



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

23 May 2016

commencing at 7:00pm

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1 PRESENT

Councillors

Her Worship the Mayor Councillor G Giles-Gidney, Councillors H Eriksson, J Hooper, R Hill, T Mustaca, W Norton, A Rozos, J Rutherford, L Saville, M Sloane and N Wright.

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr P Conroy (Planning & Infrastructure Director), Ms H Liassis (Customer and Corporate Director), Mr M McDonald (Chief Financial Officer), Ms M Hillman (Governance Manager) and Ms P Sheldrake (Minute Secretary).

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Councillor T Mustaca declared, via a Disclosures of interest form, a non-pecuniary, less than substantial interest in Item 12.2: Traffic Committee Minutes – 27 April 2016
(Nature of Interest: the item deals with a traffic matter involving my son-in-law who is the builder requesting parking spaces)
- Councillor N Wright declared, via a Disclosures of Interest form, a less than substantial interest in Item 16.2: Bank Balances and investments as at 30 April 2016
(Nature of Interest: I am an employee of Westpac with whom Council has investments)
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a substantial interest in Item 19.2: Notice of Motion: Haven Amphitheatre, Castlecrag
(Nature of Interest: my residence is located directly next to The Haven)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 9 May 2016, copies of which have been circulated to each member of Council, be confirmed with the following amendment:

Item 16.1 Willoughby Delivery Program 2013-2017 (including the Draft Operational Plan and Budget for 2016/2017) – Chatswood High School Synthetic Oval Upgrade

The Motion that:

“Council commit \$2.5M from the Voluntary Planning Agreement funds in 2016/17, which would enable significantly increased capacity to address demand for recreation and sports facilities in the region.

The project and funding will be allocated within the Draft 2016/2017 Budget.”

was moved by Councillor Rozos and seconded by Councillor Eriksson and not by Councillor Saville.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Coppock is on leave previously granted.
- Councillor Sloane requested Leave of Absence on Monday 27 June 2016.
- Councillor Stevens did not attend.

RESOLUTION

That Council:

- 1. Note Councillor Coppock on leave previously granted.**
- 2. Grant Leave of Absence to Councillor Sloane for Monday 27 June 2016.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR HILL

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

5 PETITIONS

NIL

6 OPEN FORUM

- Mr Gary Anderson spoke on the topic *“Exposing foundational lies and deceitful slavery is the most direct path to truth and freedom for individuals, communities and countries alike”*.

7 MAYORAL MINUTE

The Mayor introduced the General Manager's late report seeking a response to requests from Mosman and North Sydney Councils to be party to their legal proceedings, listed for hearing from 27 May 2016.

7.1 MAYOR'S DIARY – COUNCIL MEETING NOTES – 23 MAY 2016

The Mayoral Report was circulated to all Councillors listing the Mayor's activities.

MONDAY 9 MAY			
TUESDAY 10 MAY			
WEDNESDAY 11 MAY			
Mayor	12 noon	Mother's Day Lunch – Italian Group	Willoughby Park - Church Hall
Mayor	6.30 pm	Opening of Expo by Miguel Castro: <i>Life Expressions in Papercuts</i>	The ArtSpace at The Concourse
THURSDAY 12 MAY			
FRIDAY 13 MAY			
Mayor	10 am	Volunteers Morning Tea	Dougherty Centre
Cr Saville	10-12 noon	Feral Animal Control – Sydney Local Land Services	Parramatta
SATURDAY 14 MAY			
SUNDAY 15 MAY			
MONDAY 16 MAY			
TUESDAY 17 MAY			
Cr Saville	4.30 pm	Sydney Coastal Council Executive	City of Sydney
WEDNESDAY 18 MAY			
Mayor Crs Eriksson, Rutherford	11.30 am	Citizenship Ceremony	Council Chambers
Cr Saville	6.30 pm	Public Forum: Proposed Changes to NSW Biodiversity Legislation	Crows Nest Community Centre
THURSDAY 19 MAY			
Mayor	6.30 pm	Opening of <i>Winter Warmers</i> Event: focussing on ideas for reducing energy consumption & keeping warm in winter	Flat Rock Café
Cr Rutherford		District Bushfire Committee Meeting	Artarmon Fire Station
FRIDAY 20 MAY			
Crs Norton, Rutherford	8 pm	WTC production: <i>Catch Me If You Can</i>	The Concourse
Cr Saville	8 pm	Mozart Society Concert	The Concourse

SATURDAY 21 MAY			
Cr Saville	10-11.30 am	Public Forum – NSW Metro Rail	Dougherty Centre
Cr Rutherford (representing the Mayor)	1.30 pm	China Super Vocal 2016	The Concourse
SUNDAY 22 MAY			
Crs Norton, Saville	2 pm	Willoughby Choir & Orchestra: <i>Elijah</i>	The Concourse

8 GENERAL MANAGER'S LATE REPORT

8.1 URGENT MOTION: MOSMAN AND NORTH SYDNEY LEGAL PROCEEDINGS

MEETING DATE: 23 MAY 2016

PURPOSE OF REPORT

To seek a response to requests from Mosman and North Sydney Councils to be party to their legal proceedings, listed for hearing from the 27 May 2016.

MOTION

That Council:

1. Is not supportive of legal action but acknowledges that it is a party that could be joined to these proceedings.
2. On the basis of filing a submitting appearance (save as to costs), consents to being joined as a party, limited to observer status, in the proceedings *North Sydney v the Minister for Local Government*, proceedings No: 2016/40403 and consents to being joined as a party in the proceedings *Mosman Municipal Council v the Minister for Local Government*, proceeding No: 2016/40395.
3. Issue a media release to advise the community that there will be no cost to the community but we seek to be joined as an observer to be informed.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

LOST

Voting

For the Motion: Councillors Hill, Hooper, Mustaca and Saville.

Against: Councillors Giles-Gidney, Eriksson, Norton, Rozos, Rutherford, Sloane and Wright

AMENDMENT

That Council:

1. On the basis of filing a submitting appearance (save as to costs), consents to being joined as a party, limited to observer status, in the proceedings *North Sydney v the Minister for Local Government*, proceedings No: 2016/40403 and consents to being joined as a party in the proceedings *Mosman Municipal Council v the Minister for Local Government*, proceeding No: 2016/40395.
2. Issue a media release to advise the community that there will be no cost to the community but we seek to be joined as an observer to be informed.

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR MUSTACA****LOST****Voting****For the Amendment:** Councillors Mustaca and Saville**Against:** Councillors Giles-Gidney, Eriksson, Hill, Hooper, Norton, Rozos, Rutherford, Sloane and Wright.**MOTION****That Council:**

1. Note the request of Mosman and North Sydney to join their proceedings.
2. Does not support their request to join their proceedings as a respondent.

MOVED COUNCILLOR ERIKSSON**SECONDED COUNCILLOR WRIGHT****CARRIED****Voting****For the Motion:** Councillors Giles-Gidney, Eriksson, Hill, Norton, Rozos, Rutherford, Sloane and Wright.**Against:** Councillors Hooper, Mustaca and Saville.

9 MATTERS FOR DEFERRAL, REFERRAL TO INSPECTION AND/OR PROCEDURAL PRIORITY

NIL

10 MATTERS BROUGHT FORWARD BY THE PUBLIC

Item 17.1 ROI Concession Application from Willoughby Swim Squads

11 MATTERS NOT REQUIRING ELABORATION OR DEBATE

The Mayor invited Councillors to indicate the items not brought forward by the public that they wished to deal with separately:

Item 16.1 Operational Plan and Financial Performance Report – March 2016
Item 19.1 Notice of Motion: Review of Vegetation Controls
Item 19.2 Notice of Motion: Haven Amphitheatre, Castlecrag

RESOLUTION**That the remaining items, viz:**

Item 12.1 Home and Community Care (HACC) Services Advisory Committee Meeting – 9 February 2016
Item 12.2 Traffic Committee Minutes – 27 April 2016
Item 14.1 Councillors information Booklet – 10 and 17 May 2016
Item 15.1 Contractual Conditions of Senior Staff
Item 15.2 Changes to the NSROC Constitution
Item 17.2 School Licence Agreements for Use of Council Ovals
Item 16.2 Bank Balances and Investments as at 30 April 2016
Item 18.1 Planning Proposal – North Sydney Council, Hume Street, Crows Nest
Item 18.2 Applications Determined Under Delegated Authority for the Months of January 2016 to April 2016

be adopted in accordance with the recommendations in the reports.**MOVED COUNCILLOR SLOANE****SECONDED COUNCILLOR ERIKSSON****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.**Against:** Nil

12 REPORTS FROM COMMITTEES

12.1 HOME AND COMMUNITY CARE (HACC) SERVICES ADVISORY COMMITTEE MEETING - 9 FEBRUARY 2016

ATTACHMENTS:	1. MINUTES - HOME AND COMMUNITY CARE SERVICES ADVISORY COMMITTEE - 9 FEBRUARY 2016
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER
CITY STRATEGY LINK:	1.1.2 THE VULNERABLE ARE INVOLVED IN OUR COMMUNITY AND SUPPORTED WITH RESPECT AND INTEGRITY
MEETING DATE:	23 MAY 2016

Purpose of Report

To provide Council with the minutes of the Willoughby City Council HACC Services Advisory Committee meeting held 9 February 2016.

RESOLUTION

That Council receive and note the minutes of the Willoughby City Council HACC Services Advisory Committee meeting held 9 February 2016.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

12.2 TRAFFIC COMMITTEE MINUTES - 27 APRIL 2016

ATTACHMENTS:	1. TRAFFIC COMMITTEE MINUTES OF 27 APRIL 2016
RESPONSIBLE OFFICER:	PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR
AUTHOR:	MICHAEL FOSKETT – SENIOR TRAFFIC ENGINEER
CITY STRATEGY LINK:	4.2.2 BALANCE TRAFFIC MANAGEMENT
MEETING DATE:	23 MAY 2016

Purpose of Report

To advise Council of the outcome of the latest Traffic Committee Meeting held on 27 April 2016.

RESOLUTION

That Council receive and adopt the recommendations arising from the 27 April 2016 Traffic Committee Meeting.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLET - 10 AND 17 MAY 2016

RESPONSIBLE OFFICER:	DEBRA JUST - GENERAL MANAGER
AUTHOR:	TRISHA DUFFY - SECRETARY GOVERNANCE
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	23 MAY 2016

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 10 and 17 May 2016.

RESOLUTION

That Council receives the Councillors Information Booklet, circulated to all Councillors on 10 and 17 May 2016.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

15.1 CONTRACTUAL CONDITIONS OF SENIOR STAFF

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	VLADIMIR GREPL – GOVERNANCE AND CORPORATE PLANNING OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	23 MAY 2016

Purpose of Report

To report to Council on contractual conditions of Senior Staff.

RESOLUTION

That Council note the contractual conditions of Senior Staff as required by Section 339 of the *Local Government Act 1993*.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

15.2 CHANGES TO THE NSROC CONSTITUTION

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK:	6.3.2 COUNCIL SERVICES ARE DELIVERED TO A QUALITY STANDARD, ARE SUSTAINABLE AND RESPONSIVE TO COMMUNITY NEEDS
MEETING DATE:	23 MAY 2016

Purpose of Report

To consider the 5 May resolution of the board of the Northern Sydney Regional Organisation of Councils (NSROC) recommending to member Councils that they support changes to the NSROC Constitution; and to nominate two Councillors to represent Willoughby City Council on the board of NSROC if the recommended changes are implemented.

RESOLUTION

That Council:

- 1. Note it is not feasible or desirable to voluntarily ‘wind-up’ Northern Sydney Regional Organisation of Councils at this time due to logistic and legal requirements together with the inability for member Councils to receive dividends.**
- 2. Note that Northern Sydney Regional Organisation of Councils can continue to operate on behalf of the member Councils through delegations to staff oversighted by the General Managers Advisory Committee in accord with the adopted NSROC 2016-2017 Business Plan and Budget.**
- 3. Not support the recommended changes to the Northern Sydney Regional Organisation of Councils constitution at this time given the pending merger with Mosman, which is located in a different Region of Councils, the preference for members to be associated with the current member entity and the capacity for continuing interim operations independent of any constitutional changes.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 OPERATIONAL PLAN AND FINANCIAL PERFORMANCE REPORT - MARCH 2016

ATTACHMENTS:	1. BUDGET VARIANCES 2. PIP STATUS REPORT 3. LEGAL EXPENSES 4. E.RESTORE 5. QUARTERLY BUDGET REVIEW STATEMENT 6. THE CONCOURSE FINANCIAL REVIEW REPORT 7. CROWN RESERVES FINANCIAL REPORT
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	MARK MCDONALD, CHIEF FINANCIAL OFFICER
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	23 MAY 2016

Purpose of Report

To review Council's process in attaining Operation Plan targets for the period 1 July 2015 to 30 June 2016 and to review the financial performance of Council to 31 March 2016.

RESOLUTION

That Council:

- 1. note the report;**
- 2. vote the increase in expenditure of \$152,500 and the increase in income of \$1,725,800, a surplus of \$1,573,300; and**
- 3. confirm that the expenditure of monies recommended within the report is required for the purposes of implementing the Operation Plan for 2015/2016.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

16.2 BANK BALANCES AND INVESTMENTS AS AT 30 APRIL 2016

ATTACHMENTS:	1. COUNCIL'S INVESTMENT HOLDINGS 2. COUNTERPARTY CHART
RESPONSIBLE OFFICER:	MARK MCDONALD-CHIEF FINANCIAL OFFICER
AUTHOR:	BILL LOFTHOUSE - FINANCIAL ACCOUNTANT
CITY STRATEGY LINK:	6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION
MEETING DATE:	23 MAY 2016

Purpose of Report

To detail the Council Bank balances and Investment portfolio performance as at 30 April 2016.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings for April 2016.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 ROI CONCESSION APPLICATION FROM WILLOUGHBY SWIM SQUADS

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

AUTHOR: ROZ NEVILLE – WILLOUGHBY LEISURE TEAM LEADER

CITY STRATEGY LINK: 1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY

MEETING DATE: 23 MAY 2016

Purpose of Report

For Council to endorse the officer's recommendation not to approve Willoughby Swim Squad's application for a Category D Concessional hire of the pool lanes at the Willoughby Leisure Centre in accordance with Council's Community Facility Hire Policy.

MOTION

That Council move a deferral of this item pending further review by officers and discussions with the Willoughby Swim Squad.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR HILL

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville and Sloane.

Against: Councillor Wright

17.2 SCHOOL LICENCE AGREEMENTS FOR USE OF COUNCIL OVALS**RESPONSIBLE OFFICER:** MELANIE SMITH, COMMUNITY, CULTURE & LEISURE DIRECTOR**AUTHOR:** MELANIE SMITH, COMMUNITY, CULTURE & LEISURE DIRECTOR**CITY STRATEGY LINK:** 1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY**MEETING DATE:** 23 MAY 2016

Purpose of Report

To receive Council's endorsement for the General Manager and Mayor to authorise and execute School Licence Agreements for use of Council Ovals, under Common Seal of the Council.

RESOLUTION

That Council authorise the Mayor and the General Manager to execute the School Licence Agreements for use of Council Ovals under the Common Seal of Council.

MOVED COUNCILLOR NORTON**SECONDED COUNCILLOR ERIKSSON****CARRIED****Voting**

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 PLANNING PROPOSAL - NORTH SYDNEY COUNCIL, HUME STREET CROWS NEST

ATTACHMENTS:	1. LETTER FROM NORTH SYDNEY COUNCIL
RESPONSIBLE OFFICER:	PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	23 MAY 2016

Purpose of Report

To confirm Council's position in relation to a Planning Proposal from North Sydney Council regarding Hume Street Park.

RESOLUTION

That Council:

1. Note the Planning Proposal.
2. Raise no objection to the retention and expansion of the existing open space, sporting and community facilities.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

18.2 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY FOR THE MONTHS FROM JANUARY 2016 TO APRIL 2016.

ATTACHMENTS:	1. LIST OF DETERMINED APPLICATIONS
RESPONSIBLE OFFICER:	PETER CONROY - INFRASTRUCTURE & PLANNING DIRECTOR
AUTHOR:	IAN ARNOTT - PLANNING MANAGER
MEETING DATE:	23 MAY 2016

Purpose of Report

To list all applications determined under delegated authority for the months from January 2016 to April 2016.

RESOLUTION

That Council note the information on Development Applications determined under delegated authority from January 2016 to April 2016.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Nil

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION: REVIEW OF VEGETATION CONTROLS

RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	23 MAY 2016

Purpose of Report

Councillor A Rozos has indicated his intention to move the following Notice of Motion.

MOTION

That Council Officers initiate a review of Council's various vegetation controls, guidelines, planning controls, management practices and publications to develop a single integrated approach to vegetation covering matters such as:

- 1. Managing risks associated with trees in public parks and on private land.**
- 2. Addressing situations where trees may have to be removed and replaced with more suitable new plantings.**
- 3. Responding to changing weather patterns and related issues such as drought, increasingly severe storm events and urban heat island effect.**
- 4. Developing guidelines to:**
 - encourage the use of indigenous planting that are better suited to the local climate and soil conditions;**
 - encourage a range of plantings from ground covers to large trees and thereby provide habitat for a range of birds and other species;**
 - discourage the use of species that are not suited to certain situations;**
 - discourage the use of invasive species.**
- 5. Reviewing the list of unsuitable species that are exempt from the provisions of Tree Controls.**

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Sloane and Wright.

Against: Councillor Saville

19.2 NOTICE OF MOTION: HAVEN AMPHITHEATRE, CASTLECRAG**RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER****CITY STRATEGY LINK: 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE
AND REPRESENTS ITS CONSTITUENTS****MEETING DATE: 23 MAY 2016**

Purpose of Report

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

MOTION

That Willoughby City Council compiles a State Heritage nomination of the Haven Amphitheatre, Castlecrag using available evidence and that this be undertaken ASAP.

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR WRIGHT****LOST****Voting****For the Motion:** Councillors Mustaca and Saville.**Against:** Councillors Eriksson, Hill, Hooper, Norton, Rozos, Rutherford, Sloane and Wright.**Absent:** Councillor Giles-Gidney

Due to Item 19.2 being an item on The Haven Amphitheatre, Councillor Giles-Gidney declared a substantial interest as a resident located directly next to the Haven and withdrew from the meeting taking no part in the discussion or voting on this topic.

Deputy Mayor Sloane assumed the Chair in the Mayor's absence for this item.

20 CONFIDENTIAL ITEMS

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, 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.

Procedural Motion

That Council:

1. resolve itself into Closed Session with the Press and Public excluded from the meeting to deal with the following confidential item.
2. resolve into Committee of the Whole in order to deal with this confidential item.

20.1 PERFORMANCE REVIEW GENERAL MANAGER

Reason for Confidentiality

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

- (a) personnel matters concerning particular individuals (other than councillors)

20.1 PERFORMANCE REVIEW GENERAL MANAGER

Recommendation Summary

That the recommendations of the Performance Review Panel be implemented as adopted by Council in confidential session.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rutherford, Rozos, Saville, Sloane and Wright.

Against: Nil

RESOLUTION

That the recommendations from the Committee of the Whole be adopted.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rutherford, Rozos, Saville, Sloane and Wright.

Against: Nil

21 QUESTIONS

NIL

- Her Worship the Mayor Councillor G Giles-Gidney left the meeting at 7:57pm during debate on Item 19.2: Notice of Motion: Haven Amphitheatre, Castlecrag and returned after the vote on that topic at 8:33pm.

The meeting concluded at 8:43pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 23 May 2016. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.