



Willoughby City Council

ORDINARY COUNCIL

MINUTES

27 November 2023

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**Minutes of an ordinary Council meeting
held on Monday, 27 November 2023
at the Council Chamber, Chatswood commencing at 7:00pm**

ATTENDANCE:

Councillors

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

Officers

Debra Just (Chief Executive Officer)
Maxine Kenyon (Customer and Corporate Director)
Linda Perrine (Community, Culture & Leisure Director)
Hugh Phemister (Planning and Infrastructure Director)
Stephen Naven (Chief Financial Officer)
Samantha Connor (Governance, Risk & Compliance Manager)
Busola Martins (Governance Lead)
Mitchell Noble (Head of Planning)
Dyalan Govender (Strategic Planning Team Leader)
Craig O'Brien (Strategic Planner)
Mark Skelsey (SRV Project Manager)
Chris Binns (Executive Manager, Strategy and Reform)
Ellen Miller (Community Life Manager)
David Roberts (Environment Manager)
Kath Odgers (Resource Recovery Team Leader)
Ervina Lay (Corporate Performance Manager)
Matthew Long (Network Support Officer)
Natalie Taylor (Council & Corporate Support Officer)
Adam Booth (Council & Corporate Support Officer)

1 OPEN MEETING**2 ACKNOWLEDGEMENT OF COUNTRY**

Willoughby City Council acknowledges the Traditional Owners of the lands on which we meet today, the Gamaragal People, and their connections to land, waters, and community. We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people, including those who may be in attendance today.

3 REFLECTION OR PRAYER**4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

That Council accept the request submitted by Councillor Moratelli to attend the 27 November 2023 Council meeting via audio-visual link.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

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

Against: Nil.

Absent: Nil.

5 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 23 October 2023, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR XIA

CARRIED

Voting

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

Against: Nil.

Absent: Nil.

6 DISCLOSURES OF INTERESTS

In accordance with Part 16 of the Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

- Councillor Wright declared a non-pecuniary less than significant interest in item 12.2 Investment Report for Month of October 2023. Councillor Wright chose to stay in the meeting and take part in discussion and voting on this item.

"I am an employee of Westpac with whom Council holds investments. I do not have any influence or control over the investments held by Council. I will remain in the Chamber as the report is only for noting."

- Councillor Xia declared a non-pecuniary less than significant interest in item 12.2 Investment Report for Month of October 2023. Councillor Xia chose to stay in the meeting and take part in discussion and voting on this item.

"I am a full time employee of Westpac with whom Council has investments. I do not have any control or influence over the investments. I will remain in the Chamber and participate in the discussion and voting on this item."

- Councillor Rozos declared a pecuniary interest in item 12.9 Planning Proposal - 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood. Councillor Rozos chose to leave the meeting and take no part in the discussion and voting on this item.

"Owner of a property in 6 McIntosh Street Chatswood."

- Councillor Zhu declared a non-pecuniary significant interest in item 12.9 Planning Proposal - 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood. Councillor Zhu chose to leave the meeting and take no part in discussion and voting on this item.

"I could be on the Sydney North Planning Panel which would also decide on this Planning Proposal as a matter before them, therefore, I have a significant, non-pecuniary interest."

- Councillor Zhu declared a non-pecuniary less than significant interest in item 12.13 Report on Usefulness of Promoting Awareness and Possible Subsidisation of E-Bike Subscription Services. Councillor Zhu chose to stay in the meeting and take part in discussion and voting on this item.

"I am a volunteer company secretary and board director for Electric Riders Australia, a charity that promotes the health and environmental benefits of electric personal mobility devices. Neither Electric Riders Australia nor I would benefit from this initiative."

- Councillor Taylor declared a non-pecuniary significant interest in item 12.9 Planning Proposal - 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood. Councillor Taylor chose to leave the meeting and take no part in discussion and voting on this item.

“As Council’s delegate to the Sydney North Planning Panel, I have a non-pecuniary significant interest in this matter as it may come to the Planning Panel for a determination.”

Note:

1. Councillors Taylor and Zhu declared interests in item 15.1 Confidential - Draft Planning Agreement - 2-6 Second Avenue Willoughby East during closed session. Item 6 Disclosures of Interest was recommitted when Council re-entered open session. See item 15 Confidential Matters below.

PROCEDURAL MOTION – BRING FORWARD ITEMS ON THE AGENDA

That standing orders be set aside and item 11 be brought forward.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR GRECO

CARRIED

Voting

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

Against: Nil

Absent: Nil

11 MATTERS BY EXCEPTION

At this stage the Mayor invited Councillors to nominate the items they wish Council to consider separately and these matters will then be dealt with in the order so nominated.

- 9.1 Mayoral Minute 11/2023 – Acknowledge the Passing of Joyce Lewis
- 9.2 Mayoral Minute 12/2023 – The late Jim McCredie
- 10 Chief Executive Officer's Late Report
- 12.3 Public Presentation of the 2022/23 Financial Reports
- 8 Open and Public Forum
- 7.1 Petition for Noting - Chatswood Out of School Hours Care
- 12.1 Post-Exhibition Report on Rate Rise Options
- 12.9 Planning Proposal - 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood
- 12.11 On Site Display of Approved Permit to Prune /Remove/Transplant Trees
- 13.5 Notice of Motion 34/2023 - Preserve Royal North Shore Hospital Land for Future Hospital Growth and Patient Related Health Care by the Hospital
- 13.6 Notice of Motion 35/2023 - Request for Report as to Options to Encourage Better Access to Carshare Services
- 12.10 Bulky Waste Collection Services
- 12.6 Election of Deputy Mayor
- 12.7 Code of Conduct - Annual Complaint Statistics
- 12.13 Report on Usefulness of Promoting Awareness and Possible Subsidisation of E-Bike Subscription Services
- 12.16 Councillor Nominations to Award Panel to Assess Willoughby Australia Day Awards
- 13.2 Notice of Motion 31/2023 - Historical Images of Willoughby
- 13.3 Notice of Motion 32/2023 - Unattended Shopping Trolleys on a Public Place
- 15.1 Confidential - Draft Planning Agreement - 2-6 Second Avenue Willoughby East
- 12.8 WCC Property Report - November 2023

MOTION

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

- 12.2 Investment Report for Month of October 2023
- 12.4 Quarterly Budget Review 2023/24 - September Quarter
- 12.5 Annual Report 2022/23
- 12.12 Draft Minutes Sustainability Advisory Committee 13 September 2023
- 12.14 Grants for the Community Program 2023-24 Applications - October
- 12.15 2024-2025 Registration of Interest - Concessional Hire of Council Community Facilities
- 12.17 Draft Minutes - Access and Inclusion Advisory Committee - Meeting Held on 19 September 2023
- 13.1 Notice of Motion 30/2023 - Smoke-Free Zone Along Artarmon's Hampden Road Shopping Strip
- 13.4 Notice Of Motion 33/2023 - Small Watercraft

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

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

Against: Nil.

Absent: Nil.

9 MAYORAL MINUTE**9.1 MAYORAL MINUTE 11/2023 ACKNOWLEDGE THE PASSING OF JOYCE LEWIS****MOTION**

That Council endorse the Mayoral Minute on the passing of community member Joyce Lewis, stand in respect for a minute's silence and send a letter of condolence to the family.

MOVED COUNCILLOR TAYLOR

CARRIED

Voting

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

Against: Nil.

Absent: Nil.

9.2 27 NOVEMBER 2023 - MINUTES - COUNCIL MEETING 12/2023 – THE LATE JIM MCCREDIE**PURPOSE OF REPORT**

To acknowledge the passing of community member James Dalgarno (Jim) McCredie.

DISCUSSION

It is with sadness that I inform the Chamber of the recent passing of Jim McCredie on 19 October 2023.

Jim was a stalwart of the Chatswood West Ward community.

Jim enjoyed a fulsome career as an engineer working at a variety of Naval bases around the world. Good engineers share a number of great characteristics: insatiable curiosity; continuously seeking to improve things; creativity and innovation; problem solving; good soft skills including communication and leadership; a team player; mathematical and analytical abilities; logical thinking plus attention to detail. Jim had all of these characteristics in spades.

After his professional career, Jim actively contributed to numerous local community organisations. Jim was President of the Chatswood West Ward Progress Association (CWWPA) for many years and represented the CWWPA on the Federation of Willoughby Progress Association, a role he undertook for many years until illness curtailed his enthusiasm.

After the January 1994 bushfires, when it was only a change of wind direction that saved buildings such as the Scout Hall and a lot of houses adjoining the Blue Gum Creek Reserve, Jim was instrumental in establishing the local Community Fire Unit and served on the executive of that body.

During his time as President of both CWWPA and the Federation, Jim regularly attended Council meetings. From time-to-time he would request to address Council and answer questions of Councillors. On other occasions he would sit in the back row of the chambers from start to finish of the meetings. For many Councillors Jim became known as the fourteenth Councillor.

Jim's intelligence and wit, coupled with his benevolent calmness, made him a positive force for good in our community in discussions, at meetings and when necessary, at protests.

For his service to the community, Jim was named the 2004 Willoughby Citizen of the Year.

I would like to thank former Councillor Terry Fogarty and Bob Lawrence, and our West Ward Councillors, Councillor Craig Campbell, Councillor Brendon Zhu and Councillor Jam Xia for providing the background for this Mayoral Minute.

MOTION

That Council endorse the Mayoral Minute on the passing of community member Jim McCredie and send a letter of condolence to the family.

MOVED COUNCILLOR TAYLOR

CARRIED

Voting

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

Against: Nil.

Absent: Nil.

10 CHIEF EXECUTIVE OFFICER'S LATE REPORT

Nil.

12 REPORTS TO COUNCIL

12.3 PUBLIC PRESENTATION OF THE 2022/23 FINANCIAL REPORTS AND AUDITOR S REPORTS

MOTION

That Council:

1. Note that the audited 2022/23 financial reports including the auditor's reports have been presented to this meeting of the Council in accordance with Section 419(1) of the *Local Government Act 1993*.
2. Receive the address from the external auditor, Kenneth Leung from the Audit Office of NSW, regarding the 2022/23 financial reports and auditor's report in accordance with Section 419(2) of *Local Government Act 1993*.
3. Note that a copy of the auditor's reports and a copy of the audited 2022/23 financial reports have been sent to Chief Executive of the Office of Local Government as required under Section 417(5) of the *Local Government Act 1993*.

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR XIA

CARRIED

Voting

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

Against: Nil.

Absent: Councillor Eriksson.

Note:

1. Councillor Xia left the meeting at 7:22 pm and returned at 7:24 pm.
2. Councillor Eriksson left the meeting at 7:26 pm and returned at 7:30 pm.

8 OPEN AND PUBLIC FORUM

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

- **Andrew Heaven (Gordon Rugby Club)**, addressed Council Regarding Chatswood Oval.

Public Forum allows members of the public to address Council for a maximum of three (3) minutes on an issue on the Minutes. Items 7.1, 12.1, 12.9, 12.11, 13.5 and 13.6 were addressed in Public Forum.

The following members of the public addressed Council regarding **item 7.1, Petition for Noting - Chatswood Out of School Hours Care**:

- Michael Cant (Chatswood Gordon District Cricket Club)
- Stephanie Lum (Gordon Women's Cricket Club)
- Maggie Chu
- Jeremy Lin
- Chelsy Xu
- Andrew Heaven (Gordon Rugby Club)

7.1 PETITION FOR NOTING - CHATSWOOD OUT OF SCHOOL HOURS CARE**MOTION**

That Council:

1. Note the petition regarding Chatswood Out of School Hours Care.
2. Refer the matter to the Community, Culture & Leisure Director.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR XIA

CARRIED

Voting

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

Against: Nil.

Absent: Nil.

Note:

1. Councillor Rozos left the meeting at 7:54 pm and returned at 7:59 pm.

The following members of the public addressed Council regarding **item 12.1, Post-Exhibition Report on Rate Rise Options**, against the officer's recommendation:

- Lupco Trajkovski
 - Diana Brown (North Sydney & Beaches Hockey Assoc)
 - Brian Norton
 - Andrew Heaven (Gordon Rugby Club)
-

12.1 POST-EXHIBITION REPORT ON RATE RISE OPTIONS**AMENDMENT**

That Council:

1. Note that community engagement activity undertaken between 25 September and 5 November 2023 shows there is strong overall community support for a Special Rate Variation (SRV).
2. Endorse Option 2 – Maintain Services (12% rate rise) as its preferred 2024/25 rate rise option to inform the preparation of a SRV application to the Independent Pricing and Regulatory Tribunal (IPART).
3. Endorse the public exhibition of the Long Term Financial Plan (LTFP) and Delivery Program 2022-26 changes which are applicable to Option 2 – Maintain Services (12% rate rise) at Attachment 8
4. Authorise the Chief Executive Officer to make amendments to the LTFP to update the document to integrate the IPART 2024/25 rate peg announcement made on 21 November, and other changes to the LTFP and Delivery Program 2022-26 changes which do not alter the intent or result in material changes to these documents in preparation for public exhibition of the same.
5. Agree to hold an additional Council meeting at 7.00pm on Tuesday, 30 January 2024, to consider the outcome of the public exhibition of the LTFP and Delivery Program 2022-26 changes, and the lodgement of a SRV application to IPART, should Council resolve to support a SRV option at this meeting.
6. Notify engagement participants about Council's decision in this matter and thank them for their valued contribution.
7. That Council ensures that irrespective of how rate payers receive their rate notifications (e.g. physically or electronically) that it is clear and obvious that there are hardship provisions available to access and that this information is accessible.

MOVED COUNCILLOR MOURADIAN / SECONDED COUNCILLOR ERIKSSON

LOST

Voting

For the Amendment: Councillors Campbell, Eriksson and Mouradian.

Against: Councillors Taylor, Greco, Moratelli, McCullagh, Roussac, Rozos, Samuel, Wright, Xia and Zhu.

Absent: Nil.

Note:

1. *Councillor Mouradian accepted Councillor Samuel's amendment to include paragraph 7, which became part of the amendment voted.*

MOTION

That Council:

1. Note that community engagement activity undertaken between 25 September and 5 November 2023 shows there is strong overall community support for a Special Rate Variation (SRV).
2. Endorse Option 3 – Increase Services (15% rate rise) as its preferred 2024/25 rate rise option to inform the preparation of a SRV application to the Independent Pricing and Regulatory Tribunal (IPART).
3. Endorse the public exhibition of the Long Term Financial Plan (LTFP) and Delivery Program 2022-26 changes which are applicable to Option 3 – Increase Services (15% rate rise) at Attachment 9.
4. Authorise the Chief Executive Officer to make amendments to the LTFP to update the document to integrate the IPART 2024/25 rate peg announcement made on 21 November, and other changes to the LTFP and Delivery Program 2022-26 changes which do not alter the intent or result in material changes to these documents in preparation for public exhibition of the same.
5. Agree to hold an additional Council meeting at 7.00pm on Tuesday, 30 January 2024, to consider the outcome of the public exhibition of the LTFP and Delivery Program 2022-26 changes, and the lodgement of a SRV application to IPART, should Council resolve to support a SRV option at this meeting.
6. Notify engagement participants about Council's decision in this matter and thank them for their valued contribution.
7. That Council ensures that irrespective of how rate payers receive their rate notifications (e.g. physically or electronically) that it is clear and obvious that there are hardship provisions available to access and that this information is accessible.

MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR GRECO

CARRIED

Voting

For the Motion: Councillors Taylor, Eriksson, Greco, Moratelli, Roussac, Rozos, Samuel, Wright and Xia.

Against: Councillors Mouradian, Campbell, Zhu and McCullagh.

Absent: Nil.

Note:

1. *Councillor Rozos accepted Councillor Samuel's amendment to include paragraph 7, which became part of the motion.*
2. *Councillor Moratelli left the meeting at 8:20 pm and returned at 8:22 pm.*
3. *Councillor Samuel left the meeting at 8:42 pm and returned at 8:44 pm.*

The following members of the public addressed Council regarding **item 12.9, Planning Proposal - 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood:**

- **Ian Cady (Town Planner, Mecone, representing the proponents of the Planning Proposal)** addressed Council against the officer's recommendation.
- **Stephanie Vatala (Partner, Dentons, representing the proponents of the Planning Proposal)** addressed Council against the officer's recommendation.
- **Jo Karaolis (Chair of Community Action Group at Our Lady of Dolours, Chatswood)** addressed Council in favour of the officer's recommendation.

12.9 PLANNING PROPOSAL - 3 MCINTOSH STREET, 2 DAY STREET, 40 AND 42 ANDERSON STREET, CHATSWOOD

MOTION

That Council:

1. **Does not forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, as the Planning Proposal:**
 - (a) **Is inconsistent with Willoughby Local Environmental Plan 2012 as it does not meet the 10% affordable housing provision requirements of the plan.**
 - (b) **Is inconsistent with the strategic objectives of the Greater Sydney Region Plan and the North District Plan and the relevant directions of Willoughby Council's Local Strategic Planning Statement, which encourages the provision of affordable housing.**
 - (c) **Is inconsistent with the Chatswood CBD Planning and Urban Design Strategy 2036, as expressed in Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan, by seeking the maximum floor space and height and at the same time a reduced affordable housing rate of 4%.**
 - (d) **Does not provide updated supporting documentation satisfactorily addressing Willoughby Local Environmental Plan 2012 (Amendment 34) and Willoughby Development Control Plan (as updated).**
2. **Notify the proponent of Council's decision.**

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MORATELLI

CARRIED

Voting

For the Motion: Councillors Campbell, Eriksson, Greco, Moratelli, Mouradian, Roussac, Samuel, Wright and Xia.

Against: Councillor McCullagh.

Absent: Councillors Taylor, Rozos and Zhu.

Note:

1. *Having disclosed interests regarding item 12.9, Councillors Taylor, Rozos and Zhu left the meeting at 8:56 pm, prior to speakers addressing Council, and returned after the item had been voted (at 9:25 pm).*
2. *Councillor Campbell took the Chair for this item.*
3. *Councillor Xia left the meeting at 8:56 pm and returned at 8:59 pm.*
4. *Councillor Eriksson left the meeting at 8:56 pm and returned at 9:01 pm.*

5. Councillor Wright left the meeting at 9:09 pm and returned at 9:12 pm.
6. Councillor Greco left the meeting at 9:15 pm and returned at 9:16 pm.

The following members of the public addressed Council regarding **item 12.11, On Site Display of Approved Permit to Prune /Remove/Transplant Trees:**

- **Meredith Foley** addressed Council in favour of the officer's recommendation.

12.11 ON SITE DISPLAY OF APPROVED PERMIT TO PRUNE /REMOVE/TRANSPLANT TREES

MOTION

That Council:

1. **Note the report.**
2. **Include a condition in the approval to require a resident to display a copy of the approval letter at a visible location at the front of their property for at least 72 hours prior to the work commencing and until the work is completed.**
3. **Improve Council's web page to make it easier for the public to report illegal tree removal, pruning or damage.**
4. **Consider an education program covering the importance of our tree canopy; the unsustainable rate at which trees are being removed from private gardens; the reasons for the permit system, including increasing awareness of the planning alert system which allows for public comments on TVPA applications to be considered by Council's permit assessing officer.**

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

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

Against: Nil.

Absent: Nil.

Note:

1. *The Officer's Recommendation was not moved. Councillor Greco moved the Motion above.*
2. *Councillor Greco accepted Councillor Roussac's amendment that paragraph 2 read "three days" instead of "24 hours" and both Councillors Greco and Roussac accepted Councillor Eriksson's amendment "three days" be replaced with "72 hours". The amendment became the Motion.*
3. *Councillor Campbell left the meeting at 9:25 pm and returned at 9:27 pm.*

The following members of the public addressed Council regarding **item 13.5, Notice of Motion 34/2023 - Preserve Royal North Shore Hospital Land for Future Hospital Growth and Patient Related Health Care by the Hospital:**

- **Dr Bruce Cooper (Treasurer, RNSH Medical Staff Council)** addressed Council in favour of the Notice of Motion.

13.5 NOTICE OF MOTION 34/2023 - PRESERVE ROYAL NORTH SHORE HOSPITAL LAND FOR FUTURE HOSPITAL GROWTH AND PATIENT RELATED HEALTH CARE BY THE HOSPITAL

MOTION

That Council write to the NSW Premier, NSW Treasurer, NSW Minister for Health and NSW Minister for Planning and Public Spaces to:

1. Request a community briefing on site so the community and clinicians can provide input and feedback on the proposed changes to Royal North Shore Hospital under the revised Master Plan
2. Request a briefing for Council staff and Councillors
3. Request the proposed timeline that articulates opportunities for community input
4. Confirm that the provisions f/or accommodation including affordable / key worker housing, wellness services, administrative and support functions, integrated private health, commercial and retail in the Willoughby LGA is sufficient not to rely on hospital lands or lands adjacent to the hospital under the recently 'made' Local Environment Plan
5. Advocate for Royal North Shore Hospital land to be reserved for patient related public health care
6. Note the 140 year plus efforts of Willoughby Council, North Sydney Council, Lane Cove Council and successive State Government to reserve the land adjacent to St Leonards Station for public patient related health care including reindorsing the zoning of the significant adjacent employment zone land for services and industries connected to Health.
7. That a report be prepared by Council staff and reported to the February 2024 Council meeting which summarises the Master Plan and its implications for Council and the community.

MOVED COUNCILLOR ROUSSAC / SECONDED COUNCILLOR SAMUEL

CARRIED

Voting

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

Against: Nil.

Absent: Nil.

The following members of the public addressed Council regarding **item 13.6 Notice of Motion 35/2023 - Request for Report as to Options to Encourage Better Access to Carshare Services**:

- **Katya Eagles (GoGet Carshare)** addressed Council in favour of the Notice of Motion.

13.6 NOTICE OF MOTION 35/2023 - REQUEST FOR REPORT AS TO OPTIONS TO ENCOURAGE BETTER ACCESS TO CARSHARE SERVICES

MOTION

That Council:

1. **Provide a report to the February meeting of Council as to the feasibility and desirability of reducing barriers to the provision of carshare services by providing carshare companies with free access to a space for a trial period to determine whether they will then seek to apply to Council for a permanent space.**
2. **That, amongst other things, the report should explore whether, should the company decide to apply for a permanent space all or some of the amount which would have been paid for the space during the trial period had the space been permanent, should be recovered.**

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR SAMUEL

CARRIED

Voting

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

Against: Councillors Campbell, Mouradian.

Absent: Nil.

Note:

2. *Councillor Roussac left the meeting at 9:51 pm and returned at 9:53 pm.*

PROCEDURAL MOTION – MEETING EXTENSION

That the meeting be extended beyond 10:30 pm to 11:30 pm.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Nil.

12 REPORTS TO COUNCIL (CONTINUED)

12.10 BULKY WASTE COLLECTION SERVICES

MOTION

That Council:

1. Willoughby City Council retain its three current scheduled Bulky Waste Collection pick up services and one booked service due to overwhelming community support through the community consultation.
2. Advise respondents to the *Have Your Say* engagement of the Council resolution and thank them for their contribution.

MOVED COUNCILLOR ROZOS / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Councillor Mouradian.

Absent: Nil.

Note:

1. *The Officer's Recommendation was not moved. Councillor Rozos moved the Motion above.*
 2. *Councillor Rozos accepted Councillor Campbell's amendment that paragraph 2 be included and the amendment became the Motion.*
-

12.6 ELECTION OF DEPUTY MAYOR**MOTION**

The method of voting used to conduct the election of Deputy Mayor is open voting.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil.

Absent: Nil.

ELECTION

That Council elect Councillor Wright to the position of Deputy Mayor, for a period of 11 months from 27 November 2023 – 13 September 2024.

Voting

For Councillor Rozos (6 votes): Councillors Eriksson, Greco, McCullagh, Moratelli, Rozos and Zhu.

For Councillor Wright (7 Votes): Councillors Taylor, Campbell, Mouradian, Roussac, Samuel, Wright and Xia.

Absent: Nil.

Note:

- 1. The Governance, Risk and Compliance Manager, as the Returning Officer, advised the meeting that two (2) nominations had been received, those being Councillors Rozos and Wright.*
- 2. Voting was conducted between Councillors Rozos and Wright by way of a show of hands.*
- 3. The Returning Officer declared that Councillor Wright was elected Deputy Mayor.*

12.7 CODE OF CONDUCT - ANNUAL COMPLAINT STATISTICS**MOTION**

That Council:

- 1. Receive and note the annual report on Code of Conduct Complaint Statistics.**
- 2. Forward a copy of the annual report on Code of Conduct Complaint Statistics to the Office of Local Government.**

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil.

Absent: Councillor Rozos.

Note:

1. Councillor Rozos left the meeting at 10:16 pm and did not return.

12.13 REPORT ON USEFULNESS OF PROMOTING AWARENESS AND POSSIBLE SUBSIDISATION OF E-BIKE SUBSCRIPTION SERVICES

MOTION

That Council:

1. Organise, in conjunction with Willoughby Public School, a 'Try an Electric Bike Day' to occur in early 2024, to encourage bike, electric bike, and e-cargo bike use.
2. Include providers of e-cargo bike subscription services amongst those invited to participate in "Try an Electric Bike Day".
3. Receive a report in April 2024 following the 'Try an Electric Bike Day' on the utility of trialling financial support from Council up to the amount of \$10,000 to further the use of bikes, e-bikes and e-cargo bikes on journeys to and from Willoughby Public School.
4. Engage with the Active and Integrated Transport Advisory Committee to ascertain how participants in the 'Try an Electric Bike Day' can best be surveyed for the purpose of providing the report.
5. Provide educational information at the event and on Willoughby City Council's website about safety of e-bikes on our roads, shared pathways and footpaths.

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR ROUSSAC

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, McCullagh, Moratelli, Roussac, Xia and Zhu.

Against: Councillor Greco.

Absent: Councillors Samuel, Wright, Mouradian, Rozos.

Note:

1. The Officer's Recommendation was not moved. Councillor Moratelli moved the Motion above.
2. Councillor Moratelli accepted Councillor Roussac's amendment that paragraph 5 be included and the amendment became the Motion.
3. Councillor Samuel left the meeting at 10:22 pm and returned at 10:25 pm.
4. Councillor Wright left the meeting at 10:22 pm and returned at 10:26 pm.
5. Councillor Mouradian left the meeting at 10:23 pm and returned at 10:26 pm.

**12.16 COUNCILLOR NOMINATIONS TO AWARD PANEL TO ASSESS
WILLOUGHBY AUSTRALIA DAY AWARDS****MOTION**

That Council nominate Mayor Tanya Taylor and Councillors Jam Xia, Anna Greco and Craig Campbell to form an award panel to assess nominations of the 2024 Willoughby Australia Day Awards.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ROUSSAC

CARRIED

Voting

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

Against: Nil.

Absent: Councillor Rozos.

13 NOTICES OF MOTION**13.2 NOTICE OF MOTION 31/2023 - HISTORICAL IMAGES OF WILLOUGHBY****AMENDMENT**

That Cr Xia develop a budget bid for the 2024/25 Operational Plan and Budget for prioritisation and consideration as part of that process.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR MCCULLAGH

LOST

Voting

For the Amendment: Councillors McCullagh and Greco.

Against: Councillors Taylor, Campbell, Eriksson, Mouradian, Roussac, Samuel, Wright, Xia and Zhu.

Absent: Councillors Moratelli, Rozos.

1. *Councillor Greco moved the officer's recommendation as an amendment.*

MOTION

That Council:

1. **Ask the CEO to prepare a report back to council on the average lifespan of all the council street bins and the budget on its replacement cycle.**
- no later than February 2024
2. **Ask the CEO to prepare a renewal plan and report back to council to identify how historical photos of the local area can be added on to the 4 sides of the new bins, with the intention of promoting our local history to pedestrians walking past, allowing the public to compare the same location in the photos.**
- no later than February 2024

MOVED COUNCILLOR XIA / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Mouradian, Roussac, Samuel, Wright, Xia and Zhu.

Against: Councillors McCullagh, Greco.

Absent: Councillors Moratelli and Rozos.

Note:

1. *Councillor Moratelli left the meeting at 10:28 pm and returned at 10:32 pm.*

13.3 NOTICE OF MOTION 32/2023 - UNATTENDED SHOPPING TROLLEYS ON A PUBLIC PLACE**MOTION**

That Council receive a report on the roll out of the *Public Spaces (Unattended Property) Act 2021* and ways we can effectively eliminate abandoned shopping trolleys across the LGA in March 2024.

MOVED COUNCILLOR XIA / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Councillor McCullagh.

Absent: Councillor Rozos.

14 QUESTIONS WITH NOTICE

Nil.

15 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 Compliance Manger whether there were any public representations relating to the confidential items listed. There were no public representations.

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

15.1 Confidential - Draft Planning Agreement - 2-6 Second Avenue Willoughby East.

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

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

It is being reported in confidential session so as not to disclose privileged and confidential information in a public forum

12.8 WCC Property Report - November 2023, Attachment 2 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 attachment is confidential as disclosure of information in it could put Council at a commercial disadvantage in its future dealings with external parties and would also make public commercially confidential information pertaining to the matters.

12.8 WCC Property Report - November 2023, Attachment 3 is CONFIDENTIAL in accordance with section 10A(2)(c) 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

On balance, it is not in the public interest to release information that would prejudice Council's commercial position.

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

That Council move into closed session.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ROUSSAC

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos

Note:

1. Council moved into closed session at 10:35 pm.

15.1 CONFIDENTIAL - DRAFT PLANNING AGREEMENT - 2-6 SECOND AVENUE WILLOUGHBY EAST**MOTION**

That Council:

1. Progress a draft Planning Agreement with Metro NSWSPV 26 Pty Ltd for the carrying out of heritage conservation works on the local heritage item at 2-6 Second Avenue Willoughby East on terms generally in accordance with the Letter of Offer at Attachment 2.
2. Note that a further report will be provided to Council in the new year seeking endorsement of the draft Planning Agreement.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR SAMUEL

CARRIED

Voting

For the Motion: Councillors Campbell, Greco, McCullagh, Moratelli, Mouradian, Roussac, , Samuel, Wright and Xia.

Against: Nil.

Absent: Councillors Taylor, Zhu, Rozos, Eriksson.

Note:

1. Having disclosed interests regarding item 15.1, Councillors Taylor and Zhu left the meeting at 10:36 pm and returned after the item had been voted, at 10:41 pm.
2. Councillor Wright took the Chair for this item.
3. Councillor Eriksson left the meeting at 10:40 pm and returned at 10:41 pm.

12.8 WCC PROPERTY REPORT - NOVEMBER 2023**MOTION**

That Council:

1. Note the property lease portfolio report, including the information contained in Confidential Attachment 2.
2. Delegate authority to the Chief Executive Officer to negotiate and agree to commercial terms, and execute the lease for tenant in 4 McLachlan St, Artarmon as contained in Confidential Attachment 3 to the report.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ROUSSAC

CARRIED

Voting

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

Against: Nil.

Absent: Councillor Rozos

Note:

1. *The Motion contained in Confidential Attachment 3 was carried separately and is set out below.*

12.8 ATTACHMENT 3 - WCC PROPERTY REPORT - NOVEMBER 2023**MOTION**

That Council:

1. Authorise Council to enter a lease with J.J. Richards & Sons Pty Ltd of Folio Identifier 2/25667 at 4 McLachlan Street, Artarmon for a term of 7 years commencing on 24 March 2024, with the obligation for this term to be extended by 3 x 1 year extensions, if the Waste, Recyclables, Organics and Bulky Waste Collection Services Agreement with J.J. Richards & Sons Pty Ltd is extended (the Lease).
2. Authorise the Chief Executive Officer to negotiate and finalise the terms of the Lease, and any variations and extension of the Lease, and execute the Lease and any associated documents and minor variations.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil.

Absent: Councillor Rozos.

PROCEDURAL MOTION – MOVE INTO OPEN SESSION

That Council move into open session.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil.

Absent: Councillor Rozos.

Notes:

1. Council moved into open session at 10:44 pm.
2. The Chair reported the resolutions adopted in closed session.

PROCEDURAL MOTION – RECOMMITTAL

That item 6 be recommitted for Mayor Taylor and Councillor Zhu to make disclosures of interest regarding item 15.1 Confidential - Draft Planning Agreement - 2-6 Second Avenue Willoughby East.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil.

Absent: Councillor Rozos.

6 DISCLOSURES OF INTERESTS (RECOMMITTED)

In accordance with Part 16 of the Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

- Councillor Taylor declared a non-pecuniary significant interest in item 15.1 Confidential - Draft Planning Agreement - 2-6 Second Avenue Willoughby East. Councillor Taylor chose to leave the meeting and take no part in discussion and voting on this item.

“As Council’s representative to the Sydney North Planning Panel, I do have a potential perceived conflict of interest, non-pecuniary significant.”

- Councillor Zhu declared a non-pecuniary significant interest in item 15.1 Confidential - Draft Planning Agreement - 2-6 Second Avenue Willoughby East. Councillor Zhu chose to leave the meeting and take no part in discussion and voting on this item.

“I am an alternate delegate to the Sydney North Planning Panel which may decide on this matter. I am therefore conflicted from participating in this decision at Council.”

COUNCIL RESOLUTIONS ADOPTED EN BLOC

12.2 INVESTMENT REPORT FOR MONTH OF OCTOBER 2023**RESOLUTION**

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 October 2023.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

12.4 QUARTERLY BUDGET REVIEW 2023/24 - SEPTEMBER QUARTER REPORT**RESOLUTION**

That Council:

1. Note the Quarterly Budget Review for 2023/24 Quarter 1 (September). Positive variances identified during the first quarter increase the projected full year budget surplus (including capital revenue) by \$4.8M to a \$17.2M surplus. The projected full year deficit before capital revenue has increased from \$2.4M to \$3.6M.
2. Approve the increase in Capital Grants & Contributions revenue of \$6M mainly due to additional developer contribution income received.
3. Approve the increase in operating budget income (excluding capital income) of \$2.6M and the increase in operating budget expense of \$3.8M resulting in a net negative impact of \$1.2M to the 2023/24 forecast full year budget operating result before capital items. The income increase mainly comes from higher return expected from interest and investment. The expense increase is mainly due to higher material & contract cost resulting from high inflation and an increase variable costs.
4. Approve the increase in Capital Expenditure for the 2023/24 Financial Year of \$8.8M mainly due to Victor Street upgrade project being brought forward from 2024/25 to 2023/24, the construction will commence in 2023/24.
5. Note the temporary allocation, under Chief Executive Officer (CEO) delegation, of \$0.3M of the Projects and Capital Works contingency budget to fund two projects where urgent work was required before Quarter 1 budget variations are approved.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

12.5 ANNUAL REPORT 2022/23**RESOLUTION**

That Council:

1. Receive *Willoughby City Council's Annual Report 2022/23*.
2. Note that *Willoughby City Council's Annual Report 2022/23* will be sent to the Office of Local Government and published on Council's website.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

**12.12 DRAFT MINUTES_SUSTAINABILITY ADVISORY COMMITTEE_13
SEPTEMBER 2023****RESOLUTION**

That Council receive and note the draft minutes of the meeting of the Sustainability Advisory Committee held on 13 September 2023.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

**12.14 GRANTS FOR THE COMMUNITY PROGRAM 2023-24 APPLICATIONS -
OCTOBER****RESOLUTION**

That Council endorse the distribution of funds through the 2023/24 Grants for the Community Program - Category 1 as follows:

- Ms Stefania Riccardi (Artist) \$2,106

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

12.15 2024-2025 REGISTRATION OF INTEREST - CONCESSIONAL HIRE OF COUNCIL COMMUNITY FACILITIES**RESOLUTION**

That Council endorse the following groups as eligible to receive a 100% concession (Category D) for the 2024/2025 Registration of Interest (ROI) period, on the hire of Council facilities in accord with Council's *Community Facilities Hire Policy*.

- The Wilderness Society Sydney North
- Willoughby Senior Citizens Knitting Group Club
- Willoughby Seniors Citizens Club
- DCC Narcotics & Alcoholics Anonymous (5 programs)
- Integricare
- Market Garden Park Community Garden Inc
- NSW Justices Association Lower North Shore Branch
- Lifeline Harbour to Hawkesbury Sydney Limited (Financial Counselling Service)
- Community Flower Studio (2 programs)
- Hoarding Support Group - Self Help
- Italian Senior Citizens Group of Willoughby
- Willoughby District Historical Society & Museum
- Parkinson's NSW Ltd
- Community Flower Studio - Training Facilitators
- Northbridge Quilters
- Rotary Club of Chatswood Roseville - Dance to the Nines
- Older Women's Network Northside Wellness
- Family Drug Support
- Bales Park Playgroup
- Autism Community Network
- Progress Associations (5 associations)

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

12.17 DRAFT MINUTES - ACCESS AND INCLUSION ADVISORY COMMITTEE - MEETING HELD ON 19 SEPTEMBER 2023**RESOLUTION**

That Council receive and note the draft minutes of the meeting of the Access and Inclusion Advisory Committee held on 19 September 2023.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

**13.1 NOTICE OF MOTION 30/2023 - SMOKE-FREE ZONE ALONG
ARTARMON'S HAMPDEN ROAD SHOPPING STRIP****MOTION**

That Council:

1. Implement a pilot project to create a smoke-free zone along Artarmon's Hampden Road shopping strip (western side of Hampden Road). This zone would extend from The Thai and Inter Desserts (Francis St end) to the bus zone outside 44 Hampden Road (near Wash Haus) to prevent second-hand smoke or vapour from e-cigarettes impacting the health of diners and shoppers, which aligns with Council's Smoke Free Policy.
2. Introduce the new smoke-free zone along Hampden Road's shopping strip to coincide with the completion of the Hampden Road streetscape upgrade next year.
3. Advise the community via Council's channels including social media and e-newsletters when the new zone is in force.
4. Advise businesses as part of Council's current streetscape engagement program.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

13.4 NOTICE OF MOTION 33/2023 - SMALL WATERCRAFT**MOTION**

That Council:

1. Develop a strategy for the management of storage of watercraft on public land on the foreshore of middle harbour, in an effective and equitable manner, for the benefit of watercraft owners and for the convenience and enjoyment of the wider community who wish to access and use Willoughby's harbour foreshore parks and other public open spaces for general recreation.
2. Consider the funding of this strategy through a 2024/25 Projects and Capital Works bid.
3. Note that any costs associated with the implementation of the strategy, if adopted (such as site-specific storage facilities, and community engagement for same), would need to be considered in future Council budget considerations.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MOURADIAN

ADOPTED EN BLOC

16 CONCLUSION OF THE MEETING

The meeting concluded at 10:49 pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 27 November 2023. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

Mayor Tanya Taylor