



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

24 September 2018

commencing at 7:00pm

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1 PRESENT

Her Worship the Mayor Councillor G Giles-Gidney, Councillors 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), Mr M Cashin (Acting 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 Grepl (Governance Officer) and Ms P Sheldrake (Minutes Secretary)

2 DISCLOSURES OF INTEREST

- Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 16.3: Annual Review of Investment Policy 2018/19
(Nature of Interest: I am an employee of Westpac Banking Group. I believe that the specific discussion on the Big 4 Banks in this report represent a significant enough conflict for it to be appropriate that I leave the room)
- Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 16.4: Investment Report for the Month of August 2018
(Nature of Interest: I am an employee of Westpac Banking Group. The reports are only to be received and fulfil the statutory requirements of the LG regulations)
- Councillor Eriksson declared, via a Disclosures of Interest form, a pecuniary interest in Item 20.1: Confidential – Lease or Sale of Unit 39, 135-145 Sailors Bay Road, Northbridge
(Nature of Interest: A unit is owned by a family member in this building. As such I will leave the chamber)
- Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 18.1: 51-61 Archer Street, 34-34B albert Avenue and 30-32A Bertram Street, Chatswood – Planning Proposal and Item 18.2: 54-56 Anderson Street, Chatswood – Planning Proposal
(Nature of Interest: I am a member of the Sydney North Planning Panel)

Recommittal Motion

That Council recommit Disclosures of Interest following the election of the Deputy Mayor.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

- Deputy Mayor Councillor Rutherford declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 18.1: 51-61 Archer Street, 34-34B Albert Avenue and 30-32A Bertram Street, Chatswood – Planning Proposal and Item 18.2: 54-56 Anderson Street, Chatswood – Planning Proposal
(*Nature of Interest: I am an alternate voting member of the Sydney North Planning Panel*)

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 10 September 2018, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Campbell is on leave previously granted.
- Councillor Rozos requested Leave of Absence from 8-10 October 2018.
- Councillor Coppock requested Leave of Absence from 8-26 October 2018 – to be confirmed.

RESOLUTION

That Council:

1. **Note Councillor Campbell is on leave previously granted.**
2. **Grant Councillor Rozos Leave of Absence from 8-10 October 2018.**
3. **Grant Councillor Coppock Leave of Absence, if required, from 8-26 October 2018.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

5 PETITIONS

NIL

6 OPEN FORUM

Suzie Gold spoke at Open Forum on Council needing to be more honest and accountable.

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE – PASSING OF JOYCE ALDRIDGE

MEETING DATE: 24 SEPTEMBER 2018

PURPOSE OF REPORT

It is with much sadness that I inform the Chamber of the passing of Joyce Aldridge, a long-term Castle Cove resident and volunteer, on 13 September.

Joyce Mary Rowles was born at Leederville, WA, on 3 February 1925 and grew up in Mt Hawthorn. She completed the East Perth Secondary School before her 15th birthday and then attended Perth Technical School in the City.

At 15 years she started work, dress making, and continued her dress making classes at night school. She became very proficient and during the war Joyce made military uniforms, volunteered in the Young Australia League and served as a Raid Warden.

Joyce also joined City of Perth Surf Life Saving Club, involving drilling, swimming, first aid instruction and lifesaving duty.

Joyce married Gordon Aldridge in 1947 following his discharge from the Navy. Gordon got a job in 1949 managing the Australian Hotel in Penrith, then a country town. They later moved to Bourke and Blakehurst with their young children. The couple were involved with the local community, and close bonds were formed with others in more isolated areas. The family moved to Castle Cove, their final destination, in 1960. The house was one of the first built at the end of Deepwater Road.

In Castle Cove, Joyce was active in her children's P&C and the local Methodist Church. She helped Gordon in his work with real estate agents Hookers. Gordon passed away in 2004. She has been a supportive loving mother, a proud grandmother of five children, and great grandmother of three.

Joyce was well known in her community and will be sadly missed by many. Our condolences go to her family at this time.

MOTION

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

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

7.2 MAYOR'S DIARY: COUNCIL MEETING NOTES – 24 SEPTEMBER 2018

TUESDAY 11 SEPTEMBER			
Mayor	9.40 am	Activities with Students	Council Chambers
WEDNESDAY 12 SEPTEMBER			
Mayor	12 noon	Live at Lunch	The Concourse
THURSDAY 13 SEPTEMBER			
FRIDAY 14 SEPTEMBER			
Cr Norton	6 pm	Dance to the Nines	Dougherty Centre
SATURDAY 15 SEPTEMBER			
Cr Norton	12 noon	SCCG Meeting	Woollahra Council Chambers
Cr Norton	2 pm	WSO Concert	The Concourse
SUNDAY 16 SEPTEMBER			
Mayor	Morning	Artarmon School Fair	Thomson Park
Mayor Cr Rozos	11.30 am	Craft Beer Festival	Willoughby Hotel environs
WEDNESDAY 19 SEPTEMBER			
Cr Rutherford	11 am	Celebration of the life of Joyce Aldridge	Roseville Uniting Church
THURSDAY 20 SEPTEMBER			
Cr Saville		International Campaign Against Nuclear Weapons (ICAN), Nobel Peace Prize (2017) Ride & Rally	Canberra
Cr Campbell	7.30 pm	Chatswood West Ward Progress Assn	Dougherty Centre
FRIDAY 21 SEPTEMBER			
Mayor	8.50 am	Opening of Community Garden	OLOD School, Archer Street
Mayor	10 am	Meeting Kindergarten Debutantes	OLOD School, Archer Street
Mayor	11 am	Launch of "Your Side" Community Care	Westfield Chatswood
SATURDAY 22 SEPTEMBER			
Cr Saville	9 am	100K Produce Market	Chatswood Mall
Mayor	10.50 am	Opening of Art Expo: Red Earth	Chinese Cultural Centre
Mayor Crs Saville, Tuon	11.45 am	Stairway to the Heart - Asylum Seeker & Refugee Group Event	The Concourse Steps
Mayor	12.30 pm	Picnic for New Residents	Beauchamp Park
SUNDAY 23 SEPTEMBER			
Mayor Cr Saville	2 pm	WDHS Cavalcade of Fashion – The 50's	Chatswood Bowling Club
Mayor	4 pm	Northbridge Junior Art Prize 2018: Opening and Presentation of Awards	Gallery 307, Sailors Bay Road

8 GENERAL MANAGER'S LATE REPORT

20.2 CONFIDENTIAL - BUILDING UPGRADE TENDER

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

Item 19.1 Notice of Motion – Dumping of fill in park east of Flat Rock Drive

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 16.3 Annual Review of Investment Policy 2018/19

Item 18.4 Flat Rock Creek Flood Study

RESOLUTION

That the remaining items, viz:

Item 12.1 Willoughby Seniors' Advisory Committee Meeting held 14 August 2018

Item 16.2 Draft Financial Reports for the Year ended 30 June 2018

Item 16.4 Investment Report for the month of August 2018

Item 18.3 2/31 Victor Street, Chatswood – lease Renewal for Premises to KL United Pty Ltd

Item 18.5 Easement to Drain Water – 56 Fourth Avenue, Willoughby East (DA 2016/270)

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against:

Absent:

11 MATTERS BROUGHT FORWARD BY THE PUBLIC

Item 17.1 Review of Advisory Committees

Item 18.1 51-61 Archer Street, 34-34B Albert Avenue and 30-32A Bertram Street, Chatswood – Planning Proposal

Item 18.2 54-56 Anderson Street, Chatswood – Planning Proposal

12 REPORTS FROM COMMITTEES

12.1 WILLOUGHBY SENIORS' ADVISORY COMMITTEE MEETING HELD 14 AUGUST 2018

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES - WILLOUGHBY SENIORS' ADVISORY COMMITTEE - 14 AUGUST 2018
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ELLEN MILLER - COMMUNITY VENUES & SERVICES TEAM LEADER
CITY STRATEGY LINK:	1.2.2 PROVIDE AND ADVOCATE FOR APPROPRIATE FACILITIES AND SERVICES FOR ALL AGES
MEETING DATE:	24 SEPTEMBER 2018

PURPOSE OF REPORT

To provide Council with the minutes of the Willoughby Seniors' Advisory Committee meeting held Tuesday 14 August 2018.

RESOLUTION

That Council receive and note the minutes of the Willoughby Seniors' Advisory Committee meeting held Tuesday 14 August 2018.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 ELECTION OF DEPUTY MAYOR

ATTACHMENTS:	1. IMPLICATIONS 2. OFFICE OF LOCAL GOVERNMENT FACT SHEET – ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	TODD HOPWOOD – GOVERNANCE, RISK & PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	24 SEPTEMBER 2018

PURPOSE OF REPORT

To consider the election of a Councillor to the position of Deputy Mayor for the proceeding twelve month period.

The Returning Officer for the election (Governance, Risk & Corporate Planning Manager) advised the meeting that he has received one nomination and asked if there were any other nominations before conducting the vote.

The nomination received was for Councillor Rutherford. As there were no other nominations, Councillor Rutherford was elected to the position of Deputy Mayor unopposed.

The Mayor thanked the outgoing Deputy Mayor, Councillor Eriksson, for his support over the past year and congratulated Councillor Rutherford and said that she looked forward to working with her.

Councillor Rutherford said she was looking forward to working with all Councillors.

Councillor Eriksson thanked his colleagues for their support. He congratulated incoming Deputy Mayor, Councillor Rutherford, and formally thanked the Mayor.

16.2 DRAFT FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2018

- ATTACHMENTS:**
- 1. IMPLICATIONS**
 - 2. DRAFT GENERAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018**
 - 3. DRAFT SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018**
 - 4. DRAFT SPECIAL SCHEDULES FOR THE YEAR ENDED 30 JUNE 2018**

ATTACHMENTS 2 - 4 TO BE DISTRIBUTED SEPARATELY

RESPONSIBLE OFFICER: DEAN FROST – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
BILL LOFTHOUSE – FINANCIAL ACCOUNTANT

CITY STRATEGY OUTCOME: OUTCOME 5: A CITY THAT IS EFFECTIVE AND ACCOUNTABLE

MEETING DATE: 24 SEPTEMBER 2018

PURPOSE OF REPORT

To formally refer the draft Financial Accounts for the year ended 30 June 2018 to audit under Section 413 of the *Local Government Act 1993*. The Financial Statements comprise of the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2017.

RESOLUTION

That Council:

- 1. Note that the draft annual financial reports for Willoughby City Council for the period 1 July 2017 to 30 June 2018 have been prepared in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the *Australian Accounting Standards* and the Office of Local Government prescribed *Code of Accounting Practice and Financial Reporting (update No. 26)*.**
- 2. Adopt the draft accounts and authorise the Mayor, Deputy Mayor, General Manager and Chief Financial Officer to sign the Statement by Councillors and Management required under *Section 413 (2)(c) of the Local Government Act 1993* and *Clause 215(1) of the Local Government (General) Regulation 2005*.**
- 3. Resolve for the purposes of *Section 413(1) of the Local Government Act 1993* to refer the draft financial reports for the period from 1 July 2017 to 30 June 2018 to the NSW Auditor General for external audit.**

4. Resolve, for the purposes of Section 417(5) of the *Local Government Act 1993* to send a copy of the audited financial reports and a copy of the auditor's report to the Office of Local Government and the Australian Bureau of Statistics immediately on receipt of the Audit Report subject to there being no material changes arising during the audit.
5. Resolve that public notice be given of the presentation of the financial reports as prescribed by Section 418 of the *Local Government Act 1993*.
6. Resolve that 12 November 2018 be fixed as the date for the public meeting to present the audited financial reports and the audit reports for the year ended 30 June 2018 as required by Section 419 of the *Local Government Act 1993*.
7. Resolve to accept submissions on the financial reports and auditors reports and refer these submissions to the auditor in accordance with Section 420 of the *Local Government Act 1993*.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16.3 ANNUAL REVIEW OF INVESTMENT POLICY 2018/19

ATTACHMENTS:	1. IMPLICATIONS 2. WILLOUGHBY CITY COUNCIL DRAFT INVESTMENT POLICY 2018_19
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	A CITY THAT IS EFFECTIVE AND ACCOUNTABLE
MEETING DATE:	24 SEPTEMBER 2018

PURPOSE OF REPORT

To present a draft updated Investment Policy to Council for consideration and adoption.

AMENDMENT**That Council:**

1. Give preference to financial institutions that do not invest in or finance the fossil fuel industry where:
 - a. the investment is compliant with Council's investment policy; and
 - b. the investment rate of interest is favourable to Council relative to other similar investments that may be on offer to Council at the time of investment.
2. Provide a 6 monthly report to Council on the state of its divestment from fossil fuels.
3. Request that Local Government NSW prepare and maintain a list of authorised deposit taking institutions which are committed to fossil free investments and lending.

MOVED COUNCILLOR SAVILLE**LAPSED FOR WANT OF A SECONDER**

RESOLUTION

That Council adopt the updated Investment Policy with no changes to the credit rating, counterparty and maturity parameters.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock and Wright.

Councillor Wright declared a non-pecuniary, significant interest in Item 16.3: Annual Review of Investment Policy 2018/19 and withdrew from the meeting taking no part in the discussion or voting on this topic.

16.4 INVESTMENT REPORT FOR THE MONTH OF AUGUST 2018

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2018) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	DEAN FROST - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	24 SEPTEMBER 2018

PURPOSE OF REPORT

To detail the Council Bank balances and Investment portfolio performance as at 31 August 2018.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 August 2018.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 REVIEW OF ADVISORY COMMITTEES

ATTACHMENTS:	1. IMPLICATIONS 2. STRAIGHT TALK - <i>REVIEW OF COUNCIL ADVISORY COMMITTEES REPORT (TO BE DISTRIBUTED SEPARATELY)</i> 3. ALTERNATE METHODS TO OBTAIN SPECIALIST ADVICE
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	5.5 – MAKE IT EASY FOR CITIZENS TO PARTICIPATE IN DECISION MAKING
MEETING DATE:	24 SEPTEMBER 2018

PURPOSE OF REPORT

To present the findings and recommendations from the review of Advisory Committees for Council's consideration.

Procedural Motion

That the following people address the meeting:

- **Dr Paul Stokes, President, Castlecrag Progress Association**
- **Chris Wren, Treasurer, Haven Amphitheatre Management Committee**
- **Karen Wilson, President of Haven Promotions Inc.**
- **Ian Kilminster**
- **Mark Tonga**
- **Lorraine Cairnes**
- **Peter Moffitt**
- **Roger Promnitz, President, Naremburn Progress Association & VP, FWPA**
- **Tim Beveridge**
- **Representative speaking on behalf of Marlene Vaughan**
- **Lindy Batterham**
- **Cotter Erickson**
- **Matthew Keighery**
- **Jill Newton**
- **James Hamilton**
- **Mark Crew**

Procedural Motion

That Council resolve into Committee of the Whole in order to deal with this matter.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

RESOLUTION

That the meeting revert from Committee of the Whole to Council.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

AMENDMENT

That Council:

1. Recognise the valuable contribution of community members' time and expertise to Council decision making through Council's advisory committees;
2. Recommends that a civic function be held to recognise the efforts of advisory committee members;
3. Note the findings of the *Review of Council Committees* contained in the 'Straight Talk' *Review of Council Advisory Committees* report.

That Council, based upon the assessment criteria outlined in the 'Straight Talk' *Review of Council Advisory Committees* report, and the consultation feedback received:

4. Dissolve the Access Advisory Committee and Seniors Advisory Committee and form an amalgamated reference group with appropriate *Terms of Reference* to be developed;
5. Dissolve the Bicycle Advisory Committee and form a reference group with appropriate *Terms of Reference* to be developed;
6. Dissolve the Heritage Advisory Committee and form a reference group with appropriate *Terms of Reference* to be developed;

7. Dissolve the following advisory committees;
 - 7.1 Bi-centennial Reserve and Flat Rock Gully Advisory Committee
 - 7.2 Cultural Events Committee
 - 7.3 Global Friendship Committee
 - 7.4 Willoughby Symphony Orchestra and Choir Advisory Committee
 - 7.5 Companion Animals Advisory Committee
 - 7.6 Natural Heritage and Bushland Advisory Committee
 - 7.7 Willoughby Park Advisory Committee
8. Dissolve the Haven Amphitheatre Committee. In consultation with the community including former HAC members council develop a Reserve Management Plan which embraces the unique environmental, heritage and cultural aspects of the haven, at which stage Council consider reinstatement of the committee if considered appropriate.
9. Adopt the transition strategy outlined in section 4.8 of this report, namely the commitment to debrief committees, to provide for committee handover and the registration of individuals who wish to continue to be contacted in relation to specific matters as part of a Peoples Panel.
10. Receive a report by Feb 19 on the development of
 - a) the terms of reference recommended in this report;
 - b) a revised advisory committee policy; and
 - c) the alternate methods for continuing to engage community expertise on particular strategic initiatives of Council as presented in section 4.4 and attachment 3 of this report.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR ZHU

LOST

Voting

For the Amendment: Councillors Giles-Gidney, Eriksson, Rutherford, Tuon, and Zhu.

Against: Councillors Coppock, Fernandez, Mustaca, Norton, Rozos, Saville and Wright.

MOTION

That Council:

1. Note the report.
2. Recognises the valuable contribution of community members' time and expertise to council decision making through council's advisory committees.
3. Provide both the Officer's report and the Straight Talk consultant's report to committee members for discussion and response at their next committee meeting.
4. Officers provide advice on appropriate and necessary changes to the current Terms of Reference of each of the existing advisory committees.

5. Receive a further officer's report regarding advisory committees in February 2019, subsequent to all advisory committees having been given the opportunity to have input to the matter by December 2018.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR ROZOS

NOT PUT

AMENDMENT

That Council:

1. Note the report.
2. Recognises the valuable contribution of community members' time and expertise to council decision making through Council's advisory committees.
3. Provide both the Officer's report and the Straight Talk consultant's report to committee members for discussion and response at their next committee meeting.
4. Receive a report by 19 February 2019 subsequent to all advisory committees having been given the opportunity to have input to the matter by December 2018.
 - a) the terms of reference recommended in this report;
 - b) a revised advisory committee policy; and
 - c) the alternate methods for continuing to engage community expertise on particular strategic initiatives of Council as presented in section 4.4 and attachment 3 of this report.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

For the Amendment: Councillors Giles-Gidney, Eriksson, Fernandez, Mustaca, Rutherford, Tuon, Wright and Zhu.

Against: Councillors Coppock, Norton, Rozos and Saville.

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

Voting

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

Against: Councillors Coppock and Rozos.

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 51-61 ARCHER STREET, 34-34B ALBERT AVENUE AND 30-32A BERTRAM STREET, CHATSWOOD - PLANNING PROPOSAL

ATTACHMENTS:

1. IMPLICATIONS
2. COUNCIL DETAILED ASSESSMENT
3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS'
4. PLANNING PROPOSAL CONCEPT PLANS
5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS
6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012
7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO AND SPECIAL PROVISIONS AREA MAPS

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

AUTHOR: CRAIG O'BRIEN – STRATEGIC PLANNER

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

MEETING DATE: 24 SEPTEMBER 2018

PURPOSE OF REPORT

To seek endorsement for the forwarding of Planning Proposal 2018/6 for 51–61 Archer Street, 34-34B Albert Avenue and 30-32A Bertram Street, Chatswood, to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda Item.

Procedural Motion

That Nick Juradowitch, Ingham Planning Pty Ltd address the meeting and answer questions of the Councillors.

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 replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:

“(b) any part of the floor area of a building that:

 - (i) is to be used for community facilities or affordable housing purposes, or
 - (ii) is a heritage item, or
 - (iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map

is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.”
 - b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”
 - c) To replace Clause 6.8 'Affordable Housing', (7) with the following:

“(7) In this clause:

accountable total floor space means:

 - a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.
 - b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.”
 - d) To amend Clause 6.10 'Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings' as follows:
 - i) Amend the heading to:

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

ii) Add to the Table in Clause 2:

“Column 1	Column 2	Column 3
Shop top housing	B4 Mixed use on land shown in Area 10 of the Special Provisions Area Map	5,000 square metres”

The remainder of this clause is unchanged.

e) To add Clause 6.23 as follows:

“6.23 Minimum commercial floor space within the Mixed Use zone

Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map.”

f) To add Clause 6.24 as follows:

“6.24 Design Excellence

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to development involving the erection of a new building on land shown in Area 12 on the Special Provisions Area Map.
- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.”

- g) To amend the Land Zoning Map (Sheet LZN_004) for 51–61 Archer Street, 34-34B Albert Avenue and 30-32A Bertram Street, Chatswood, to B4 Mixed Use.
- h) To amend the Height of Buildings Map (Sheet HOB_004) for 51–61 Archer Street, 34-34B Albert Avenue and 30-32A Bertram Street, Chatswood, to 90 metres.
- i) To amend the Floor Space Ratio Map (Sheet FSR_004) for 51–61 Archer Street, 34-34B Albert Avenue and 30-32A Bertram Street, Chatswood, to 6:1.
- j) To amend the Special Provisions Area Map (Sheet SPA_004) to show 51–61 Archer Street, 34-34B Albert Avenue and 30-32A Bertram Street, Chatswood, as Area 3, Area 8, Area 9, Area 10 and Area 11.
- k) To amend the Active Street Frontages Map (ASF_004) to show 51-61 Archer Street, 34-34B Albert Avenue and 30 - 32A Bertram Street, Chatswood to include the Archer Street and Albert Avenue frontages.

2. Subject to 1. above, endorse for public exhibition the Planning Proposal as outlined in 1. above.

3. Endorse for public exhibition the Planning Proposal, with the accompanying *Development Control Plan* provisions, subject to the following amendments:
 - a) Add under Section 2. Built Form, Controls:

“3. The maximum tower floor plate that applies to this site for residential towers above a podium is 700m².”
 - b) Delete Section 4. Street Frontage Heights and Setbacks, Controls 1 and Figure 2 “Minimum Building Setbacks” and replace with:

“1. Building street frontage heights and setbacks are to be in accordance with Figure 2 “Street Frontage Heights and Building Setbacks” below.

Figure 2 “Street Frontage Heights and Building Setbacks” is to replicate what is shown, regarding the subject site, in Key Element 27, Figure 3.1.8 of the *Chatswood CBD Planning and Urban Design Strategy to 2036*.
 - c) Add under Section 4. Street Frontage Heights and Setbacks, Controls:

“2. All buildings are to be setback from all boundaries a minimum of 1:20 ratio of the set back to building height (eg. 3m setback for a 60m building, 4.5m setback for a 90m building)”
 - d) Add under Section 9. Traffic and Transport, Controls:

“8. Traffic shall be restricted to left in / left out at the Bertram Street / Archer Street intersection, to be facilitated by the introduction of a median strip at the cost of the proponent and involving consultation with Council’s Traffic Section.”
 - e) Add under new Section 12 Flooding, Controls:

“1. Loss of existing flood storage capacity at Ground level as a result of the development shall be replaced by storage capacity within the site below ground level and detailed at Development Application stage.

2. Flooding within the road reserve shall not change the existing level of flood hazard as a result of the development.”
4. Require an updated Letter of Offer to enter into a Planning Agreement, to be submitted to Council prior to referral to Gateway, as the basis for further negotiation.
5. Prior to referral to the Gateway, and in accordance with the letter from Develotek Property Group dated 23 July 2018, the proponent is to withdraw the following Planning Proposals, being:
 - a) Planning Proposal 2017/4 for 51, 53, 53A and 55 Archer Street, 34, 34A and 34B Albert Avenue and 30, 32 and 32A Bertram Street, Chatswood.
 - b) Planning Proposal 2017/9 for 57-61 Archer Street, Chatswood.

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

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR MUSTACA

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, Tuon and Zhu.

Against: Councillors Coppock, Norton, Saville and Wright.

Absent: Councillors Giles-Gidney and Rutherford.

Due to Item 18.1: 51-61 Archer Street, 34-34B Albert Avenue and 30-32A Bertram Street, Chatswood – Planning Proposal being a Sydney North Planning Panel (SNPP) matter, Her Worship the Mayor Councillor Giles-Gidney and Deputy Mayor, Councillor Rutherford declared a non-pecuniary significant interest as members of the SNPP and withdrew from the meeting taking no part in the discussion or voting on this topic.

Former Deputy Mayor Eriksson assumed the Chair in the Mayor and Deputy Mayor's absence for this item.

18.2 54-56 ANDERSON STREET, CHATSWOOD - PLANNING PROPOSAL

ATTACHMENTS:	1. IMPLICATIONS 2. LOCATION MAP 3. WILLOUGHBY LOCAL PLANNING PANEL ADVICE
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	EMMA BROWN – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	24 SEPTEMBER 2018

PURPOSE OF REPORT

To provide Council with the advice of the Willoughby Local Planning Panel regarding the Planning Proposal (PP-2017/6) for 54–56 Anderson Street, Chatswood.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda item

Procedural Motion

That Nick Juradowitch, Ingham Planning Pty Ltd address the meeting and answer questions of the Councillors.

MOTION

That Council note the advice from the Willoughby Local Planning Panel.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR WRIGHT

CARRIED

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

Voting

For the Resolution: Councillors Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Tuon, Wright and Zhu.

Against: Councillor Saville

Absent: Councillors Giles-Gidney and Rutherford.

Due to Item 18.2: 54-56 Anderson Street, Chatswood – Planning Proposal being a Sydney North Planning Panel (SNPP) matter, Her Worship the Mayor Councillor Giles-Gidney and Deputy Mayor, Councillor Rutherford declared a non-pecuniary significant interest as members of the SNPP and withdrew from the meeting taking no part in the discussion or voting on this topic.

Former Deputy Mayor Eriksson assumed the Chair in the Mayor and Deputy Mayor's absence for this item.

18.3 2/31 VICTOR STREET, CHATSWOOD - LEASE RENEWAL FOR PREMISES TO KL UNITED PTY LTD

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	ANNA VECCHIO – PROPERTY LEASING OFFICER
CITY STRATEGY OUTCOME:	4.3 – CREATE MEMORABLE FOOD DESTINATIONS
MEETING DATE:	24 SEPTEMBER 2018

PURPOSE OF REPORT

To seek Council's consent to enter into a five year lease option renewal at Shop 2, Ground Floor, 31 Victor Street, Chatswood, known as Two Jays Café and Burger Bar.

RESOLUTION

That Council:

1. Authorise the General Manager to negotiate and finalise the lease between Willoughby City Council and KL United Pty Ltd.
2. Authorise the General Manager to execute the lease agreement and any associated documentation related to the occupation of Shop 2, Ground Floor, 31 Victor Street, Chatswood.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

18.4 FLAT ROCK CREEK FLOOD STUDY

ATTACHMENTS:	1. IMPLICATIONS 2. EXECUTIVE SUMMARY
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	SCOTT KAVANAGH – DRAINAGE / DESIGN ENGINEER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE AND ECOLOGICAL SYSTEM
MEETING DATE:	24 SEPTEMBER 2018

PURPOSE OF REPORT

To seek adoption by Council of the *Flat Rock Creek Flood Study* and provide an update on the results and proposed outcomes recommended.

MOTION

That Council:

1. Adopt the *Flat Rock Creek Flood Study* and the recommendations regarding property classifications.
2. Conduct property affectation audits and update and amend Section 149 (2) and 149 (5) certificates for the properties identified as being subject to flooding from 1:100 year storms.
3. Commence the *Flat Rock Creek Floodplain Risk Management Study and Plan*, and establish a floodplain risk management committee for the duration of the project.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR ERIKSSON

CARRIED

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

Voting

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

Against: Councillor Wright.

Absent: Councillor Coppock, Mustaca, Norton and Saville.

18.5 EASEMENT TO DRAIN WATER - 56 FOURTH AVENUE, WILLOUGHBY EAST (DA 2016/270)

ATTACHMENTS:	1. IMPLICATIONS 2. TRANSFER GRANTING EASEMENT DOCUMENTS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CLARE WOODS – SENIOR DEVELOPMENT CONTROL ENGINEER
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	24 SEPTEMBER 2018

PURPOSE OF REPORT

To seek Council's approval to authorise the General Manager to accept and sign documents for the creation of a stormwater drainage easement at 56 Fourth Avenue, Willoughby East.

RESOLUTION

That Council:

1. Accept an easement to drain water 3.5m, 4.52m and variable width over Council's stormwater pipe system that is located within Lot 38 DP12024 and Lot 39 DP 12024, house number 56 Fourth Avenue, Willoughby East.
2. Delegate authority to the General Manager to accept and endorse relevant documents for the creation of the above easement.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

18.6 258 SAILORS BAY ROAD, NORTHBRIDGE - DEVELOPMENT OF REAR PORTION OF THE BUILDING

ATTACHMENTS:	1. IMPLICATIONS 2. COMMUNITY CONSULTATION RESULTS 3. CONCEPT PLANS – DESIGN OPTION 1 4. CONCEPT PLANS – DESIGN OPTION 2
RESPONSIBLE OFFICER:	GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID DI BIASE – PROPERTY AND CONSTRUCTION SERVICES MANAGER
CITY STRATEGY OUTCOME:	2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY
MEETING DATE:	24 SEPTEMBER 2018

PURPOSE OF REPORT

To update Council on the outcome of the Expression of Interest (EOI) for a community facility for the rear section of 258 Sailors Bay Road, Northbridge and provide a recommendation as to the preferred development option for the facility.

Procedural Motion

That the following people address the meeting:

- Rachel Hill
- Lisa Hooper

MOTION

That Council:

1. Note the outcome of the Expression of Interest for a community use at the rear of the existing building of 258 Sailors Bay Road, Northbridge.
2. Manage the community space and make it available to be booked by the community.
3. Prepare or amend existing plans for the redevelopment of the rear of 258 Sailors Bay Road, Northbridge to provide internal floor area for the purposes of a flexible community use space including the provision of artist studios, uses for activities such as knitting, creative endeavours and social inclusion pursuits.
4. Prior to the lodgement of plans for development assessment, request an updated budget and plans come back to Council for consideration and endorsement to lodge for development assessment before January 2019.
5. Progress with the design development to allow the submission of Development and Construction Certificate Application for works by March 2019.

6. Call tenders upon receipt of the Development Consent and Construction Certificate approval.
7. Receive a further report for Council's consideration upon the assessment of the tender submissions.

MOVED COUNCILLOR FERNANDEZ

SECONDED COUNCILLOR MUSTACA

CARRIED

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

Voting

For the Resolution: Councillors Coppock, Fernandez, Mustaca, Norton, Rozos, Rutherford and Saville.

Against: Councillors Giles-Gidney, Eriksson, Tuon, Wright and Zhu.

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION - DUMPING OF FILL IN PARK EAST OF FLAT ROCK DRIVE

RESPONSIBLE OFFICER: GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: DAVID ROBERTS – ENVIRONMENT MANAGER

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

MEETING DATE: 24 SEPTEMBER 2018

PURPOSE OF REPORT

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

OFFICER'S RECOMMENDATION

That Council consider the Notice of Motion from Councillor Saville.

MOTION

That Council:

- 1. Approach the Premier, Minister for Roads, Environment and Planning and leader of the Opposition, Shadow members, Greens MP David Shoebridge to alert them of council opposition to the current RMS proposal to dump fill in park east of Flat Rock Drive.**
- 2. Affirm that public transport is a preferred option.**

THIS MATTER WAS DEFERRED TO THE NEXT COUNCIL MEETING.

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 items.
2. Council resolve into Committee of the Whole in order to deal with these confidential items.

Council moved into closed session at 10:37pm.

Councillor Eriksson declared a pecuniary interest in Confidential Item 20.1: Lease or Sale of Unit 39, 135-145 Sailors Bay Road, Northbridge due to a unit in the building being owned by a family member, and withdrew from the meeting taking no part in the discussion or voting on this topic.

20.1 CONFIDENTIAL - LEASE OR SALE OF UNIT 39, 135-145 SAILORS BAY ROAD, NORTHBRIDGE

Reason for Confidentiality

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

20.2 CONFIDENTIAL - BUILDING UPGRADE TENDER

Reason for Confidentiality

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

20.1 CONFIDENTIAL - LEASE OR SALE OF UNIT 39, 135-145 SAILORS BAY ROAD, NORTHBRIDGE**Recommendation Summary**

That Council maintain resolutions 1-4 confidential, on commercial grounds, until the unit is leased or sold.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Councillors Norton and Rozos.

Absent: Councillors Eriksson and Coppock

20.2 CONFIDENTIAL - BUILDING UPGRADE TENDER**Recommendation Summary**

That Council:

1. Note the report and the resolution relating to the tender process from 23 April 2018.
2. Make public resolution 2 after the tender is awarded.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Councillors Eriksson, Norton and Rozos.

Absent: Councillor Coppock

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

Council moved into open session at 11.15pm.

RESOLUTION

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, 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 SAVILLE - BUILDING CLADDING IN WILLOUGHBY CITY COUNCIL'S LGA

RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	24 SEPTEMBER 2018

QUESTION

1. With regards to buildings within WCC LGA which have been identified as containing inflammable cladding, when will a report be brought to Council?
2. How many of these buildings are Council owned?
3. What is the timeline for remediation?
4. Has funding been allocated in the budget?
5. What progress has been made regarding confirmation of whether cladding used within Willoughby LGA is comprised of inflammable materials?
6. Did WCC respond to Fire and Rescue requests to inspect and report on buildings within the LGA?
7. If it did not respond, when will it do so? Has penalty been incurred?
8. How can Willoughby City Council ensure better communication and collaboration with Fire and Rescue, the Planning Minister, and the NSW Minister for Better Regulation with regards to inflammable cladding used across the Willoughby LGA?

ANSWER

1. Council has investigated 58 properties involving Aluminium Composite Panels within the Willoughby LGA and is taking further action in respect of 12 buildings deemed most at risk due to the building's occupancy status to ascertain the level of fire safety. Property owners will be given three months to reply to Council's Order.
2. Council owns one of the properties investigated - The Concourse, at 409 Victoria Avenue, Chatswood. Investigations are well advanced into the cladding used on the building. Expressions of Interest to seek suitable contractors for replacement of material is nearing completion.
3. Orders regarding the removal of cladding have not been issued yet until Council can ascertain the degree of combustible material attached to each of the buildings. Orders currently being issued should reveal this information within 3 months.

4. There is sufficient budget for Council to undertake the compliance role. Any physical works required on buildings under Council's responsibility would be subject to Council report if budget allocation is required.
5. Refer to the response for question 1.
6. A recent media story (Friday 7 September on Channel Seven) indicated that Willoughby was one of eleven Sydney Councils that had not responded to NSW Fire and Rescue requests to investigate and report on buildings with combustible cladding. Council has no knowledge of any requests that remain outstanding.

Council has worked in close partnership with the NSW Cladding Taskforce since its inception in 2017. The Taskforce comprises a number of government departments including NSW Fire & Rescue, Department Planning and Environment and Department of Finance.

Willoughby City Council responded to NSW Fire and Rescue's initial list of buildings to be investigated dated 22 December 2017 within the required time frame. Redirected correspondence regarding Willoughby buildings from North Sydney Council have also been investigated.

Subsequent lists of buildings to be investigated from NSW Fire and Rescue dated 4 May 2018, 29 June 2018 and 4 July 2018 have been investigated by Council and individual responses sent. To ensure there was clarity for NSW Fire and Rescue, all of Council's investigations and results were collated and forwarded to NSW Fire and Rescue on 12 September 2018. It is understood that at the time the Channel Seven story was aired, NSW Fire and Rescue would not have received Council's response to the most recent letters, even though it was aware Council was undertaking the investigations. Council is seeking further clarification from Ministerial Media about the information provided to Channel Seven which is patently incorrect.

7. Responses have been provided and there is no penalty involved.
8. There are a number of state government entities represented on the cladding taskforce. Willoughby City Council continues to work with the taskforce and the individual agencies to ensure community safety.

Procedural Motion

That Council extend the meeting beyond the 10:30pm conclusion.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

- Her Worship the Mayor Councillor Giles-Gidney and Deputy Mayor, Councillor Rutherford left the meeting at 7:51pm during debate on Item 18.1: 51-61 Archer Street, 34-34B Albert Avenue and 30-32A Bertram Street, Chatswood – Planning Proposal and Item 18.2: 54-56 Anderson Street, Chatswood – Planning Proposal and took no part in the debate or vote on these topics and returned to the meeting at 8:28pm. Former Deputy Mayor Eriksson took the chair in the Mayor’s absence.
- Councillor Coppock left the meeting at 10:35pm.
- Councillor Wright left the meeting at 11:17pm during debate on Item 16.3: Annual Review of Investment Policy 2018/19 taking no part in the discussion or voting on this topic and returned to the meeting at 11:19pm
- Councillor Eriksson left the meeting at 10:37pm during debate on Confidential Item 20.1: Lease or Sale of Unit 39, 135-145 Sailors Bay Road, Northbridge taking no part in the discussion or voting on this topic and returned to the meeting at 10:52pm.

The meeting concluded at 11:20pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 24 September 2018. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.