



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, Level 6, 31 Victor Street, Chatswood

13 May 2019

commencing at 7:00pm

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1 PRESENT

Councillors

Deputy Mayor Councillor J Rutherford, Councillors S Coppock, H Eriksson, D Fernandez, T Mustaca, W Norton, A Rozos, L Saville, C Tuon, B Zhu and N Wright

Officers

Ms D Just (General Manager), Mr D Frost (Customer & Corporate Director), Mr G McDonald (Planning & Infrastructure Director), Ms A Casey (Culture & Leisure Manager), Mr I Arnott (Planning Manager), Mr S Naven (Chief Financial Officer), Ms S Charlton (Governance, Risk & Corporate Planning Manager), Mr V Grepl (Governance Officer) and Ms P Sheldrake (Minutes Secretary)

2 DISCLOSURES OF INTEREST

- Deputy Mayor, Councillor Rutherford declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 18.3: 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood – Planning Proposal
(Nature of Interest: I am a member of the Sydney North Planning Panel)
- 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 March 2019
(Nature of Interest: I am an employee of the Westpac Group with whom Council has investments. The report is only for noting and I have no control over individual investment decisions of the Council)
- Councillor Coppock declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 17.1: Willoughby Leisure Centre Pool Hall Upgrade
(Nature of Interest: I live in Marlborough Road which is impacted by netball traffic – the GM raised local traffic issues in an answer when the matter was being discussed. I will leave the chamber for this item)
- Councillor Fernandez declared, via a Disclosures of Interest form, a non-pecuniary less than significant interest in Item 18.3: 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood – Planning Proposal
(Nature of Interest: It has come to my attention that project consultants attached to this proposal have worked with me on other projects 2 years ago. Therefore I have a prior working history with some project consultants. I will leave the chamber for this item)
- Councillor Saville declared, via a Disclosures of Interest form, a non-pecuniary significant interest in Item 19.1: Notice of Motion – Hospital Blackouts – Patient Safety
(Nature of Interest: I am employed by one of the universities as a sessional academic and in that capacity work at a number of hospitals across Sydney including RNSH. I will leave the chamber for this item)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 8 April 2019, copies of which have been circulated to each member of Council, be confirmed, noting that the Disclosure of Interest declared by Deputy Mayor Councillor Rutherford should have stated a “significant interest” rather than a “less than significant interest”. In any event Deputy Councillor Rutherford left the chamber for this item.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Her Worship the Mayor Councillor Giles-Gidney and Councillor Campbell are on leave previously granted.
- Councillor Saville requested Leave of Absence from 26 May – 27 June 2019.
- Councillor Coppock requested Leave of Absence from 1-30 June 2019.

RESOLUTION

That Council:

1. **Note Her Worship the Mayor Councillor Giles-Gidney and Councillor Campbell are on leave previously granted.**
2. **Grant Leave of Absence to Councillor Saville from 26 May – 27 June 2019.**
3. **Grant Leave of Absence to Councillor Coppock from 1-30 June 2019.**

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

5 PETITIONS

5.1 PETITION: SUPPORTING INCREASES TO DENSITY ALONG SAILORS BAY ROAD SOUTH AT 2.5:1 FSR AND 5-6 STOREYS

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:	13 MAY 2019

PURPOSE OF REPORT

To consider a petition containing 34 signatures supporting increases to density along Sailors Bay Road south at 2.5:1 FSR and 5-6 storeys.

RESOLUTION

That Council:

1. Receive and note the petition from Friends of Sailors Bay in relation to the future development of Sailors Bay Road south (opposite Northbridge Plaza) to include:
 - i) FSR of 2.5:1 along Sailors Bay Road south;
 - ii) Building heights of between 5/6 storeys along Sailors Bay Road south; and
 - iii) Building heights of between 3/4 storeys along Baringa Road.
2. Refer the petition to the Planning & Infrastructure Director for consideration.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

6 OPEN FORUM

Andrew Drysdale addressed Open Forum speaking on the redevelopment of Chatswood Primary and Secondary Schools.

7 MAYORAL MINUTE

7.1 MAYORAL MINUTES: PASSING OF LES MURRAY AO

MEETING DATE: 13 MAY 2019

1. PURPOSE OF REPORT

To report on the passing of Les Murray and to convey Council's condolences to his family.

2. DISCUSSION

A Willoughby City resident for 14 years and an early Patron of The Concourse, the renowned Australian poet Les Murray passed away on 29 April 2019 aged 80.

Leslie Allan Murray was born in Nahiab, rural New South Wales, on 17 October 1938, and grew up on his father's dairy farm at Bunyah where he minded cattle, barefoot in winter. His poems celebrated the environments of childhood, the farm and its creatures in an ode to the place where he grew up. Recurrent themes in his work were the history and landscape of Australia. He had a profound understanding of Australia and Australian people.

In 1962 Les married Valerie Morelli in Our Lady of Dolours Church, Chatswood. Valerie was from McCartney Avenue, Chatswood. Later they lived in Edgar Street, Chatswood near what is now Bartels Park. Valerie and Les had five children. Whilst living in Chatswood, Valerie and Les revived a tradition started by another world-class poet, Kenneth Slessor (Five Bells), also from Chatswood. They would host dinner parties for poets, mainly from Sydney and Melbourne, with most of the notable Australian poets coming as guests.

He studied modern languages at Sydney University and went on to work as a translator at the Australian National University but his real vocation was poetry. He was the author of many volumes of poetry and was affectionately known as the "The Baird of Bunyah". He wrote effortlessly and elegantly and challenged people to hear and dare to use language even though it might be local or unfamiliar. He travelled widely and was celebrated as the first Australian poet to achieve international fame.

Les Murray won many literary awards, including the Grace Leven Prize, the Petrarch Prize and the prestigious T.S. Eliot Prize. He was awarded an Order of Australia in 1989 for his contribution to Australian literature and later listed as one of Australia's 100 National Living Treasures. In 1999 he was awarded the Queens Gold Medal for Poetry.

Les was a literary giant and for him language lived. He will be remembered as a man with endless curiosity, intelligence and wit. One of the funniest reviews he received was when someone called him "the Usain Bolt of the poetry world" — it was a review he rather enjoyed.

Les Murray is survived by his wife, Valerie and by their children, sons Daniel, Peter and Alexander and daughters Clare and Christina.

On behalf of the Mayor I would like to thank former Councillor Fogarty for his assistance in providing background for the Mayor Minute. It was extremely helpful.

RESOLUTION

That Council note the passing of Les Murray and write a letter of condolence to the family.

MOVED DEPUTY MAYOR COUNCILLOR RUTHERFORD

CARRIED

7.2 MAYOR'S DIARY: COUNCIL MEETING NOTES – 13 MAY 2019

WEDNESDAY 10 APRIL			
Mayor Cr Tuon	11.30 am	Citizenship Ceremony	Council Chambers
Cr Saville	3.30 pm	Community Participation Committee	RNSH
Cr Norton	4 pm	Access & Inclusion Advisory Committee	Dougherty Centre
Cr Saville	6.30 pm	West Chatswood Design Roundtable	Council Chambers
THURSDAY 11 APRIL			
Mayor	9 am	School ANZAC Service	Willoughby Public School
Mayor	10.30 am	Local Government Summit	Novotel, Darling Harbour
Deputy Mayor: Cr Rutherford Representing the Mayor	6 pm	Reception commemorating Korea's 100 th Anniversary	Art Gallery of NSW
Cr Norton	7.30 pm	Middle Harbour Progress Association	Willoughby Legion Club
FRIDAY 12 APRIL			
Mayor Deputy Mayor: Cr Rutherford Cr Coppock	10 am	Funeral – June Jorgenson	St Stephen's, Mowbray Road
SATURDAY 13 APRIL			
Cr Norton	2 pm	Willoughby District Historical Society Mtg	Chatswood Library
Mayor, Cr Norton	4 pm	Opening of Art Expo: Korean Heritage	Art Space at The Concourse
SUNDAY 14 APRIL			
Mayor Deputy Mayor: Cr Rutherford Cr Campbell, Norton	10 am	ANZAC Service	St Stephen's, Mowbray Road
TUESDAY 16 APRIL			
Mayor Deputy Mayor: Cr Rutherford	2 pm	Funeral – Daphne Dunne	St Philips, York Street, Sydney
Cr Norton	7.30 pm	Chatswood East Progress Association	Dougherty Centre
WEDNESDAY 17 APRIL			
Mayor Deputy Mayor: Cr Rutherford Representing The Premier	12.30 pm	ANZAC Luncheon	Chatswood RSL
Cr Norton	3 pm	Dougherty Retirement Village Board Mtg	Dougherty Apartments
WEDNESDAY 24 APRIL			
Mayor	12 noon	Commemorative Procession from the Armenian Church to the Khachkar	From Macquarie Street to Beauchamp Park
Mayor Deputy Mayor: Cr Rutherford Cr Eriksson, Norton, Zhu	7.30 pm	104th Anniversary Armenian Genocide Commemoration	The Concourse

THURSDAY 25 APRIL			
Mayor Deputy Mayor: Cr Rutherford, Representing The Premier. Crs Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Zhu	5 am	ANZAC Day Dawn Service	Gardens of Remembrance
Mayor Deputy Mayor: Cr Rutherford Crs Norton, Rozos	7 am	ANZAC Day Commemorative Service	The Obelisk, Willoughby Legion
Mayor	10.30 am	ANZAC Commemoration	Willoughby Village
FRIDAY 26 APRIL			
Mayor Cr Tuon	11.30 am	Visit by Distinguished Citizens Society	Council Chambers
Cr Norton	5 pm	Happy Hour	Dougherty Retirement Village
WEDNESDAY 1 MAY			
Mayor Crs Norton, Tuon	11.30 am	Citizenship Ceremony	Council Chambers
Mayor	2.30 pm	Eastern Economic Corridor Meeting: with The Hon Rob Stokes MP	Coachwood Room
THURSDAY 2 MAY			
Cr Norton	9.30 am	Natural Heritage Ctee Site Inspection	Warner's Park
Cr Saville	11 am	SCCG Meeting with EO	
Mayor Cr Zhu	6 pm	NSROC Board Meeting	Lane Cove Council
Cr Saville	6 pm	Intl. Campaign Against Nuclear Weapons Roundtable. Teachers Federation	
FRIDAY 3 MAY			
Cr Saville	5 pm	SCCG Executive Meeting	
Cr Saville	7.30 pm	Fundraiser: Mary's House	Roseville Cinema
SATURDAY 4 MAY			
Mayor	12.30 pm	Anniversary Luncheon – Justices of the Peace – Lower North Shore of Sydney	Dougherty Centre
SUNDAY 5 MAY			
Mayor	12 noon	100 th Birthday Celebration: Joyce Barton	Willowood, Mowbray Road
Cr Eriksson	Afternoon	Hunters Hill Food & Wine Festival	Hunters Hill
TUESDAY 7 MAY			
Mayor Cr Tuon	11.30 am	Visit by Distinguished Citizens Society	Council Chambers
WEDNESDAY 8 MAY			
Cr Norton	4 pm	Access & Inclusion Advisory Committee	Dougherty Centre
SATURDAY 11 MAY			
Cr Norton Representing the Mayor	5 pm	Eftar with Artarmon Muslim Group	Dougherty Centre
Cr Eriksson Representing the Mayor	6 pm	Northbridge Rotary Fireworks	Northbridge Oval

8 GENERAL MANAGER'S LATE REPORT

NIL

9 MATTERS FOR DEFERRAL OR PROCEDURAL PRIORITY

Item 17.2 O H Reid Citizens Panel Terms of Reference

10 MATTERS NOT REQUIRING ELABORATION OR DEBATE

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

- Item 12.1 Minutes - Willoughby Heritage Advisory Committee Meeting held 26 February 2019
- Item 12.4 Minutes – Access Advisory Committee Meeting held 10 April 2019
- Item 12.5 Minutes – Willoughby Park Centre Advisory Committee Meeting held 26 March 2019
- Item 16.1 Draft Operational Plan 2019/20
- Item 16.2 Tender 114760 – Corporate Systems
- Item 16.3 Council's 2019 mid-year recess
- Item 16.5 Public interest Disclosures Policy Review
- Item 17.1 Willoughby Leisure Centre Pool Hall Upgrade
- Item 17.3 Naremburn Community Centre Playground – Playground Improvements Plan
- Item 18.1 Tender 120724 Retaining Wall Construction 23 Minimbah Road, Northbridge
- Item 18.3 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood – Planning Proposal
- Item 19.1 Notice of Motion: Hospital Blackouts – Patient Safety

RESOLUTION

That the remaining items, viz:

- Item 12.2 Minutes – Natural Heritage and Bushland Advisory Committee – Meeting 4 April 2019
- Item 12.3 Minutes – Multicultural Services Advisory Committee Meeting held 27 March 2019
- Item 16.4 Investment Report for the month of March 2019
- Item 18.2 Development Assessment – Quarter 3 (1 January 2019 to 31 March 2019)

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

11 MATTERS BROUGHT FORWARD BY THE PUBLIC

- Item 19.2 Notice of Motion: Climate Emergency

12 REPORTS FROM COMMITTEES

12.1 MINUTES - WILLOUGHBY HERITAGE ADVISORY COMMITTEE MEETING HELD 26 FEBRUARY 2019

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES OF MEETING HELD ON 26 FEBRUARY 2019 3. PHOTOGRAPH OF COUNCIL BANNERS AT THE CONCOURSE
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

To present Council with the Minutes of the Willoughby Heritage Advisory Committee Meeting held on 26 February 2019 (see Attachment 2).

RESOLUTION

That Council:

- 1. Note the Minutes of the Willoughby Heritage Advisory Committee Meeting held on 26 February 2019.**
- 2. Write to the operator of The Concourse and request the banners be on display on a permanent basis and only covered when requested by the hirers.**

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

12.2 MINUTES - NATURAL HERITAGE AND BUSHLAND ADVISORY COMMITTEE - MEETING 4 APRIL 2019

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – NATURAL HERITAGE AND BUSHLAND ADVISORY COMMITTEE – 4 APRIL 2019
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	RICHARD O'BRIEN – NATURAL ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

To present to Council the Minutes of the Natural Heritage and Bushland Advisory Committee (NHBAC) meeting held on 4 April 2019.

RESOLUTION

That Council note the Minutes of the Natural Heritage and Bushland Advisory Committee from the meeting held on 4 April 2019.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

12.3 MINUTES - MULTICULTURAL SERVICES ADVISORY COMMITTEE MEETING HELD 27 MARCH 2019

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – MULTICULTURAL SERVICES ADVISORY COMMITTEE MEETING – 27 MARCH 2019 3. REPORT – MULTICULTURAL SERVICES – OCTOBER 2018 – MARCH 2019
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	RITA LEUNG – MULTICULTURAL SERVICES TEAM LEADER
CITY STRATEGY OUTCOME:	2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

To provide Council with the minutes of the Multicultural Services Advisory Committee meeting held 27 March 2019.

RESOLUTION

That Council receive and note the minutes of the Multicultural Services Advisory Committee meeting held 27 March 2019.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

12.4 MINUTES - ACCESS ADVISORY COMMITTEE MEETING HELD 10 APRIL 2019

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – ACCESS ADVISORY COMMITTEE – 10 APRIL 2019
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

To provide Council with the minutes of the Access Advisory Committee meeting held 10 April 2019.

RESOLUTION

That Council:

- 1. Receive and note the minutes of the Access Advisory Committee meeting held 10 April 2019.**
- 2. Note the name change of the Access Advisory Committee to Access and Inclusion Committee.**

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

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

Against: Nil

12.5 MINUTES - WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING HELD 26 MARCH 2019

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES - WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING HELD 26 MARCH 2019
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	CHRISTINE WAYGOOD - FACILITY & PROGRAM TEAM LEADER
CITY STRATEGY OUTCOME:	3.2 – CREATE RECREATION SPACES FOR ALL
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

To provide Council with the minutes of the Willoughby Park Centre Advisory Committee meeting held 26 March 2019.

RESOLUTION

That Council receive and note the minutes of the Willoughby Park Centre Advisory Committee meeting held 26 March 2019.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos

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 DRAFT OPERATIONAL PLAN 2019/20

ATTACHMENTS:

1. IMPLICATIONS
2. DRAFT OPERATIONAL PLAN 2019-20 (TO BE DISTRIBUTED SEPARATELY)
3. DRAFT SCHEDULE OF FEES AND CHARGES 2019-20 (TO BE DISTRIBUTED SEPARATELY)

RESPONSIBLE OFFICER: DEAN FROST – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
KATRINA FURJANIC – CORPORATE STRATEGIC PLANNER

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

MEETING DATE: 13 MAY 2019

PURPOSE OF REPORT

The purpose of this report is to endorse for public exhibition the *Draft 2019-20 Operational Plan* which includes the Draft Budget, Draft Revenue Policy and Draft Fees and Charges for 2019/20.

MOTION

That Council:

- 1 Endorse the *Draft 2019-20 Operational Plan* which includes the Draft Budget, Draft Revenue Policy and Draft Fees and Charges for public exhibition.
- 2 Give public notice of the *Draft 2019-20 Operational Plan* and publicly exhibit the *Draft 2019-20 Operational Plan* in accordance with that public notice.
- 3 Receive submissions from the public on the *Draft 2019-20 Operational Plan*.
- 4 Delegate the General Manager to make amendments to the *Draft 2019-20 Operational Plan* which do not alter the scope, purpose or intent of the Plan.
- 5 Note that Council will consider submissions from the public prior to adopting the *2019-20 Operational Plan* at a future meeting of the Council.

6. Include as an addendum a line item in the *Draft 2019-20 Operational Plan* for verge maintenance for those with disability or otherwise unable to carry out their own maintenance to an amount capped at \$10,000 per year only to be used 3-4 times per year maximum per resident.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR NORTON

NOT PUT

AMENDMENT

That Council:

- 1 Endorse the *Draft 2019-20 Operational Plan* which includes the Draft Budget, Draft Revenue Policy and Draft Fees and Charges for public exhibition.
- 2 Give public notice of the *Draft 2019-20 Operational Plan* and publicly exhibit the *Draft 2019-20 Operational Plan* in accordance with that public notice.
- 3 Receive submissions from the public on the *Draft 2019-20 Operational Plan*.
- 4 Delegate the General Manager to make amendments to the *Draft 2019-20 Operational Plan* which do not alter the scope, purpose or intent of the Plan.
- 5 Note that Council will consider submissions from the public prior to adopting the *2019-20 Operational Plan* at a future meeting of the Council.
6. Invited interested Councillors to make additional submissions to the *Draft 2019-20 Operational Plan* during the consultation period.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Amendment: Councillors Eriksson, Mustaca, Rutherford, Tuon, Wright and Zhu.

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

The amendment on being put to the meeting was carried to become the motion.

Voting

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

Against: Councillor Fernandez.

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

16.2 TENDER 114760 - CORPORATE SYSTEMS

ATTACHMENTS:	1. IMPLICATIONS 2. CORPORATE SYSTEMS REPLACEMENT PROJECT DEFINITION
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	BRAD HERRING, CHIEF INFORMATION OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

For Council to make a determination in relation to Tender 114760 – Corporate Systems (IT Systems).

RESOLUTION

That Council:

- 1. Decline to accept any of the tenders for Tender 114760 – Corporate Systems and enter into negotiations with the highest ranked tenderer with a view of entering a contract in relation to Tender 114760 – Corporate Systems for the reason that there was only one tenderer who could provide a comprehensive and fully integrated solution to meet the primary objectives of the Request for Tender.**
- 2. Decline to invite fresh tenders or applications as this process is unlikely to receive any new submissions which would meet Council’s objective of a comprehensive and fully integrated solution.**

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos.

16.3 COUNCIL'S 2019 MID-YEAR RECESS

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL –GOVERNANCE OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

To set the date for Council's 2019 mid-year recess.

MOTION

That Council:

- 1. Break for mid-year recess from Saturday 6 July 2019 to Sunday 21 July 2019;**
- 2. Delegate authority to the Mayor and General Manager to deal with matters during the recess considered by them to be urgent, subject to:**
 - 2.1. compliance with relevant legislation;**
 - 2.2. the limitations to delegations under section 377 of the *Local Government Act 1993*;**
 - 2.3. matters that are considered urgent in nature or would cause undue delays to stakeholders;**
 - 2.4. decision being deferred where Council policy provides no clear guidelines;**
and
- 3. Receive a list of matters dealt with under delegated authority at its meeting on 22 July 2019.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

NOT PUT

AMENDMENT

That Council:

1. Break for mid-year recess from Saturday 29 June 2019 to Sunday 21 July 2019;
2. Delegate authority to the Mayor and General Manager to deal with matters during the recess considered by them to be urgent, subject to:
 - 2.1. compliance with relevant legislation;
 - 2.2. the limitations to delegations under section 377 of the *Local Government Act 1993*;
 - 2.3. matters that are considered urgent in nature or would cause undue delays to stakeholders;
 - 2.4. decisions being deferred where Council policy provides no clear guidelines; and
 - 2.5. the General Manager contacting Ward Councillors on any significant matters.
3. Receive a list of matters dealt with under delegated authority at its meeting on 22 July 2019.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos.

The amendment became the motion and on being put to the meeting was carried unanimously to become the resolution of Council

16.4 INVESTMENT REPORT FOR THE MONTH OF MARCH 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:	13 MAY 2019

PURPOSE OF REPORT

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

RESOLUTION

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

16.5 PUBLIC INTEREST DISCLOSURES POLICY - REVIEW

ATTACHMENTS:	1. IMPLICATIONS 2. PUBLIC INTEREST DISCLOSURES POLICY 3. PUBLIC INTEREST DISCLOSURES PROCEDURE
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	EMMA HURFORD – RISK AND AUDIT COORDINATOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

To present the revised *Public Interest Disclosures Policy* for adoption by Council.

RESOLUTION

That Council:

1. Adopt the Willoughby City Council *Public Interest Disclosures Policy*.
2. Note the Willoughby City Council *Public Interest Disclosures Procedure*.
3. Authorise the General Manager to amend the Policy as necessary to reflect administrative changes to agency names.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors 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 WILLOUGHBY LEISURE CENTRE POOL HALL UPGRADE

ATTACHMENTS:	1. IMPLICATIONS 2. EXISTING POOL HALL LAYOUT 3. POOL HALL UPGRADE CONCEPT PLAN A 4. POOL HALL UPGRADE CONCEPT PLAN B
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ANGELA CASEY – CULTURE AND LEISURE MANAGER
CITY STRATEGY OUTCOME:	3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

For Council to approve the development of detailed designs for the upgrade of the Willoughby Leisure Centre Pool Hall.

RESOLUTION

That Council approve the development of detailed designs for the upgrade of the Willoughby Leisure Centre Pool Hall, based on ‘Concept Plan B’.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR FERNANDEZ

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

Councillor Coppock declared a non-pecuniary less than significant interest in Item 17.1: Willoughby Leisure Centre Pool Hall Upgrade as he lives in Marlborough Road which is impacted by netball traffic, but treated the matter as significant and withdrew from the meeting taking no part in the discussion or voting on this topic.

17.2 O H REID CITIZENS PANEL TERMS OF REFERENCE

ATTACHMENTS:	1. IMPLICATIONS 2. TERMS OF REFERENCE
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
CITY STRATEGY OUTCOME:	3.6 – ACTIVATE LOCAL SPACES IN CREATIVE WAYS
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

To provide Council with the Terms of Reference and timeline for the O H Reid Reserve Citizens Panel for noting.

RESOLUTION

That Council defer this matter to the Ordinary Council Meeting to be held 11 June 2019.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos

17.3 NAREMBURN COMMUNITY CENTRE PLAYGROUND - PLAYGROUND IMPROVEMENTS PLAN

ATTACHMENTS:	1. IMPLICATIONS 2. NAREMBURN COMMUNITY CENTRE PLAYGROUND – COMMUNITY CONSULTATION SUMMARY REPORT 3. NAREMBURN COMMUNITY CENTRE PLAYGROUND – DRAFT PLAYGROUND IMPROVEMENTS PLAN
RESPONSIBLE OFFICER:	MELANIE SMITH — COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ROGER FAULKNER – OPEN SPACE PROJECTS OFFICER
CITY STRATEGY OUTCOME:	3.2 – CREATE RECREATION SPACES FOR ALL
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

For Council to adopt the Playground Improvements Plan for the Naremburn Community Centre Playground.

RESOLUTION

That Council adopt the Naremburn Community Centre Playground – Draft Playground Improvements Plan dated March 2019.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos.

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 TENDER 120724 RETAINING WALL CONSTRUCTION 23 MINIMBAH ROAD, NORTHBRIDGE

ATTACHMENTS:	1. IMPLICATIONS 2. SITE PHOTOGRAPHS 3. SITE PLAN
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	JIM DONALDSON – PROJECT DELIVERY CO-ORDINATOR
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

To advise Council on the status of Tender 120724 and to seek approval to enter into negotiations with other suitably qualified and experienced contractors.

RESOLUTION

That Council:

1. Decline to accept any of the tenders received for Tender 120724 - Retaining Wall Construction 23 Minimbah Road, Northbridge.
2. Delegate authority to the General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender as per *Local Government (General) Regulation 2005* Clause 178(3)(e).
3. Authorise the General Manager to sign and execute the contract documents following satisfactory negotiations.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos.

18.2 DEVELOPMENT ASSESSMENT - QUARTER 3 (1 JANUARY 2019 TO 31 MARCH 2019)

ATTACHMENTS:	1. IMPLICATIONS 2. VARIATIONS TO DEVELOPMENT STANDARDS – QUARTER 3 3. APPLICATIONS DETERMINED – QUARTER 3 4. CURRENT DEVELOPMENT APPLICATIONS AS AT 1 APRIL 2019
RESPONSIBLE OFFICER:	GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

To provide Council with details relating to development assessment for quarter 3 (1 January 2019 to 31 March 2019).

RESOLUTION

That Council:

- 1. Note the variations to development standards and development applications determined under delegated authority during quarter 3 (1 January 2019 to 31 March 2019).**
- 2. Note the current development applications list as at 1 April 2019.**

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

**18.3 1A-29 BOWEN STREET AND 6-18 MORIARTY ROAD, CHATSWOOD -
PLANNING PROPOSAL**

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. COUNCIL DETAILED ASSESSMENT3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S "A GUIDE TO PREPARING PLANNING PROPOSALS"4. PLANNING PROPOSAL CONCEPT PLANS5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 20127. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO AND SPECIAL PROVISIONS AREA MAPS8. WILLOUGHBY LOCAL PLANNING PANEL ADVICE
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	IAN SHILLINGTON – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	<p>3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES</p> <p>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</p>
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

To seek endorsement for the forwarding of the Planning Proposal 2017/0005 for 1A-29 Bowen Street and 6-18 Moriarty Road, 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.

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**
 - 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.”**

c) To replace Clause 6.8 ‘Affordable Housing’, (2) with the following:

- “(2) Development consent must not be granted to the erection of residential accommodation on land identified as “Area 3” and “Area 9” on the Special Provisions Area Map unless the consent authority has taken the following into consideration:**
- (a) the Willoughby Affordable Housing Principles,**
 - (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,**
 - (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.**

Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development.”

d) 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.**
- e) 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 Residential flat building	R4 High Density Residential shown In Area 13 of the Special Provisions Area Map	6,000 square metres”

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 the following development:**
 - a) development that is the erection of a new building on land covered by the Design Excellence Policy, and shown in Area 12 on the Special Provisions Area Map,**

Note.
In determining an application for a modification of a development consent granted under this clause, the consent authority must again take the requirements of this clause into consideration (see section 96 (3) of the Act).
- 3) Development consent must not be granted to development to which this clause applies unless:**
 - a) Where a building will be >35m in height**
 - i) an architectural design competition that is consistent with *Guidelines for Design Excellence Review and Competitions* has been held in relation to the development, and**
 - ii) the design of the development is the winner of the architectural design competition, and**
 - iii) the consent authority considers and acknowledges that the development exhibits design excellence.**
 - b) Where a building will be up to 35m in height**
 - i) The design is subject to review by a Design Excellence Review Panel, that is consistent with *Guidelines for Design Excellence Review and Competitions*, who consider that the design exhibits design excellence to a sufficient level to recommend that the project proceed to consideration by the consent authority**
 - ii) the consent authority considers and acknowledges that the development exhibits design excellence.**
- 4) An architectural design competition is not required under subclause (3) if the Minister or their delegate is satisfied that:**
 - (a) such a process would be unreasonable or unnecessary in the circumstances,**
- 5) In deciding whether to grant development consent to development to which this clause applies, the consent authority must take into consideration the results of the architectural design competition.**
- 6) In this clause:**

Design Excellence is a process and an outcome achieved through the comparative evaluation of different design approaches

Architectural Design Competition means a competitive process conducted in accordance with the Guidelines for Design Excellence Review and Competitions .

Design Excellence Review Panel means a Council selected and appointed Panel or a Panel endorsed by the NSW Government Architects Office (Secretary).

Guidelines for Design Excellence Review and Competitions means the Government Architects Design Excellence Competition Guidelines or, Guidelines endorsed by the NSW Government Architects Office (Secretary).

Design Excellence Policy means the Willoughby City Council Design Excellence Policy

- g) To amend the Land Use Zoning Map (Sheet LZN_004) for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood from R2 Low Density Residential to R4 High Density Residential and amend the adjacent roadway for Bowen Street from R2 Low Density Residential to R3 Medium Density Residential.
 - h) To amend the Height of Buildings Map (Sheet HOB_004) for 1A- 29 Bowen Street and 6-18 Moriarty Road, to 30 metres.
 - i) To amend the Floor Space Ratio Map (Sheet FSR_004) for 1A- 29 Bowen Street and 6-18 Moriarty Road, Chatswood to 2.5:1 (including affordable housing).
 - j) To amend the Special Provisions Area Map (Sheet SPA_004) to show 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood, as Area 9, Area 12 and Area 13.
 - k) To amend the Lot Size Map (Sheet LSZ_004) to remove lot size controls for the subject site.
2. Subject to 1. above, Council endorse for public exhibition the Planning Proposal as outlined in recommendation 1.
 3. Endorse for public exhibition the draft site specific *Development Control Plan* provisions, subject to the following amendments:
 - i) Add to Design Excellence:

“Demonstration of adaptive reuse of the Heritage Items 8-10 Moriarty Road is to be shown in accordance with Council requirements as part of any development application”
 - ii) Add to Transport Considerations:

“Bicycle access/facilities and circulation along Bowen Street and Moriarty Road shall be encouraged, particularly in relation to providing future connectivity to the Pacific Highway, including ‘filling the gaps’ in the existing bicycle network across intersections”

“Left in/ left out restrictions for traffic linking Bowen St and Mowbray Road are to be provided”.

Remove control 2 outlined below:

“Future development must include provision to open the intersection of Bowen Street and Moriarty Road to one-way, south bound traffic.”

Remove control 6 and replace with:

“Car parking rates are to be in accordance with Council requirements, or requirements for a site within a railway precinct and major public transport corridor, or to standards in the *RMS Guide to Traffic Generating Development*, whichever is the lesser.”

iii) Changes to Environmental Considerations:

Remove control 1 as outlined below:

“New development is to minimise additional overshadowing of main open space or living rooms of residential properties during the mid-winter period where the shadows would reduce sunlight access to below 2 hours per day between 9am and 3 pm”.

Include additional control 4 as outlined below:

“A minimum GBCA 5 star green star rating for residential flat buildings is required for any proposed development for residential flat buildings”

iv) Changes to open space and landscaping:

Remove control 6 as outlined below:

"Variation to the maximum site coverage and recreational open space requirements within Part D2 of the Willoughby DCP 2006 can be considered provided communal open space proposed exceeds 25% of the site area, and a minimum 10% of deep soil area is maintained across the site."

- 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 Gateway, an updated Traffic and Transport Assessment is required that is supportive of basement access for residential parking purposes in relation to Australian Standards in line with recommended changes to Floor Space Ratio.**
- 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 proceed under controls proposed in the Planning Proposal provided.**
 - 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 amendments to the Planning Proposal which does not alter the policy intent.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR NORTON

CARRIED

Voting

For the Motion: Councillors Coppock, Eriksson, Mustaca and Tuon,

Against: Councillors Norton, Saville, Wright and Zhu.

Absent: Councillors Fernandez, Rutherford and Rozos.

As the vote was equal, former Deputy Mayor Eriksson exercised his casting vote for the motion.

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

Due to Item 18.3: 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood – Planning Proposal being a Sydney North Planning Panel (SNPP) matter, the Deputy Mayor Councillor Rutherford declared a non-pecuniary significant interest as a member 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 Deputy Mayor's absence for this item.

Councillor Fernandez declared a non-pecuniary less than significant interest in Item 18.3: 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood – Planning Proposal due to his prior working relationship with some project consultants attached to this project and withdrew from the meeting taking no part in the discussion or voting on this topic.

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION: HOSPITAL BLACKOUTS - PATIENT SAFETY

RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
CITY STRATEGY OUTCOME:	3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

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

MOTION

That Council request the Mayor write to the Premier, Minister for Health and the member for Lane Cove requesting information on the blackouts at Royal North Shore Hospital and reports that because of these power outages, critical operations had to be cut short because not all emergency back-up generators kicked in and request further information about what steps are being taken to ensure patient safety is not at risk going forward.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

For the Motion: Councillors Eriksson, Fernandez, Mustaca, Norton, Rutherford, Tuon, Wright and Zhu.

Against: Councillor Coppock

Absent: Councillors Rozos and Saville.

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

Councillor Saville declared a non-pecuniary significant interest in Item 19.1: Notice of Motion: Hospital Blackouts – Patient Safety due to her academic work with at a number of hospitals across Sydney including RNSH and withdrew from the meeting taking no part in the discussion or voting on this topic.

19.2 NOTICE OF MOTION: CLIMATE EMERGENCY

RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
CITY STRATEGY OUTCOME:	1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES
MEETING DATE:	13 MAY 2019

PURPOSE OF REPORT

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

Procedural Motion

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

MOTION

That Willoughby City Council:

1. Publicly acknowledges that we are in a state of climate emergency that requires urgent action by all levels of government; that human induced climate change represents one of the greatest threats to humanity, civilisation, and other species; and that it is still possible to prevent the most catastrophic outcomes if societies take emergency action, including local councils.
2. Bring back a report to Council to examine how Council plans, policies and works programs can address the climate emergency, and ensure this is embedded into future Council strategic plans.

MOVED COUNCILLOR SAVILLE

LAPSED FOR WANT OF A SECONDER

MOTION

That Willoughby City Council publicly acknowledges that we are in a state of climate emergency that requires urgent action by all levels of government; that human induced climate change represents one of the greatest threats to humanity, civilisation, and other species; and that it is still possible to prevent the most catastrophic outcomes if societies take emergency action, including local councils.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR WRIGHT

LOST

Voting

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

Against: Councillors Coppock, Eriksson, Mustaca, Rutherford, Tuon and Zhu.

Absent: Councillor Rozos.

AMENDMENT

That Willoughby City Council

1. Publicly acknowledges the realistic role of local government in responding to the challenges of a changing climate.
2. Reaffirm the draft target in the Our Green City Plan to reduce GHG emissions.
3. Commit to continue and ensure Vivid Chatswood is 100% sources from Greenpower.

MOVED COUNCILLOR ZHU

SECONDED COUNCILLOR FERNANDEZ

NOT PUT – AMENDMENT RULED OUT OF ORDER

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 9:34pm.

20.1 CONFIDENTIAL - TENDER 120724 RETAINING WALL CONSTRUCTION 23 MINIMBAH 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 - 6-30 ARTARMON ROAD, WILLOUGHBY (CHANNEL 9 SITE)

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

20.3 CONFIDENTIAL - TENDER 114760 - CORPORATE SYSTEMS

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

20.4 CONFIDENTIAL - WASTE COLLECTION CONTRACT EXTENSION

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 - TENDER 120724 RETAINING WALL CONSTRUCTION 23 MINIMBAH ROAD, NORTHBRIDGE

Recommendation Summary

That Council:

1. Decline to accept any of the tenders received for Tender 120724 - Retaining Wall construction 23 Minimbah Road, Northbridge.
2. Delegate authority to the General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender as per *Local Government (General) Regulation 2005 Clause 178(3)(e)*.
3. Decline to invite fresh tenders due to an urgent requirement to mitigate further damage to Council assets.
4. Authorise the General Manager to sign and execute the contract documents following satisfactory negotiations.
5. Make public all recommendations following Council's resolutions.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Recommendation: Councillors Coppock, Eriksson, Fernandez, Mustaca, Norton, Rutherford, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillor Rozos

20.2 CONFIDENTIAL - 6-30 ARTARMON ROAD, WILLOUGHBY (CHANNEL 9 SITE)**Recommendation Summary****That Council:**

1. Note the Independent Planning Commission decision for Modification 2 to Major Project Application 10_0198 for 6-30 Artarmon Road Willoughby (being the Channel 9 site).
2. Note Condition 34a. regarding the public benefit offer contained within the Modification 2 Approval, noting that there is no further opportunity for negotiation of the Voluntary Planning Agreement.
3. Delegate to the General Manager to write to the proponent accepting this public benefit offer as the basis of a Voluntary Planning Agreement.
4. Delegate to the General Manager to negotiate with the owner of 6-30 Artarmon Road, Willoughby regarding the future of Scott Street, Willoughby and report back to Council on the outcome of such discussions.
5. Release all Recommendations following the Council Resolution on this Item.

MOVED COUNCILLOR MUSTACA**SECONDED COUNCILLOR COPPOCK****CARRIED****Voting****For the Recommendation:** Councillors Coppock, Eriksson, Fernandez, Mustaca, Rutherford, and Zhu.**Against:** Councillors Norton, Saville, Tuon and Wright.**Absent:** Councillor Rozos.**20.3 CONFIDENTIAL - TENDER 114760 - CORPORATE SYSTEMS****Recommendation Summary****That Council:**

1. Decline to accept any of the tenders for Tender 114760 – Corporate Systems and enter into negotiations with TechnologyOne Limited with a view of entering a contract in relation to Tender 114760 – Corporate Systems for the reason that there was only one tenderer who could provide a comprehensive and fully integrated solution to meet the primary objectives of the Request for Tender.
2. Decline to invite fresh tenders or applications as this process is unlikely to receive any new submissions which would meet Council's objective of a comprehensive and fully integrated solution.

3. Delegate the General Manager to enter into negotiations with TechnologyOne Limited with a view of entering a contract in relation to the subject matter of Tender 114760 – Corporate Systems.
4. Note that a report be brought back to Council for Council to make a determination in relation to entering into a contract with TechnologyOne Limited.
5. Make public all Recommendations following the Council Resolution on this Item.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Recommendation: Councillors Coppock, Eriksson, Fernandez, Mustaca, Norton, Rutherford, Saville, Tuon, Wright and Zhu.

Against: Nil

Absent: Councillor Rozos.

20.4 CONFIDENTIAL - WASTE COLLECTION CONTRACT EXTENSION

Recommendation Summary

That Council:

1. Not call tenders for Waste and Recycling Collection Services, pursuant to Section 55 (3) of the Local Government Act 1993 (NSW), as extenuating circumstances exist and a satisfactory result would not be achieved by Council inviting tenders for the reasons set out in this report.
2.
3. Release recommendation 1 following the meeting and release recommendation 2 following satisfactory negotiations.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

For the Recommendation: Councillors Coppock, Eriksson, Fernandez, Mustaca, Norton, Rutherford, Tuon, Wright and Zhu.

Against: *Councillor Saville.

Absent: Councillor Rozos.

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

RESOLUTION

That the meeting revert to Open Council.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos.

Council moved into open session at 10:05pm.

RESOLUTION

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

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

Absent: Councillor Rozos.

21 QUESTIONS

NIL

- The Deputy Mayor Councillor Rutherford left the meeting at 9:03pm during debate on Item 18.3: 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood – Planning Proposal taking no part in the debate or vote on this topic. She returned to the meeting at 9:29pm. Former Deputy Mayor Eriksson took the chair in the Deputy Mayor’s absence.
- Councillor Saville left the chamber at 9:29pm during discussion on Item 19.1: Notice of Motion: Hospital Blackouts – Patient Safety taking no part in the discussion or voting on this topic. She returned to the meeting at 9:34pm.
- Councillor Fernandez left the chamber at 9:03pm during discussion on Item 18.3: 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood – Planning Proposal taking no part in the debate or vote on this topic. He returned to the meeting at 9:29pm.
- Councillor Coppock left the chamber at 8:11pm during discussion on Item 17.1: Willoughby Leisure Centre Pool Hall Upgrade taking no part in the debate or vote on this topic. He returned to the meeting at 8:13pm.
- Councillor Rozos left the meeting at 8:12pm.

The meeting concluded at 10:14pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 13 May 2019. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.