



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

13 August 2018

commencing at 7:00pm

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1 PRESENT

Her Worship the Mayor Councillor G Giles-Gidney, Councillors C Campbell, S Coppock, H Eriksson, D Fernandez, T Mustaca, W Norton, J Rutherford, A Rozos, L Saville, C Tuon, N Wright and B Zhu

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr D Frost (Customer & Corporate Director), Mr G McDonald (Planning & Infrastructure Director), Mr I Arnott (Planning Manager), Mr T Hopwood (Governance, Risk & Corporate Planning Manager), Mr V Grepf (Governance Officer) and Ms P Sheldrake (Minutes Secretary)

2 DISCLOSURES OF INTEREST - COUNCILLORS

- Councillor Norton declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 19.2: Notice of Motion – Dougherty Apartments (*Nature of Interest: I am a member of the Dougherty Board*)
- Councillor Norton declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 18.1: Road name change of Nelson Street, Chatswood following the removal of the bridge across the T1 North Shore Railway and Item 18.3: memorial Plaque Request – Garden of Remembrance (*Nature of Interest: I am a member of the Willoughby District Historical Society which has made submissions. I am an ordinary member and not a member of the Executive*)
- Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 18.1: Road name change of Nelson Street, Chatswood following the removal of the bridge across the T1 North Shore Railway and Item 18.3: memorial Plaque Request – Garden of Remembrance (*Nature of Interest: I am a member of the Willoughby District Historical Society (non-executive member). I believe I can vote independently having regard to the evidence available*)
- Councillor Coppock declared a non-pecuniary, significant interest in Item 19.2: Notice of Motion – Dougherty Apartments.

Councillor Coppock did not complete and submit a Disclosure Form for the interest he declared, as required under clause 68(2) of Council's adopted *Code of Meeting Practice* for inclusion in Council's Disclosure Register.

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 23 July 2018, copies of which have been circulated to each member of Council, be confirmed, noting that Councillor Coppock requested Leave of Absence prior to the meeting and that leave be granted.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Eriksson requested Leave of Absence on Monday 27 August 2018.
- Councillor Saville requested Leave of Absence from 15 August – 19 September 2018.
- Councillor Campbell requested Leave of Absence from 21 – 28 September 2018.

RESOLUTION

That Council:

1. Grant Councillor Eriksson Leave of Absence on Monday 27 August 2018.
2. Grant Councillor Saville Leave of Absence from 15 August – 19 September 2018.
3. Grant Councillor Campbell Leave of Absence from 21 – 28 September 2018.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

5 PETITIONS

NIL

6 OPEN FORUM

Rory Lonergan spoke on bush clearing and Flat Rock Gully fire action plan.

7.1 MAYORAL MINUTE – NSW PUBLIC LIBRARIES ASSOCIATION**MEETING DATE: 13 AUGUST 2018**

PURPOSE OF REPORT

The NSW Public Libraries Association has requested support from councils across NSW in their advocacy to the State Government for additional funds for Public Libraries.

NSW public libraries already receive the lowest per-capita funding from their State Government compared to all other states in Australia. The 2018-19 NSW state budget included a funding cut of five per cent to public library funding.

Based on this announcement, it is anticipated that the annual grant that Council receives from the State Government as a contribution towards the operation of the Willoughby Library service will be reduced in 2018/19. Prior to the reduced funding announced in the State budget, it was expected that the NSW Government grant would provide \$53,319 or 0.92% of the total operating budget for Willoughby's library service.

In 2017/18 Willoughby Library service had over 90,000 members with 823,218 visits to Willoughby libraries and 944,789 loans issued (excluding e-resource loans). In addition to physical loans, the Library service provides electronic resources and a range of programs.

Local Government NSW (LGNSW) and the NSW Public Library Association (NSWPLA) are seeking Council's support for a *Renew Our Libraries*, a statewide advocacy campaign to improve funding to NSW libraries in support of the valuable work that they undertake.

RESOLUTION**That Council:**

- 1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.**
- 2. Make representation to the local State Member, The Hon. Gladys Berejiklian in relation to the need for additional funding from the NSW State Government for the provision of public library services.**
- 3. Write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.**
- 4. Write to Local Government NSW advising of Council's support of the Renew Our Libraries campaign.**
- 5. Endorse the distribution of the NSW Public Libraries Association NSW library funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.**

MOVED COUNCILLOR GILES-GIDNEY**CARRIED**

7.2 MAYORAL MINUTE - THE LATE CHRIS HOPWOOD

MEETING DATE: 13 AUGUST 2018

PURPOSE OF REPORT

To consider the Mayoral Minute on the passing of Christopher John Hopwood.

MOTION

It is with much sadness that I inform the Chamber of the passing of Chris Hopwood. Chris was a real character of Castlecrag and will be missed by many. I attended his funeral on Friday 3 August and it was wonderful to see so many locals farewelling him in great Chris (Chop) style.

We are indeed fortunate to have a large number of volunteers in Willoughby City all making a contribution to our wonderful lifestyle and Chris was one special guy that really stood out.

Chris Hopwood was born on 6 November 1948, living in The Bartizan, Castlecrag, from age two, attending Castlecrag Infants School, then Willoughby Public School and North Sydney Boys High. After exploring the world, including jumping on a cargo ship to Panama then hitchhiking down to Tierra del Fuego, and walking into Machu Pichu over 14,000 foot mountains wearing thongs, Chris met his lifelong partner Ruth Kendon. They settled back in Castlecrag with son Jesse and daughter Kitty in an unusual ship's quarterdeck home built by Bim Hilder for his younger brother, Ship's Captain Brett Hilder.

Bim Hilder designed and built the "Walter Burley Griffin Memorial Fountain" at the traffic island on Edinburgh Road and Sortie Port which was dedicated in October 1965 as the major artistic work celebrating the Centenary of the incorporation of the Municipality of North Willoughby in October 1865.

For over 30 years until a few weeks before his death on 25 July 2018, Chris was the unofficial "Keeper of The Fountain". He would clear leaf debris from the pump filter and jets each day and scrub it each week. Recently, finding the task beyond him, Chris recruited some locals to take over his custodian role.

Chris' wider involvement in community affairs included the campaign to retain the Infants School via Green Bans caravan picket that saved the site from medium density development in the early 1990s. He was part of the community volunteer labour force which rebuilt the Haven stage and undercroft in 1992. He also maintained the bushy triangle on the corner of The Citadel and Edinburgh Road.

Chris' dedication to one small part of our daily lives is a microcosm of what happens in scores of places throughout Willoughby City.

Tonight, we celebrate Chris Hopwood's life and contribution to community wellbeing in Castlecrag and the wider Willoughby community, while extending deepest sympathy to Ruth, Jesse and Kitty.

RESOLUTION

That Council adopt the Mayoral Minute on the passing of Chris Hopwood and write a letter of condolence to the family.

MOVED COUNCILLOR GILES-GIDNEY**CARRIED**

7.3 MAYORAL MINUTE - COUNCIL VOTING DELEGATE FOR LGNSW ANNUAL CONFERENCE**MEETING DATE: 13 AUGUST 2018**

PURPOSE OF REPORT

To consider a replacement voting delegate of the Council at the 2018 LGNSW Annual Conference following notification of Councillor Mustaca's inability to attend.

MOTION

Council resolved at its meeting on 25 June 2018 that Councillor Mustaca be one of Council's five voting delegates at the Conference, along with Councillors Giles-Gidney, Eriksson, Norton and Tuon. Council also resolved that Councillors Campbell and Rozos attend the Conference as observers.

Councillor Mustaca has now advised Council that he will not be able to attend the LGNSW Annual Conference in Albury from 21 to 23 October 2018.

Council thus needs to select a new voting delegate in order to utilise its allocation of five voting delegates.

RESOLUTION

That Council nominate Councillor Campbell to be a voting delegate at the LGNSW Annual Conference in Albury from 21 to 23 October 2018.

MOVED COUNCILLOR GILES-GIDNEY**CARRIED**

Councillor Mustaca advised that his apology was due to a commitment to meet with the Italian Consul General.

7.4 MAYOR'S DIARY: COUNCIL MEETING NOTES – 13 AUGUST 2018

TUESDAY 24 JULY			
Mayor	11.45 am	Mayoral Roundtable for the Release of the Resilient Sydney Strategy	Sydney Town Hall
WEDNESDAY 25 JULY			
Mayor	9.15 am	Presentation of Little Scientists Award	Wby Community Pre-School
Mayor Crs Fernandez, Norton, Tuon	10 am	Council Summit – Northern Metro & Central Coast	Hornsby Council
Deputy Mayor: Cr Eriksson Cr Rutherford	11.30 am	Citizenship Ceremony	Council Chambers
Mayor Deputy Mayor: Cr Eriksson Crs Fernandez, Mustaca, Norton, Rozos, Saville, Tuon, Wright	6 pm	Meeting with LGNSW President, Linda Scott	Coachwood Room
THURSDAY 26 JULY			
Mayor	5.15 pm	Official Opening of NCR Oceania	799 Pacific Highway, Chatswood
SATURDAY 28 JULY			
Cr Norton	2 pm	WSO Children's Concert	The Concourse
Crs Norton, Saville	7 pm	WSO Concert "Freedom"	The Concourse
SUNDAY 29 JULY			
Crs Norton, Saville	11 am	National Tree Day	Warrane Reserve
Cr Saville	2 pm	Willoughby District Historical Society	The Museum
WEDNESDAY 1 AUGUST			
Cr Norton	8.30 am	Audit & Risk Committee	Banksia Room
Deputy Mayor: Cr Eriksson Crs Fernandez, Zhu	7 pm	Haven Committee Meeting	WCC Offices in Gibbes Street
THURSDAY 2 AUGUST			
Crs Norton, Saville	10 am	Natural Heritage & Bushland Committee	Site Meeting, Blue Gum Reserve
FRIDAY 3 AUGUST			
Mayor	11 am	Funeral – Chris Hopwood	Northern Suburbs Crematorium
SATURDAY 4 AUGUST			
Mayor Crs Norton, Saville	9.30 am	FPA Meeting	Dougherty Centre
SUNDAY 5 AUGUST			
Cr Norton	3 pm	Willoughby City Band Concert	Zenith Theatre
TUESDAY 7 AUGUST			
Crs Rutherford, Norton	9 am	Cultural Events Committee	Coachwood Room
Mayor	9.30 am	Mowbray School Open Day Concert	Mowbray School
Mayor	3.15 pm	Launch of Disability Employment Service	3-9 Spring Street

WEDNESDAY 8 AUGUST			
Mayor	12 noon	Site Inspection	Gore Hill Oval
Cr Norton	4 pm	Access Committee	Dougherty Centre
THURSDAY 9 AUGUST			
Cr Saville	2.30 pm	SCCG Meeting with Executive Officer & Staff	Former Manly Council Building
Mayor Crs Campbell, Zhu	6 pm	NSROC Meeting	Mosman Council
Cr Rutherford	6 pm	Opening of Exhibition "You Are Here"	Ground Floor Foyer, Victor Street
Crs Norton, Rutherford	evening	Drop-in Session re Parking of Boats & Trailers	Willoughby Park Centre
SATURDAY 11 AUGUST			
Cr Saville	1 pm	Planning changes and planning laws Sydney Forum	Glebe
Cr Norton	2 pm	Willoughby District Historical Society	Chatswood Library
Mayor	4.30 pm	Presentation of Patron's Trophy	Northbridge Golf Club
MONDAY 13 AUGUST			
Mayor	8.40 am	Judging of Public Speaking Competition	St Philip Neri School

8 GENERAL MANAGER'S LATE REPORT

NIL

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

NIL

10 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 13.1 Policy concerning Council's delegate of a Development Application
- Item 13.2 Notice of Motion – Plastics and Marine Wildlife
- Item 15.1 Organisational Structure
- Item 16.2 Review of Delegations of authority
- Item 18.1 Road Name Change of Nelson Street, Chatswood following the removal of the bridge across the T1 North Shore Railway
- Item 18.4 Memorial Plaque Request – Chatswood Mall
- Item 19.1 Notice of Motion – Parking
- Item 19.2 Notice of Motion – Dougherty Apartments

RESOLUTION

That the remaining items, viz:

- Item 12.1 Companion Animals Advisory Committee meeting – 26 June 2018
- Item 12.2 Multicultural Services Advisory Committee Meeting held 27 June 2018
- Item 16.1 Expenses and Facilities Policy
- Item 17.1 Sports Facilities forum – Action Plan Timelines
- Item 18.2 Tender No. 115264 – Assessment of Tenders for the civil Works for Roads Drainage and Footpaths Panel
- Item 18.3 Memorial Plaque Request – Garden of Remembrance

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

11 MATTERS BROUGHT FORWARD BY THE PUBLIC

NIL

12 REPORTS FROM COMMITTEES

12.1 COMPANION ANIMALS ADVISORY COMMITTEE MEETING - 26 JUNE 2018

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES OF COMPANION ANIMALS ADVISORY COMMITTEE MEETING - 26 JUNE 2018
RESPONSIBLE OFFICER:	TODD HOPWOOD - GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
AUTHOR:	TEENA STRYDOM - GOVERNANCE ADMINISTRATION OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

To provide Council with the minutes of the Willoughby City Council Companion Animals Advisory Committee meeting held 26 June 2018.

RESOLUTION

That Council receive and note the minutes of the Willoughby City Council Companion Animals Advisory Committee meeting held 26 June 2018.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

**12.2 MULTICULTURAL SERVICES ADVISORY COMMITTEE MEETING HELD
27 JUNE 2018**

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – MULTICULTURAL SERVICES ADVISORY COMMITTEE MEETING – 27 JUNE 2018 3. REPORT – MULTICULTURAL SERVICES – APRIL – JUNE 2018
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	RITA LEUNG – MULTICULTURAL SERVICES TEAM LEADER
CITY STRATEGY OUTCOME:	2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

To provide Council with the minutes of the Multicultural Services Advisory Committee meeting held 27 June 2018.

RESOLUTION

That Council receive and note the minutes of the Multicultural Services Advisory Committee meeting held 27 June 2018.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

13.1 POLICY CONCERNING COUNCIL'S DELEGATE OF A DEVELOPMENT APPLICATION

ATTACHMENTS:	1. IMPLICATIONS 2. COUNCIL REPORT 28 MAY 2018
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

To consider a Notice of Motion by Councillor Coppock in respect to an operational policy for consideration of development applications deferred by Council at its meeting of 12 June 2018 for a further report.

MOTION

That Council adopts as an operational policy the following:

- 1. Where a DA (Development Application) is lodged with the Council and following the closure of the notification period there are less than 10 objectors,**
- 2. The final form of the delegate's assessment including consent conditions will be provided to the neighbours of the property the subject of the DA.**
- 3. These neighbours will then in a period of 14 days be able to present any final points on this documentation for the delegate to consider before exercising their delegation.**

THE MOTION WAS WITHDRAWN AT COUNCILLOR COPPOCK'S REQUEST

The General Manager undertook to provide a briefing to Councillors prior to a report to Council on this matter.

13.2 NOTICE OF MOTION - PLASTICS AND MARINE WILDLIFE

RESPONSIBLE OFFICER:	DEBRA JUST - GENERAL MANAGER
AUTHOR:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE AND ECOLOGICAL SYSTEMS
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

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

MOTION

That Willoughby City Council:

1. Takes all reasonable steps from 1 October 2018 to stop using the following single use plastics from all internal facing Council operations, services and facilities:
 - a) drink bottles
 - b) cutlery
 - c) plates
 - d) straws
 - e) cups
 - f) plastic bags
2. Allow further decisions to cease consumption of other particular single use plastics from internal Council operations, services and facilities to be delegated to the General Manager.
3. For the purposes of clarifying 1:
 - a) any existing inventory will be consumed so as to not waste any stock and;
 - b) an exception will be made where consumption is necessary for exceptional circumstances that arise based on safety, health reasons, financial, disability and practical considerations.
4. the General Manager provide an update to Councillors in mid-2019 on how this decision affected internal operations.
5. Reaffirms its support for existing waste education program for Willoughby LGA businesses and community groups to assist in the reduction of Single Use Plastics such as straws, cutlery, cups and bags including the recent success of the Bye Bye Plastic program and the Better Business Partnership (BBP) Sustainability Assessments.

6. Commend local businesses which voluntarily join the Responsible Café initiative and offer discounts to consumers who use their own reusable cups rather than single use coffee cups, whilst recognising the autonomy of local businesses to determine environmentally-friendly policies in the free market in which they compete.
7. Ensure that sustainability is embedded in all council operations and services.
8. The above points be incorporated in Council's waste strategy currently being reviewed.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR FERNANDEZ

CARRIED

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

Voting

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

Against: Councillor Rozos and Tuon.

14 CORRESPONDENCE

NIL

15 REPORTS FROM OFFICERS - GENERAL MANAGER

15.1 ORGANISATIONAL STRUCTURE

ATTACHMENTS:	1. IMPLICATIONS 2. EXECUTIVE STRUCTURE
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	DEBRA JUST – GENERAL MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

This report is to fulfil the statutory requirements of Section 333 of the *Local Government Act 1993* where the council must review, and determine the organisation structure within 12 months after any ordinary election of the council.

MOTION

That Council:

1. Endorse the current Senior Staff structure as shown in Attachment 2.
2. Note this structure is fully funded though the 2018/2019 Operational Plan and Budget.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

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

Voting

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

Against: Councillor Coppock and Wright.

Absent: Councillor Rozos

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 EXPENSES AND FACILITIES POLICY

ATTACHMENTS:	1. IMPLICATIONS 2. EXPENSES AND FACILITIES POLICY
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	EVANGELINA MARTINEZ- POLICY & SUBMISSIONS SPECIALISTS
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

To seek the adoption of the Councillor Expenses and Facilities Policy following a period of public exhibition.

RESOLUTION

That Council adopt the Councillor Expenses and Facilities Policy outlined in Attachment 2 of this report.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16.2 REVIEW OF DELEGATIONS OF AUTHORITY

ATTACHMENTS:	1. IMPLICATIONS 2. INSTRUMENT OF DELEGATION – MAYOR 3. INSTRUMENT OF DELEGATION – GENERAL MANAGER
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – GOVERNANCE OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

To confirm the instrument of delegation given to the Mayor and General Manager, and withdraw delegations given to committees, under Section 377 of the *Local Government Act 1993*.

MOTION

That Council:

- 1. Revoke any previous delegations to Committees and the General Manager;**
- 2. Confirm the existing delegation to the Mayor through the “Delegations from the Council to the Mayor” (Instrument of Delegation) shown as Attachment 2 to this report; and**
- 3. Delegate to the General Manager the “Delegations from Council to the General Manager” (Instrument of Delegation) shown as Attachment 3 to this report;**

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR ERIKSSON

CARRIED

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

Voting

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

Against: Councillors Coppock and Saville.

Absent: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 SPORTS FACILITIES FORUM - ACTION PLAN TIMELINES

ATTACHMENTS:

1. IMPLICATIONS
2. SPORTS FACILITIES FORUM ACTION PLAN-TIMELINES

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

AUTHOR: JULIE WHITFIELD- OPEN SPACE CO-ORDINATOR

CITY STRATEGY OUTCOME: 3.2 – CREATE RECREATION SPACES FOR ALL

MEETING DATE: 13 AUGUST 2018

PURPOSE OF REPORT

To consider the information concerning the timeline for the Sports Facilities Forum Action Plan as requested at its meeting of 12 June 2018.

RESOLUTION

That Council note the timeline for the Sport Facilities Forum Action Plan as requested at its meeting of 12 June 2018.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 ROAD NAME CHANGE OF NELSON STREET, CHATSWOOD FOLLOWING THE REMOVAL OF THE BRIDGE ACROSS THE T1 NORTH SHORE RAILWAY

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. PROPOSED NEW ROAD NAMES REJECTED FOR USE FOR NELSON STREET EAST OF THE RAILWAY BY GEOGRAPHIC ROAD NAMES BOARD3. PROPOSED NEW ROAD NAMES ACCEPTED FOR USE FOR NELSON STREET EAST OF THE RAILWAY CONSIDERED BY GEOGRAPHIC ROAD NAMES BOARD
RESPONSIBLE OFFICER:	GREG MCDONALD – DIRECTOR PLANNING AND INFRASTRUCTURE
AUTHOR:	GORDON FARRELLY – TRAFFIC AND TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

To approve community consultation on seven proposed new road names for Nelson Street, Chatswood between Orchard Road and T1 Northshore Railway.

RESOLUTION

That Council approves community consultation to inform and seek community feedback and confer with the Willoughby District Historical Society and the Aboriginal Heritage Office on its intention to rename Nelson Street between Orchard Road and T1 Northshore Railway following the closure of Nelson Street, and seek community feedback on suggested names.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock.

18.2 TENDER NO. 115264 - ASSESSMENT OF TENDERS FOR THE CIVIL WORKS FOR ROADS DRAINAGE AND FOOTPATHS PANEL

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	SUNIL GAMAGE - ENGINEER
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

To award and appoint the successful panel members for Tender No. 115264 for Civil Works for Roads, Drainage and Footpaths Panel with an estimated total contract value of \$4 million per year.

RESOLUTION

That Council:

- 1. Accept the tenders from the tenderers as ranked below and as detailed in the confidential report for the Civil Works for Roads, Drainage and Footpaths for three years commencing on 3 September 2018 and expiring on 31 August 2021 with an option to extend for up to an additional two year period with an estimated total spend of \$4 million per year over the term of the contract.**
 - Concrete Footpaths Projects**
Accept the tenders from tenderers ranked 1, 2, 3 and 4 in this category.
 - Brick Paving Projects**
Accept the tenders from tenderers ranked 1 and 2 in this category.
 - Drainage Projects**
Accept the tenders from tenderers ranked 1 and 2 in this category.
 - Asphalt Road Projects**
Accept the tenders from tenderers ranked 1 in this category.
 - Footpath Grinding Projects**
Accept the tenders from tenderers ranked 1 in this category.
 - Sandstone Works**
Accept the tenders from tenderers ranked 1 and 2 in this category.
 - Pipe Cleaning & CCTV Works**
Accept the tenders from tenderers ranked 1, 2 and 3 in this category.

- **Cleaning of GPTs**
Accept the tenders from tenderers ranked 1 and 2 in this category.
- **Footpaths High Pressure Cleaning & Sealing**
Accept the tenders from tenderers ranked 1 and 2 in this category.

Make public the successful tenderers' names following the Council's resolution to accept the tender.

Authorise the General Manager to execute the contract documents and have delegated authority to extend the term up to two years should it be merited.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

18.3 MEMORIAL PLAQUE REQUEST - GARDEN OF REMEMBRANCE

ATTACHMENTS:	1. IMPLICATIONS 2. PROPOSED PLAQUE
RESPONSIBLE OFFICER:	GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID DI BIASE – PROPERTY AND CONSTRUCTION SERVICES MANAGER
CITY STRATEGY OUTCOME: AND HERITAGE SITES	2.2 – RESPECT AND CELEBRATE OUR HISTORY
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

To seek Council's consent for the placing of a memorial plaque in the Garden of Remembrance commemorating the Centenary of Armistice Day.

RESOLUTION

That Council approve the placing of a plaque commemorating the Centenary of Armistice Day at the Garden of Remembrance.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

18.4 MEMORIAL PLAQUE REQUEST - CHATSWOOD MALL

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	RON YIP – DESIGN & DRAINAGE TEAM LEADER
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

To seek Council's consent for the placing of a memorial plaque on an existing seat at the northern end of Victor Street in Chatswood Mall in memory of Council Design Services Manager, Mr David Sung.

RESOLUTION

That Council place a memorial plaque on an existing seat at the northern end of Victor Street in Chatswood Mall in memory of Council Design Services Manager, Mr David Sung and waives the policy in relation to the cost.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION - PARKING

RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY – TRAFFIC & TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	2.4 – REDUCE PARKING AND TRAFFIC CONGESTION
MEETING DATE:	13 AUGUST 2018

PURPOSE OF REPORT

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

MOTION

That Council's website provides links to Transport for NSW's website regarding:

- 1) loss of parking spaces in Railway, Brown, Help streets and Victoria Ave Chatswood (west side of the line) over the next three years, and
- 2) where alternative parking may be found, particularly for those with mobility needs.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

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

Voting

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

Against: Nil

Absent: Councillor Coppock

19.2 NOTICE OF MOTION - DOUGHERTY APARTMENTS**RESPONSIBLE OFFICER: DEBRA JUST - GENERAL MANAGER****AUTHOR: DEBRA JUST - GENERAL MANAGER****CITY STRATEGY OUTCOME: 5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES****MEETING DATE: 13 AUGUST 2018**

PURPOSE OF REPORT

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

MOTION

That Willoughby City Council formally recognise and thanks Councillor Coppock for undertaking the role of Chairperson of the Dougherty Apartments for seven years diligently and for leading the building renovations undertaken to ensure compliance.

MOVED COUNCILLOR SAVILLE**SECONDED COUNCILLOR RUTHERFORD****CARRIED**

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

Voting

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

Against: Councillors Giles-Gidney and Campbell*.

Absent: Councillors Coppock and Norton.

Due to Councillor Norton declaring a non-pecuniary substantial interest in Item 19.2: Notice of Motion – Dougherty Apartments due to her being a member of the Dougherty Apartments Board she withdrew from the meeting taking no part in the discussion or voting on this topic.

Councillor Coppock declared a non-pecuniary, significant interest in Item 19.2: Notice of Motion – Dougherty Apartments.

Councillor Coppock did not complete and submit a Disclosure Form for the interest he declared, as required under clause 68(2) of Council's adopted *Code of Meeting Practice* for inclusion in Council's Disclosure Register.

*Councillor Campbell was present in the Chambers at the time of the vote but did not vote. According to clause 36 of Council's Code of Meeting Practice, "A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion".

20 CONFIDENTIAL ITEMS

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the option 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:

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

Council moved into closed session at 8:48pm.

20.1 CONFIDENTIAL - TENDER NO. 115264 - ASSESSMENT OF TENDERS FOR THE CIVIL WORKS FOR ROADS, DRAINAGE AND FOOTPATHS PANEL

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) 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

Recommendation Summary

That Council:

1. **Accept the tenders from the following contractors as part of the Civil Works Tender Panel for Civil Works for Roads, Drainage and Footpaths for three years commencing on 3 September 2018 and expiring on 31 August 2021 with an option to extend for up to an additional two year period with an estimated total spend of \$4 million per year over the term of the contract.**

Concrete Footpaths Projects

1. Mansour Paving (Aust) Pty Ltd
2. Kelbon Project Services Pty Ltd
3. Mack Civil Pty Ltd
4. Performance Civil Holdings Pty Ltd

Brick Paving Projects

1. Mansour Paving (Aust) Pty Ltd
2. Kelbon Project Services Pty Ltd

Drainage Projects

1. Byrne Civil Engineering Construction Pty Ltd
2. Mansour Paving (Aust) Pty Ltd

Asphalt Road Projects

1. J&M Schembri Pty Ltd

Footpath Grinding Projects

1. The Australian Grinding Company

Sandstone Works

1. Mansour Paving (Aust) Pty Ltd
2. W.A Hamilton Masonry

Pipe Cleaning & CCTV Works

1. Sydneywide Pipecleaning Pty Ltd
2. Total Drain Cleaning Pty Ltd
3. Online Pipe and Cable Locating Pty Ltd

Cleaning of GPTs

1. Envirocivil Pty Ltd
2. Total Drain Cleaning Pty Ltd

Footpaths High Pressure Cleaning & Sealing

1. Vernell Pty Ltd T/as Select Stone Care
2. Kelbon Project Services Pty Ltd

2. Make public the successful tenderers' names following the Council's resolution to accept the tender.
3. Authorise the General Manager to execute the contract documents and have delegated authority to extend the term up to two years should it be merited.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Coppock

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

Council moved into open session at 8:50pm.

RESOLUTION

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

21 QUESTIONS

21.1 QUESTIONS ON NOTICE FROM COUNCILLOR COPPOCK

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

AUTHOR: DEAN FROST – CUSTOMER & CORPORATE DIRECTOR

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

MEETING DATE: 13 AUGUST 2018

QUESTION

1. The following question is asked in furtherance to the answer to Question 18, Item 21.1 Ordinary Meeting of Council dated 25 June 2018.

(a) How does a “span of time” month defined as a “calendar month” operate?

Answer

The *Interpretation Act 1987 section 21* defines a month as a calendar month. It further defines a calendar month as outlined below.

Calendar month means a period commencing at the beginning of a day of one of the 12 named months and ending:

- (a) immediately before the beginning of the corresponding day of the next named month, or*
- (b) if there is no such corresponding day, at the end of the next named month.*

Using this legislative definition, a calendar month would be the period from, for example, the start of 5 May, 2018 and the end of 4 June, 2018. A span of time is not the same as a named month, for example May, which commences on 1 May and concludes at the end of 31 May.

(b) Is it agreed that there are 12 calendar months in any given year?

Answer

Yes

(c) If not, why is this so?

Answer

Not applicable, see above.

2. What is the allocation in the budget of 2017-2018 and 2018-2019 for the following:
- Installation of lights at Bicentennial Reserve?
 - Replacing the irrigation & drainage system of Bicentennial Reserve?
 - Replacing the existing Bicentennial Reserve turf?

Answer

As stated in the response to 'Questions on Notice' from Councillor Coppock at the 25 June 2018 meeting, the costs for Bicentennial Oval are as follows:

	2017/18	2018/19
Installation of lights	\$9,885	\$220,000
Irrigation and resurfacing	\$12,106	\$380,000
TOTAL	\$21,990	\$600,000

3. (a) What is the objective and purpose for the renewal of the irrigation, drainage & surface at Bicentennial Reserve?

Answer

The objective is to upgrade the systems to prevent failure of the system.

- (b) Are there any discrepancies or inaccuracies with the plans provided to the contractor for the works?

Answer

No. Final pole locations will be signed off by the Baseball Club before excavation for the pole footings commences.

- (c) Are there any discrepancies or inaccuracies with the plans for the installation of lights at Bicentennial Oval as approved in the DA?

Answer

Refer to response to question 3(b).

- (d) Are there any discrepancies or inaccuracies with the approved DA plans & illumination of the playing field, the lux level of the lights and the positioning of the light poles?

Answer

Refer to response to question 3(b).

- (e) Is at least one pole positioned contrary to what was advised to the local residents, sporting groups & approved in the DA?

Answer

The only changes to the locations of the light poles are the changes requested by North Sydney Junior Baseball in the DA process. North Sydney Junior Baseball requested that the two poles in the south east and the poles in the north west and north east be reviewed. The poles have been relocated slightly as a result of their feedback.

- (f) Has there been any problems apart from that of minor maintenance at Bicentennial Reserve with:

- the irrigation?

Answer

Yes. The irrigation system is old and functionality is failing. The pump, tank, pipework and sprinklers all need replacing. If not replaced soon, the risk is high that costly maintenance and disruption to users will occur.

- the drainage?

Answer

Yes. The field is currently poorly drained. Despite the prolonged period of dry weather, the northern boundary of the field is currently wet due to poor drainage. During wet weather the problems at the oval are more widespread and affect users.

- the turf?

Answer

The excavation works required for the renewal of the drainage necessitate removal of the oval surface. The opportunity is being taken to replace the current grass variety with a variety that will tolerate more wear and tear. The current condition and functionality of these assets is not sufficient to support the current high use of the oval.

- (g) Does the Council agree that the DA approved does not comply with what was agreed arising out of discussions with the Bears – North Sydney Junior Baseball.

Answer

No. During the DA period, North Sydney Junior Baseball requested that three light poles be relocated. The poles were relocated as a result of this feedback. Further, in October 2017, the locations of all five poles were reviewed and agreed at a site meeting between Council Officers and North Sydney Junior Baseball. Final pole locations will be signed off by the Baseball Club before excavation for the pole footings commence.

- (h) Does the Council agree that the upshot is that with the poles as proposed in the DA the field will no longer be able to be used for Junior or Intermediate baseball divisions? If not, why? Please provide a detailed explanation.

Answer

The DA included scaled drawings depicting both the field of play and the location of the light poles.

Changes to the locations of the light poles were requested by North Sydney Junior Baseball during the DA process. North Sydney Junior Baseball requested that the two poles in the south east and the poles in the north west and north east be reviewed. The poles have been relocated slightly as a result of their feedback. Final pole locations will be signed off by the Baseball Club before excavation for pole footings commences.

4. (a) By what authority did Dean Frost decide to withhold some of my Councillor Entitlements? (See section 254A of the LGA which includes the words.... – council may resolve that an annual fee will not be paid.....)

Answer

Council Officers have delegated authority to maintain compliance with the *Local Government Act 1993*.

Schedule 1, clause 12 of the Instrument of Delegation of Authority to the General Manager delegates the authority to:

To authorise action to be taken in relation to any policy of Council or any provision of the Local Government Act or of any other law, statutory or otherwise.

The question quotes only part of *Section 254A of the Local Government Act 1993*. The complete extract, including part (2), is detailed below:

254A Circumstances in which annual fees may be withheld

- (1) *Despite this Division, a council may resolve that an annual fee will not be paid to a councillor or that a councillor will be paid a reduced annual fee determined by the council:*
- (a) *for any period of not more than 3 months for which the councillor is absent, with or without leave, from an ordinary meeting or ordinary meetings of the council, or*
- (b) *in any other circumstances prescribed by the regulations. Section 428 (2) (f) requires a council to include, in its annual report:*
- *the total amount of money expended during the year on mayoral fees and councillor fees*
 - *the council's policy on the provision of facilities for, and the payment of expenses to, councillors*
 - *the total amount of money expended during the year on providing those facilities and paying those expenses.*
- (2) ***Despite this Division, if a councillor is absent, with or without leave of the council, from ordinary meetings of the council for any period of more than 3 months, the council must not pay any annual fee, or part of an annual fee, to that councillor that relates to the period of absence that is in excess of 3 months.***

The relevant section is 254A (2).

Council meeting Minutes show that Councillor Coppock was first absent from the 23 October 2017 Council meeting and returned to the Council meeting of 26 February 2018.

Using the definition of calendar month within Interpretation Act 1987 Section 21 (see question 1) the table below highlights Councillor Coppock was absent from Ordinary Meetings of the Council for a period of more than 3 months.

	First day of calendar month	Last day of calendar month
1	23 October 2017	22 November 2017
2	23 November 2017	22 December 2017
3	23 December 2017	22 January 2018
4	23 January 2018	22 February 2018
Councillor returns 26 February 2018		

Given this *Section 254A of the Local Government Act 1993* applies and officers have acted in accordance with the Act.

- (b) Council has even not discussed this matter let alone resolved in relation to it.

Answer

The *Local Government Act 1993 Section 254A (2)* states that “council must not pay any annual fee, or part of an annual fee, to that councilor that relates to the period of absence that is in excess of 3 months”

Given that Section 254A (2) is explicit in its requirements there is no need for a Council resolution for Officers to act. Council Officers have delegated authority to act maintain compliance with the *Local Government Act 1993*

- (c) Does that mean that I can lodge a claim for surcharge against the General Manager and/or Mr Frost for monies unlawfully withheld?

Answer

No. Monies have not been unlawfully withheld.

Section 435 of the Local Government Act 1993 notes that the application of a surcharge is a matter for the Office of Local Government Department Chief Executive Officer and not something an individual can claim. It also notes the need for some form of loss to the Council, bought about in contravention of the Act and as a consequence of negligence or misconduct.

Council Officers have delegated authority to act to maintain compliance with the *Local Government Act*. Council Officers sought and acted on appropriate advice in good faith.

5. What is the allocation in the budget of 2017-2018 and 2018-2019 for the following:
- (a) Installation of lights at Bicentennial Oval?
 - (b) Irrigation and resurfacing of Bicentennial Oval?

Answer

Refer to response for question 2.

6. What is the budget allocation for the cost of the artificial turfing of Gore Hill Oval in 2017-18 and 2018-19?

Answer

Council resolved on 13 November 2017 to award the Tender to Glascott Landscape & Civil for a contract amount of \$9,918,200.19 with the synthetic components (Base Material, Shockpad, Turf, infill and equipment) valuing \$2,569,290.64 of the contract.

Councillors were provided with updated information in their weekly email on 28 June 2018 on contract negotiations that resulted in savings lowering thereby the contract amount to \$9,156,537 with a guaranteed maximum price of \$9,938,915. The Synthetic components (Base Material, Shockpad, Turf, infill and equipment) were valued at \$2,202,374 of the revised contract amount.

7. What other fields are proposed for flood lighting in the Budget for 2018-19?

Answer

Mowbray Public School. This is a carry forward from the 2017/18 capital works program.

8. What other fields are proposed to be floodlit in the forward plans?

Answer

Subject to approvals, Bales Park, OH Reid, Willoughby Girls High School and Greville Street.

9. What fields are proposed for artificial turfing in the forward plans? Please specify details, if any.

Answer

It is proposed that the enlarged Willoughby Girls High School Oval will include upgrading of the surface to synthetic. This project is a proposed partnership with the Department of Education. The community use of this site is currently managed by Council.

The are no other proposals for Council owned sites in the foreseeable future.

10. (a) What date was the CBD Strategy forwarded to the NSW Government? Have any conversations occurred since that date with the Government Officials about the CBD Strategy? If there have been discussions, please detail when and what was discussed.
(b) When will Council being receiving a detailed report on this matter?

Answer

On 24 January 2018 Council officers forwarded the CBD Strategy to the Greater Sydney Commission (GSC) requesting endorsement. This was followed by a meeting at Council with key officers of the GSC and a tour of the CBD. At the request of the GSC, on 8 May 2018, Council officers attended a GSC Executive meeting to present the strategy. By letter dated 11 May 2018, the GSC confirmed that the CBD Strategy is consistent with the approach in the North District Plan.

On 7 February 2018 a meeting was held with officers of the Department of Planning and Environment (DPE) at which the CBD Strategy was passed over by hand with an accompanying letter requesting endorsement. Staff from DPE together with the North District Commissioner attended Council for a briefing and CBD tour on Friday 13 April 2018. No response from DPE has been received to date.

Further outline of the process for the Strategy going forward is discussed in response to Question 12.

11. When will Council be receiving a report and recommendation on the Architectus report on Town Centres?

Answer

A Local Centres Feasibility analysis has been undertaken by Hill PDA. The analysis investigates the Local Centres Scenarios proposed by Architectus and exhibited by Council earlier this year. The feasibility analysis will inform Architectus on their final report. It is anticipated that this work will be completed by Architectus in early

September 2018. Following receipt of Architectus' report, Council staff will prepare a Draft Local Centres Strategy which is anticipated to be reported to Council in October.

12. When will the industrial areas and residential work for the proposed LEP be commenced and a report provided to the Council?

Answer

In conjunction with the Local Centres Strategy, Council staff are currently putting together a Housing and an Industrial Lands Strategy. These 3 strategies are proposed to be reported to Council in October 2018. Subject to Council endorsing the strategy documents, it is intended to proceed to exhibition before the end of the year. The results of these exhibitions will inform any subsequent LEP changes. Commencement of a draft LEP incorporating all the strategic work (Chatswood CBD, Local Centres, Housing and Industrial Lands strategies) is likely to commence in 2019.

13. What is the cost of the contract with 'Straight Talk' concerning the inquiry into the closing down of the last Council Committees?

Answer

Council is not attempting to divest the current Advisory Committees. Council currently relies on its Advisory Committees to access expertise to inform decision making. This review aims to ensure our Advisory Committees maximises community members' knowledge and technical expertise, through a range of forums and methods that make it easier to participate. With busy lives, not everyone has the time or inclination to attend Committee meetings.

The cost of contract with 'Straight Talk' is \$38,000.

14. (a) Are or have Council Officers been speaking with the applicant of a major development in Walter St, Naremburn?
(b) If so, what has been discussed? If a further report being provided to Council on the matter?
(c) If not, why not and if so when will it be advised to Council?

Answer

A planning proposal for 3-31 Walter Street and 462 Willoughby Road was considered and was not supported for Gateway by Council on 12 March 2018. A rezoning review for this Planning Proposal was not supported by the Sydney North Planning Panel (6 June 2018) however advice was offered regarding amendments to the scheme.

Council staff met with the proponents on June 22 at their request to outline their intentions following refusal. Two new Planning Proposals (one for 3 – 31 Walter street) and the second for 1 – 1A Walter Street and 450 – 462 Willoughby Road) have been lodged with Council (27 July 2018) having regard to the advice provided in the Sydney North Planning Panel determination. These Planning Proposals have just been received and will proceed to assessment

- 15 & 16 There were no QoNs against these numbers.

17. Who is now in control of the plethora of Code of Conduct complaint matters? Who makes the decisions?

Answer

Council's Governance, Risk and Corporate Planning Manager, Todd Hopwood, has been appointed as Council's Code of Conduct Complaints Coordinator. Mr Hopwood commenced with Council on 7 June, 2018.

In an email to the Progress Association dated 21 June 2018, the Mayor advised that:

There are two phases to a Code of Conduct investigation. The first preliminary investigation phase reviews claims to ensure that they are not trivial or vexatious. If there is considered to be sufficient prima facie indication that further investigation is warranted, then the second stage is commenced. Council utilises the services of qualified, independent investigators to review claims relating to Code of Conduct.

- (a) who conducts the first phase and decides whether the claim is trivial or vexatious (or both)? What is the criterion for deciding if there is a "sufficient prima facie" case to answer. Is this like a magistrate deciding whether a matter should go to trial? What legal qualifications does the reviewer have? Is there more than one person involved? What are their legal qualifications?

Answer

Not all complaints are referred to a Conduct Reviewer for preliminary assessment. The General Manager, or the Mayor in relation to complaints that relate to the General Manager, may seek to resolve code of conduct complaints, other than those requiring referral to the Division under clause 5.16 or 5.21 of the *Procedures for the Administration of the Code of Conduct (Procedures)*, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator.

If referred to a Conduct Reviewer for preliminary assessment, it is the Conduct reviewer that must assess the complaint in accordance with clause 6.27 of the *Procedures*. The *Procedures* do not provide a definition of prima facie which conduct reviewers must follow. The Conduct Reviewer is the only person involved in this preliminary assessment. The Conduct Reviewer is not required to hold legal qualifications, although some reviewers do have legal qualifications.

- (b) Who decides which qualified independent investigator is appointed?

Answer

In accordance with clauses 6.1 and 6.2 of the *Procedures*, the Code of Conduct Complaints Coordinator selects the Conduct Reviewer from the panel of conduct reviewers established by Council.

- (c) Is the GM satisfied that all investigators (Reviewers) are qualified and independent?

Answer

All conduct reviewers are appropriately qualified and independent of Council. All appointed conduct reviewers must meet the eligibility criteria detailed in clauses 3.5 and 3.6 of the *Procedures*. Council appointed its Code of Conduct Review Panel at its meeting held on 12 March, 2018. Council participated in a combined expression of interest process for Conduct Reviewers with all other NSROC Councils and the

panel that was adopted by Council was recommended by the NSROC EOI Assessment Panel. All CVs of potential reviewers were provided to Councillors prior to their consideration of the matter and adoption of panel members.

- (d) Has the process known as "Reviewer Shopping" ever been adopted by staff at Willoughby City Council? This is the process whereby more than one Reviewer is sent an outline of allegations and the Reviewers are asked for their assessment as to whether there is a possible code of conduct breach. The one who responds most positively is given the job.

Answer

No. This process has not been undertaken by staff at Council.

- (e) Is there pressure on Reviewers to give Council the report it wants so that they get more work?

Answer

No. The Code of Conduct Complaints Coordinator is the only staff member that liaises with the Conduct Reviewer about the review and its progress and these discussions are limited to administrative matters relating to the Procedures for conducting the review.

18. What is the process for claiming a surcharge under sections 435 to 438 of the Local Government Act 1993.

Answer

The process for determining surcharges under s435-438 of the Act is administered by the Chief Executive of the Office of Local Government and is not a decision for Council, nor its staff.

19. What is the procedure adopted when draft Notices of Motion are received from Councillors? By what authority are questions sometimes asked about the content of the motion and why is it not simply dealt with under clause 20 of the General Meeting Code and any staff comments included at the stage with the Notice of Motion in the Council agenda, as per clause 20.

Would it not be a code of conduct complaint against any staff member of Council who does other comply with any Councillor submitted notice of motion in accordance with clause? If not, please outline why no and giving precise reasoning.

Answer

On occasion, Council staff may contact Councillors in relation to draft Notices of Motion. This is done to either seek clarification of wording if the intent of the motion is unclear, or to provide additional information to the Councillor that may be relevant to the draft motion. This is always done with a view to the drafting of a motion that allows for all current information and is readily implemented if adopted. This is done as a discussion and the original worded motion will be placed on the papers at the discretion of the Councillor.

Council staff are required to place on the agenda of a meeting a Notice of Motion submitted by a Councillor, that is compliant with all relevant clauses of the Code of Meeting Practice. As indicated above, Council Staff may discuss motions with Councillors however the final wording is always at the discretion of the relevant Councillor. However in accordance with clause 17(4) of *the Code of Meeting Practice* a motion will not be included in the papers if in the opinion of the General Manager, the business (or the implementation of the business) would be unlawful.

20. In or about August 2017 the GM worked with the Corporate Affairs Manager of Dougherty Apartments Retirement Housing Project Ltd (Dougherty) to conduct a due diligence review of BaptistCare pursuant to a motion of Council dated 7 August. Can the GM explain why that after communications with the GM, BaptistCare's Board elected not to join the Dougherty Board citing "reputational" concerns?

Answer

The General Manager had no direct contact with BaptistCare. Any contact with BaptistCare was undertaken by the Corporate Affairs Manager for the Dougherty Apartments and by the then Chair of the Dougherty Board, Cr Coppock. Council's Member representative, Cr Saville also attended all due diligence meetings with the Corporate Affairs Manager and the GM.

The current Chair of the Dougherty Apartments Board had discussions with the CEO of BaptistCare following the latter's decision to not proceed. The CEO of BaptistCare indicated that they had no issues with Council or the due diligence process and did not cite reputational concerns.

21. Can the GM explain why at her briefing to Councillors on 26 October 2016 the GM said the concern with the Council's involvement with Dougherty was 'reputational'?

Answer

A Councillors Briefing was not held on 26 October, 2016. A briefing was held on 5 September 2016 and Council's legal advisers, King and Wood Malleasons, made a presentation to that briefing in relation to risks. The statement is incorrectly attributed to the General Manager and the potential of reputational risk was identified by King and Wood Malleasons.

22. (a) Can the GM advise how at at the briefing on 26 October 2016 the GM asserted that Dougherty had 'financial irregularities" and when pushed to explain her statement all she could offer that statutory returns had not been filed?

Answer

No briefing was held on 26 October 2016. The General Manager did not make the statement.

- (b) Can the GM explain how it was that that she looked to the wrong agency for these returns and when her mistake was advised it was found there was no discrepancy was found. Rather it was found that there were no 'financial irregularities at Dougherty'?

Answer

The General Manager did not make the statement referred to in 22(a) which negates this question.

- (c) Can the GM offer any explanation as to why at the time she gave no apology to the Board of Dougherty for her assertion?

Answer

The General Manager did not make the statement referred to in 22(a) which negates this question.

- (d) Can the GM explain why in a recent Report provided to Council (25 June 2018) the writer of the report asserted that Dougherty had not filed certain documents, when the person who briefed the writer of the report was the GM? That the writer of the report also looked to the wrong agency to seek out documents and that the 'missing' documents have all been filed with the correct agency, the very one, that the GM was referred to in 2016?

Answer

The General Manager did not brief the report author. The report was a Conduct Reviewer's report and they author the report independently from Council staff.

23. What is the date that the GM had her first mid-term performance appraisal meeting in her time as GM with the committee of Councillors in the Supper Room?

Answer

Unable to answer this question as the year of the performance appraisal subject to question is not provided.

- **Councillor Coppock left the meeting at 8:31pm.**
- **Councillor Norton left the meeting during debate on Item 19.2: Notice of Motion – Dougherty Apartments taking no part in the discussion or vote on this topic and returned to the meeting after the vote.**

The meeting concluded at 8:52pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 13 August 2018. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.