



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

25 February 2019

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, B Zhu and N Wright

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 Ian Arnott (Planning Manager) Mr S Naven (Chief Financial Officer), Mr V Grepl (Acting Governance, Risk and Corporate Planning Manager) 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 16.3: Investment Report for the month of November 2018 and Item 16.7: Investment Report for the month of January 2019
(Nature of Interest: I am an employee of the Westpac Group with whom Council has investments)
- Councillor Wright declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 17.1: Sports Facilities Plan of Management – Crown Lands referral
(Nature of Interest: I am aware that there was some advice that Councillors who are trustees should declare that dual role. We are meeting as a Council to discuss a trust matter – We have been advised that this is the only way Council can deal with Crown Land, so I will manage the conflict appropriately)
- Councillor Coppock declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 17.1: Sports Facilities Plan of Management – Crown Lands referral
(Nature of Interest: As trustee of Talus Reserve which is still an active matter and meeting as a Council to discuss Crown Land)
- Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 13.4: Notice of Motion: 9 Centennial Avenue, Chatswood
(Nature of Interest: I assisted in the compilation of the heritage nomination approximately ten years ago)
- Councillor Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 13.1: Submission – Draft St Leonards and Crows Nest 2036 Plan
(Nature of Interest: I have an association with Dexu CEO. Dexu has made a submission for consideration by Council)
- The General Manager declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 13.2: 67 Albert Avenue, Chatswood – assignment of lease and surrender of Development Consent 2017/157 and Item 20.1: Confidential – 67 Albert Avenue, Chatswood – surrender of development consent
(Nature of Interest: I am a resident in an adjoining residential building)

Please also note additional declarations made in association with item 13.1 in these minutes.

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 11 February 2019, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Rozos requested Leave of Absence from 10 June – 25 July 2019.
- Councillor Coppock requested Leave of Absence from 26 February – 6 April 2019

RESOLUTION

That Council

1. Grant Leave of Absence to Councillor Rozos from 10 June – 25 July 2019
2. Grant Leave of Absence to Councillor Coppock from 26 February – 6 April 2019.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

RESOLUTION

That Council note an apology for Councillor Tuon and grant Leave of Absence for Monday 25 February 2019.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

5 PETITIONS

5.1 PETITION - OPPOSING DA2018/369 315 MOWBRAY ROAD, CHATSWOOD

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	PATRICIA SHELDRAKE – MINUTES SECRETARY
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	25 FEBRUARY 2019

PURPOSE OF REPORT

To consider a petition containing 108 signatures opposing DA2018/369 – 315 Mowbray Road, Chatswood (Hilton) for a childcare centre.

RESOLUTION

That Council receive and note the petition from residents opposing DA2018/369 in relation to 315 Mowbray Road, Chatswood (Hilton) for a childcare centre for 81 children plus staff and refer it to the Planning & Infrastructure Director.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

6 OPEN FORUM

The following people addressed Open Forum:

- Prue Dally – Code of Meeting Practice
- Colin Burman – bushland walkway between The Bulwark and The Scarp, Castlecrag

7 MAYORAL MINUTE**7.1 MAYOR'S DIARY: COUNCIL MEETING NOTES – 25 FEBRUARY 2019**

TUESDAY 12 FEBRUARY			
Cr Norton	2 pm	Seniors Advisory Committee Meeting	Dougherty Centre
Cr Norton	6 pm	Bicycle Advisory Committee Meeting	Banksia Room
Deputy Mayor: Cr Rutherford	6.30 pm	Chatswood Rotary International CNY Dinner	King Dynasty Restaurant, Chatswood
WEDNESDAY 13 FEBRUARY			
Mayor	2 pm	Smart Cities Forum	Inner West Council, Leichhardt
Cr Norton	4 pm	Access Committee Meeting	Dougherty Centre
Mayor Cr Norton, Tuon, Zhu	6-8 pm	Silkari Suites CNY Party	88 Archer Street
Mayor Cr	7.30 pm	Official Opening of Restaurant	General Chao – The Interchange
THURSDAY 14 FEBRUARY			
Mayor	12.30 pm	Knitting Group Open Day (Seniors Week Event)	Dougherty Centre
FRIDAY 15 FEBRUARY			
Mayor Cr Zhu	7 pm	CNY Lantern Festival	Tumbalong Park, Darling Harbour
SATURDAY 16 FEBRUARY			
Mayor	10.30 am	Light Offering Dharma Service	Buddhist Centre, Spring Street
Mayor	12.30 pm	WKL Martial Arts Celebrations: Eye Dotting Ceremony – Lion Dance	The Concourse
Mayor Deputy Mayor: Cr Rutherford Cr Campbell, Norton, Tuon	6.15 pm	LNY Twilight Lantern Parade	From The Interchange to The Concourse
SUNDAY 17 FEBRUARY			
Cr Zhu Representing the Mayor		WKL Martial Arts Celebration Dinner	The Marigold Restaurant, Sydney
TUESDAY 19 FEBRUARY			
Mayor	12.15 pm	Chamber CNY Luncheon	King Dynasty Restaurant, Chatswood
Mayor Cr Norton, Saville	1.00 pm	Seniors Concert	The Concourse Pavilion
Cr Saville	5 pm	SCCG Executive Meeting	Rockdale
Mayor	5.30 pm	Reception for CNY (HKETO)	The Westin, Sydney
Cr Saville	7.30 pm	WEPA NCC	Castlecrag
Cr Norton	7.30 pm	Chatswood East Progress Association	Dougherty Centre

WEDNESDAY 20 FEBRUARY			
Mayor	9 am	Ground breaking ceremony for North Shore Health Hub	Cnr Reserve & Westbourne Roads
Cr Norton	9.30 am	Local Traffic Committee Meeting	Banksia Room
Cr Norton	3 pm	Board Meeting	Dougherty Apartments
Crs Norton, Saville	6.30 pm	Roundtable: Draft Housing & Local Centres Strategies	Council Chambers
THURSDAY 21 FEBRUARY			
Mayor Crs Norton, Saville	6 pm	Opening of <i>Smart Expressions</i> Expo	The Concourse Art Space
Mayor	7 pm	WSO Donor Event	The Concourse
Cr Saville	7.30 pm	Chatswood West Ward Progress Assn	Dougherty Centre
FRIDAY 22 FEBRUARY			
Mayor	9.15 am	Opening of New School Hall	Artarmon School
Cr Norton	5 pm	Happy Hour	Dougherty Apartments
SATURDAY 23 FEBRUARY			
Mayor	10 am	Draft Housing Strategy: Northbridge	11 Eastern Valley Way
Crs Norton, Saville	7 pm	WSO Concert	The Concourse
SUNDAY 24 FEBRUARY			
Deputy Mayor: Cr Rutherford Representing the Mayor	11 am	Grand Re-Opening of Max Joseph Building & Volunteer Recognition Day	North Shore Temple Emanuel
Mayor Crs Norton, Saville	5.30 pm	Bush Poetry & Music	Henry Lawson Cave

8 GENERAL MANAGER'S LATE REPORT

NIL

9 MATTERS FOR DEFERRAL 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 Submission – Draft St Leonards and Crows Nest 2036 Plan
- Item 13.2 67 Albert Avenue, Chatswood – Assignment of lease and surrender of Development Consent 2017/157
- Item 16.1 Delivery Program – Six monthly progress report – Jul-Dec 2018
- Item 16.2 Quarterly Budget Review 2018/19 – December quarter
- Item 17.1 Sports Facilities Plan of management – Crown Lands referral
- Item 19.1 Notice of Motion – Week control, litter and shopping trolley abandonment in public places
- Item 18.1 2 Elizabeth Street, Artarmon – licence renewal

RESOLUTION

That the remaining items, viz:

- Item 16.3 Investment Report for the month of January 2019
- Item 17.2 Community Small Grants – out of term application

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

11 MATTERS BROUGHT FORWARD BY THE PUBLIC

- Item 13.4 Notice of Motion – 9 Centennial Avenue, Chatswood
- Item 19.2 Notice of Motion – O H Reid Reserve
- Item 19.3 Notice of Motion – External cladding to renewable energy opportunities

12 REPORTS FROM COMMITTEES

NIL

13 DEFERRED MATTERS

13.1 SUBMISSION - DRAFT ST LEONARDS AND CROWS NEST 2036 PLAN

ATTACHMENTS:	1. IMPLICATIONS 2. COUNCILLOR SUMMARY OF DOCUMENTS AND ISSUES 3. DRAFT SUBMISSION
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	3.5 MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES
MEETING DATE:	25 FEBRUARY 2019

PURPOSE OF REPORT

The purpose of the report is to request Council endorsement of the submission to the Department of Planning & Environment on the Draft St Leonards and Crows Nest 2036 Plan.

RESOLUTION

That Council:

1. Endorse the submission (Attachment 3) on the Draft St Leonards and Crows Nest 2036 Plan to the NSW Department of Planning & Environment addressing the following additional points:

Population

- It is noted the population of the St Leonards/Crows Nest precinct will increase by about 70% with the implementation of the Plan.

Traffic

- A more detailed analysis of traffic impacts is required prior to finalising the plan.

Open Space

- The draft green plan should be amended to include a variety of open space in order to provide a sufficient amount of both passive and active recreation options for the increase in population and shortfalls in costs should be identified and provided for.

Schools

- The hospital precinct should be retained for medical purposes. Council does not support a school within the hospital lands.

Infrastructure Generally

- Infrastructure needs should be provided for in line with growth.

Collaboration with Councils

- A commitment by the Department of Planning and Environment to further collaboration with the three Councils and the community is recommended to refine the Final 2036 Plan in order to provide more certainty for the community.

Energy Efficiency

- A requirement to include energy efficiency green buildings should be added to the Draft 2036 Plan.

Public Safety

- The pedestrian safety and amenity of hospital works should be considered as part of the discussions with NSW Health regarding the updated Masterplan for the Royal North Shore Hospital.

Pacific Highway

- Tree planting along the Pacific Highway is supported however the proposed building heights will present a challenge to achieving successful tree growth and canopy spread.
 - A 27 storey height limit along the Pacific Highway is recommended.
2. Authorise the General Manager to make appropriate amendments to the submission which do not change the intent of the submission.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Absent: Councillor Giles-Gidney and Coppock

Recommittal Motion

That Council recommit Disclosures of Interest by Councillors as follows:

- Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 13.1: Submission – Draft St Leonards and Crows Nest 2036
(Nature of Interest: I sometimes work as sessional academic at a number of hospitals including Royal North Shore Hospital)
- Councillor Norton declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 13.1: Submission – Draft St Leonards and Crows Nest 2036
(Nature of Interest: I am an employee of the NSW Department of Education as a senior psychologist, educator)

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

For the Motion: Councillors, Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Wright and Zhu.

Against: Nil

Absent: Councillors Giles-Gidney and Coppock.

Her Worship the Mayor Councillor Giles-Gidney declared a non-pecuniary significant interest in Item 13.1: Submission – Draft St Leonards and Crows Nest 2036 and withdrew from the meeting taking no part in the discussion or voting on this topic.

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

13.2 67 ALBERT AVENUE, CHATSWOOD - ASSIGNMENT OF LEASE AND SURRENDER OF DEVELOPMENT CONSENT 2017/157

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT - PLANNING MANAGER
CITY STRATEGY OUTCOME:	4.1 – FACILITATE THE DEVELOPMENT OF ALL BUSINESSES
MEETING DATE:	25 FEBRUARY 2019

PURPOSE OF REPORT

To seek Council's approval for the assignment of the lease for 67 Albert Avenue, Chatswood, between Council and the Trust Company (RE Services) Limited to the new lessee, the Trust Company Limited, for the provision of owner's consent to the surrender of development consent 2017/157 and, once the surrender is received, for the issue of a notice complying with clause 97(4) of the Environmental Planning & Assessment Regulation.

RESOLUTION

That Council:

- 1. Approve the assignment of the lease for 67 Albert Avenue, Chatswood, from the current lessee, the Trust Company (RE Services) Limited, to the new lessee, the Trust Company Limited.**
- 2. Provide Owner's Consent to the Notice of Surrender of Development Consent, for development consent number 2017/157, as requested by the current lessee, the Trust Company (RE Services) Limited.**
- 3. Provide the General Manager with delegated authority to execute the lease assignment and any associated legal documents.**
- 4. Provide the General Manager with delegated authority to provide Owner's Consent to the Notice of Surrender of Development Consent and any associated documents.**

5. Provide the General Manager with delegated authority to issue a notice complying with the requirements of clause 97(4) of the *Environmental Planning & Assessment Regulation, 2000* once the surrender of consent is received,

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

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

Against: Nil

The General Manager declared a non-pecuniary less than significant interest in Item 13.2 and Item 20.1 and withdrew from chambers taking no part in the discussion on this topic.

13.3 NOTICE OF MOTION - 9 CENTENNIAL AVENUE, CHATSWOOD

ATTACHMENTS:	1. IMAGES OF WEATHERING TO PREMISES 2. LETTER FROM NSW OFFICE OF HERITAGE & ENVIRONMENT 3. PHOTOGRAPHS TAKEN BY OFFICERS 17 FEBRUARY 2019
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MARK TAYLOR – COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	25 FEBRUARY 2019

PURPOSE OF REPORT

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

Procedural Motion

That the following people address Council:

- Carson Deng
- Brian Spooner
- Andrew Drysdale
- David Grover
- Kathy Mo
- Sean Lacourt
- Wendy Lin
- Maria Chan
- Peter Dent

MOTION

That Council immediately pursues its responsibilities under section 33, Part 11 of Schedule 5 (Development Control Orders) of the NSW *Environmental Planning and Assessment Act 1979* to undertake all necessary works to protect and secure the Heritage building at *9 Centennial Avenue, Chatswood* from further weather damage and from unauthorised entry by replacing inadequate roof coverings, securing all openings and performing any other interim protection considered necessary for preservation of this building's integrity.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR WRIGHT

LOST

Voting

For the Motion: Councillors Coppock, Fernandez, Norton, Rutherford, Saville and Wright.

Against: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Rozos and Zhu.

As the vote was equal, the Mayor exercised her casting vote against the motion.

14 CORRESPONDENCE

NIL

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 DELIVERY PROGRAM - SIX MONTHLY PROGRESS REPORT - JUL-DEC 2018

ATTACHMENTS:	1. IMPLICATIONS 2. SIX MONTHLY PROGRESS REPORT (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	DEAN FROST – DIRECTOR, CUSTOMER AND CORPORATE
AUTHOR:	KATRINA FURJANIC – CORPORATE STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	25 FEBRUARY 2019

PURPOSE OF REPORT

To inform Council on progress to deliver the second year of the Delivery Program 2017-2021 (i.e. Operational Plan 2018-2019).

The Progress Report (attachment 2) presents Council's performance for the period 1 July to 31 December 2018.

The Report presents a cumulative result for the first six months of 2018/19.

RESOLUTION

That Council receive the six monthly progress report on Council's Delivery Program and Operational Plan for the period July to December 2018.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock.

AMENDMENT

That Council:

1. **Receive the Six Monthly Progress Report on Council's Delivery Program and Operational Plan for the period July to December 2018.**
2. **Receive a report back to Council explaining why the targets were off track below the target of 85%**

MOVED COUNCILLOR SAVILLE

LAPSED FOR WANT OF A SECONDER

16.2 QUARTERLY BUDGET REVIEW 2018/19 - DECEMBER QUARTER

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. BUDGET VARIATIONS DECEMBER QUARTER3. QUARTERLY BUDGET REVIEW STATEMENT4. LEGAL EXPENSES5. PRINCIPAL ACTIVITIES VARIATIONS6. PROJECTS & CAPITAL WORKS7.1 THE CONCOURSE FINANCIALS7.2 THE CONCOURSE BUDGET COMPARISON8. CROWN RESERVES INCOME & EXPENDITURE9. CY PRES SCHEME RESERVES10. DEVELOPER CONTRIBUTIONS
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:	25 FEBRUARY 2019

PURPOSE OF REPORT

To provide a quarterly update on Council's progress towards attaining Operational Plan Budget and Financial Performance targets during the second quarter of the 2018/19 financial year (1 October 2018 to 31 December 2018).

MOTION

That Council:

1. Note the report.
2. Approve the increase in operating budget income of \$1.4M and a reduction in operating budget expense of \$305K resulting in a net increase of \$1.7M the budget full year operating surplus 2018/19.
3. Approve the reduction in Capital Expenditure for the 2018/19 Financial Year of \$4.7M.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

LOST

Voting

For the Motion: Councillors Giles-Gidney, Eriksson, Mustaca, Rutherford and Zhu.

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

AMENDMENT

That Council:

1. Note the report.
2. Approve the increase in operating budget income of \$1.4M and a reduction in operating budget expense of \$305K resulting in a net increase of \$1.7M the budget full year operating surplus 2018/19.
3. Approve the reduction in Capital Expenditure for the 2018/19 Financial Year of \$4.7M.
4. Receive a further report back within three months on staff attraction, retention and staffing levels, vacancy number and identification including temporary staff inclusive of labour hire, casual and fixed term employment.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

The amendment 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, Norton, Rozos, Rutherford, Saville, Wright and Zhu.

Against: Councillor Mustaca

16.3 INVESTMENT REPORT FOR THE MONTH OF JANUARY 2019

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:	25 FEBRUARY 2019

PURPOSE OF REPORT

To detail the Council Bank balances and Investment portfolio performance as at 31 January 2019.

RESOLUTION

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 January 2019.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 SPORTS FACILITIES PLAN OF MANAGEMENT - CROWN LANDS REFERRAL

ATTACHMENTS:	1. IMPLICATIONS 2. SPORTS FACILITIES PLAN OF MANAGEMENT (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD- OPEN SPACE CO-ORDINATOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	25 FEBRUARY 2019

PURPOSE OF REPORT

For Council to refer the draft Sports Facilities Plan of Management 2018 to the Minister for Lands and Forestry as stated in the requirements of Section 39 of the *Local Government Act 1993*.

MOTION

That Council defer this matter for a briefing and return to Council.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR WRIGHT

LOST

Voting

For the Motion: Councillors Fernandez, Norton, Saville, Wright and Zhu.

Against: Councillors Giles-Gidney, Campbell, Eriksson, Mustaca, Rozos and Rutherford.

Absent: Councillor Coppock.

AMENDMENT

That Councillors be given the opportunity for the next seven days to ask questions of the General Manager or her delegate on the "*Draft Sports Facilities Plan of Management 2018*". At the close of that period the report be brought back to Council at the earliest opportunity.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR SAVILLE

LOST

Voting

For the Amendment: Councillors Campbell, Norton, Saville, Wright and Zhu.

Against: Councillors Giles-Gidney, Eriksson, Fernandez, Mustaca, Rozos and Rutherford.

Absent: Councillor Coppock

MOTION

That Council refer the "*Draft Sports Facilities Plan of Management 2018*" to the Minister for Lands and Forestry as stated in the requirements of Section 39 of the *Local Government Act 1993* for endorsement to place on public exhibition.

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, Mustaca, Rozos, Rutherford and Zhu.

Against: Councillors Fernandez, Norton and Saville.

Absent: Councillor Coppock and Wright

Councillor Coppock declared a non-pecuniary significant interest in Item 17.1: Sports Facilities Plan of Management – Crown Lands and withdrew from the meeting taking no part in the discussion or voting on this topic.

17.2 COMMUNITY SMALL GRANTS - OUT OF TERM APPLICATION

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY
MEETING DATE:	25 FEBRUARY 2019

PURPOSE OF REPORT

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

RESOLUTION

That Council distribute \$ 4,000 of grant funds through the 2018/2019 Community (Small) Grants Program – Community Development 1A to North Sydney Junior Baseball Association Inc. to host the 2019 NSW Little League Baseball Championships.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 2 ELIZABETH STREET, ARTARMON - LICENCE RENEWAL

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	ANNA VECCHIO – PROPERTY LEASING OFFICER
CITY STRATEGY OUTCOME:	3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	25 FEBRUARY 2019

PURPOSE OF REPORT

To seek Council's approval to enter into a licence with Laing O'Rourke Australia to occupy disused buildings, formerly housing the Artarmon Library and Constant Companion office for the purpose of a site office and design engineers headquarters whilst works are undertaken on the Main North and North Shore Rail Corridor.

RESOLUTION

That Council authorise the General Manager to negotiate and execute the licence agreement and any associated documentation including, but not limited to, any future licences, options to renew, assignments and variations related to the occupation of 2 Elizabeth Street, Artarmon until January 2022.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION: WEED CONTROL, LITTER AND SHOPPING TROLLEY ABANDONMENT IN PUBLIC PLACES

ATTACHMENTS:	1. PHOTOGRAPHS OF WEEDS AND ABANDONED TROLLEY 2. PHOTOGRAPHS OF CHATSWOOD CBD DATED 18 FEBRUARY 2019
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	25 FEBRUARY 2019

PURPOSE OF REPORT

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

MOTION

That Willoughby Council:

1. implements a works programme to remove weeds from and improve the verge gardens throughout the CBD
2. implements a litter campaign to effectively remove litter from the CBD and surrounding areas
3. works with Malls and supermarkets to secure shopping trolleys, and prevent the proliferation of feral shopping trolleys from streets and footpaths where unsecured, they create hazards and risks

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ROZOS

CARRIED

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

Voting

For the Resolution: Councillors Campbell, Fernandez, Rozos, Rutherford, Saville, and Zhu.

Against: Councillors Giles-Gidney, Eriksson, Mustaca, Norton and Wright.

Absent: Councillor Coppock.

19.2 NOTICE OF MOTION - O H REID RESERVE

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

AUTHOR: MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR

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

MEETING DATE: 25 FEBRUARY 2019

PURPOSE OF REPORT

Councillor Campbell has indicated his intention to move the following Notice of Motion:

Procedural Motion

That Phil Sharratt address Council.

MOTION

That Council:

1. In response to community concerns, defer any decision regarding the installation of lights at OH Reid Reserve until the master planning process is completed in February 2020.
2. As part of the consultation process, endorse the formation of a Citizens panel by June 2019 to inform and guide the development of the OH Reid Reserve master plan.
3. Delegate the development of the Terms of Reference, including indicative membership, of the aforementioned Citizens panel to a committee consisting of the three West Ward Councillors, the Mayor, and General Manager.
4. Be provided with terms of reference with a timeline by July 2019.

MOVED COUNCILLOR CAMPBELL

SECONDED COUNCILLOR MUSTACA

CARRIED

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

Voting

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

Against: Nil

19.3 NOTICE OF MOTION: EXTERNAL CLADDING TO RENEWABLE ENERGY OPPORTUNITIES

RESPONSIBLE OFFICER: GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: DAVID ROBERTS – ACTING ENVIRONMENT MANAGER
DAVID DIBIASE – PROPERTY & CONSTRUCTION SERVICES MANAGER

CITY STRATEGY OUTCOME: 1.5 – REDUCE CARBON AND GREENHOUSE EMISSIONS

MEETING DATE: 25 FEBRUARY 2019

PURPOSE OF REPORT

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

Procedural Motion

That Daniel Keogh address Council and answer questions of the Councillors.

MOTION

That as a priority, Willoughby Council investigates the replacement of combustible aluminium cladding with renewable energy opportunities at the Concourse, including opportunity to use PVC tiles and or other suitable replacement materials (as used in progressive countries including Brazil, Germany).

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR FERNANDEZ

LOST

Voting

For the Motion: Councillors Coppock, Fernandez, Mustaca, Saville and Wright.

Against: Councillors Giles-Gidney, Campbell, Eriksson, Norton, Rozos, Rutherford and Zhu.

Procedural Motion

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ZHU

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

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 10:41pm.

20.1 CONFIDENTIAL - 67 ALBERT AVENUE, CHATSWOOD - SURRENDER OF DEVELOPMENT CONSENT**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

Recommendation Summary

That Council withdraw Council's resolution of 4 June 2012 that development applications relating to land owned by Council or for which it is trustee be processed by granting consent as owner.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

The General Manager declared a non-pecuniary less than significant interest in Item 13.2 and Item 20.1 and withdrew from chambers taking no part in the discussion on this topic.

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

RESOLUTION

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

21 QUESTIONS

21.1 QUESTIONS ON NOTICE FROM COUNCILLOR SAVILLE - 9 CENTENNIAL AVENUE, CHATSWOOD

RESPONSIBLE OFFICER: GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: MARK TAYLOR – COMPLIANCE MANAGER

CITY STRATEGY OUTCOME: 2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES

MEETING DATE: 25 FEBRUARY 2019

QUESTION

1. Did council include all the many submissions made and over 400 petitioners which were compiled urging heritage protection of 9 Centennial Avenue in the consultation which Council undertook and ended on 8.11.2018?

If so were the many community submissions and over 400 petitioners included in the Council report Item 19.1 meeting 11.2.2019?
2. Does Council have a cherry picker or similar machine with capacity to reach 3 stories? If so, under what conditions is it used?
3. Did Council contact the Minister for Environment and Minister for Local Government and Heritage to discuss the content of her advice to Council that 'council can invoke section 33, Part 11 of Schedule 5 (development Control Orders) of the *EP and A Act 1979* and the Council officers claims of 'risks' contrary to her advice? If not why not?
4. If the Act states that Council has a responsibility and right to enforce conditions and if owners fail to comply, that Council can invoke Section 33 (above) to undertake the work itself, if Council's insurance does not cover this, why does Council not have this insurance and/or adequate cover to manage and enforce conditions?

ANSWER

1. The notification which concluded on 8 November 2018 was in respect to the draft Local Environmental Plan to list 9 Centennial Avenue as a Local Heritage Item. The exhibition period occurred over 28 days with notification given to surrounding properties, Progress Association, Ward Councillors, Council's Have Your Say web page and in the North Shore Times. Ninety-six submissions were received in response to the notification of which 85 objected to listing the property as a Local Heritage Item and 11 supported listing.
A petition lodged in February 2018 containing 61 signatories and other correspondence received prior to the exhibition of the draft Local Environmental Plan will not be included as submissions to the draft Local Environmental Plan. Notwithstanding, it is acknowledged that these representations to Council form background to the draft Local Environmental Plan and will be referenced in the report to Council as such. It is anticipated that a report regarding whether to proceed with listing the property as a Local

Heritage Item will be brought before Council in March. A search of Council records has not located a petition of 400 or more signatories regarding the subject property. The focus of the report for the Notice of Motion considered by Council at its meeting on 11 February 2019 was concerned more specifically with addressing the issue of management of repairs of the dwelling at 9 Centennial Avenue, Chatswood via enforcement remedies available to Council under the provisions of the Environmental Planning and Assessment Act, 1979. The builder who is undertaking the current works is a different builder than that which undertook the original works.

2. Council has some equipment for working at heights, including a Cherry Picker with a reach of 17m. It would need to be established that the subject land would be accessible and stable enough to support this equipment and as a heavy vehicle, Council would also need to consider permits to enter the site. However, with reference to point 4 below use of this equipment on private residential land is discretionary and would be considered only under certain circumstances and with full understanding of the ongoing liability and risks to Council associated with undertaking the works. At present the matter remains with the owner of the property to undertake works.
1. As previously noted, in terms of the power to act, the view of the Minister's Office accords with the view of Council's professional officers. However, the power to act is discretionary and does not remove the identified risks to Council.
2. Council does not have a statutory responsibility to enter onto private residential land. Council has a discretionary power to enter onto land in certain circumstances. This means Council may determine to exercise or not exercise the power. In considering whether or not to exercise the power Council would contemplate the circumstances of the matter, including whether or not the necessary conditions exist (such as the service of a valid Development Control order and whether or not the Development Control Order had been complied with). Council would also contemplate the urgency of the works, and the risks associated with entering onto residential land to undertake works on a private dwelling, together with the broader public interest.

- Her Worship the Mayor Councillor Giles-Gidney left the meeting at 9:53pm during debate on Item 13.1: Submission – Draft St Leonards and Crows Nest 2036 Plan and took no part in the debate or vote on this topic. She returned to the meeting at 10:20pm. Deputy Mayor Rutherford took the chair in the Mayor’s absence.
- Councillor Coppock left the meeting at 9:26pm during debate on Item 17.1: Sports Facilities Plan of Management – Crown Lands referral taking no part in the discussion or voting on this topic.
- The General Manager left the meeting at 10.41pm before debate on Item 13.2: 67 Albert Avenue, Chatswood – Assignment of lease and surrender of Development Consent 2017/157 and Confidential Item 20.1: 67 Albert Avenue, Chatswood – surrender of Development Consent and did not return to the Chamber. The Planning & Infrastructure Director took the Acting General Manager’s role in her absence.

The meeting concluded at 11:19pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 25 February 2019. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.