



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chamber, Level 6, 31 Victor Street, Chatswood

24 October 2018

commencing at 7:00pm

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## 1 PRESENT

Her Worship the Mayor Councillor G Giles-Gidney, Councillors C Campbell, H Eriksson, D Fernandez, W Norton, L Saville, C Tuon, N Wright and B Zhu

### Officers

Ms D Just (General Manager), Ms S Connor (Acting Community, Culture & Leisure Director), Mr D Frost (Customer & Corporate Director), Mr I Arnott (Acting Planning & Infrastructure Director), 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 less than significant interest in Item 16.2: Investment Report for the Month of September 2018  
*(Nature of Interest: I am an employee of the Westpac Group with whom Council has investments. The report is only for noting)*
- Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 20.3: Confidential – Report of Conduct Reviewer (CR016)  
*(Nature of Interest: My name appears in the report. I understand I can address Council briefly at the beginning of this item then will leave Chambers)*
- The General Manager declared a conflict of interest in Item 20.3: Confidential – Report of Conduct Reviewer (CR016)  
*(Nature of Interest: Whilst I am not the complainant and not the subject person of the Code of Conduct Complaint in relation to this matter, I am declaring a pecuniary interest and will leave the Chamber for this item, as details relating to my contract and employment with Council are referenced in the conduct reviewer's report)*

## 3 CONFIRMATION OF MINUTES

### RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 8 October 2018, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR CAMPBELL

**CARRIED**

### Voting

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

**Against:** Nil

## 4 APOLOGIES AND LEAVE OF ABSENCE

- Councillors Coppock and Rutherford are on leave previously granted.
- Councillors Rozos and Mustaca requested Leave of Absence for Wednesday 24 October 2018.
- Councillor Eriksson requested Leave of Absence for Monday 5 November 2018.
- Councillor Wright requested Leave of Absence for Monday 12 November 2018
- Councillor Campbell requested Leave of Absence from 29 October – 5 November 2018.

### RESOLUTION

That Council:

1. **Note Councillors Coppock and Rutherford are on leave previously granted.**
2. **Grant Leave of Absence to Councillors Rozos and Mustaca for Wednesday 24 October 2018.**
3. **Grant Leave of Absence to Councillor Eriksson for Monday 5 November 2018.**
4. **Grant Leave of Absence to Councillor Wright for Monday 12 November 2018**
5. **Grant Leave of Absence to Councillor Campbell from 29 October – 5 November 2018.**

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR ZHU**

**CARRIED**

### Voting

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

**Against:** Nil

## **5 PETITIONS**

NIL

## **6 OPEN FORUM**

Rosarina Docker spoke on the lack of sporting facilities.

Vik Kortian, President, Northern Suburbs Basketball Association Inc. spoke on Council's progress in building more indoor sporting facilities to address what he identified as a chronic shortage of facilities in Council's area.

**7 MAYORAL MINUTE****7.1 MAYOR'S DIARY: COUNCIL MEETING NOTES – 24 OCTOBER 2018**

<b>THURSDAY 11 OCTOBER</b>			
Clr Saville	3.00 pm	Sydney Coastal Council Group meeting	Northern Beaches Council
<b>SATURDAY 13 OCTOBER</b>			
Clr Saville	2.00 pm	Willoughby District Historical Society	Chatswood Library
<b>TUESDAY 17 OCTOBER</b>			
Clr Norton	7.30 pm	Chatswood Eastside Progress Association meeting	Dougherty Centre
<b>WEDNESDAY 18 OCTOBER</b>			
Clrs Norton and Tuon	8.30 am	Audit & Risk Committee meeting	Coachwood Room
Clr Norton	2.00 pm	Annual General Meeting of Dougherty Apartments Board	Dougherty Apartments
Clr Norton	3.00 pm	General Meeting of the Dougherty Apartments Board	Dougherty Apartments
<b>THURSDAY 19 OCTOBER</b>			
Clr Norton	7.30 pm	Middle Harbour Progress Association meeting	Club Willoughby
<b>SUNDAY 21 OCTOBER</b>			
Clr Saville	12.00 pm	Indian Festival	Chatswood Mall

Her Worship the Mayor Councillor G Giles-Gidney acknowledged the passing of two Willoughby residents, Elena Agnese and Rose Hazlewood and indicated that a formal Mayoral Minute would be put to the meeting to be held 12 November 2018.

The Mayor thanked Councillors for their attendance at the Local Government NSW Annual Conference held in Albury noting that Council's proposed motions relating to the following issues were adopted unanimously:

- Investigation and review of the Principal Certifying Authority System in New South Wales.
- Support for the Uluru Statement From the Heart.
- Amendments to boarding house legislation.
- A more robust process to ensure accuracy of recording in the NSW Companion Animals Register.



**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 16.1	Tender 114760 Corporate Systems – Willoughby Leisure Centre
Item 17.1	Warners Park – Playground Improvements Plan
Item 17.2	Community Small Grants Program – Out of Term Applications
Item 18.1	Local environmental Plan Review for Greater Sydney Commission
Item 18.7	Tender 114589 – Assessment of Tenders for the Refurbishment of Chatswood Library, The Concourse, 409 Victoria Avenue, Chatswood

**RESOLUTION**

That the remaining item, viz:

Item 12.1	<b>Access Advisory committee Meeting held 12 September 2018</b>
Item 12.2	<b>Multicultural Services Advisory Committee Meeting held 26 September 2018</b>
Item 16.2	<b>Investment Report for September 2018</b>
Item 18.2	<b>Easement for Support – 2 Noonbinna Crescent, Northbridge</b>
Item 18.3	<b>Rail Safety Interface Agreement – Metro Trains Sydney and Willoughby Council</b>
Item 18.4	<b>Current Development application and Planning Proposal Report as at 1 October 2018</b>
Item 18.5	<b>Applications Determined Under Delegated Authority 1 July 2018 to 30 September 2018</b>
Item 18.6	<b>Variations to Development Standards</b>

be adopted in accordance with the recommendation in the report.

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**11 MATTERS BROUGHT FORWARD BY THE PUBLIC**

NIL

## 12 REPORTS FROM COMMITTEES

### 12.1 ACCESS ADVISORY COMMITTEE MEETING HELD 12 SEPTEMBER 2018

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>SAMANTHA CONNOR - ACTING COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHAEL CASHIN - COMMUNITY LIFE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2018</b>

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#### **PURPOSE OF REPORT**

To provide Council with the minutes of the Access Advisory Committee meeting held 12 September 2018.

#### **RESOLUTION**

**That Council receive and note the minutes of the Access Advisory Committee meeting held 12 September 2018.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**12.2 MULTICULTURAL SERVICES ADVISORY COMMITTEE MEETING HELD  
26 SEPTEMBER 2018**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. MINUTES – MULTICULTURAL SERVICES ADVISORY COMMITTEE MEETING – 26 SEPTEMBER 2018 3. REPORT – MULTICULTURAL SERVICES – JULY - SEPTEMBER 2018</b>
<b>RESPONSIBLE OFFICER:</b>	<b>SAMANTHA CONNOR – ACTING COMMUNITY, CULTURE AND LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>RITA LEUNG</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2018</b>

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**PURPOSE OF REPORT**

To provide Council with the minutes of the Multicultural Services Advisory Committee meeting held 26 September 2018.

**RESOLUTION**

**That Council receive and note the minutes of the Multicultural Services Advisory Committee meeting held 26 September 2018.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, 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 TENDER 114760 CORPORATE SYSTEMS - WILLOUGHBY LEISURE CENTRE

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	ANGELA CASEY – CULTURE AND LEISURE MANAGER
CITY STRATEGY OUTCOME:	2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY
MEETING DATE:	24 OCTOBER 2018

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#### PURPOSE OF REPORT

To award Tender 114760 for the supply of Corporate Systems at the Willoughby Leisure Centre.

#### MOTION

That Council:

1. Accept the tender from the top ranked tenderer for Tender 114760 for the supply of Corporate Systems - Willoughby Leisure Centre with an estimated contract value of \$172,400 for an initial five year period with an option to extend this service agreement for an additional five year period subject to satisfactory performance from the selected supplier.
2. Authorise the General Manager to execute the contract documents.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR ZHU

**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, Norton, Tuon and Zhu.

**Against:** Councillor Wright.

**Absent:** Councillor Saville.

**16.2 INVESTMENT REPORT FOR SEPTEMBER 2018**

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

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**PURPOSE OF REPORT**

To detail the Council Bank balances and Investment portfolio performance as at 30 September 2018.

**RESOLUTION**

**That Council receive the Statement of Bank Balances and Investment Holdings as at 30 September 2018.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

## 17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

### 17.1 WARNERS PARK - PLAYGROUND IMPROVEMENTS PLAN

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. WARNERS PARK PLAYGROUND IMPROVEMENTS PLAN 3. WARNERS PARK COMMUNITY CONSULTATION SUMMARY REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>SAMANTHA CONNOR - ACTING COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>AMY BARNES – OPEN SPACE PROJECTS OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>1.3.1 ACCESSIBLE OPEN SPACE AND RECREATIONAL FACILITIES FOR THE COMMUNITY ARE PROVIDED</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2018</b>

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#### **PURPOSE OF REPORT**

To adopt the Playground Improvements Plan for Warners Park playground.

#### **RESOLUTION**

**That Council adopt the Warners Park – Playground Improvements Plan dated September 2018.**

**MOVED COUNCILLOR CAMPBELL**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

#### **Voting**

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

**Against:** Nil



**17.2 COMMUNITY SMALL GRANTS PROGRAM - OUT OF TERM APPLICATIONS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>SAMANTHA CONNOR - ACTING COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHAEL CASHIN - COMMUNITY LIFE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2018</b>

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**PURPOSE OF REPORT**

To seek Council's endorsement for the distribution of Out of Term grant funds through the 2018/2019 Community Small Grants Program.

**RESOLUTION**

**That Council distribute \$ 4,700 of grant funds through the 2018/2019 Community (Small) Grants Program – Community Development 1A to:**

- 1. Castlecrag Sports Club (purchase of a defibrillator): \$700; and**
- 2. Phoenix House Youth Services (Feel Good Nights): \$4,000.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

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

**Against:** Nil

## 18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

### 18.1 LOCAL ENVIRONMENTAL PLAN REVIEW FOR GREATER SYDNEY COMMISSION

ATTACHMENTS:	<ol style="list-style-type: none"><li>1. IMPLICATIONS</li><li>2. LEP ROADMAP</li><li>3. WILLOUGHBY LEP HEALTH CHECK SPREADSHEET</li><li>4. WILLOUGHBY LEP REVIEW REPORT</li></ol>
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NORMA SHANKIE-WILLIAMS – TEAM LEADER STRATEGIC PLANNING
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	24 OCTOBER 2018

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#### PURPOSE OF REPORT

To seek Council endorsement of the Local Environmental Plan Review for submission to the Greater Sydney Commission as required by the *Environment Planning and Assessment Act 1979*.

#### MOTION

That Council endorse the Local Environmental Plan Review for submission to the Greater Sydney Commission and stress the importance of evidence based sustainability.

MOVED COUNCILLOR SAVILLE

LAPSED FOR WANT OF A SECONDER

**RESOLUTION**

**That Council endorse the Local Environmental Plan Review for submission to the Greater Sydney Commission.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.2 EASEMENT FOR SUPPORT - 2 NOONBINNA CRESCENT,  
NORTHBRIDGE**

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

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**PURPOSE OF REPORT**

To seek Council's approval to authorise the General Manager to accept and sign documents for the creation of an Easement for Support at 2 Noonbinna Crescent, Northbridge

**RESOLUTION**

That Council:

- 1. Accept an Easement for Support 0.6m wide along the Coorabin Road boundary at Lot 19 DP 9881, house number 2 Noonbinna Crescent, Northbridge.**
- 2. Delegate authority to the General Manager to accept and endorse the relevant documents for the creation of the above easement.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.3 RAIL SAFETY INTERFACE AGREEMENT - METRO TRAINS SYDNEY AND WILLOUGHBY COUNCIL**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. RAIL SAFETY INTERFACE AGREEMENT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMUEL DIEP – ASSETS ENGINEER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2018</b>

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**PURPOSE OF REPORT**

To inform Council of a new Rail Safety Interface Agreement for Rail – Road Crossings between Willoughby City Council and Metro Trains Sydney and to seek Council's approval to delegate authority to the General Manager to sign the new agreement. A new Rail Safety Interface agreement is required as Chatswood will become a shared corridor between separate entities, MTS and Sydney Trains.

**RESOLUTION****That Council**

- 1. Receive and note the report on the Interface Agreements for Rail – Road Crossings between Willoughby City Council and Metro Trains Sydney.**
- 2. Authorise the General Manager to sign the Rail Safety Interface Agreement.**

**MOVED COUNCILLOR ZHU****SECONDED COUNCILLOR SAVILLE****CARRIED****Voting**

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

**Against:** Nil

**18.4 CURRENT DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT AS AT 1 OCTOBER 2018**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. LIST OF APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>DEVELOPMENT PLANNERS, BUILDING SURVEYORS</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2018</b>

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**PURPOSE OF REPORT**

To provide quarterly details to Councillors of all current Development Applications and Planning Proposals as at 1 October 2018.

**RESOLUTION**

**That Council note the information on Development Applications (including those to be determined by the Sydney North Planning Panel) and Planning Proposals Report to 1 October 2018.**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.5 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY 1 JULY 2018 TO 30 SEPTEMBER 2018**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 1. APPLICATIONS DETERMINED – QUARTER 1</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2018</b>

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**PURPOSE OF REPORT**

To provide Council with a list of applications determined under delegated authority during quarter 1 from 1 July 2018 to 30 September 2018.

**RESOLUTION**

**That Council note the information on Development Applications determined under delegated authority in the first quarter (September 2018).**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.6 VARIATIONS TO DEVELOPMENT STANDARDS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. APPLICATIONS WITH VARIATIONS TO DEVELOPMENT STANDARDS QUARTER 1</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2018</b>

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**PURPOSE OF REPORT**

To provide details to Council on all development applications determined during the first quarter from 1 July 2018 to 30 September 2018 with variations in development.

**RESOLUTION**

**That Council note the applications with variations to development standards in the first quarter (September 2018).**

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil



**18.7 TENDER 114589 - ASSESSMENT OF TENDERS FOR THE  
REFURBISHMENT OF CHATSWOOD LIBRARY, THE CONCOURSE, 409  
VICTORIA AVENUE, CHATSWOOD**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JOSEPH GIANDOMENICO – SENIOR PROJECT MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS</b>
<b>MEETING DATE:</b>	<b>24 OCTOBER 2018</b>

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**PURPOSE OF REPORT**

To advise Council on the evaluation of Tender 114589 for the refurbishment of Chatswood Library, The Concourse, 409 Victoria Avenue, Chatswood, and to award the Tender for a lump sum value of \$404,429.19

**MOTION**

**That Council defer this matter to conduct further community consultation and explore further options for Chatswood Library.**

**MOVED COUNCILLOR SAVILLE**

**LAPSED FOR WANT OF A SECONDER**

**MOTION**

**That Council defer this matter for further consideration in closed session.**

**MOVED COUNCILLOR NORTON**

**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, Norton, Saville, Tuon and Zhu.

**Against:** Councillor Wright

**19 NOTICE OF MOTION**

NIL

## 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 7:36pm.

Councillor Saville declared a non-pecuniary significant interest in Item 20.3 Confidential – Report of Conduct Reviewer (CR016) and left the meeting at 7:57pm following her address to Council.

The General Manager declared a pecuniary interest in Item 20.3 Confidential – Report of Conduct Reviewer (CR016) noting that whilst she was not the complainant and not the subject person of the Code of Conduct Complaint details relating to her contract and employment with Council are referenced in the conduct reviewer's report. She left chambers during discussion on this item. The Customer & Corporate Director took the Acting General Manager's role in her absence.

### 20.1 CONFIDENTIAL - TENDER 114589 - ASSESSMENT OF TENDERS FOR THE REFURBISHMENT OF CHATSWOOD LIBRARY, THE CONCOURSE, 409 VICTORIA AVENUE, CHATSWOOD

#### 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

**20.2 CONFIDENTIAL - TENDER 114760 CORPORATE SYSTEMS - WILLOUGHBY LEISURE CENTRE****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

**20.3 CONFIDENTIAL - REPORT OF CONDUCT REVIEWER (CR016)****Reason for Confidentiality**

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

- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

**20.1 CONFIDENTIAL - TENDER 114589 - ASSESSMENT OF TENDERS FOR THE REFURBISHMENT OF CHATSWOOD LIBRARY, THE CONCOURSE, 409 VICTORIA AVENUE, CHATSWOOD****Recommendation Summary**

That Council:

1. **Accept the tender from Bermagui Constructions Pty Ltd to refurbish (Stage 1B) at the Chatswood Library, The Concourse, 409 Victoria Avenue, Chatswood for a lump sum value of \$404,429.19**
2. **Authorise the General Manager to execute the contract and all associated documents.**
3. **Make points 1 and 2 public following Council's resolution to accept the tender.**

**MOVED COUNCILLOR FERNANDEZ**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

**Voting**

**For the Recommendation:** Councillors Giles-Gidney, Campbell, Fernandez, Norton, Tuon, Wright and Zhu.

**Against:** Councillor Saville.

**Absent:** Councillor Eriksson.

**20.2 CONFIDENTIAL - TENDER 114760 CORPORATE SYSTEMS - WILLOUGHBY LEISURE CENTRE****Recommendation Summary****That Council:**

1. **Accept the tender from Links Modular Solutions Pty Ltd in accordance with the specification for Tender 114760 for the supply of Corporate Systems - Willoughby Leisure Centre with an estimated contract value of \$172,400 for an initial five –year period with an option to extend this service agreement for an additional five- year period subject to satisfactory performance from the selected supplier.**
2. **Authorise the General Manager to execute the contract documents, including the option to extend the service agreement for an additional five (5) years.**
3. **Make public points 1 and 2 following Council’s resolution to accept the Tender.**

**MOVED COUNCILLOR ZHU****SECONDED COUNCILLOR TUON****CARRIED****Voting****For the Recommendation:** Councillors Giles-Gidney, Campbell, Fernandez, Norton, Saville, Tuon, Wright and Zhu.**Against:** Nil**Absent:** Councillor Eriksson.

**20.3 CONFIDENTIAL - REPORT OF CONDUCT REVIEWER (CR016)****Recommendation Summary****That Council:**

- 1. Adopt the recommended sanction of the Conduct Reviewer imposed on Councillor Saville in that she breached Council's *Code of Conduct* by disclosing information from a confidential session which was disclosed to the *North Shore Times*.**
- 2. Require Councillor Saville to provide a written apology to the General Manager.**
- 3. Make public Council's resolution in points 1 and 2 above, following the closed part of this meeting, pursuant to clause 253 of the *Local Government (General) Regulation 2005*.**

**MOVED COUNCILLOR WRIGHT****SECONDED COUNCILLOR ZHU****CARRIED****Voting****For the Recommendation:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Tuon, Wright and Zhu.**Against:** Councillor Norton**Absent:** Councillor Saville**RESOLUTION****That the meeting revert to Open Council.****MOVED COUNCILLOR ZHU****SECONDED COUNCILLOR ERIKSSON****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Norton, Tuon, Wright and Zhu.**Against:** Nil**Absent:** Councillor Saville

Council moved into open session at 8:38pm.

**RESOLUTION**

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

**MOVED COUNCILLOR ZHU**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Campbell, Eriksson, Fernandez, Tuon, Wright and Zhu.

**Against:** Councillor Norton

**Absent:** Councillor Saville

## 21 QUESTIONS

NIL

- **The General Manager left the meeting chamber at 7:47pm during debate and voting on Item 20.3: Confidential – Report of Conduct Reviewer (CR016) and returned to the meeting at 8:38pm. The Customer & Corporate Director took the Acting General Manager’s role in her absence.**
- **Councillor Saville left the meeting at 7:57pm following her address to Council.**

**The meeting concluded at 8:40pm**

**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 October 2018. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.**