



Willoughby City Council

ORDINARY COUNCIL

MINUTES

on 26 April 2022

TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY	5
2 DISCLOSURES OF INTERESTS.....	5
3 CONFIRMATION OF MINUTES.....	6
4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS.....	6
5 PETITIONS.....	7
6 OPEN FORUM — MATTERS NOT ON THE AGENDA	7
7 MAYORAL MINUTE	7
7.1 MAYORAL MINUTE - REQUEST FOR MEMORIAL PLAQUE FOR THE LANGFORD FAMILY.....	7
8 CHIEF EXECUTIVE OFFICER'S LATE REPORT.....	7
9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY	7
10 MATTERS REQUIRING ELABORATION OR DEBATE	8
11 PUBLIC FORUM — MATTERS ON THE AGENDA.....	9
15.10 PLANNING PROPOSAL - 849, 853, 859 PACIFIC HIGHWAY, 2 WILSON STREET AND LOT 1 DP 1189541 CHATSWOOD	9
12 REPORTS OF COMMITTEES	11
13 DEFERRED MATTERS	11
14 CORRESPONDENCE.....	11
15 REPORTS FROM THE OFFICERS	11
CHIEF EXECUTIVE'S OFFICE	11
15.1 PUBLIC EXHIBITION OF THE DRAFT DELIVERY PROGRAM 2022/23- 2025/26 AND OPERATIONAL PLAN 2022/23	12
15.2 PUBLIC EXHIBITION OF DRAFT OUR FUTURE WILLOUGHBY 2032, COMMUNITY STRATEGIC PLAN	13
15.3 DRAFT RESOURCING STRATEGY 2032.....	13
CUSTOMER & CORPORATE DIRECTORATE	14
15.4 INVESTMENT REPORT FOR THE MONTH OF MARCH 2022.....	14
15.5 CODE OF CONDUCT REVIEW PANEL.....	14
15.6 LEGAL MATTERS REPORT - APRIL 2022	15
15.7 PETITIONS BI-ANNUAL REPORT	15
15.8 DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS - FIRST RETURNS 2021/2022	15
15.9 APPOINT OFFICER REPRESENTATIVE TO THE DOUGHERTY APARTMENTS BOARD	16

PLANNING & INFRASTRUCTURE DIRECTORATE	16
15.11 REJECT AND NEGOTIATE - TENDER 12-2021 - GORE HILL INDOOR SPORTS CENTRE DESIGN SERVICES.....	16
15.12 ARTARMON PARKLANDS PAVILION - CONSTRUCTION TENDER	17
15.13 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF CASTLECRAG NORTHERN ESCARPMENT RESERVE ACTION PLAN 2022	18
15.14 SUBMISSION - IPART REVIEW OF DOMESTIC WASTE MANAGEMENT (DWM) CHARGES	19
15.15 PROPERTY LEASE PORTFOLIO	19
15.16 MINUTES - TRAFFIC COMMITTEE MEETING HELD ON 7 MARCH 2022	20
COMMUNITY, CULTURE & LEISURE DIRECTORATE	22
15.17 WICKHAM PARK PLAYGROUND IMPROVEMENTS PLAN - ADOPTION.....	22
16 NOTICES OF MOTION	23
16.1 NOTICE OF MOTION 03/2022 - CUSTOMER SERVICE REVIEW	23
16.2 NOTICE OF MOTION 04/2022 - DEVELOPMENT ADVOCATE	24
17 CONFIDENTIAL MATTERS	24
17.1 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER PERFORMANCE.....	25
18 QUESTIONS WITH NOTICE	26
19 CONCLUSION OF THE MEETING	26

Minutes of an ordinary Council meeting

held on Tuesday, 26 April 2022

at the Council Chamber, Chatswood commencing at 7:00pm

ATTENDANCE:

Councillors

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

Officers

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

APOLOGIES:

Councillors

Angelo Rozos

1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY

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

2 DISCLOSURES OF INTERESTS

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

"I am an employee of Westpac Bank with whom Council has investments."

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

"I am a full time employee of Commonwealth Bank (Commercial Banking) with whom Council has investments"

- Councillor Mouradian declared a non-pecuniary less than significant interest in Item 15.6: Legal Matters Report. Councillor Mouradian chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

"Other relationship - long term friendship where I have no financial interest with person mentioned in section 15.6."

- Councillor Zhu declared a non-pecuniary significant interest in Item 15.6: Legal Matters Report. Councillor Zhu chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

"My wife works for Transport for New South Wales and is involved with the Ooh!Media matter. Although TfNSW is supporting Council, I will be declaring a significant non-pecuniary interest."

- Councillor Campbell declared a non-pecuniary less than significant interest in Item 15.9: Appoint Officer Representative to the Dougherty Apartments Board. Councillor Campbell chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

"Council has appointed me to the board and I am currently serving in that capacity. Council has appointed me to this role, and as this matter falls within my duties as a Councillor and does not conflict with my duties as a Dougherty Apartments Board Member, I am confident I can manage the two roles without conflict."

- Councillor Taylor declared a non-pecuniary significant interest in Item 15.10: Planning Proposal – 849, 853, 859 Pacific Highway, 2 Wilson Street and Lot 1 DP1189541 Chatswood. Councillor Taylor chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“I am a member of the Sydney North Planning Panel.”

- Councillor Roussac declared a non-pecuniary less than significant interest in Item 15.12: Artarmon Parklands Pavilion – Construction Tender. Councillor Roussac chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

*“I live [REDACTED] which is opposite the Artarmon Parklands Pavilion.
I do not have direct line of site to the building.”*

- Councillor Zhu declared a non-pecuniary less than significant interest in Item 15.16: Minutes – Traffic Committee Meeting Held on 7 March 2022. Councillor Zhu chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

“My parents live on Fullers Road. I am declaring that it is less than significant non-pecuniary interest as Fullers Road is a long road and they are not close to where the proposed bicycle works will be.”

3 CONFIRMATION OF MINUTES

That the Minutes of the ordinary Council meeting held on 28 March 2022, copies of which have been circulated to each member of Council, be confirmed.

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

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

That Council accept the apology submitted by Councillor Rozos for the 26 April 2022 Council meeting.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

5 PETITIONS

Nil

6 OPEN FORUM — MATTERS NOT ON THE AGENDA

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 Agenda).

- Mark Fitzgerald addressed Council on Stormwater Management in the vicinity of Penshurst Street, Laurel Street and Hollywood Crescent.
- Lisa Jones – Flooding within the Local Government Area and Infrastructure (specifically footpaths).

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE - REQUEST FOR MEMORIAL PLAQUE FOR THE LANGFORD FAMILY****MOTION**

That Council approve the request for a memorial plaque at East Willoughby Preschool, within Willoughby Park Centre, in memory of long term community members Anthony, Kristine, and Winona Langford. The cost of the memorial plaque will be met by Council.

MAYOR TAYLOR

CARRIED

Voting

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

Against: Nil

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

Nil

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

Nil

10 MATTERS REQUIRING ELABORATION OR DEBATE

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

- 15.5 Code of Conduct Review Panel
- 15.6 Legal Matters Report - April 2022
- 15.7 Petitions Bi-Annual Report
- 15.9 Appoint Officer Representative to the Dougherty Apartments Board
- 15.10 Planning Proposal - 849, 853, 859 Pacific Highway, 2 Wilson Street and Lot 1 DP1189541 Chatswood
- 15.12 Artarmon Parklands Pavilion - Construction Tender
- 15.13 Outcome of Public Exhibition and Adoption of Castlecrag Northern Escarpment Reserve Action Plan 2022
- 15.15 Property Lease Portfolio
- 15.16 Minutes - Traffic Committee meeting held on 7 March 2022
- 16.1 Notice of Motion 03/2022 - Customer Service Review
- 16.2 Notice of Motion 04/2022 - Development Advocate
- 17.1 Confidential - Chief Executive Officer - Performance Review

MOTION

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

- 15.1 Public Exhibition of the Draft Delivery Program 2022/23-2025/26 and Operational Plan 2022/23
- 15.2 Public Exhibition of draft Our Future Willoughby 2032, Community Strategic Plan
- 15.3 Draft Resourcing Strategy 2032
- 15.4 Investment Report for the Month of March 2022
- 15.8 Disclosures of Pecuniary Interest and Other Matters - First Returns 2021/2022
- 15.11 Reject and Negotiate - Tender 12-2021 - Gore Hill Indoor Sports Centre Design Services
- 15.14 Submission - IPart Review of Domestic Waste Management (DWM) Charges
- 15.17 Wickham Park Playground Improvements Plan - Adoption

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

Absent: Councillor Zhu

Note:

Councillor Zhu left the meeting at 7:22pm.

11 PUBLIC FORUM — MATTERS ON THE AGENDA

The following members of the public addressed Council during Public Forum in relation to an item on the agenda:

- **Item 15.10 – Planning Proposal – 849, 853, 859 Pacific Highway, 2 Wilson Street and Lot 1 DP1189541 Chatswood**
Susan Francis (Planning Consultant on behalf of the applicant), Paul Buljevic (of PBD Architects on behalf of the applicant) and Nicholas Andrijic (of Sanctuary Partners, the applicant) addressed Council speaking in support of the officer's recommendation.

Notes:

1. Councillor Zhu returned to the meeting at 7:24pm.
2. Councillor Taylor left the meeting at 7:24pm having declared an interest in Item 15.10.
3. Councillor Zhu assumed the Chair.

15.10 PLANNING PROPOSAL - 849, 853, 859 PACIFIC HIGHWAY, 2 WILSON STREET AND LOT 1 DP 1189541 CHATSWOOD**MOTION**

That Council:

1. 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, with the following amendments to Willoughby Local Environmental Plan 2012:
 - (a) To amend Clause 6.25 as follows:

“6.25 Shop top housing at 58 Anderson Street, Chatswood

 - (1) This clause applies to land at Chatswood-
 - a) 58 Anderson Street, Lot 20, DP 1107551.
 - b) 849, 853, 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541.
 - (2) Development consent for the purposes of shop top housing must not be granted unless the consent authority is satisfied at least 17% of the building's gross floor area will be used for non-residential purposes.”
 - (b) To amend the Land Zoning Map (Sheet LZN_004) for 849, 853, 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541, Chatswood, to B4 Mixed Use (excluding the SP2 Infrastructure (Classified Road) land adjacent the Pacific Highway).
 - (c) To amend the Height of Buildings Map (Sheet HOB_004) for 849, 853, 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541, Chatswood, to 90 metres (excluding the SP2 Infrastructure (Classified Road) land adjacent the Pacific Highway).

- (d) To amend the Floor Space Ratio Map (Sheet FSR_004) for 849, 853, 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541, Chatswood, to 6:1 (including affordable housing) (excluding the SP2 Infrastructure (Classified Road) land adjacent the Pacific Highway).
 - (e) To amend the Special Provisions Area Map (Sheet SPA_004) to show 849, 853, 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541, Chatswood, as Area 9 and Area 12 (excluding the SP2 Infrastructure (Classified Road) land adjacent the Pacific Highway).
 - (f) To amend the Active Street Frontages Map (Sheet ASF_004) to include for 849, 853, 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541, Chatswood, the Pacific Highway, O'Brien Street and Wilson Street frontages (excluding the SP2 Infrastructure (Classified Road) land adjacent the Pacific Highway).
 - (g) To amend the Lot Size Map (Sheet LSZ_004) to include 849, 853, 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541, Chatswood, with a minimum lot size of 4,000 sq metres (excluding the SP2 Infrastructure (Classified Road) land adjacent the Pacific Highway).
2. The following amended concept plans are to be submitted to Council prior to Council forwarding the Planning Proposal to DPE:
- (a) Basement plans showing no intrusion of any basement level into the 4m ground level Pacific Highway setback.
 - (b) A ground level plan clearly showing the pocket park within the site on the Pacific Highway and O'Brien Street corner, with no part of the pocket park being within that part of the site identified for road widening adjacent the Pacific Highway.
3. The following additional information is to be submitted to Council prior to forwarding the Planning Proposal to DPE:
- (a) The Traffic Impact Assessment prepared by GTA Consultants dated 19 October 2021 is to be updated to be consistent with the Revised Planning Proposal Planning Report, prepared by Gyde, dated 22 March 2022, with particular regard to vehicle and loading access to the site, location of loading and garbage services and car parking rates.
4. Endorse for public exhibition the Planning Proposal, with the accompanying draft site specific Development Control Plan provisions.
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 make amendments or proceed in an amended form.
 - (c) To not proceed with the Planning Proposal.

6. Request that the Department of Planning and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, 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 WRIGHT / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Councillor Xia

Absent: Councillor Taylor

Note:

Councillor Taylor returned to the meeting at 7:39pm and assumed the Chair.

12 REPORTS OF COMMITTEES

Nil

13 DEFERRED MATTERS

Nil

14 CORRESPONDENCE

Nil

15 REPORTS FROM THE OFFICERS

CHIEF EXECUTIVE'S OFFICE

15.1 PUBLIC EXHIBITION OF THE DRAFT DELIVERY PROGRAM 2022/23-2025/26 AND OPERATIONAL PLAN 2022/23**RESOLUTION**

That Council:

1. Endorse the draft *Delivery Program 2022-2026*, the draft *Operational Plan 2022/23* which includes the draft annual Budget, draft Revenue Policy and draft Fees and Charges for public exhibition.
2. Approve to apply to the Independent Pricing and Regulatory Tribunal (IPART) for a Permanent Additional Special Variation (ASV) under section 508(2) of the Local Government Act. Noting the following:
 - (a) Council will receive an additional \$666K income if the ASV is approved.
 - (b) Council will use funds generated by the ASV to maintain Council services and infrastructure.
 - (c) The proposed 1.3% ASV will amount to \$13 for the average residential property. However, due to the expiry of Council's seven year 7.3% Infrastructure Levy in June 2022, the net decrease in the average residential rates is \$38. Council considers the impact on ratepayers and the community is reasonable.
3. Delegate to the Chief Executive Officer to make amendments to the draft *Delivery Program 2022-2026* and the draft *Operational Plan 2022/23* which do not alter the scope, purpose or intent of the plans.
4. Note that a report will be presented to enable consideration of submissions received from the public on the draft *Delivery Program 2022-2026*, and the draft *Operational Plan 2022/23* to the Council Meeting on 27 June 2022.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

15.2 PUBLIC EXHIBITION OF DRAFT OUR FUTURE WILLOUGHBY 2032, COMMUNITY STRATEGIC PLAN**RESOLUTION**

That Council:

1. Endorse the draft *Our Future Willoughby 2032, Community Strategic Plan* for public exhibition.
2. Delegate to the Chief Executive Officer to make amendments to the draft *Our Future Willoughby 2032, Community Strategic Plan* which do not alter the scope, purpose or intent of the Plan.
3. Note that a report will be presented to enable consideration of submissions received from the public on the draft *Our Future Willoughby 2032, Community Strategic Plan* to the Council Meeting on 27 June 2022.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

15.3 DRAFT RESOURCING STRATEGY 2032**RESOLUTION**

That Council:

1. Endorse the draft *Resourcing Strategy 2032* which comprises the Long Term Financial Plan, Asset Management Strategy and Workforce Plan for public exhibition. Noting, the Long Term Financial Plan includes a permanent Additional Special Variation (ASV) of 1.3%.
2. Delegate to the Chief Executive Officer to make amendments to the draft *Resourcing Strategy 2032* which do not alter the scope, purpose or intent of the Strategy.
3. Note that a report will be presented to enable consideration of submissions received from the public on the draft *Resourcing Strategy 2032* to the Council meeting of 27 June 2022.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

CUSTOMER & CORPORATE DIRECTORATE**15.4 INVESTMENT REPORT FOR THE MONTH OF MARCH 2022****RESOLUTION**

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

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

15.5 CODE OF CONDUCT REVIEW PANEL**MOTION**

That Council appoint the following companies to Willoughby City Council's Code of Conduct Panel of reviewers for a period of four years ending 2026:

- Centium Pty Ltd
- Nemesis Consultancy Group Pty Ltd
- On Track Investigations
- Sinc Solutions Pty Ltd
- Weir Consulting Ptd Ltd.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

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

Against: Nil

15.6 LEGAL MATTERS REPORT - APRIL 2022**MOTION**

That Council note the legal services report.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Absent: Councillors Mouradian and Zhu

Note:

Councillors Mouradian and Zhu left the meeting at 7:44pm having declared an interest in this item.

15.7 PETITIONS BI-ANNUAL REPORT**MOTION**

That Council receive and note the report regarding the status of petitions presented for the period November 2021 – March 2022.

MOVED COUNCILLOR XIA / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Note:

Councillors Mouradian and Zhu returned to the meeting at 7:46pm.

15.8 DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS - FIRST RETURNS 2021/2022**RESOLUTION**

That Council note the tabling of Disclosures of Pecuniary Interest and Other Matters Returns by the elected Councillors (First Returns) for the period 23 December 2021 to 30 June 2022.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

15.9 APPOINT OFFICER REPRESENTATIVE TO THE DOUGHERTY APARTMENTS BOARD**MOTION**

That Council endorse the appointment of the Community Life Manager to the Dougherty Apartments Board for the duration of the current Council term.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR XIA

AMENDMENT

That Council endorse the appointment of the Community Life Manager, Michael Cashin to the Dougherty Apartments Board for the duration of the current Council term.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR TAYLOR

Voting

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

Against: Nil

The amendment on being put to the meeting was **CARRIED** and became the Motion.

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

Voting

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

Against: Nil

PLANNING & INFRASTRUCTURE DIRECTORATE**15.11 REJECT AND NEGOTIATE - TENDER 12-2021 - GORE HILL INDOOR SPORTS CENTRE DESIGN SERVICES****RESOLUTION**

That Council:

1. Notes that Council's resolution of 2 March 2022 (Item: 15.15) to accept the tender for design services for the Gore Hill Indoor Sports Centre was unable to be implemented.
2. Resolves to reject all tenders in accordance with Clause 178(1)(b) of the *Local Government (General) Regulation 2021*.

3. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*, resolves to, delegate authority to the Chief Executive Officer to negotiate with the providers who submitted tenders for Tender 12-2021 with a view to entering into a contract for design services for the Gore Hill Indoor Sports Centre.
4. That the outcome of negotiations be reported to Council.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

15.12 ARTARMON PARKLANDS PAVILION - CONSTRUCTION TENDER

MOTION

That Council:

1. Accept the price from Structus Pty Ltd for the construction of the Artarmon Parklands Pavilion at the tendered price of \$1,398,748.67.
2. Delegate authority to the Chief Executive Officer to negotiate the final terms of the contract and execute all associated documents.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR XIA

CARRIED

Voting

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

Against: Councillors Greco and Roussac

Note:

The following amendment moved by Councillor Greco and Seconded by Councillor Roussac was lost:

That Council:

1. *Accept the price from Structus Pty Ltd for the construction of the Artarmon Parklands Pavilion at the tendered price of \$1,398,748.67.*
2. *Delegate authority to the Chief Executive Officer to negotiate the final terms of the contract and execute all associated documents. The execution of the construction contract will not be undertaken until after the s4.55 modification and ensuing construction certificate have been finalised.*

Voting

For the Amendment: Councillors Greco, Moratelli, Roussac and Samuel

Against: Councillors Taylor, Campbell, Eriksson, McCullagh, Mouradian, Wright, Xia and Zhu

**15.13 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF CASTLECrag
NORTHERN ESCARPMENT RESERVE ACTION PLAN 2022****MOTION**

That Council:

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

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR MCCULLAGH

AMENDMENT

That Council:

1. Adopt the *Castlecrag Northern Escarpment Reserve Action Plan 2022* as amended and attached to the report at Attachment 2 subject to the removal of the named properties in the encroachment paragraph.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the *Castlecrag Northern Escarpment Reserve Action Plan 2022* which do not alter the intent.

MOVED COUNCILLOR ZHU / SECONDED COUNCILLOR WRIGHT

Voting

For the Amendment: Councillors Taylor, Campbell, Eriksson, McCullagh, Mouradian, Wright, Xia and Zhu

Against: Councillors Moratelli, Roussac, Greco and Samuel

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

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

Voting

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

Against: Nil

15.14 SUBMISSION - IPART REVIEW OF DOMESTIC WASTE MANAGEMENT (DWM) CHARGES**RESOLUTION**

That Council endorse the submission to oppose the IPART Draft Decisions following the IPART Review of Domestic Waste Management Charges.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

15.15 PROPERTY LEASE PORTFOLIO**MOTION**

That Council:

1. Note the report on Council's property lease portfolio and the confidential property information as contained in Attachment 2 to the report.
2. Provide delegation to the Chief Executive Officer to execute and lodge the application for stratum subdivision of the road reserve adjoining 12 Calbina Road, Northbridge.
3. Provide delegation to the Chief Executive Officer to negotiate and execute all documentation required to finalise the subdivision and airspace lease between Council and the owners of 12 Calbina Road, Northbridge including; execution of the Section 88 Instrument and Deposited Plan Administration Sheet, linen plans and Lease.

MOVED COUNCILLOR XIA / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

15.16 MINUTES - TRAFFIC COMMITTEE MEETING HELD ON 7 MARCH 2022**MOTION**

That Council receive and adopt the recommendations arising from the Traffic Committee meeting held on 7 March 2022 with the exception of items 5.1, 5.7 and 5.11 Table 1 Item 21/72.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

PROCEDURAL MOTION – ADJOURN THE MEETING

That, in accordance with clause 19.2 of the Code of Meeting Practice, the meeting be adjourned to allow the Councillors to liaise with the Minute Secretary to formulate their further motions on items 5.1, 5.7 and 5.11 - Table 1 Item 21/72.

MOVED COUNCILLOR TAYLOR / SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Note:

The Council meeting adjourned at 8:45pm and recommenced at 9:02pm.

FURTHER MOTION – ITEM 5.1 OF THE TRAFFIC COMMITTEE MEETING MINUTES

That Council:

1. **Note that road, traffic control signal, shared path, bus stop and traffic facility changes are required to comply with Development Consent for the Woolworths Development at 17 Smith Street in Eastern Valley Way, west side of road, between and including Castle Cove Drive and Smith Street.**
2. **Approve the detailed design plans for a new shared path and relocation of the existing bus stop and shelter in Eastern Valley Way, west side of road, between and including Castle Cove Drive and Smith Street.**
3. **Approve the construction Traffic and Transport management Plan.**
4. **Note the detailed design plans for a new bus bay in Eastern Valley Way., west side of the road, and that the existing right turn bay in Smith Street will be extended.**

5. Note that Transport for NSW has approved the detailed design plans.
6. Escalate the road widening works by writing to Transport NSW and our State Member of Parliament to address the traffic issues at the intersection of Eastern Valley Way and Smith Street noting that the proposed road widening works with the Woolworths Bus lane only partially deals traffic issues; and to increase active transport options and safety.

MOVED COUNCILLOR MOURADIAN / SECONDED COUNCILLOR SAMUEL

CARRIED

Voting

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

Against: Nil

FURTHER MOTION – ITEM 5.7 OF THE TRAFFIC COMMITTEE MEETING MINUTES

That Council:

1. Approve the concept design plans of four new wombat crossing and associated works including street lighting, regulatory signs and pavement markings in the following locations:
 - Kendall Road between Holly Street and Rosebridge Avenue, Castle Cove
 - Kendall Road, south of Holly Street, Castle Cove
 - Edinburgh Road between The Parapet and Edith Street, Castlecrag
 - Westbourn Street, east of Pacific Highway, St Leonards.
2. Approve the completion of detailed design plans and construction of the four new wombat crossings.
3. Note that the construction of the wombat crossings will be 100% funded by the Federal Government Stimulus Commitment under the TfNSW Road Safety Program (School Zone Infrastructure).
4. A report be brought back to the May Council meeting regarding the concept design plan for Rohan Street, Willoughby after further community consultation.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR GRECO

CARRIED

Voting

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

Against: Nil

FURTHER MOTION – ITEM 5.11 -TABLE 1 ITEM 21/72 OF THE TRAFFIC COMMITTEE MEETING MINUTES

That Council approve the implementation of regulatory signposting and line marking changes at various locations in the Willoughby Local Government Area in Table 1 Item 21/72 in the column Proposed Works:

Installation of 13 metres long Work Zone as per DA approved Work Hours. Installation of temporary No Parking zone on the eastern side of the road to maintain traffic flow.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR TAYLOR

CARRIED

Voting

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

Against: Nil

COMMUNITY, CULTURE & LEISURE DIRECTORATE

15.17 WICKHAM PARK PLAYGROUND IMPROVEMENTS PLAN - ADOPTION

RESOLUTION

That Council:

1. **Adopt the *Wickham Park Playground Improvements Plan* following its exhibition for consultation.**
2. **Delegate authority to the Chief Executive Officer to make minor amendments to the *Wickham Park Playground Improvement Plan* which do not alter the intent.**

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

16 NOTICES OF MOTION**16.1 NOTICE OF MOTION 03/2022 - CUSTOMER SERVICE REVIEW****MOTION**

That Council:

- 1. Receives a report on what actions could be implemented to make the Council more responsive to the ratepayers.**
- 2. This report includes at a minimum the following:**
 - a) A timeline for reviewing the Customer Service Charter**
 - b) A review of Council's complaints function**
 - c) A proposal that could be taken to NSROC for a jointly funded independent Customer Service Ombudsman that could investigate issues such as, but not limited to:**
 - Procedure fairness in Council administrative processes**
 - Council's lack of attention to matters, or review of Council's complaint handling procedures.**
 - d) A review of new technologies to improve transparency around maintenance schedules so residents can know when and where maintenance is due to occur in their neighbourhood.**
 - e) The development of "Your Say" stalls directly in neighbourhoods on key issues impacting the community.**
 - f) The establishment of a resident service point in every library to bring Council administration directly to ratepayers.**
- 3. The paragraph regarding anonymous complaints and requests be immediately removed from the Customer Service Charter, noting that is inconsistent with previously approved Council policy.**

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR XIA

CARRIED

Voting

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

Against: Nil

16.2 NOTICE OF MOTION 04/2022 - DEVELOPMENT ADVOCATE**MOTION**

That a report be delivered to Council, no later than June, outlining costs and potential framework of establishing a Development Advocate that could assist residents in commenting on development applications and planning proposals.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR XIA

CARRIED

Voting

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

Against: Nil

17 CONFIDENTIAL MATTERS

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the Chief Executive Officer, the following business is confidential as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

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.

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:

- 17.1 - Confidential – Chief Executive Officer – Performance Review - This report is confidential as it provides Councillors information relating to the Performance Review of the Chief Executive Officer. On balance, it is not in the public interest to release information that involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors).
Section 10A(2)(a) *Local Government Act 1993*.

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

That Council move into closed session.

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

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

Against: Nil

Note:

Council moved into closed session at 9:20pm.

17.1 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

MOTION

That, as a result of considering the market review recommended by the Chief Executive Officer's Performance Review Panel, Council award the Chief Executive Officer with a discretionary salary increase of 4% effective as of 1 July 2022, based on the following:

- The Chief Executive Officer's current package has fallen behind the average benchmark paid to Chief Executive Officers and General Managers in liked sized councils based on available salary data
- Recognition for the Chief Executive Officer's high level of commitment and performance over the past two years in very challenging circumstances.
- The absence of a discretionary increase from the 2021 review outcome.
- The recommendation from the 2020/2021 Chief Executive Officer's Performance Review Panel that the matter be considered during the mid-term review in 2022.
- The absence of an annual Statutory and Other Offices Remuneration Tribunal (SOORT) increase in 2020/2021, which is acquired to senior officers salaries on their anniversary.

MOVED COUNCILLOR TAYLOR / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

PROCEDURAL MOTION – MOVE INTO OPEN SESSION

That Council move into open session.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

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

Against: Nil

Notes:

1. *Council moved into open session at 9:51pm.*
2. *The Chair reported the resolution adopted in closed session on Item 17.1.*

18 QUESTIONS WITH NOTICE

Nil

19 CONCLUSION OF THE MEETING

The meeting concluded at 9:54pm.

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the ordinary Council meeting held on 26 April 2022. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

Mayor Tanya Taylor