Endorse the continuation of existing Council representatives on the Sydney North Planning Panel for any matters where they have attended Panel meetings on the matter and the matter has not concluded.
4. Endorse the appointment of the following Chairs to the Willoughby Local Planning Panel for the period 1 July 2021 to 29 February 2024:
 - a) Abigail Goldberg as Head Chair
 - b) Jacqueline Townsend as Alternate Chair
 - c) Graham Brown as Alternate Chair

5. Endorse the appointment of the following expert members to a panel of experts for the Willoughby Local Planning Panel with two appointed for each meeting for the period 1 July 2021 to 29 February 2024:
 - a) Trevor Bly
 - b) James Harrison
 - c) Kara Krason
 - d) Deborah Laidlaw
 - e) John McInerney
 - f) Julie Savet Ward
 - g) Gary Shiels
6. Endorse the appointment of the following community representatives to the Willoughby Local Planning Panel with one appointed for each meeting for the period 1 July 2021 to 29 February 2024:
 - a) Philippa Hayes
 - b) Robert Freestone
 - c) Linda Tully
7. Delegate authority to the Chief Executive Officer to complete the process of appointment of Panel Chairs and members.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.8 ENDORSEMENT FOR EXHIBITION – DRAFT RESILIENT WILLOUGHBY STRATEGY AND ACTION PLAN

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTOR

AUTHOR: NICK CHAPMAN – RESILIENCE SPECIALIST

CITY STRATEGY OUTCOME: 1.1 – CREATE AND ENHANCE GREEN SPACES
1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES
2.5 – CREATE FAMILY FRIENDLY NEIGHBOURHOODS THAT CONNECT PEOPLE
3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE
5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES

MEETING DATE: 15 JUNE 2021

RESOLUTION

That Council:

1. Endorse the *draft Resilient Willoughby Strategy and Action Plan* for public exhibition.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the *draft Resilient Willoughby Strategy and Action Plan* which does not alter the intent.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.11 PLANNING UNIT LEGAL BUDGET

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: IAN ARNOTT – PLANNING MANAGER

CITY STRATEGY OUTCOME: 5.3 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS

MEETING DATE: 15 JUNE 2021

MOTION

That Council approve an increase in the 2020/21 financial year operating expense budget of \$250,000 to provide for additional Planning Unit legal expenses to be spent by 30 June 2021.

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

Against: Nil

Absent: Councillors Giles-Gidney, Coppock, Rozos and Rutherford.

Note:

Councillor Zhu returned to the chamber at 10:06pm.

15.12 PROPERTY LEASE PORTOLIO

RESPONSIBLE OFFICER: HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: TERRENCE CARROLL – PROPERTY STRATEGY SPECIALIST

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

MEETING DATE: 15 JUNE 2021

MOTION

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

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

Against: Nil

Absent: Councillors Giles-Gidney, Coppock, Rozos and Rutherford.

COMMUNITY, CULTURE & LEISURE DIRECTORATE**15.13 FINAL REPORT OF THE WILLOUGHBY COMMUNITY AND ECONOMIC RECOVERY PLANS**

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

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

CITY STRATEGY OUTCOME: 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS

MEETING DATE: 15 JUNE 2021

RESOLUTION

That Council note the Final Report of the *Willoughby Community Recovery Plan 2020* and the *Willoughby Economic Recovery Plan 2020* and the transition of actions to business as usual.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.14 TENDER 127867 – CAFÉ OPERATOR NORTHBRIDGE BOWLING CLUB

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

AUTHOR: MICHAEL CASHIN COMMUNITY LIFE MANAGER

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

MEETING DATE: 15 JUNE 2021

RESOLUTION

That Council:

1. Note that Tender 127867 for a cafe operator at the former Northbridge Bowling Club did not receive any tender submissions.
2. Note that inviting fresh tenders is unlikely to result in any tender submissions given the restrictions on the hours of trade under Development Consent 2017/361 and the cost to fit out the café space.
3. Cancel Tender 127867 for a Cafe Operator at the former Northbridge Bowling Club as a result of not receiving any submissions. The cancellation of the Tender complies with s178 (3) (a) of the Local Government (General) Regulation 2005.
4. Authorise the Chief Executive Officer to undertake negotiations with appropriate suppliers for the fit out and operation of the café space at the former Northbridge Bowling Club as permitted under s178 (3) (e) of the Local Government (General) Regulation 2005.
5. A report be brought back to Council once a suitable operator has been secured.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.15 PUBLIC EXHIBITION OF THE DRAFT GRANTS AND AWARDS FOR THE COMMUNITY POLICY

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

AUTHOR: TRACEY WALKER – COMMUNITY PROJECTS OFFICER

CITY STRATEGY OUTCOME: 5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS

MEETING DATE: 15 JUNE 2021

RESOLUTION

That Council:

1. Endorse the *Grants and Awards for the Community Policy*.
2. Note the *Grants and Awards for the Community Procedure*.
3. Note the *Grants and Awards for the Community Policy* and *Grants and Awards for the Community Procedure* will supersede the previous Council Community Grants policy, procedure and guidelines.
4. Delegate authority to the Chief Executive Officer to make minor amendments to the *Grants and Awards for the Community Policy* which do not alter the intent.

MOVED COUNCILLOR MUSTACA / SECONDED COUNCILLOR ZHU

CARRIED EN BLOC

15.16 RESPONSE TO HOMELESSNESS IN THE WILLOUGHBY LGA

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	STUART GIBB – COMMUNITY DEVELOPMENT TEAM LEADER
CITY STRATEGY OUTCOME:	5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	15 JUNE 2021

MOTION

That Council receive and note the update on Homelessness in the Willoughby LGA.

MOVED COUNCILLOR SAVILLE / SECONDED COUNCILLOR WRIGHT

CARRIED

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

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney, Coppock, Rozos, Rutherford.

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.

The Chair asked the Governance, Risk and Corporate Planning Manager whether there were any public representations relating to the confidential items listed. There were no public representations.

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

That Council resolve into closed session.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR FERNANDEZ

CARRIED

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

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney, Coppock, Rozos, Rutherford.

Note:

Council moved into closed session at 10:16pm.

PROCEDURAL MOTION – MOVE INTO OPEN SESSION

That the meeting resolve into open session of Council.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR FERNANDEZ

CARRIED

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

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney, Coppock, Rozos, Rutherford.

Note:

1. *Council moved into open session at 10:26pm.*
2. *The Chair reported the following confidential resolutions passed in closed session.*

17.1 CONFIDENTIAL – LEGAL MATTERS REPORT – JUNE 2021

RESPONSIBLE OFFICER: LAURA KENDALL – 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: 15 JUNE 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
- (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.

RECOMMENDATION

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

MOVED COUNCILLOR NORTON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney, Coppock, Rozos and Rutherford.

17.2 CONFIDENTIAL – PROPERTY LEASE PORTFOLIO

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	TERRY CARROLL – STRATEGIC PROPERTY OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	15 JUNE 2021

REASON FOR CONFIDENTIALITY

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

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

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

RECOMMENDATION

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

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney, Coppock, Rozos and Rutherford.

**PROCEDURAL MOTION – ADOPT THE RECOMMENDATIONS FORMED IN
CLOSED SESSION**

That the recommendations formed in closed session of Council be adopted.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON

CARRIED

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

Voting

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

Against: Nil

Absent: Councillors Giles-Gidney, Coppock, Rozos and Rutherford.

18 QUESTIONS WITH NOTICE

18.1 QUESTIONS ON NOTICE FROM COUNCILLOR SAVILLE – 10/2021 – TALUS RESERVE

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

AUTHOR: MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR

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

MEETING DATE: 15 JUNE 2021

It is noted that NSTA has occupied the tennis facilities at Talus Reserve under a lease granted by council in December 2000, and they have been under a 'tenancy at will' since expiration of the lease in 2018.

1. Did council sign any documents for the 'tenancy at will'?

A Confidential Council Report from a Council meeting on 23 April 2018, noted that Council should enter into a temporary twelve-month licence agreement with Northern Suburbs Tennis Association as an interim measure pending a ruling on the Aboriginal Land Claim that had been lodged on the site. Such a measure would give Council the flexibility to deal with any Court ruling. At this stage no formal agreement has been entered into due to further legal advice and there is still the 'tenancy at will' in place with the Northern Suburbs Tennis Association.

2. What is the nature of 'tenancy at will', and what are its terms and conditions?

A tenancy at will can occur where there is express or implied consent to remain on the premises understanding that permission to remain on the property may be withdrawn by either landlord or tenant at any time. If in the event that a landlord withdraws permission, then reasonable notice must be given.

**18.2 QUESTION ON NOTICE FROM COUNCILLOR SAVILLE – 08/2021 –
ARTIFICIAL TURF NORTHBRIDGE OVAL**

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD – OPEN SPACE COORDINATOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	15 JUNE 2021

QUESTION

- 1. What were the total construction and installation costs to council for the first installation of artificial turf at Northbridge oval? And the second installation?**

Installation of the synthetic turf and new floodlights at Northbridge Oval was undertaken in the 2010/11 financial year at a cost of \$1.3M. Renewal of the synthetic surface was undertaken in 2018/19 financial year at a cost of \$867,000.

- 2. What was the anticipated lifespan for the first installation of artificial turf at Northbridge? Was there a guarantee?**

The anticipated lifespan was approximately 10 years.
There was an 8-year warranty for material, installation and performance under normal use of approved activities.

- 3. What was the actual lifespan of the artificial turf?**

The actual lifespan was 8 years.

- 4. What were the costs to council to remove, and replace the artificial turf at Northbridge?**

The renewal of the synthetic surfacing was undertaken in 2018/19 at a cost of \$867,000, which included removal of the old synthetic turf and installation of the new turf.

- 5. Did council seek compensation for reduced lifespan of the first artificial turf installation?**

The replacement was outside of the warranty period.

- 6. Where was the artificial turf used at ovals within WCC produced, i.e. countries of origin?**

Country of origin production:

- Northbridge Oval, 1st synthetic surface- FieldTurf DURASPINE PRO 70 - manufactured in America
- Northbridge Oval, 2nd surface- CC Grass PRT Vmax60 – manufactured in China
- Thomson Park Oval- LigaTurf RS+260 COOLplus – manufactured in Australia
- Chatswood High School Oval- LigaTurf Hybrid 50 – manufactured in Australia
- Gore Hill Oval – LigaTurf HB260 – manufactured in Australia

7. What proportion of the artificial turf recycled and what were the total costs of disposal of the artificial turf to Council?

There were no disposal costs for the used synthetic turf at Northbridge Oval. The turf was collected by sporting clubs and other interested parties for re-use.

8. Where /which waste facility accepted the disposed turf?

No used turf was sent to a waste facility.

9. To what extent have council's procurement and sustainability policies influenced decision making regarding purchase of artificial turf?

A major factor in selecting the successful tender for the replacement synthetic surface at Northbridge Oval was that the synthetic grass was 100% recyclable.

10. To what extent has council undertaken specific environmental monitoring and recording for sites where artificial turf has been installed? Has specific monitoring been undertaken e.g. daily temperature records, fungal and bacteria counts, regular downstream water quality monitoring?

Council's synthetic sportsgrounds are maintained on a fortnightly basis and receive a deep clean 3 times per year. Council has contracted Sydney Water to monitor and test the waterway health throughout the LGA. The results are published in the annual Water Quality Report Card (available on Council website).

11. Have there been any reports to council of injuries sustained by users from contact with artificial turf within WCC? If so, how many?

To date, Council has not received any reports / claims of injuries sustained by users of synthetic sportsgrounds.

19 CONCLUSION OF THE MEETING

The Council meeting concluded at 10:28pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council meeting held on 15 June 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

Mayor Giles-Gidney