



Willoughby City Council

ORDINARY COUNCIL

MINUTES

26 February 2024

Minutes of an Ordinary Council meeting held on Monday, 26 February 2024
at the Council Chamber Level 6, 31 Victor Street, Chatswood

1 OPEN MEETING

The meeting commenced at 7:02pm.

ATTENDANCE:

Councillors

Tanya Taylor (Her Worship the Mayor)
Nic Wright (Deputy Mayor)
Craig Campbell
Hugh Eriksson
Anna Greco
Roy McCullagh
John Moratelli
Sarkis Mouradian
Georgie Roussac
Angela Rozos
Robert Samuel
Jam Xia
Brendon Zhu

Officer's

Debra Just (Chief Executive Officer)
Maxine Kenyon (Customer & Corporate Director)
Linda Perrine (Community, Culture & Leisure Director)
Hugh Phemister (Planning & Infrastructure Director)
Stephen Naven (Chief Financial Officer)
Samantha Connor (Governance, Risk & Compliance Manager)
Mitchell Noble (Head of Planning)
Dyalan Govender (Strategic Planning Team Leader)
David Roberts (Environment Manager)
Kathryn Odgers (Resource Recovery Team Leader)
Ervina Lay (Corporate Performance Manager)
Gynt Drinan (Project Management Team Leader)
Alison Murphy (Community Life Manager)
Monica Loneragan (People & Culture Manager)
Natalie Taylor (Council & Corporate Support Officer)
Adam Booth (Council & Corporate Support Officer)
Jason Racchi (Acting Chief Technology Officer)
Matthew Long (Network Support Officer)

2 ACKNOWLEDGEMENT OF COUNTRY

Willoughby City Council acknowledges the Traditional Owners of the lands on which we meet today, the Gamaragal People, and their connections to land, waters, and community. We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people, including those who may be in attendance today.

3 REFLECTION OR PRAYER

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

That Council accept the Leave of Absence submitted by Councillor Moratelli for the 22 July 2024 Council meeting.

MOVED Councillor Eriksson / SECONDED Councillor Greco

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

5 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 30 January 2024, copies of which have been circulated to each member of Council, be confirmed as a true record.

MOVED Councillor Xia / SECONDED Councillor Rozos

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

6 DISCLOSURES OF INTERESTS

In accordance with Part 16 of the Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

- Councillor Wright declared a non-pecuniary less than significant interest in ITEM 12.1 - Investment Report for the month December 2023 and ITEM 12.2 - Investment Report for the month January 2024. Councillor Wright chose to stay in the meeting and take part in any discussion and voting on this item. The reason provided was:

"I am employee of Westpac with whom Council has investments. The reports are for noting and I have no control over individual investments."

- Councillor Xia declared a non-pecuniary less than significant interest in ITEM 12.1 - Investment Report for the month December 2023 and ITEM 12.2 - Investment Report for the month January 2024. Councillor Xia chose to stay in the meeting and take part in any discussion and voting on this item. The reason provided was:

"I am a full time employee of Westpac with whom Council has investments. I do not have control or influence over the investments held by Council."

- Councillor Mouradian declared a non-pecuniary less than significant interest in ITEM 12.26 - Concessional Hire Rates - Category D Report (July - December 2023). Councillor Mouradian chose to stay in the meeting and take part in any discussion and voting on this item. The reason provided was:

" The ACWC received a concessional discount rate for hall hire, I am member of the Parish that ACWC belongs to and my wife is board member of ACWC."

- Councillor Campbell declared a non-pecuniary less than significant interest in ITEM 12.25 - Rejection of Tender T08-2022 - Management of the Devonshire Street Child Care Centre. Councillor Campbell chose to stay the meeting and take part in any discussion and voting on this item. The reason provided was:

"A support of my campaign in the 2021 local government election has a child enrolled at the facility. Although I considered this conflict a significant one when this matter was last before Council, the matter has since been decided by Council. As this is a matter specifically related to the outcome of the tender in relation to Council's previous decision already taken, I believe this is no longer a significant matter and that I can consider the matter without conflict."

- Councillor Zhu declared a non-pecuniary significant interest in ITEM 12.25 - Rejection of Tender T08-2022 - Management of the Devonshire Street Child Care Centre. Councillor Zhu chose to leave the meeting and take no part in any discussion and voting on this item. The reason provided was:

" As previously declared, a supporter of mine in the 2017 and 2021 local government election has a child enrolled at the facility and confirmed by Officers. As a decision on this agenda item or subsequent amendments could impact whether this service is outsourced or not, with the ramifications communicated in no uncertain terms on preference or favourability. In order to avoid perception that my vote is biased, improper or a quid pro quo decision due to electoral support, I will be leaving the room."

- Councillor Zhu declared a non-pecuniary significant interest in ITEM 13.3 - Notice of Motion 03/2024 - Lobbying of NSW to Increase East-West Bus Services to better Integrate with New Metro. Councillor Zhu chose to leave the meeting and take no part in any discussion and voting on this item. The reason provided was:

"I work for Transport for NSW and have involvement with how Sydney Metro interfaces with Sydney Trains employees. The motion also invokes the Minister responsible for the agency I work for. Though the motion is more specifically about buses, given the factors I have outlined above, when considered as a collective, I have a non-pecuniary, significant interest and would feel more comfortable leaving the room."

7 PETITIONS

None

PROCEDURAL MOTION – BRING FORWARD ITEMS ON THE AGENDA

That standing orders be set aside and item 11 be brought forward.

MOVED Councillor Wright / SECONDED Councillor Roussac

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

11 MATTERS BY EXCEPTION

At this stage the Mayor invited Councillors to nominate the items they wish Council to consider separately and these matters will then be dealt with in the order so nominated.

That the staff recommendations for the following items be adopted en bloc:

- 12.1 Investment Report for the month of December 2023
- 12.2 Investment Report for the month of January 2024
- 12.4 Submission to IPART - Terms of Reference
- 12.5 Legal Matter Report - February 2024
- 12.6 Matters Dealt with Under Delegated Authority during Christmas/New Year Recess Period 12 December 2023 to 29 January 2024
- 12.17 Warners Park Community Centre Status Report
- 12.18 WCC Property Report - February 2024
- 12.23 Approved Minutes of the Built and Cultural Heritage Advisory Committee meeting held on 14 November 2023
- 12.24 Approved Minutes of the Sustainability Advisory Committee held on 12 December 2023
- 12.26 Concessional Hire - Category D Report (July - December 2023)
- 12.28 Approved Minutes Access and Inclusion Advisory Committee meeting held on 21 November 2023
- 12.29 Approved Minutes of the Bicentennial Reserve and Flat Rock Gully Advisory Committee meeting held on 29 November 2023
- 13.2 Notice of Motion 02/2024 - Public Awareness of our Street Sweeping Program

MOVED Councillor Eriksson / SECONDED Councillor Wright

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

8 OPEN AND PUBLIC FORUM

Open Forum allows members of the public to address Council for a maximum of three (3) minutes on any issues (but not on an item on the Minutes).

The following members of the public spoke on Open Forum.

- Andrew Nelson will address Council on Cycling for Health in Willoughby

Public Forum allows members of the public to address Council for a maximum of three (3) minutes on any issues (but not on an item on the Minutes).

Item 13.1 Notice of Motion 39/2023 - Minor Amendment to the Artarmon Local Centre Public Domain Masterplan.

- Andrew Nelson and Mary Ann Irvin addressed Council against the Notice of Motion.

13.1 NOTICE OF MOTION 39/2023 - MINOR AMENDMENT TO THE ARTARMON LOCAL CENTRE PUBLIC DOMAIN MASTERPLAN

MOTION

That Council make a minor wording change in section 2.1 of the Artarmon Local Centre Public Domain Masterplan from “Planting native species where possible” to “Planting native species where suitable” in order to clarify that both native and introduced plant species may be used in Council’s streetscapes and public areas.

MOVED Councillor Wright / SECONDED Councillor Rozos

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Mouradian, Rozos, Wright, Xia and Zhu

Against: Councillors Greco, McCullagh, Moratelli, Roussac and Samuel

Notes:

1. *Councillor Samuel left the meeting at 07:56 pm and returned at 07:58pm*
2. *Councillor Xia left the meeting at 07:59 pm and returned at 08:01pm*
3. *Councillor Eriksson left the meeting at 08:05 pm and returned at 08:07pm*

9 MAYORAL MINUTE

9.1 MAYORAL MINUTE 04/2024 - RETIREMENT OF CHIEF EXECUTIVE OFFICER, DEBRA JUST**MOTION**

That Council recognise and thank Debra Just for her significant contribution to the City of Willoughby and wish her well in her retirement.

MOVED Councillor Taylor

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Councillor McCullagh

Notes: Councillor Roussac left the meeting at 08:17 pm and returned at 08:18pm

10 CHIEF EXECUTIVE OFFICER'S LATE REPORT

None

12 REPORTS TO COUNCIL**CHIEF EXECUTIVE OFFICE**

None

CUSTOMER & CORPORATE DIRECTORATE**12.1 INVESTMENT REPORT FOR THE MONTH OF DECEMBER 2023****RESOLUTION**

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 December 2023.

MOVED Councillor Eriksson / SECONDED Councillor Wright

ADOPTED EN BLOC

Note: Councillors Wright and Xia declared and interest in this item

12.2 INVESTMENT REPORT FOR THE MONTH OF JANUARY 2024**RESOLUTION**

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 January 2024.

MOVED Councillor Eriksson / SECONDED Councillor Wright

ADOPTED EN BLOC

Note: Councillors Wright and Xia declared an interest in this item

12.3 QUARTERLY BUDGET REVIEW 2023/24 - DECEMBER QUARTER REPORT**MOTION**

That Council:

1. Note the Quarterly Budget Review for 2023/24 Quarter 2 (December). Net negative variances identified during the second quarter reduce the projected full year budget surplus (including capital revenue) by \$58k to a \$17.1M surplus. The projected full year deficit before capital revenue has increased from \$3.6M to \$5.5M.
2. Approve the increase in Capital Grants & Contributions revenue of \$1.8M mainly due to additional developer contribution income received.
3. Approve the increase in operating budget income (excluding capital income) of \$0.6M and the increase in operating budget expense of \$2.5M resulting in a net negative impact of \$1.9M to the 2023/24 forecast full year budget operating result before capital items. The income increase is mainly due to higher returns from interest on investments and higher restoration income. The expense increase is mainly due to one off factors increasing employee costs (for example delayed outsourcing of Devonshire Childcare and Connect Project timing), and higher legal costs for planning matters.
4. Approve the reduction in Capital Expenditure for the 2023/24 Financial Year of \$2.3M. The reduction in Capital Expenditure is due to reduced forecast expenditure on several major projects where budgets have been aligned to changed project timing.
5. Note the temporary allocation, under Chief Executive Officer (CEO) delegation, of \$1.8M of the Projects and Capital Works contingency budget to fund eight projects where urgent work was required before Quarter 2 budget variations are approved.

MOVED Councillor Wright / SECONDED Councillor Campbell

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

Notes:

- 1. Councillor Wright left the meeting at 08:25 pm and returned at 08:27pm*
- 2. Councillor Moratelli left the meeting at 08:26 pm and returned at 08:28pm*

12.4 SUBMISSION TO IPART - TERMS OF REFERENCE**RESOLUTION****That Council:**

- 1. Approve the submission to on the draft Terms of Reference for the “Investigation of council financial model in NSW” to the Independent Pricing and Regulatory Tribunal (Attachment 2)**
- 2. That Council delegate any minor edits or corrections to the attached draft submission to the Chief Executive Officer.**

MOVED Councillor Eriksson / SECONDED Councillor Wright**ADOPTED EN BLOC**

12.5 LEGAL MATTERS REPORT - FEBRUARY 2024**RESOLUTION****That Council note the legal matters report for October 2023 – January 2024.****MOVED Councillor Eriksson / SECONDED Councillor Wright****ADOPTED EN BLOC**

12.6 MATTERS DEALT WITH UNDER DELEGATED AUTHORITY DURING THE CHRISTMAS/NEW YEAR RECESS PERIOD 12 DECEMBER 2023 TO 29 JANUARY 2024**RESOLUTION****That Council receive the report to Council on matters dealt with under delegated authority during the Christmas/New Year recess period and note that no matters were determined during this time.****MOVED Councillor Eriksson / SECONDED Councillor Wright****ADOPTED EN BLOC**

12.7 NATIONAL GENERAL ASSEMBLY 2024**MOTION**

That Council:

1. Determine the single Councillor voting delegate, and attendees to attend the National General Assembly of Local Government from 2-4 July 2024 in Canberra.
Voting Delegate - Mayor Tanya Taylor
Attendees - Councillors McCullagh, Moratelli, Roussac and Rozos
2. Note that the deadline for submissions to the National General Assembly of Local Government is 29 March. Submissions to be received by Council at the 25 March Council meeting.

MOVED Councillor Moratelli / SECONDED Councillor Eriksson

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

12.8 APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER'S SELECTION PANEL**MOTION**

That Council:

1. Establish a Selection Panel, comprising the Mayor, a Councillor from each ward and an independent panel member, to conduct the recruitment and selection process for the recruitment of a new CEO.
Nominations:
West Ward - Councillor Campbell
Middle Harbour Ward - Councillor Rozos
Naremburn Ward - Councillor Roussac
Sailors Bay Ward - Councillor Eriksson
2. Delegate to the selection panel relevant tasks, including:
 - participating in the recruitment and selection process, including participation on interview panels.
 - reporting the findings and recommendations of the selection panel to the council.
3. Delegate to the Mayor the tasks of ensuring:
 - the CEO's position description is current and evaluated in terms of salary to reflect the responsibilities of the position
 - the proposed salary range reflects the responsibilities and duties of the position
 - the position is advertised according to the requirements of the Act
 - information packages are prepared, and
 - applicants selected for interview are notified.

4. Delegate to the selection panel the appointment of an external recruitment consultant to assist with recruitment and selection process. Ensuring this engagement shall be carried out in line with Council's procurement process.

MOVED Councillor Wright / SECONDED Councillor Xia

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Councillors Greco, McCullagh and Moratelli

12.9 DELIVERY PROGRAM SIX-MONTH PROGRESS REPORT JULY TO DECEMBER 2023

MOTION

That Council note the six-monthly progress report on Council's *Delivery Program 2022-2026* and the *Operational Plan 2023/24* as at 31 December 2023.

MOVED Councillor Wright / SECONDED Councillor Xia

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

Notes: Councillor Wright left the meeting at 08:40 pm and returned at 08:41pm

12.10 MAJOR PROJECTS FRAMEWORK

MOTION

That Council:

1. Note the existing Project Management and Governance Framework manages the delivery of all Council projects.
2. Note that enhancements to the Project Management and Governance Framework as presented in this report.
3. Note a Councillor briefing will be held in March 2024 to discuss further refinements to the Major Projects Framework.
4. Note a Council Report will be provided in April 2024 with the final Major Projects Framework.

MOVED Councillor Wright / SECONDED Councillor Xia

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

PROCEDURAL MOTION – RECOMMITAL

That Council recommit item 12.10 for an additional point to be included.

MOVED Councillor Moratelli / SECONDED Councillor Roussac

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

MOTION

That Council:

1. Note the existing Project Management and Governance Framework manages the delivery of all Council projects.
2. Note that enhancements to the Project Management and Governance Framework as presented in this report.
3. Note a Councillor briefing will be held in March 2024 to discuss further refinements to the Major Projects Framework.
4. Note a Council Report will be provided in April 2024 with the final Major Projects Framework.
5. Request the Major Projects Framework be amended so that Councillors will be notified in real time when the contingency draw down is 50% or 500K whichever is the lesser.

MOVED Councillor Mouradian / SECONDED Councillor Wright

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

**12.11 DRAFT MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD 13 DECEMBER 2023****MOTION**

That Council note the draft minutes of the Audit, Risk and Improvement Committee meeting held on 13 December 2023.

MOVED Councillor Wright / SECONDED Councillor Xia

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

PLANNING & INFRASTRUCTURE DIRECTORATE

**12.12 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF FLAT ROCK GULLY
RESERVE ACTION PLAN 2023****MOTION**

That Council:

1. Adopt the *Flat Rock Gully Reserve Action Plan 2023* as amended and attached to this report at Attachment 1.
2. Rescind the *Flat Rock Gully Reserve Action Plan 2018*
3. Write to everyone that provided a submission to thank and notify them of the outcomes of the exhibition.
4. Delegate authority to the Chief Executive Officer to make minor amendments to the *Flat Rock Gully Reserve Action Plan 2023* which do not alter the intent.

MOVED Councillor Wright / SECONDED Councillor Samuel

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

Notes:

1. Councillor Taylor left the meeting at 08:56 pm
 2. Councillor Wright took the chair
 3. Councillor Eriksson left the meeting at 08:57 pm
-

12.13 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF MOWBRAY PARK RESERVE ACTION PLAN 2023**MOTION**

That council:

1. Adopt the *Mowbray Park Reserve Action Plan 2023* as amended and attached to this report at Attachment 1.
2. Rescind the *Mowbray Park Reserve Action Plan 2018*.
3. Write to everyone that provided a submission to thank and notify them of the outcomes of the exhibition.
4. Delegate authority to the Chief Executive Officer to make minor amendments to the *Mowbray Park Reserve Action Plan 2023* which do not alter the intent.

MOVED Councillor Xia / SECONDED Councillor Campbell

CARRIED

Voting

For the Motion: Councillors Campbell, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

Absent: Councillors Taylor and Eriksson

Notes: Councillors Taylor and Eriksson returned to the meeting at 09:01 pm after voting on this item had been closed.

12.14 OUTCOME OF PUBLIC EXHIBITION OF COMMUNITY PARTICIPATION PLAN**MOTION**

That Council:

1. Adopt the revised Community Participation Plan with the following changes:
 - a) amend Category C on page 23 to a 150m radius (instead of 100m radius)
 - b) amend Category E on page 25 to a 250m radius (instead of 200m radius)
2. Authorise the Chief Executive Officer to make any necessary amendments to the final published documents which do not alter the intent or result in material changes, including the graphic design of the final Community Participation Plan.

MOVED Councillor Zhu / SECONDED Councillor Campbell

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

Notes: Councillor Wright left the meeting at 09:01 pm and returned at 09:02pm

12.15 APPOINTMENT OF PANEL MEMBERS TO THE SYDNEY NORTH PLANNING PANEL AND THE WILLOUGHBY LOCAL PLANNING PANEL**MOTION**

That Council:

1. Approve extending the appointments for existing expert and community representatives for the Willoughby Local Planning Panel which are approaching expiry to 30 June 2024 to align with the Minister's direction.
2. Note that a further report will be provided by 30 June 2024 to appoint expert and community representatives to the Willoughby Local Planning Panel to replace departing members and increase the pool of representatives.
3. Thank the outgoing Chair of the Willoughby Local Planning Panel, Abigail Goldberg, for her six years of service.
4. Approve extending the appointments of the existing representatives on the Sydney North Planning Panel through to 30 June 2024.
5. Note that a further report will be provided by 30 June 2024 regarding the appointment of Council representatives on the Sydney North Planning Panel to replace departing members.

MOVED Councillor Wright / SECONDED Councillor Eriksson

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

12.16 REJECTION OF TENDER T06-2022 - RECYCLABLE MATERIAL ACCEPTANCE AND PROCESSING SERVICES**MOTION**

That Council:

1. Receives and notes the report and confidential Attachment 1 for the rejection of Tender RFT06-2022 Recyclable Material Acceptance and Processing Services.
2. Approves the rejection of all tenders in accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2021
3. Approves the delegation of authority to the Chief Executive Officer to negotiate a suitable procurement outcome with one or more service providers, in accordance with clause 178(3)(e) of the Local Government (General) Regulation 2021
4. Notes that the outcome of negotiations will be reported to Council.

MOVED Councillor Wright / SECONDED Councillor Mouradian

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

Absent: Councillor Greco

Notes:

1. *Councillor Campbell left the meeting at 09:04 pm and returned at 09:06pm*
2. *Councillor Greco left the meeting at 09:06 pm and returned at 09:08pm after voting on this item had closed.*

12.17 WARNERS PARK COMMUNITY CENTRE STATUS REPORT

RESOLUTION

That Council notes the update provided on the Warner's Park Community Centre Project as requested in Council's resolution of 11 December 2023.

MOVED Councillor Eriksson / SECONDED Councillor Wright

ADOPTED EN BLOC

12.18 WCC PROPERTY REPORT - FEBRUARY 2024

RESOLUTION

That Council:

1. **Note the property lease portfolio report, including the information contained in Confidential Attachment 1.**
2. **Delegate authority to the Chief Executive Officer to negotiate and agree to commercial terms, and execute a lease and any associated documents for a tenant in Shop 4 at The Concourse as contained in Confidential Attachment 2.**

MOVED Councillor Eriksson / SECONDED Councillor Wright

ADOPTED EN BLOC

12.19 REJECTION OF TENDER T05-2022 - RECEIVAL AND PROCESSING OF GARDEN ORGANICS SERVICES**MOTION**

That Council:

1. **Receives and notes the report and confidential Attachment 1 for the rejection of Tender RFT05-2022 Receival and Processing of Garden Organics Services.**
2. **Approves the rejection of all tenders in accordance with Clause 178(1)(b) of the *Local Government (General) Regulation 2021*.**
3. **Approves the delegation of authority to the Chief Executive Officer to negotiate a suitable procurement outcome with one or more selected service providers, in accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*.**
4. **Notes that the outcome of negotiations be reported to Council.**

MOVED Councillor Eriksson / SECONDED Councillor Campbell

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

12.20 OPTIONS TO ENCOURAGE BETTER ACCESS TO CARSHARE SERVICES**PROCEDURAL MOTION – DEFER AN ITEM**

That item 12.20 be deferred to the 24 June 2024 meeting of Council.

MOVED Councillor Moratelli / SECONDED Councillor McCullagh

CARRIED

Voting

For the Motion: Councillors Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

Against: Councillors Taylor, Campbell, Eriksson and Wright

12.21 HISTORICAL IMAGES OF WILLOUGHBY**MOTION**

That Council:

1. **Note the information provided in the report and proceed with a trial of adding historical images on council owned litter bins scheduled to be replaced in highly visible locations on the Chatswood Mall. within its \$18,750 allocated annual budget as much as is reasonably practical within the constraints of works already allocated.**
2. **Prioritise a budget bid for the 2024/25 Operational Plan and Projects and Capital Works Budget for adding historical images on council owned litter bins as part of the annual budgeting process.**

MOVED Councillor Xia / SECONDED Councillor Zhu

LOST

Voting

For the Motion: Councillors Campbell, Eriksson, Samuel, Wright, Xia and Zhu

Against: Councillors Taylor, Greco, McCullagh, Moratelli, Mouradian, Roussac and Rozos

12.22 DEVELOPMENT ASSESSMENT - QUARTER 2 (1 OCTOBER TO 31 DECEMBER 2023)**MOTION**

That Council notes:

1. **The development applications determined under delegated authority during quarter 2 (1 October to 31 December 2023).**
2. **The current development applications list as at 8 January 2023.**
3. **Reporting of variations to development standards under clause 4.6 of the Willoughby Local Environmental Plan 2012 are now published on the NSW Planning Portal, in addition to being published in Council's regular quarterly reporting.**

MOVED Councillor Wright / SECONDED Councillor Mouradian

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

Notes: Councillor Rozos left the meeting at 09:29 pm and returned at 09:32 pm

**12.23 APPROVED MINUTES OF THE BUILT AND CULTURAL HERITAGE
ADVISORY COMMITTEE MEETING HELD ON 14 NOVEMBER 2023****RESOLUTION**

That Council receive and note the approved minutes of the meeting of the Built and Cultural Heritage Advisory Committee held on 14 November 2023.

MOVED Councillor Eriksson / SECONDED Councillor Wright

ADOPTED EN BLOC

**12.24 APPROVED MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE
HELD ON 12 DECEMBER 2023****RESOLUTION**

That Council receive and note the minutes of the meeting of the Sustainability Advisory Committee held on 12 December 2023.

MOVED Councillor Eriksson / SECONDED Councillor Wright

ADOPTED EN BLOC

COMMUNITY, CULTURE & LEISURE DIRECTORATE**12.25 TENDER T08-2022 MANAGEMENT OF THE DEVONSHIRE STREET CHILD
CARE CENTRE**

Notes: Councillor Zhu left the meeting at 09:33 pm after having declared an interest in this item.

AMENDMENT

That Council:

1. Notes that Council's resolution of 26 June 2023 (Item:12.20) to accept the tender for the Management of Devonshire Street Child Care Centre was unable to be implemented as Mini Masterminds withdrew their tender offer.
2. Not to accept any of the remaining tender submissions received in relation to the proposed contract for the operation of Devonshire Street Childcare Centre; and
3. In view of 1 above, and in accordance with clause 178 (3) (e) of the Local Government General Regulation 2021, Council enter into negotiations with any person with a view to entering into a contract for the management of Devonshire Street Child Care Centre.
4. In determining to enter into negotiations as referred to in 3 above, in accordance with clause 178 (4) of the Local Government (General) Regulation 2021, Council:

- a. is declining to invite fresh tenders as it is considered that no better procurement result would be achieved by doing so; and
 - b. is of the view that entering into negotiations with any person, as referred to in 3 above, is more likely to result in the securing of a suitable lessee subject to terms and conditions that benefit the community and Council.
5. Authorise the Chief Executive Officer to undertake negotiations with appropriate child care operators for the management of Devonshire Childcare Centre as permitted under s178 (3) (e) of the Local Government (General) Regulation 2005.
 6. Notes that recommendations 2 to 5 above align to Council's previous resolutions to outsource Devonshire Street Childcare, and which staff have been working to implement.
 7. A report be brought back to Council for following attempted negotiations seeking Councils endorsement to appoint a provider by July 2024.

MOVED Councillor Wright / SECONDED Councillor Campbell

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Mouradian, Roussac, Samuel, Wright and Xia

Against: Councillors Greco, McCullagh, Moratelli and Rozos

Absent: Councillor Zhu

Notes:

1. *The Amendment on being put to the meeting was CARRIED and became the Motion, however, prior to voting on the Motion, discussion continued and another Amendment was put to the meeting by Councillor Moratelli.*
2. *Councillor Mouradian left the meeting at 09:57 pm and returned at 09:58 pm.*

PROCEDURAL MOTION - MOTION BE PUT

That the Motion Be Put.

MOVED COUNCILLOR XIA / COUNCILLOR MCCULLAGH

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright and Xia

Against: None

Absent: Councillor Zhu

AMENDMENT

That Council:

1. Notes that Council's resolution of 26 June 2023 (Item:12.20) to accept the tender for the Management of Devonshire Street Child Care Centre was unable to be implemented as Mini Masterminds withdrew their tender offer.
2. Not accept any of the remaining tender submissions received in relation to the proposed contract for the operation of Devonshire Street Childcare Centre.

3. In view of 1 above, and in accordance with clause 178 (3) (e) of the *Local Government General Regulation 2021*, Council enter into negotiations with any person with a view to entering into a contract for the management of Devonshire Street Child Care Centre for a period of five years with an option for an additional five years with a condition that should Council wish to demolish the building in future it can give reasonable notice and bring the lease to an end without being liable for any loss arising from early termination.
4. In determining to enter into negotiations as referred to in 3 above, in accordance with clause 178 (4) of the *Local Government (General) Regulation 2021*, Council
 - i. is of the view that entering into negotiations with any person, as referred to in 3 above, is more likely to result in the securing of a suitable lessee subject to terms and conditions that benefit the community and Council.
 - ii. is of the view that entering into negotiations with any person, as referred to in 3 above, is more likely to result in the securing of a suitable lessee subject to terms and conditions that benefit the community and Council.
5. Authorise the Chief Executive Officer to undertake negotiations with appropriate child care operators for the management of Devonshire Childcare Centre as permitted under s178 (3) (e) of the *Local Government (General) Regulation 2005*.
6. Notes that recommendations 2 to 5 above align to Council's previous resolutions to outsource Devonshire Street Childcare, and which staff have been working to implement.
7. A report be brought back to Council following negotiations seeking Council's endorsement to appoint a provider.

MOVED Councillor Moratelli / SECONDED Councillor McCullagh

LOST

Voting

For the Motion: Councillors Greco, McCullagh, Moratelli, Mouradian and Rozos

Against: Councillors Taylor, Campbell, Eriksson, Roussac, Samuel, Wright and Xia

Absent: Councillor Zhu

Notes: After the Amendment tabled by Councillor Moratelli was lost, Council proceeded to vote on the Motion from Councillor Wright.

MOTION

That Council:

1. Notes that Council's resolution of 26 June 2023 (Item:12.20) to accept the tender for the Management of Devonshire Street Child Care Centre was unable to be implemented as Mini Masterminds withdrew their tender offer.
2. Not to accept any of the remaining tender submissions received in relation to the proposed contract for the operation of Devonshire Street Childcare Centre; and
3. In view of 1 above, and in accordance with clause 178 (3) (e) of the *Local Government General Regulation 2021*, Council enter into negotiations with any person with a view to entering into a contract for the management of Devonshire Street Child Care Centre.

4. In determining to enter into negotiations as referred to in 3 above, in accordance with clause 178 (4) of the Local Government (General) Regulation 2021, Council:
 - a. is declining to invite fresh tenders as it is considered that no better procurement result would be achieved by doing so; and
 - b. is of the view that entering into negotiations with any person, as referred to in 3 above, is more likely to result in the securing of a suitable lessee subject to terms and conditions that benefit the community and Council.
5. Authorise the Chief Executive Officer to undertake negotiations with appropriate child care operators for the management of Devonshire Childcare Centre as permitted under s178 (3) (e) of the Local Government (General) Regulation 2005.
6. Notes that recommendations 2 to 5 above align to Council's previous resolutions to outsource Devonshire Street Childcare, and which staff have been working to implement.

A report be brought back to Council for following attempted negotiations seeking Councils endorsement to appoint a provider by July 2024.

MOVED Councillor Wright / SECONDED Councillor Campbell

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Mouradian, Roussac, Samuel, Wright and Xia

Against: Councillors Greco, McCullagh, Moratelli and Rozos

Absent: Councillor Zhu

Notes:

1. Councillor Zhu left the meeting at 09:33pm after having declared an interest in this item. He returned at 10:17 pm as Council was moving in to Closed session.
2. Councillor Campbell declared an interest in this item

PROCEDURAL MOTION – BRING FORWARD ITEMS ON THE AGENDA

That standing orders be set aside and bring items 9.2 and 15.1 to be brought forward.

MOVED Councillor Eriksson / SECONDED Councillor Rozos

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

PROCEDURAL MOTION - MOVE INTO CLOSED SESSION

That Council move into closed session.

MOVED CR HUGH ERIKSSON / CR ANGELO ROZOS

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

15 CONFIDENTIAL MATTERS**9.2 MAYORAL MINUTE 05/2024 - CONFIDENTIAL APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER****MOTION**

That Council:

1. Proceeds with recommendations 2 - 3 in the Confidential Mayoral Minute, and make these recommendations public after notification to staff on the morning of 27 February 2024.

MOTION

That Council:

1. Proceeds with recommendations 2 - 3 in the Confidential Mayoral Minute, and make these recommendations public after notification to staff on the morning of 27 February 2024.
2. Appoint Mr Hugh Phemister, Planning & Infrastructure Director to the role of Acting CEO from 2 March 2024 and for him to be provided all delegations and responsibilities in line with the role up until a permanent CEO is appointed or any subsequent resolution of Council.
3. The Total Remuneration Package (TRP) offered to Mr Phemister to be based on 90% of the current CEO's TRP and all other conditions to remain the same.

MOVED Councillor Taylor

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

15.1 CONFIDENTIAL - WILLOUGHBY LEISURE CENTRE UPGRADE - UPDATE**MOTION**

That Council:

1. That points 1 - 3 be released to the public as soon as practicable after securing Council's contractual position on cost and time impacts.

MOVED Councillor Samuel / SECONDED Councillor Rozos

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

Absent: Councillor Greco

Notes:

1. Councillor Samuel left the meeting at 10:36 pm and returned at 10:38pm
2. Councillor Greco left the meeting at 10:46 pm and returned at 10:49 pm

PROCEDURAL MOTION - MOVE INTO OPEN SESSION

That Council move into open session.

MOVED Councillor Eriksson / SECONDED Councillor Wright

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

Note: Council moved into Open Session at 10:51 pm.

PROCEDURAL MOTION - THE MEETING BE EXTENDED

That meeting be extended to 11:30pm

MOVED Councillor Wright / SECONDED Councillor Samuel

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: None

PROCEDURAL MOTION – RESCIND A MOTION

That item 12.25 be rescinded.

MOVED Councillor Moratelli / SECONDED Councillor Greco

LOST

Voting

For the Motion: Councillors Greco, McCullagh and Moratelli

Against: Councillors Taylor, Campbell, Eriksson, Mouradian, Roussac, Samuel, Wright and Xia

Absent: Councillors Rozos and Zhu

Notes:

1. Councillor Rozos left the meeting at 11:00 pm and did not return.
2. Councillor Zhu left the meeting again at 11:01 pm after having declared an interest in this item. He returned

12.26 CONCESSIONAL HIRE - CATEGORY D REPORT (JULY - DECEMBER 2023)**RESOLUTION**

That Council:

Note the following applicants approved for out of term concessional hire for July 2023 through to December 2023, in accordance with Council's Community Facilities Hire Policy. Total concessions valued at \$11,442.25

Category D – 100% concession

- Legacy Club Services \$1,792

Category C – 50% concession

- Constitutional movement of Iran Monarchy \$440
- Lifeline Harbour to Hawkesbury Sydney \$513
- Australian Disability Ltd \$1,113
- Armenian Community Welfare Centre Limited \$1,725
- Japan Club of Sydney Inc. \$3,600

Category B – 25% concession

- Guitar Tutor Commuter \$122.25
- Australia Hong Kong Link \$175
- Chinese Australian Services Society Limited \$1,962

MOVED Councillor Eriksson / SECONDED Councillor Wright

ADOPTED EN BLOC

Note: Councillor Mouradian declared an interest in this item

12.27 WILLOUGHBY LEISURE CENTRE UPGRADE - UPDATE**MOTION**

That Council:

1. Note the report on the Willoughby Leisure Centre upgrade project.
2. Note that negotiations are ongoing with the builder with regards to final cost and time impacts.
3. Note the importance on ensuring the community and key stakeholders are informed about the progress of the Willoughby Leisure Centre, and that a review of the Communication Plan will be undertaken.

MOVED Councillor Eriksson / SECONDED Councillor Wright

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright and Xia

Against: None

Absent: Councillor Zhu

Notes: Councillor Zhu left the meeting at 11:01pm and returned at 11:08 pm

12.28 APPROVED MINUTES ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD ON 21 NOVEMBER 2023**RESOLUTION**

That Council receive and note the approved minutes of the meeting of the Access and Inclusion Advisory Committee held on 21 November 2023.

MOVED Councillor Eriksson / SECONDED Councillor Wright

ADOPTED EN BLOC

12.29 APPROVED MINUTES OF THE BICENTENNIAL RESERVE AND FLAT ROCK GULLY ADVISORY COMMITTEE MEETING HELD ON 29 NOVEMBER 2023**RESOLUTION**

To present to Council for noting, the approved minutes of the Bicentennial Reserve and Flat Rock Gully Advisory Committee meeting held on 29 November 2023.

MOVED Councillor Eriksson / SECONDED Councillor Wright

ADOPTED EN BLOC

13 NOTICES OF MOTION

13.2 NOTICE OF MOTION 02/2024 - PUBLIC AWARENESS OF OUR STREET SWEEPING PROGRAM**RESOLUTION**

That Council bring back a report by April 2024 outlining how we can improve resident awareness of street sweeping frequency and how we might incorporate the schedule into the waste collection service dates webpage (that shows the bin collection dates and the scheduled clean up campaigns).

MOVED Councillor Eriksson / SECONDED Councillor Wright

ADOPTED EN BLOC

13.3 NOTICE OF MOTION 03/2024 - LOBBYING OF NSW TO INCREASE EAST-WEST BUS SERVICES TO BETTER INTEGRATE WITH NEW METRO**PROCEDURAL MOTION – DEFER AN ITEM**

That item 13.3 be deferred to 25 March 2024 meeting of Council.

Moved Councillor Moratelli / Councillor Eriksson

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright and Xia

Against: None

Absent: Councillor Zhu

Notes: Councillor Zhu left the meeting at 11:20 pm after having declared an interest in this item and returned at 11:21 pm

13.4 NOTICE OF MOTION 04/2024 - CONNECTING INNER WEST COUNCIL'S & WILLOUGHBY COUNCIL'S TRANSPORT ADVISORY COMMITTEES**PROCEDURAL MOTION – DEFER AN ITEM**

That item 13.4 be deferred to the 25 March 2024 meeting of Council.

Moved Councillor Roussac / Councillor Greco

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu

Against: None

13.5 NOTICE OF MOTION 05/2024 - MOTION TO CREATE ONLINE REGISTER OF MOTIONS CARRIED AND LOST**MOTION**

That Council establish an online public register detailing motions, other than procedural motions, carried and lost, including those deemed to be lost because ruled out of order, during the current term of council. The register should include the wording of the motion, the mover of the motion, whether the motion was carried or lost, and the date on which it was carried or lost.

MOVED Councillor Moratelli / SECONDED Councillor McCullagh

LOST

Voting

For the Motion: Councillors Greco, McCullagh, Moratelli, Samuel and Zhu

Against: Councillors Taylor, Campbell, Eriksson, Mouradian, Roussac, Wright and Xia

13.6 NOTICE OF MOTION 06/2024 - INVESTIGATE THE INSTALLATION OF PERMANENTLY ACCESSIBLE 24/7 AEDS ON COUNCIL OWNED FACILITIES**MOTION**

That Council:

1. Officers will provide a report to Council by April 2024 on the issues and considerations regarding the provision of publicly accessible AEDs, around which Council would form a policy, should it decide to do so.
2. Include a link to the NSW Government's database of available AEDs in the Willoughby LGA on Council's webpage and promote the link via Council's media channels giving details on how to access this database.

MOVED Councillor Greco / SECONDED Councillor McCullagh

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Wright, Xia and Zhu

Against: Councillor Samuel

13.7 NOTICE OF MOTION 07/2024 - OPPORTUNITIES TO IMPROVE COUNCIL'S RESPONSE TO DIFFICULT CDC RELATED COMPLIANCE ISSUES**MOTION**

That Council presents a report with actionable recommendations for consideration and/or endorsement of Council prior to the caretaker period that outlines:

1. common CDC issues and breaches that Council are asked to deal with that are within and outside Council's jurisdiction
2. opportunities within Council's jurisdiction to enforce breaches expediently particularly with developers and certifiers who appear to be acting in bad faith, including any budget or resource implications needed to make this effective
3. lists those certifiers known to be active in Willoughby in the last 12 months that have had their license suspended in the past or presently by the NSW Government as per the publically available register and, if in the public domain, the clients they work with in Willoughby
4. suggested changes to Council's FAQ CDCs web pages to more clearly explain the CDC process and the roles and recourse to Council, State Government Agencies and the Private Certifier and any recourse available for citizens about damage to their health or their property and the member of parliament or agency best placed to address their concerns

5. Draft letters to relevant Ministers and Shadow Ministers requesting changes to address issues outside Council's jurisdiction, noting that the proposed NSW Planning Changes will impose additional pressure on Council resources due to increased number of CDC approvals encouraged by the NSW State Government. The letters are to include advocacy for increased enforcement powers to Council Officers through the minor amendment to the SEPP including but not limited to notification requirements, including conditions that mirror Council standard conditions such as work hours, noise and vibration monitoring, tree protection and allowing access to the sites to investigate complaints

MOVED Councillor Samuel / SECONDED Councillor Mouradian

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Xia and Zhu

Against: Councillor Wright

14 QUESTIONS WITH NOTICE

None

16 CONCLUSION OF THE MEETING

The meeting concluded at 11:25pm
