



Willoughby City Council

ORDINARY COUNCIL

AGENDA

NOTICE IS HEREBY GIVEN that an
Ordinary Meeting of the Council
will be held at Council Chamber
Level 6, 31 Victor Street, Chatswood

on 26 April 2023
commencing at 7:00pm

The Meeting is open to the Public

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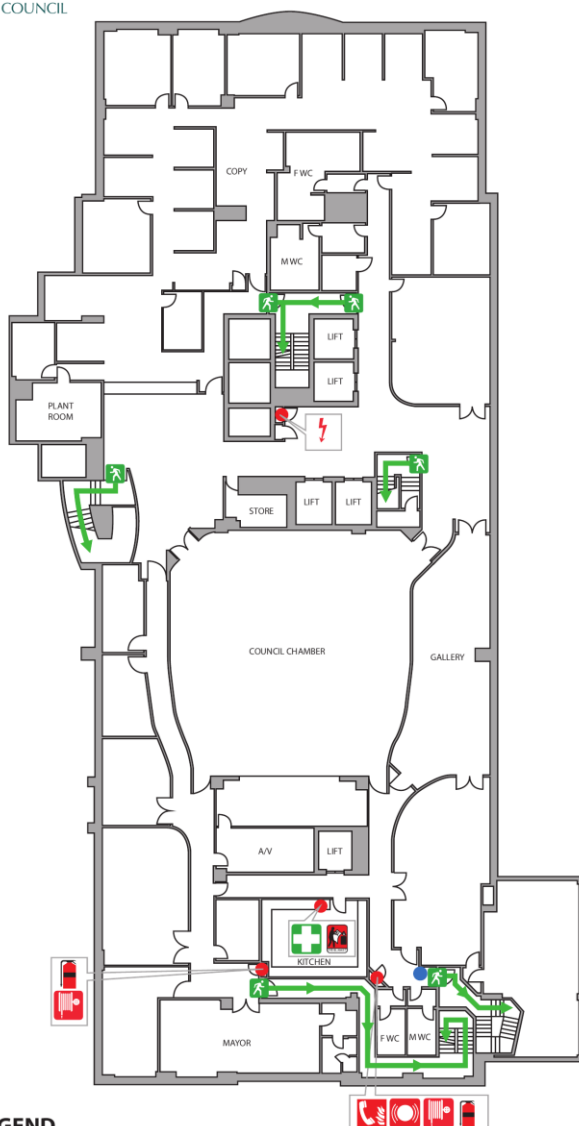
WILLOUGHBY CITY COUNCIL

Level 6 Floor Plan



EVACUATION DIAGRAM

COUNCIL CHAMBERS



**Dial 000 for all
emergency services**

Address: 31 Victor St, Chatswood
Nearest Cross: Albert Ave

**IN THE EVENT OF
AN EMERGENCY**

Remove any person from danger
Alert staff and others
Confine smoke/fire and close doors
Extinguish fire, if safe to do so -
If not, assist others and move to
the Emergency Assembly Area.

EVACUATION PROCEDURES



ALERT BEEP..BEEP..BEEP..

If you hear this sound you must be prepared to evacuate. Listen carefully to any instructions provided by Wardens and Staff.



EVACUATE WOOP..WOOP..WOOP..

When you hear this sound you **MUST** evacuate using the nearest Fire Exit. Do not run and do not use any Lifts. If you need assistance to evacuate advise the nearest Staff member.

Listen carefully to any instructions provided by Wardens and Staff.

This diagram identifies the nearest Exit and the alternate Fire Exit as well. You must proceed to the Emergency Assembly Area and wait for further instruction.

DO NOT PANIC

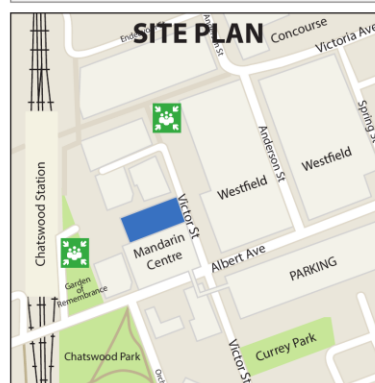
LEGEND

	FIRE EXIT		EMERGENCY ASSEMBLY POINT
	STAIRS		EMERGENCY EXIT ROUTE
	YOU ARE HERE		FIRST AID KIT
	ELECTRICAL DISTRIBUTION BOARD		FIRE BLANKET
	FIRE HYDRANT		FIRE INDICATOR PANEL
	FIRE HOSE REEL		BREAK GLASS ALARM
	WARDEN INTERCOM POINT		CO2 FIRE EXTINGUISHER

LEVEL 6

 **Assembly Area 1:**
Chatswood Mall, near Victor Street

 **Assembly Area 2:**
Garden of Remembrance



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Date of Issue: 12-2014
Date of Review: 12-2017

NOT DRAWN TO SCALE



COUNCIL CHAMBERS

CUSTOMER AND CORPORATE DIRECTOR	MAYOR	CHIEF EXECUTIVE OFFICER
M Kenyon	Clr T Taylor	D Just

Clr G Roussac	N A R E M B U R N	M I D D L E H A R B O U R	Clr R Samuel
Clr N Wright			Clr A Rozos
Clr A Greco			Clr S Mouradian
Clr H Eriksson	S A I L O R S B A Y	W E S T	Clr C Campbell
Clr J Moratelli			Clr B Zhu Deputy Mayor
Clr R McCullagh			Clr J Xia

Council
Staff



Council Chamber Protocol

Ordinary Council Meetings are held on the fourth Monday of the month.

All meetings are open to the public except for items that, in the Council's opinion, are confidential, in accordance with Section 10A of the *Local Government Act 1993*.

- The Council meeting is in progress once the Mayor declares the meeting open and until the Mayor declares the meeting closed. Members of the public are asked to remain silent when the Council meeting is in progress.
- Members of the public can request that an item be discussed early in the meeting by approaching a Council Officer or Councillor prior to the meeting commencing. The decision to bring forward an item rests with the Mayor. Members of the public are not permitted to approach Councillors while the Council meeting is in progress. Having a matter brought forward in the Council meeting does not give you the right to address Council on that matter.
- You may address Council at a Council meeting in one of two ways:
 - **Open Forum** – allows people to address Council for up to three (3) minutes on any topic relating to Council's activities or Willoughby generally. Members of the public cannot use the Open Forum to speak about an item on the agenda. Requests to speak at Open Forum can be made by completing the on-line form on Council's website before noon on the day of the meeting.
 - **Public Forum** – allows people to address Council for up to three (3) minutes in relation to a specific matter on the agenda. People wishing to address must complete the on-line form on Council's website before noon on the day of the meeting. The decision as to whether or not the person will be heard rests with the Council.
- You are able to distribute additional papers to Councillors prior to a Council meeting via the on-line Request to Address Council Meetings form or via email, post or delivered to Council chambers by noon on the day of the meeting. No additional papers can be distributed to Councillors after 5:00pm on the evening of the Council meeting except in exceptional circumstances agreed by the Chief Executive Officer and the Mayor.
- Please ensure that all mobile phones are turned **off** whilst you are in the Council Chamber. Note that mobile phones or any other recording device are not to be used to record any part of the Council Meeting.
- **Guidelines for Speakers** – When addressing the Council, please remember to be courteous. Comments made by participants in any Council meeting, which are derogatory or damaging to any person's character or reputation, including any Councillor, employee of the Council, or member of the public, may be defamatory and may subject the participant to an action for defamation. Comments made during the course of a Council meeting are not protected by the defence of absolute privilege under the *Defamation Act 2005*, and may not attract any other defences available under that Act or the common law. Every Council meeting is recorded and applications to access to such recordings can be made under the *Government Information (Public Access) Act 2009 (GIPA Act)*.
- **Webcasting** – The proceedings of all Council meetings in open session, including all debate and addresses by the public, are recorded and webcast live on Council's website for the purpose of facilitating community access. Webcast archives are stored and available to the public on Council's website for two (2) years, after which time the recordings may be disclosed under the provision of the *GIPA Act*.
- Members of the public attending a Council meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for two (2) years. By attending a Council meeting, whether by addressing the Council or as an observer or other interested party, members of the public consent to this use of their image, voice and personal information.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath or Affirmation of Office made at the beginning of the Council term to undertake their civic duties in the best interests of the people of the Willoughby Local Government Area and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their ability and judgement.

Council Officials are also reminded of the requirement to declare and appropriately manage any conflicts of interest they may have in relation to matters considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

1 OPEN MEETING

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

5 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 27 March 2023, copies of which have been circulated to each member of Council, be confirmed.

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.

7 PETITIONS

7.1 PETITION FOR NOTING – OPPOSITION TO DA 2023/59 FOR A NEW CAFE

RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CONNOR – GOVERNANCE, RISK & COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

To table a petition received, titled *Opposition to DA Application 2023/59 for a New Cafe*.

2. OFFICER'S RECOMMENDATION

That Council:

1. Note the petition titled “*Opposition to DA Application 2023/59 for a New Café*”.
2. Refer the matter to the Planning & Infrastructure Director.

3. BACKGROUND

Council's *Petitions Policy* requires petitions received to be presented to the next available Council meeting. This report notes the petition and recommends to refer it to the relevant officer for consideration.

4. DISCUSSION

A petition of 16 signatories has been submitted to Council objecting to Development Application 2023/59. The petition was emailed to Council on 13 April 2023. The notification period for public comments with respect to the Development Application closed on 3 April 2023.

Stated on each page on which the name and signature of a petitioner appears is:

“We, the undersigned members of the community, are writing to express our strong opposition to development applications (DA) 2023/59 for a new cafe in our neighbourhood. We respectfully request that the Willoughby City Council reject this application.”

The petition is introduced by a cover letter containing three additional signatories. The full content of the cover letter is contained in the petition tabled.

5. CONCLUSION

The petition is presented for noting by Council and referral to the relevant officer.

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 Agenda).

Public Forum allows members of the public to address Council for a maximum of three (3) minutes on an issue on the Agenda.

9 MAYORAL MINUTE

9.1 MAYORAL MINUTE 04/2023 - RE-ELECTED STATE MEMBERS

MEETING DATE: 26 APRIL 2023

1. PURPOSE OF REPORT

To convey Council's congratulations to local State Members elected at the NSW State Election on Saturday 25 March 2023.

2. DISCUSSION

Willoughby City Council is covered by the state electorates of Willoughby and Lane Cove.

Mr Timothy (Tim) James was declared as the re-elected Member for Willoughby and Mr Anthony Roberts was declared as the re-elected Member for Lane Cove on 10 April 2023.

I am pleased to congratulate both Mr James and Mr Roberts on their election success and look forward to working with them both during their term of office, as our state member representatives, on issues of importance to the Willoughby Local Government area.

3. MOTION

That Council acknowledge the local State Members elected to the NSW Parliament on Saturday 25 March 2023: Mr Tim James and Mr Anthony Roberts, and write a letter of congratulations, extending an invitation to meet Council's elected body and executive leadership team.

10 CHIEF EXECUTIVE OFFICER'S LATE REPORT

11 MATTERS BY EXCEPTION

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

12 REPORTS TO COUNCIL

CHIEF EXECUTIVE'S OFFICE

12.1 BELLAMBI STREET SQUARE PROJECT

ATTACHMENTS:	1. IMPLICATIONS 2. ENGAGEMENT OUTCOMES REPORT AND RESPONSE TO BELLAMBI STREET SQUARE PROJECT 3. TRAFFIC IMPACT STUDY POST IMPLEMENTATION REVIEW (ATTACHMENTS 2-3 INCLUDED IN ATTACHMENT BOOKLET 1)
RESPONSIBLE OFFICER:	DEBRA JUST – CHIEF EXECUTIVE OFFICER
AUTHOR:	JOHN ELLIOTT – ECONOMIC DEVELOPMENT MANAGER
CITY STRATEGY OUTCOME:	4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF OUR CBD AND VILLAGE CENTRES²⁶
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

To consider consultation feedback and consider the retention or removal of the Bellambi Street Square project trial in Northbridge

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Note and consider community feedback contained in the engagement outcomes report for the Bellambi Street Square Project (Attachment 2)**
- 2. Approve the permanent road closure of Bellambi Street at its junction with Sailors Bay Road**
- 3. Inform Traffic Committee of Council's decision to permanently close Bellambi Street**
- 4. Approve the retention of the Bellambi Street Square and delegate to the Chief Executive Officer the authority to make changes as outlined in this report subject to Traffic Committee approvals**
- 5. Advise all community engagement respondents of Council's decision**

3. BACKGROUND

The *Local Centres Strategy* adopted by Council on 9 December 2019, and the subsequent *Northbridge Public Domain Masterplan* approved by Council on 12 April 2021, both identified and envisaged the creation of a new public space in Northbridge by the closure of Bellambi Street at its junction with Sailors Bay Road.

In May 2022, the New South Wales Government Department of Planning and Environment awarded Council \$442,200 under the Streets as Shared Spaces Round 2 funding program. It was to fund a trial project to close Bellambi Street to create a new temporary square for a six months in line with the long term aims set out in the *Local Centres Strategy 2019* and the *Northbridge Public Domain Masterplan 2021*.

Councillors were briefed on the trial and consultation results on 3 April 2023.

This report discusses the results of the community engagement, a Traffic Impact Assessment by an independent consultant, and recommends the retention of the closure of Bellambi Street at its junction with Sailors Bay Road, Northbridge.

4. DISCUSSION

The Bellambi Street Square Trial Project, identified in Figure 1, was awarded funding from the NSW Government Department of Planning and Environment to trial the closure of Bellambi Street based on the strategic aims included in the Council adopted *Local Centres Strategy 2019* and the *Northbridge Public Domain Masterplan 2021*. The funding was approved in May 2022.

Figure 1 – Location of Bellambi Square Trial Project



The aims of the project were to:

- Close Bellambi Street at its junction with Sailors Bay Road
- Create a new temporary square in a key location
- Provide a central space for the community to meet, hold events, and to act as additional outdoor dining areas for the nearby range of food and beverage outlets
- Add trees and green space into a predominately road environment

Timeline

On 11 May 2022 a Community Co-Design workshop was held to outline the project aims and gather feedback from the local community on the design of the proposed trial Square.

In October 2022 the road was closed and the trial Square opened for public use until the 28 March 2023.

From 8 February to 8 March 2023 community consultation was undertaken to gather feedback on the trial.

Council at its meeting on 27 March 2023 adopted the recommendations arising from the Traffic Committee meeting held on 23 February 2023 to approve the extension of the closure of Bellambi Street at its junction with Sailors Bay Road, Northbridge for an additional six months from 28 March 2023, to enable community consultation and reporting back to the Traffic Committee.

Community Engagement Method

In October 2022 Bellambi Street was closed and a new temporary square installed and opened for public use. Local businesses were engaged and invited to bring forward ideas for the use of the space during the trial. Discussions were also held with the Northbridge Progress Association as a key advocate for the creation of the temporary square and a key community group to bring forward a range of community activities and events to use the space.

Only two businesses came forward with proposals to use the space and their use was granted to help activate the space and encourage usage. A number of events were organised by the Northbridge Progress Association but it is understood that a number of the initial proposals and suggestions did not come to fruition.

To assess the community's views on the trial, a community consultation exercise was undertaken from 8 February 2023 until 8 March 2023. The consultation timing was to ensure high awareness of the consultation and to avoid public holidays and the Christmas period.

- Letters were hand delivered to around 400 residences within the vicinity of the Square
- Three information posters with a QR link to the online survey were placed in the Square
- 25 pavement stickers were placed within the Northbridge Local Centre with a QR link to the online survey
- Key stakeholders were contacted directly, including, The Northbridge Progress Association to distribute information to their members and through their distribution channels
- A social media post was made to the Council's social media channels
- The project was promoted in the Council's monthly Have Your Say newsletter which went to 7,070 subscribers
- An additional business specific letter was hand delivered to 98 businesses within the vicinity of the Square

During the consultation period, participants were asked:

- Should the Bellambi Street Square road closure remain in place?
- Why do you want Bellambi Street Square to remain?
- Why do you want the Bellambi Street Square removed?
- Do you have any suggestions to improve the current Bellambi Street Square project?
- Would you like to upload a submission?

The engagement process was designed to gather feedback from local residents and users of the business centre in Northbridge along Sailors Bay Road. Respondents were asked to self-identify their relationship to the Square including as nearby residents, Northbridge residents, other Willoughby residents and whether they were business owners, shoppers, workers or other businesses using the space.

The engagement outcome report at **Attachment 2** provides a detailed analysis of the community engagement method and results. A summary of the results and responses to the issues is provided below.

Extent of feedback received

The following feedback was received:

- 535 unique survey responses via the online Have Your Say portal
- Around 50 people attended a street stall at the Bellambi Street Square on Saturday 18 February 2023, most of whom had already completed the online survey
- Direct emails to Council, of which nine were received. Eight of those respondents had already completed the survey online.
- Thirteen submissions which included a formal response from the Northbridge Progress Association

Overall sentiment

Overall, respondents were in support of the retention of the road closure and the continuation of the Bellambi Street Square Project with 58.3% in favour of keeping the closure in place, with 41.7% opposed. The large number of responses to the consultation indicated extensive community interest in the trial project.

Location and background of participants

As part of the data collection of respondents, online survey participants were asked to identify their residential location or in which capacity they were responding. Only one option could be selected.

- 25.5% stated they were a resident within 200m of the existing square
- 47.9% stated they were a Northbridge resident, who lived further than 200m from the square
- 14.3% stated that they were a resident of Willoughby LGA, outside of Northbridge
- 1.7% stated that they were a resident outside of Willoughby LGA
- 3.4 % stated that they were a Northbridge business owner
- 1.9% stated that they were a Northbridge worker
- 3.4% stated that they were a Northbridge shopper
- 0.6% stated that they were a Business or employee outside of Northbridge
- 1.3% selected "Other"
- No respondent selected the 'Organisation' option

Support by participant type

Analysis was conducted of levels of support among different participant types.

The number of responses from the residents of Northbridge were 394 of the total of 535 responses, which equates to 73.6% of all the responses. From this cohort of Northbridge residents, 60.4% were in favour of retaining the Square.

Summary of response by participant type

Of all the 470 Willoughby LGA residents, including 137 residents within 200m of the existing square, 257 Northbridge residents who live further than 200m from the square, and 76 residents of Willoughby LGA outside of Northbridge, 61.5% supported the continuation of the road closure, with 38.5% against.

Responses from the business community were very low with only 18 responses received from Northbridge business owners, 3.4% of the total responses.

Overall:

- **Local Residents:** From the **470 Willoughby LGA residential** respondents supporting the continuation of the road closure, there was a majority of support ranging from 59.1% from residents within 200m of the Square, through 61.1% from Northbridge residents living further than 200m from the Square, to 67.1% from Willoughby residents living outside of Northbridge.
- **Northbridge Business related:** Of the 28 business related respondents comprised of business owners in the centre, and Northbridge workers, the range of opposition and support varied extensively from 60% support for the closure from Northbridge workers to 83.3% opposed from Northbridge businesses.
- **Visitors:** From the 21 respondents comprising visitors to Northbridge identified as shoppers, and businesses or employees outside of Northbridge opposition to the closure was 66.7% from both cohorts.

For those **394** respondents that identified as **Northbridge residents**:

- Of the 137 respondents that identified they live within 200 metres of the square, 59.1% supported the continuation of the road closure, with 40.9% against
- Of the 257 respondents that identified that they live in Northbridge, but further than 200 metres from the Square, 61.1% supported the continuation of the road closure, with 38.9% against.

Responses from **residents in other areas totalled 85** of the 535 responses, equating to 15.9% of all responses.

- Of those 76 respondents that identified they lived within the Willoughby LGA outside of Northbridge, 67.1% supported the continuation of the road closure, with 32.9% against
- Of those 9 respondents that identified they live outside of Willoughby LGA, 44.4% supported the continuation of the road closure, with 55.6% against.

For the 49 respondents that identified as part of the business, worker, and shopper communities:

- Of those 18 respondents that identified that they were a Northbridge business owner, 16.7% supported the continuation of the road closure, with 83.3% against
- Of those 10 respondents that identified that they were a Northbridge worker, 60.0% supported the continuation of the road closure, with 40.0% against
- Of those 18 respondents that identified that they were a Northbridge shopper, 33.3% supported the continuation of the road closure, with 66.7% against
- Of those 3 respondents that identified that they were a business or employee outside of Northbridge, 33.3% supported the continuation of the road closure, with 66.7% against

Of all the 28 business related respondents, including business owners and workers, 32.1% supported the continuation of the road closure, with 67.9% against

Of all the 21 Northbridge visitors including shoppers, business or employee outside of Northbridge, 33.3% supported the continuation of the closure, with 66.7% against.

Feedback

Feedback was primarily provided on the following:

- **Traffic Impacts of road closure and access**
95 of the 312 (30.5%) respondents who **supported** keeping the closure, stated that the closure had improved pedestrian and vehicle safety in the area and assisted the flow of traffic on Sailors Bay Rd, and lessened the chances of potential traffic accidents caused by cars braking suddenly when trying to avoid hitting pedestrians as they turned left into Bellambi Street:

The most frequently raised concern by respondents **opposed** to the closure was around the traffic impacts of the road closure with this mentioned 132 times in the responses. Respondents who were against the ongoing closure were concerned that the road closure:

- Required additional driving distance to reach residential addresses in the area bounded by Bellambi Street and Euroka Street and to reach the public parking spaces in Bellambi Street.;
- Increased traffic congestion at the junction of Euroka Street and Sailors Bay Road; and
- Increased potential for road accidents to the north of Sailors Bay Road, particularly in Kiola Road who was perceived as being narrow and therefore less suitable to manage any increased traffic.

A Traffic Impact Study was undertaken comparing traffic volumes prior to the closure and after the closure to understand the actual volumes of traffic. The report at **Attachment 3** provides a detailed analysis of the traffic volumes and the capacity levels of the nearby residential roads. This is summarised later in this report.

- **Parking**

Parking was mentioned seven times in the responses **supporting** the continuation of the closure with most commenting that the parking was improved or unaffected.

Parking was mentioned 73 times in the responses **opposed** to the closure of Bellambi Street, even though no parking spaces were removed in either Bellambi Street or Sailors Bay Road during the trial, and the times permitted for parking were also unchanged.

Matters raised by respondents included that:

- The road closure stopped the practice of people circling the Sailors Bay Road, Euroka Street, Kiola Road and Bellambi Street block to look for parking, which in turn made it more difficult to find parking;
- It was now not possible to 'duck into' Bellambi St directly from Sailors Bay Road to look for a parking spot;
- As a result of the above, more people were parking on Sailors Bay Road and therefore it was more difficult to find a park on this road; and
- It was now harder to reach the Bellambi St parking spots.

- **Community and Public Space**

Respondents had varying views on the community and public space benefits of the closure.

Respondents who **supported** the ongoing closure regularly cited the perceived community and public space benefits created the Square, by providing more space for people to gather and connect.

To this extent, the word "community" was mentioned 173 times by people who supported the closure.

Supporters of the space also referenced the commercial activities as key drivers of activating the space.

Respondents **opposed** to the project raised concerns about the:

- Allegedly excessive commercial use of the space, and in particular the temporary pop up bar installed by a local business; and
- The perceived undesirable nature of allowing alcohol drinking in a public space such as this (alcohol was raised in 18 opposing submissions)

One of the key aims of the project was to help businesses in the post covid lockdown period by providing “additional outdoor dining areas for the nearby food and beverage outlets”.

- **Pedestrian Safety**

Pedestrian safety was said to be **enhanced** by removing traffic turning left into Bellambi Street from Sailors Bay Road, and also stopping traffic travelling directly into Bellambi Street from Strathallen Avenue.

Pedestrian safety was also said to be **enhanced** by creating a simple and direct pedestrian route along Sailors Bay Road, without the need to cross Bellambi Street.

Some respondents **opposed** to the Square raised safety issues for the users of the space, by questioning the desirability of encouraging people to congregate in a space so close to a major traffic junction.

- **Appearance**

Supporters of the Square referenced the increased landscaping and trees in the area alongside a new space within the centre.

Respondents **opposed** to the space raised concerns about the temporary and allegedly inappropriate nature of the materials (including the sandstone blocks which provided seating and concrete barriers) and the lack of a permanent shade cover.

A number of the matters raised included the concrete barriers which were required as part of the Traffic Committee recommendation for the temporary closure to ensure public safety on a newly closed road. As the Square was designed to be temporary, no subsurface items could be installed in the former roadway due to the location of services. Allowance for the potential of the Square to be removed and the roadway reinstated also required all materials to be located on top of the laid pavers. This limited the options for seating and the provision of shade cover that requires footings for the purpose of the trial.

The extent of the area of the Square was raised in a number of comments. The square was delivered in line with the area defined during the initial community consultation, where it was made clear that the extent would be lesser than that ultimately envisaged in the *Northbridge Public Domain Plan 2021* due to the need to ensure a private access from Bellambi Street and to not remove a number of car parking spaces. The trial area was implemented within the timeframes for delivery within the funding grant scheme and to limit impact on nearby residents, and businesses by not removing car parking spaces.

- **Usage**

Supporters of the Square referenced both formal and informal usage of the space by people throughout the day for congregating, and eating and drinking items from local businesses.

Respondents **opposed** to the Square frequently mentioned that they didn't believe the Square was used other than the occasions of the pop-up bar and food truck on the weekends, and therefore this was an indication the Square was of limited community benefit. Concerns were raised that the pop-up bar had excessive access to the space.

A related comment was that the Square would be of greater value if commercial premises which directly faced the Square contained like-minded businesses (such as a café or restaurant). Council has no powers to force landlords and businesses to occupy specific private commercial premises for specific uses. The creation of additional public space is usually the driver for private sector businesses to utilise commercial space to take advantage of changes in the public domain.

Business Impact

Impact on, or benefit to, local businesses was a key issue discussed on responses. Some 52 submissions which **opposed** the Square mentioned negative business impacts, and 28 in **favour** mentioned positive business benefit, although only 18 responses were received from businesses themselves.

The eighteen responses which were received from those that identified themselves as local business owners had 15 (83.3%) opposed to the retention of the road closure and 3 (16.7%) in support.

The primary issues raised in the 15 business opposing responses was that:

- The Square made it more difficult for people to find parking, and this was impacting businesses (particularly businesses along Sailors Bay Road east of Bellambi Street); and
- The Square was not appropriately integrated with the surrounding businesses, nor was it a useful space, and therefore was not helping local businesses.

The three **supportive** responses cited the benefit of the Square in activating the area and therefore creating a good business environment.

Following further anecdotal comments from the community and the mention in early online responses, an additional survey was undertaken of the business community to seek more detailed feedback on any level of impact on the businesses in proximity to Bellambi Street.

This survey was distributed to 98 business addresses in the locality. Five responses were received; a low response rate of 5.1%. This additional survey sought to understand the quantum of any impact on the businesses. From the five responses received, four identified that there was a negative impact with the reasons being customer access to parking, lack of parking, negative attitude of customers, and delivery access to other businesses (but not the respondent's business).

Despite a number of engagements, the response level of local businesses was very low and issues raised around negative trading impact could not be directly attributed to the creation of the Square. An analysis of the spending patterns within Northridge show that the level of trade always declines in the post-Christmas period into late February before increasing, but not to, pre-Christmas levels. These changes are in line with previous years and are similar to the trade level changes that were provided by one business.

Traffic Impact Report

The Traffic Impact Report prepared to assess the level of impacts from the closure of Bellambi Street, compared traffic data from before the closure to traffic levels after the closure. The report is included at **Attachment 3**.

In assessing the capacity of the roads and intersections, the SIDRA traffic modelling level of service criteria has a Level of Service A, the highest level which determines that the average delay per vehicle is less than 14 seconds at an intersection showing the intersection has good operation.

Examining the data of traffic volumes prior to the closure, and after the closure show the average delay per vehicle to be exactly the same:

- 9 seconds delay at the junction of Sailors Bay Road and Kiola Street
- 5 seconds delay at the junction of Kiola Street and Euroka Street
- 5 seconds delay at the junction of Euroka Street and Marooba Street

The Traffic consultant's report concludes that there are minimal delays and an almost free flow of traffic at all the examined junctions, with minimal change in performance between prior and post closure conditions.

Available Options

As the period of the trial closure has now ended, Council now has to decide whether to permanently maintain the road closure of Bellambi Street and retain the existing temporary square or reinstate Bellambi Street as a road and remove the temporary trial square.

Option 1: Approve the permanent close of Bellambi Street and retain the Square in the current condition until a future Northbridge Local Centre streetscape upgrade project is designed, costed and funded. This would likely mean the current Square will remain in place for 2 to 3 years. No funding has been allocated for the maintenance of the Square until a future streetscape project is also funded through the annual bid or additional grant funding processes. The external grant funding ends at the end of May and cannot be used for future maintenance or additional changes after the end of May 2023. Minor improvements to the Square such as the removal of the concrete barriers, installation of more permanent seating, and reconfiguration of some landscaping elements can be funded through the external grant and implemented within the time scale of the grant funding.

This option has been identified as the preferred option through the community consultation exercise and analysis of the traffic impacts of the trial closure.

Option 2: Remove the temporary trial square and return the area to the same condition as existed prior to the commencement of the trial. The costs of the removal have been budgeted within the external grant. All materials were designed to be recycled with the majority able to be used as part of the Naremburn Local Centre Streetscape upgrade. Removal of the Square will require a reassessment of the *Local Centres Strategy 2019* and the *Northbridge Public Domain Plan 2021* as both identify the closure of Bellambi Street and the creation of a new public square as a key element.

5. CONCLUSION

Council has received and considered the large volume of feedback from the community on the Bellambi Street Square project and trial closure of Bellambi Street. As the majority of local residents supported the retention of the trial Square and the closure of Bellambi Street, it is recommended that it be retained until a future Local Centre Streetscape Upgrade project for Northbridge is identified subject to further potential funding from external grants, or further funding from Council as part of its future prioritisation and budgeting process.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome Business Plan Objectives, Outcomes / Services	4.6 – Facilitate the viability and vibrancy of our CBD and village centres
Policy	There are no policy implications applicable to this report
Consultation	<i>Our Future Willoughby 2032, Local Centres Strategy 2019, Northbridge Local Centre Public Domain Plan 2021</i>
Resource	<p>Approving the permanent closure will require future maintenance costs to be the subject of a future funding bid.</p> <p>Removing the Square can be undertaken within the Council's present staff resources using the external funding grant from the NSW Government</p>
Risk	<p>The removal of the closure of Bellambi Street may result in negative response from the community about the results of the community consultation process and outcomes as outlined in the Engagement Report and Traffic Impact Study.</p> <p>The retention of the closure of Bellambi Street may result in negative response from the section of the community seeking the removal and a continued campaign to seek the removal of the closure, together with pressure for additional funding for changes to the current extent and layout of the Square</p>
Legal	There are no legal implications applicable to this report.
Legislation	There are no legislation implications applicable to this report.
Budget/Financial	Full funding of \$442,200 for the trial project was received from the NSW Government, and all expenditure is within this budget amount.

CUSTOMER & CORPORATE DIRECTORATE**12.2 INVESTMENT REPORT FOR MONTH OF MARCH 2023**

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2020) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	MAXINE KENYON – 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:	26 APRIL 2023

1. PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 31 March 2023 under section 625 of the *Local Government Act 1993*.

2. OFFICER'S RECOMMENDATION

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

3. BACKGROUND

The Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested under *Section 625* of the *Local Government Act 1993*.

In accordance with Clause 212 of *Local Government (General) Regulation 2021*, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's *Investment Policy*.

4. DISCUSSION

The *Investment Policy* adopted by Council at its meeting on 14 December 2020 applies to all investments from that date.

A summary of Council's holdings as at 31 March 2023 is included in **Attachment 1** (Financial Implications). Actual performance against policy settings and budget are included in **Attachment 2**.

Details of holdings and counterparty analysis is included in **Attachment 3**.

The monthly investment report details the interest income for the month and any other relevant information.

The key financial indicators for Council's investment holdings at 31 March 2023 include:

Combined Bank Balance	\$7.2M
Investment Holdings	\$190.0M
Total Cash and Investments	\$197.2M
Return on Investments	3.56%, (0.17% above benchmark of 3.39%) (Refer to Attachment 2 – Figures 3 and 4).
Actual Interest Return (Month)	\$473K (\$109K better than \$364K budget) (Refer to Attachment 2 – Figure 5).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of \$2.730K is \$440K favourable to Year to Date budget of \$2.290K.

Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 31 March 2023 was \$197.2M. Of this amount, \$185.6m, or 94% is restricted to be spent on specific purposes. This leaves \$11.6m or 6% of unrestricted cash and investments for working capital purposes to ensure Council can meet its financial obligations as they fall due.

Figure 1 shows the breakdown of cash and investments.

Figure 1 – Restricted versus unrestricted cash and investments as at 31 March 2023

Restriction Category	Total cash and investments as at 31 March 2023 (\$'m)	Percentage of Total Portfolio %
Internally Restricted	\$64.9M	33
Externally Restricted	\$120.7M	61
Unrestricted	\$11.6M	6
Total	\$197.2M	100

5. CONCLUSION

Council's investment holdings at 31 March 2023 have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2021*, the *Investment Policy* adopted by Council on 14 December 2020, *Ministerial Investment Order* issued February 2011 and Division of Local Government (as it was then known) *Investment Policy Guidelines* published in May 2010.

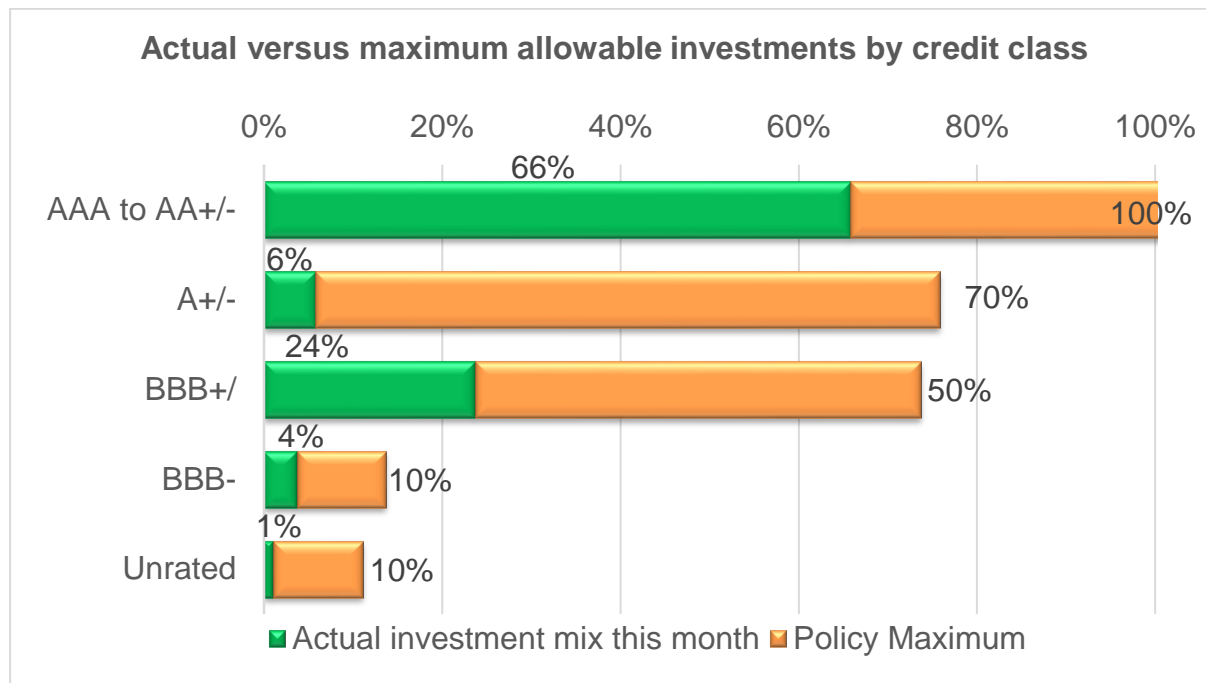
ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	Maximise interest rate returns and comply with all relevant legislation.
Policy	This report relates to Council's <i>Investment Policy</i> which safeguards Council's investment portfolio.
Consultation	Not applicable.
Resource	Council's bank balances and investment holdings are managed within existing staff resources within the Finance Unit.
Risk	Investments in this report have been considered in light of adopted risk management guidelines around the preservation of capital, diversification, market interest rates, liquidity and maturity risks.
Legal	There are no legal considerations applicable to this report
Legislation	<p>Under <i>Section 625</i> of the <i>Local Government Act 1993</i> the Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested.</p> <p>In accordance with Clause 212 of <i>Local Government (General) Regulation 2021</i>, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's <i>Investment Policy</i>.</p>
Budget/ Financial	<p>The monthly investment report details the interest income for the month and any other relevant information required by Council.</p> <p>Council's Cash and Investments holdings at 31 March 2023 were \$197.2M and Interest returns are on track to exceed the annual budget of \$3.4M.</p>

ATTACHMENT 2

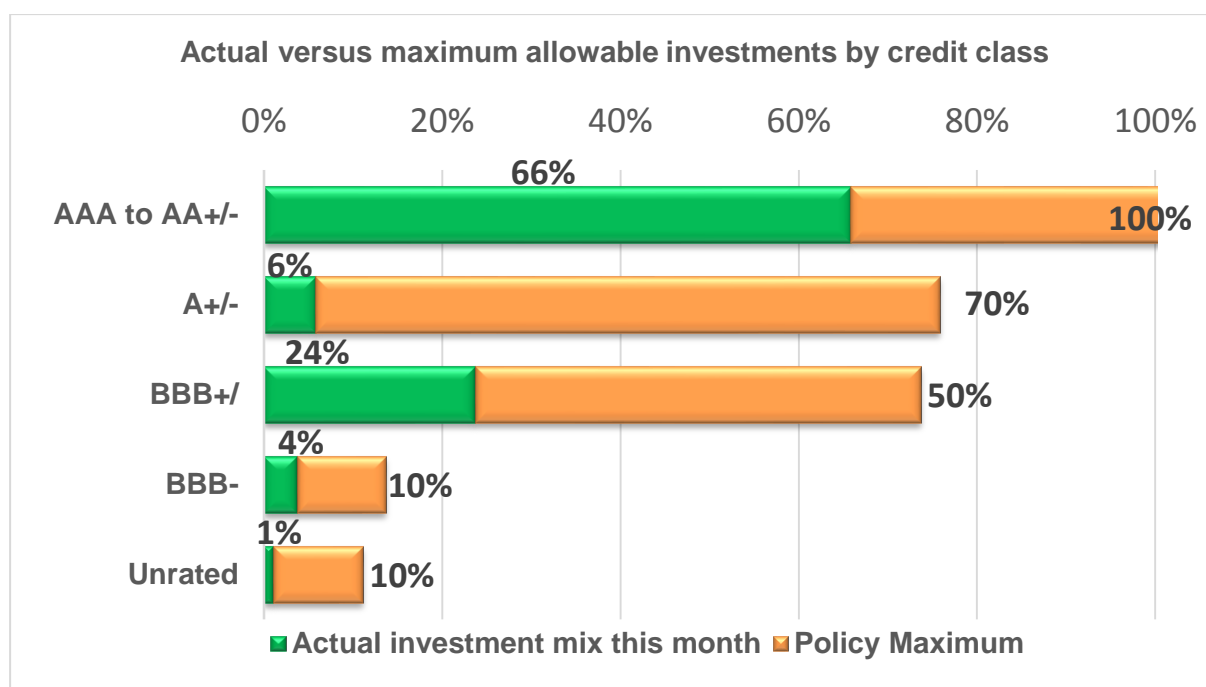
Actual Performance against Investment Policy settings and budget is detailed below:

Figure 1 – Actual versus maximum allowable investments by credit class



Credit Risk refers to the risk of loss due to the insolvency of an institution or institutions that Council is investing funds with. To ensure that Credit Risk is minimised, Council relies on external rating agencies (such as Standard and Poors Global Rating) and sets targets for each rating class (with a higher proportion of the portfolio in higher rated / less risky classes and lower amounts in lower credit classes).

Figure 1 shows that this month Council's portfolio meets policy requirements as the percentage of investments in each credit class is equal to or lower than the policy prescribed maximums.

Figure 2 - Actual versus maximum allowable exposure to a single institution

In addition to minimising credit risk by concentrating investments in highly rated institutions (Figure 1), Council also needs to ensure that exposure to loss from one single organisation (counterparty risk) is minimised. The policy therefore prescribes maximum percentage targets for amounts invested in a single institution.

Figure 2 shows that this month Council's investment portfolio meets policy requirements as exposure to single entities is equal to or lower than the policy prescribed maximums.

Figure 3 – Interest Rate Comparison for 31 March 2023

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio	<u>3.56%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index (1 Month)	<u>3.39%</u>
Above Benchmark Return	<u>0.17%</u>

Figure 3 shows the monthly interest rate achieved by Council on its investment portfolio compared with the one month Bloomberg AUSBond Bank Bill Index. Council's return has over performed that benchmark by 0.17%. This is because the Reserve Bank has raised the Cash Rate by 3.60% over the past ten months, moving the one month Bloomberg AUSBond Bank Bill Index to 3.39%. This volatile monthly rate is not a good comparison to Council's portfolio return, as Council's securities have maturities of up to 2 years.

A more appropriate benchmark is Council's historical 12 months average return compared to the 12 months Average Bloomberg AUSBond Bank Bill Index. Figure 4 compares Council's 12 months Average return with the 12 months Average Bloomberg Bank Bill Index.

Figure 4 – Interest Rate Comparison – 12 Month Average

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio – 12 month Average	<u>1.88%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index (12 Month Average)	<u>2.08%</u>
Under (over) Benchmark Return	<u>0.20%</u>

Figure 5 – Investment Return for 31 March 2023

<u>Description</u>	<u>Interest Achieved (\$000's)</u>
Council Actual Interest Return	<u>\$473K</u>
Budgeted Return	<u>\$364K</u>
Over (under) Budgeted Return	<u>\$109K</u>

Figure 5 provides a comparison of the actual interest return on investments for the month with the budget and shows that the monthly return is \$109K better than budget.

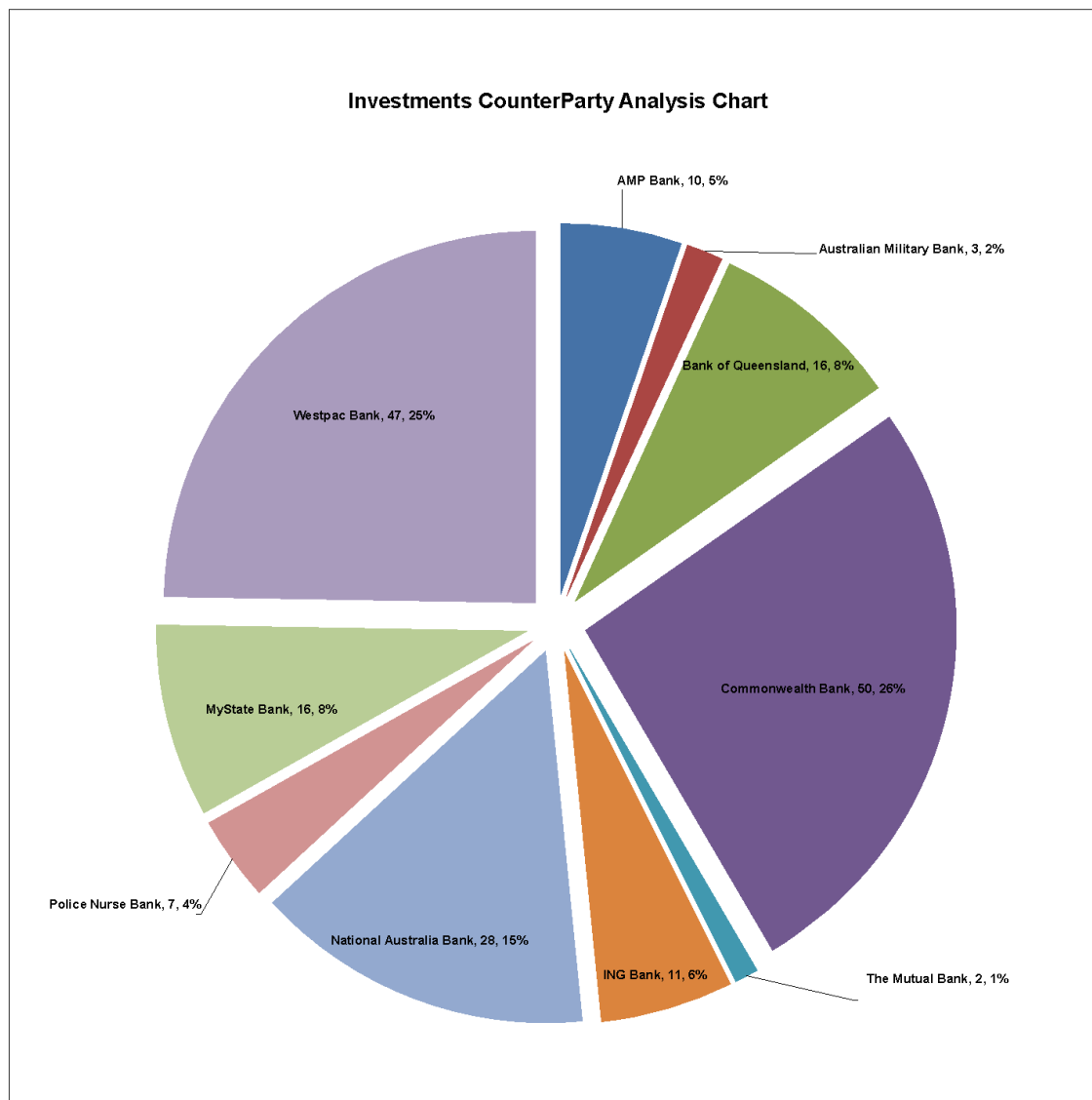
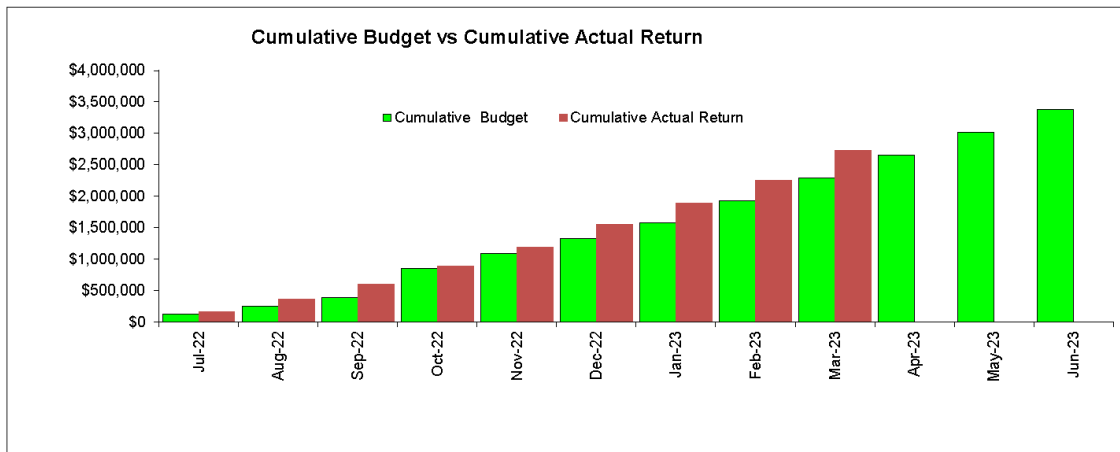
Investment Report for March 2023

Council Holdings and Counterparty Analysis

ATTACHMENT 3

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount \$	Return % p.a.	Monthly Income \$	Investment Date	Mature & Reset Date	Period/ Matur. Date
Investments that matured during the month:								
National Australia Bank (27-185-3216)	A1+	TD	2,000,000	0.95%	52	3/03/2022	2/03/2023	Matured
National Australia Bank (92-511-3146)	AA-	TD	2,000,000	0.64%	753	4/03/2021	6/03/2023	Matured
ING Bank (57155)	A+	TD	1,000,000	1.20%	493	17/03/2022	16/03/2023	Matured
Defence Bank (51389)	BBB+	TD	2,000,000	0.55%	664	18/03/2021	23/03/2023	Matured
Current Investments:								
Westpac Bank (9861020)	A1+	TD	3,000,000	1.94%	4,943	14/04/2022	20/04/2023	0-3 mths
Commonwealth Bank (2096)	A1+	TD	2,000,000	2.20%	3,737	21/04/2022	20/04/2023	0-3 mths
Commonwealth Bank (2099)	A1+	TD	2,000,000	3.08%	5,232	5/05/2022	4/05/2023	0-3 mths
ING BANK (945435)	A+	TD	2,000,000	3.10%	5,266	12/05/2022	25/05/2023	0-3 mths
Bank of QLD (499685)	A2	TD	2,000,000	3.21%	5,453	26/05/2022	25/05/2023	0-3 mths
ING Bank (811179)	A+	TD	2,000,000	0.55%	934	3/06/2021	8/06/2023	0-3 mths
National Australia Bank (44-972-0470)	AA-	TD	2,000,000	0.60%	1,019	10/06/2021	15/06/2023	0-3 mths
National Australia Bank (90-000-7996)	AA-	TD	1,000,000	0.60%	510	17/06/2021	22/06/2023	0-3 mths
Commonwealth Bank (2102)	A1+	TD	2,000,000	4.16%	7,066	16/06/2022	22/06/2023	0-3 mths
ING Bank (958397)	A+	TD	1,000,000	4.05%	3,440	29/06/2022	29/06/2023	0-3 mths
The Mutual Bank (56415)	Unrated	TD	2,000,000	1.20%	2,038	3/02/2022	6/07/2023	4 mths
National Australia Bank (928770977)	AA-	TD	2,000,000	0.65%	1,104	15/07/2021	13/07/2023	4 mths
Westpac Bank (9588489)	A1+	TD	2,000,000	1.00%	1,699	25/11/2021	20/07/2023	4 mths
AMP Bank (228611091)	A2	TD	3,000,000	4.00%	10,192	11/08/2022	10/08/2023	5 mths
National Australia Bank (18-018-2816)	AA-	TD	2,000,000	0.62%	1,053	19/08/2021	17/08/2023	5 mths
AMP Bank (342683355)	A2	TD	2,000,000	4.20%	7,134	11/08/2022	17/08/2023	5 mths
Bank of QLD (570898)	A2	TD	3,000,000	4.15%	10,574	31/08/2022	24/08/2023	5 mths
Commonwealth Bank (2111)	A1+	TD	3,000,000	4.18%	10,650	1/09/2022	21/09/2023	6 mths
MyState Bank (80922)	A2	TD	4,000,000	4.15%	14,099	8/09/2022	21/09/2023	6 mths
Commonwealth Bank (2115)	A1+	TD	4,000,000	4.32%	14,676	21/09/2022	21/09/2023	6 mths
Westpac Bank (9462962)	AA-	TD	2,000,000	0.55%	934	23/09/2021	28/09/2023	7 mths
Westpac Bank (9499897)	AA-	TD	3,000,000	0.73%	1,860	14/10/2021	5/10/2023	7 mths
MyState Bank (54656)	BBB+	TD	2,000,000	0.75%	1,274	14/10/2021	12/10/2023	7 mths
AMP Bank (921019576)	A2	TD	2,000,000	4.55%	7,729	13/10/2022	19/10/2023	7 mths
Westpac Bank (9514107)	AA-	TD	2,000,000	0.90%	1,529	21/10/2021	26/10/2023	7 mths
Commonwealth Bank (2120)	A1+	TD	3,000,000	4.52%	11,517	27/10/2022	26/10/2023	7 mths
Westpac Bank (9528796)	AA-	TD	1,000,000	1.13%	960	28/10/2021	2/11/2023	8 mths
Westpac Bank (9562241)	AA-	TD	2,000,000	1.22%	2,072	11/11/2021	16/11/2023	8 mths
Westpac Bank (9415227)	AA-	TD	2,000,000	0.61%	1,036	26/08/2021	23/11/2023	8 mths
AMP Bank (706198561)	A2	TD	1,000,000	4.60%	3,907	24/11/2022	23/11/2023	8 mths
Westpac Bank (10060651)	A1+	TD	3,000,000	4.35%	11,084	23/11/2022	23/11/2023	8 mths
Westpac Bank (10060645)	A1+	TD	3,000,000	4.35%	11,084	23/11/2022	23/11/2023	8 mths
Westpac Bank (9619113)	AA-	TD	2,000,000	1.21%	2,055	9/12/2021	14/12/2023	9 mths
Westpac Bank (9298720)	AA-	TD	2,000,000	0.65%	1,104	17/06/2021	14/12/2023	9 mths
Commonwealth Bank (2123)	A1+	TD	5,000,000	4.69%	19,916	20/12/2022	21/12/2023	9 mths
MyState Bank (55631)	BBB+	TD	2,000,000	1.20%	2,038	9/12/2021	4/01/2024	10 mths
Commonwealth Bank (2124)	A1+	TD	5,000,000	4.69%	19,916	20/12/2022	11/01/2024	10 mths
Bank of QLD (664520)	A2	TD	7,000,000	4.55%	27,051	12/01/2023	12/01/2024	10 mths
Commonwealth Bank (2132)	A1+	TD	12,000,000	4.74%	48,309	12/01/2023	12/01/2024	10 mths
Westpac Bank (9678135)	AA-	TD	1,000,000	1.31%	1,113	14/01/2022	18/01/2024	10 mths
Commonwealth Bank (2133)	A1+	TD	5,000,000	4.71%	20,001	16/01/2023	18/01/2024	10 mths
Westpac Bank (10509567)	A1+	TD	3,000,000	4.60%	11,721	16/01/2023	18/01/2024	10 mths
Westpac Bank (10512363)	A1+	TD	4,000,000	4.60%	15,627	17/01/2023	25/01/2024	10 mths
Westpac Bank (10509535)	A1+	TD	6,000,000	4.60%	23,441	16/01/2023	1/02/2024	11 mths
Commonwealth Bank (2134)	A1+	TD	6,000,000	4.71%	24,002	16/01/2023	8/02/2024	11 mths
ING Bank (170222)	A+	TD	1,000,000	2.00%	1,699	17/02/2022	15/02/2024	11 mths
Westpac Bank (10509521)	A1+	TD	5,000,000	4.60%	19,534	16/01/2023	15/02/2024	11 mths
National Australia Bank (70-562-1720)	AA-	TD	2,000,000	1.81%	3,075	17/02/2022	22/02/2024	11 mths
National Australia Bank (928293939)	A1+	TD	7,000,000	5.00%	29,726	23/02/2023	22/02/2024	11 mths
National Australia Bank (928489202)	A1+	TD	5,000,000	5.00%	21,233	23/02/2023	22/02/2024	11 mths
Westpac Bank - Green Tailored Deposit (755324)	AA-	TD	1,000,000	4.56%	3,873	28/02/2019	1/03/2024	12 mths
Police Nurse Bank (57025)	BBB-	TD	2,000,000	2.00%	3,397	10/03/2022	7/03/2024	12 mths
ING Bank (57154)	A+	TD	1,000,000	2.02%	1,716	17/03/2022	21/03/2024	12 mths
Police Nurse Bank (57153)	BBB-	TD	2,000,000	2.05%	3,482	17/03/2022	21/03/2024	12 mths
National Australia Bank (955038589)	AA-	TD	4,000,000	2.85%	9,682	14/04/2022	18/04/2024	>12 mths
Commonwealth Bank (2100)	AA-	TD	1,000,000	3.70%	3,142	5/05/2022	16/05/2024	>12 mths
ING BANK (949745)	A-	TD	1,000,000	3.76%	3,193	26/05/2022	30/05/2024	>12 mths
National Australia Bank (30-862-1903)	AA-	TD	1,000,000	0.80%	679	8/07/2021	4/07/2024	>12 mths
National Australia Bank (29-130-3289)	AA-	TD	2,000,000	0.78%	1,325	12/08/2021	15/08/2024	>12 mths
Australian Military Bank (220824)	BBB+	TD	3,000,000	4.45%	11,338	31/08/2022	22/08/2024	>12 mths
Police & Nurses Bank (060235)	BBB-	TD	3,000,000	4.40%	11,211	8/09/2022	19/09/2024	>12 mths
AMP Bank (342225216)	BBB+	TD	2,000,000	4.70%	7,984	13/10/2022	17/10/2024	>12 mths
ING Bank (1015290)	A+	TD	3,000,000	4.90%	12,485	27/10/2022	24/10/2024	>12 mths
Bank of QLD (628601)	BBB+	TD	4,000,000	4.61%	15,661	23/11/2022	21/11/2024	>12 mths
Current Investments - "New and Rollover" made during the month:								
Mystate Bank (30261468)	A2	TD	4,000,000	4.60%	4,537	23/03/2023	21/03/2024	12 months
Mystate Bank (30261472)	A2	TD	4,000,000	4.60%	4,537	23/03/2023	28/03/2024	12 months
Total Current Investments, Monthly Interest and Weighted Return		Inv	190,000,000	3.56%	557,571			
Other Cash and Monthly Interest (11am STMM)		Cash			42,533			
Total Cash & Investments			197,179,236		600,104			
Amortised Break Cost					127,253			
Total Cash & Investments					472,851			
Benchmark: Bloomberg AUSBond Bank Bill Index				3.39%				
Investments Margin above Benchmark				0.17%				

Investments Maturity Period	0-3 Months	4-12 Months	> 12 Months	Total \$	chk s/be 0
Amount	19,000,000	147,000,000	24,000,000	190,000,000	0
% of Total	10.0%	77.4%	12.6%	100%	
Cash & Investments Return:					
	Budget \$	Actual \$	Var \$		
Current Month	364,441	472,851	108,410		
Year to Date	2,290,303	2,730,537	440,234		



Investment return for 2022-2023		
Month	Ausbond bank Bill Index Return % p.a	WCC Actual Returns from
Apr-22	0.19%	0.90%
May-22	0.41%	1.00%
Jun-22	0.62%	1.07%
Jul-22	1.46%	1.09%
Aug-22	1.84%	1.19%
Sep-22	1.79%	1.52%
Oct-22	2.89%	1.68%
Nov-22	3.07%	1.88%
Dec-22	2.98%	2.13%
Jan-23	3.18%	3.16%
Feb-23	3.18%	3.37%
Mar-23	3.39%	3.56%
Annualised return	2.08%	1.88%

12.3 OUTCOME OF PUBLIC EXHIBITION - CUSTOMER EXPERIENCE STRATEGY 2023-2025

ATTACHMENTS:	1. IMPLICATIONS 2. CX STRATEGY PUBLIC EXHIBITION ENGAGEMENT OUTCOMES REPORT 3. TRACKED CHANGED DRAFT CUSTOMER EXPERIENCE STRATEGY 2023-2025X 4. FINAL CUSTOMER EXPERIENCE STRATEGY (ATTACHMENTS 2-4 INCLUDED IN ATTACHMENT BOOKLET 1)
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	JO JEWITT – CUSTOMER EXPERIENCE MANAGER
CITY STRATEGY OUTCOME:	5.7 – DELIVER EXCELLENT CUSTOMER SERVICE
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

To consider consultation feedback following a period of public exhibition received between 9 February and 12 March 2023 and adopt the amended *Customer Experience Strategy 2023 - 2025*.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Adopt the *Customer Experience Strategy 2023 – 2025*, as amended in Attachment 4.**
- 2. Delegate authority to the Chief Executive Officer to make minor amendments to the *Customer Experience Strategy 2023 - 2025* that do not alter the intent.**
- 3. Thank and advise all community engagement respondents for their contribution and of Council's decision.**

3. BACKGROUND

Our Future Willoughby 2032 sets out the community's long-term vision and priorities for the future of the City as its 10-year Community Strategic Plan (CSP). The CSP identifies the aspirations and priorities of the community for the future of the local government area. Outcome 5 contains a community priority to "5.7 Deliver excellent customer service".

Council's Community Perception Survey results in previous years indicate satisfaction as one of the highest when benchmarked against other councils and businesses. Even so, this independent research continues to inform Council on improvements and highlights that providing quality customer service is one of the highest drivers of overall satisfaction with Council.

Given this, Council identified as a priority, improvements in the experience of our customers, in both the *Delivery Program 2022-2026* and the *Operational Plan 2022/2023*. In response, the draft *Customer Experience Strategy 2023 – 2025* was developed to provide a framework and approach to how Council will continue to deliver improvements for our customers.

The draft *Customer Experience Strategy 2023 – 2025* was endorsed by Council for public exhibition in December 2022. This report provides the results of the public exhibition process for the draft *Customer Experience Strategy 2023 – 2025* (CX Strategy) and the final CX Strategy for Council's adoption.

4. DISCUSSION

The Draft CX Strategy was placed on public exhibition between 9 February and 12 March 2023, rather than in December when adopted for exhibition, to accommodate the holiday season and to allow for more thorough engagement to occur.

The *Community Engagement Policy and Strategy* was also adopted for exhibition, and given the synergies between the two strategies, both documents were exhibited together.

The public exhibition process aimed to test the draft CX Strategy and initiatives through:

1. Capturing broad community feedback on the draft CX strategy
2. Further refining Council's understanding of the community's preferred methods of communication and customer experience
3. Identifying customer priorities and possible emerging gaps in the draft directions within the CX Strategy.

The public exhibition process had a reach of more than 16,000 persons and was promoted through:

- An advertisement in the North Shore Times
- In Council newsletter
- Email sent to Have Your Say subscribers (7,000 reach)
- Correspondence to local Progress Associations and Chambers of Commerce
- Distribution of flyers at Council's Victor St office and at Chatswood, Naremburn and Artarmon centres (195 distributed)
- Promotion on the Council's social media channels (reach 9,151)
- Issuing a media release.

Consultation opportunities included the following, with 75 responses:

- Two face to face and one online consultation workshops (44 attended)
- In person business, visitor and community surveys (23 completed)
- Online surveys and written submissions (8 received).

Feedback received

The Engagement Outcomes Report (**Attachment 2**) provides detailed information regarding the consultation methodology and results.

Council received an overwhelming level of support for the draft CX Strategy and the prioritisation of improving customer experience in Willoughby. The feedback received has also confirmed the community's support for the initiatives and identified areas of importance and focus within the CX Strategy.

The key themes emerging from the consultation and how Council has responded to them is outlined in Figure 1 below. The Strategy and initiatives identified for action support addressing these themes.

Figure 1: Key Themes and Council Response

Key Themes from Public Exhibition	Council Response
1. Transparent and effective communication - Invest in improving and increasing the level of communication, particularly through the customer's preferred communication methods	Key initiatives of the CX Strategy will assist in better identifying preferred communication channels and regularity for each customer type; improving the type of information on our website and in other communication methods. This has also been referred to our Communications team.
2. Closing the loop - Focus on 'closing the loop' on customer enquiries to ensure that communication is two-way, consistent, responsive and continuous.	This is a current focus for staff and will improve through the implementation of the new customer request system; via continued training and support to staff across Council.
3. Eliminate Barriers – Make contacting Council and Council's processes more accessible, including third party access.	This is a current focus of staff and will continue with the CX Strategy initiatives, such as: improving forms on our website; self service for customers; and reviewing all processes to reduce red tape and improve ease of use for the customer.
4. Simplification of language – reduce the 'modern jargon' and utilise customer friendly language in the draft CX Strategy to minimise confusion.	Revisions have been made to simplify the wording within the document and a glossary of terms has been added. Some terms have been kept to align to standard industry practice and implementation within the Council. A one page simple summary will be provided.
5. Deliver pillars and initiatives - act on the foundations and directions laid out in the Strategy, for which there was broad support.	The Strategy identifies initiatives for the next two years, progress against these initiatives will be reporting within the existing mechanisms of the Operational Plan.
6. Business customer communication - Improve outbound communication to businesses as this cohort felt under serviced	This has been referred to our Economic Development and Communications team.

During the period of public exhibition, the results of the Community Perception Survey 2022 were also received. The results of this independent research further support our focus on customer experience and identify similar priority areas in the themes above and what has been identified in the CX Strategy.

The revised CX Strategy, with tracked changes, from the public exhibition version is attached (**Attachment 3**), the final version recommended for adoption is attached (**Attachment 4**).

5. CONCLUSION

A positive customer experience is essential to any business, local government not being an exception. We recognise that although improvements have been made in recent years, there is more we can do to change the experience our customers have with all aspects of Council.

Council wants to put the customer at the heart of everything we do and provide excellence in customer experience. The CX Strategy has been developed to provide the roadmap over the next two years to help Council make that change. This change has been supported by the overwhelming positive response to the CX Strategy through the public exhibition period, as well as the results of the Community Perception Survey.

The feedback received has resulted in revisions to the draft CX Strategy to improve clarity through changes to language and layout. It is recommended that Council adopt the *Customer Experience Strategy 2023 – 2025* in **Attachment 4**.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.7 – Deliver excellent customer service
Business Plan Objectives, Outcomes / Services	Once adopted, the <i>Customer Experience Strategy 2023 - 2025</i> will inform business planning for all units within Council.
Policy	The <i>Customer Experience Strategy 2023 - 2025</i> aligns to Council's Customer Service Charter.
Consultation	<p>The draft <i>Customer Experience Strategy 2023 - 2025</i> was placed on public exhibition from 9 February to 12 March 2023.</p> <p>Key internal staff and external stakeholders have been consulted throughout the development of the draft <i>Customer Experience Strategy 2023 - 2025</i>.</p> <p>Councillor Briefings were held on 1 August and 5 December 2022.</p>
Resource	This has been developed by staff with assistance from customer experience and engagement consultants, within allocated budgets.
Risk	There is no risk associated with this report. The <i>Customer Experience Strategy 2023 - 2025</i> will only work to improve the experience of our customers and meet the priorities of the <i>Community Strategic Plan</i> .
Legal	There are no implications applicable to this report.
Legislation	There are no implications applicable to this report.
Budget/Financial	Costs associated with implementation of the <i>Customer Experience Strategy 2023 – 2025</i> have been incorporated into the draft future budgets.

12.4 PETITIONS BI-ANNUAL REPORT

ATTACHMENTS:	1. IMPLICATIONS 2. LIST OF PETITIONS
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CONNOR – GOVERNANCE, RISK & COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

To present to Council the bi-annual report regarding the status of petitions presented to Council for the period October 2022 – March 2023.

2. OFFICER'S RECOMMENDATION

That Council receive and note the report regarding the status of petitions presented for the period October 2022 – March 2023.

3. BACKGROUND

Petitions are presented to Council in accordance with the *Petitions Policy*, which requires the presentation of a report biannually regarding the status of any actions required.

4. DISCUSSION

Petitions allow the community to bring matters of concern to Council's attention and once reported to Council they are allocated to the relevant officer for actioning. A list of the petitions tabled for the period October 2022 - March 2023 and their status is contained in **Attachment 2**.

5. CONCLUSION

This report informs Council of the current status of the petitions which have been presented to Council during the period October 2022 – March 2023.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The governance team maintains information to update Council on the status of petitions.
Policy	This matter relates to Council's <i>Petitions Policy</i> adopted by Council on 8 May 2017.
Consultation	Consultation is determined by the relevant officer following consideration of the issues raised in the petition.
Resource	This can be met with existing resources .
Risk	There is no risk associated with this report.
Legal	There is no risk associated with this report.
Legislation	<i>Local Government Act 1993.</i>
Budget/Financial	This report has no budget or financial implications.

PETITIONS UPDATE: PERIOD OCTOBER 2022 – MARCH 2023

ATTACHMENT 2

Date	Subject of Petition	Petitioned Council to	Referred to / Resolution	Status
05/07/2022	Comprehensive LEP and DCP Planning Proposal (A petition of 638 signatories against the proposed LEP and DCP, specifically regarding Chatswood. Objecting to scale of height and floor space increases, significant increase in motor vehicle movements, reduced privacy, reduced sun access.)	Ensure the proposed changes to planning rules do NOT result in new structures that negatively affect Local Amenity, including Solar loss and shadowing, loss of privacy to neighbouring public open spaces, communal recreational facilities and neighbouring residents, inadequate building separation and do NOT place excessive pressure on transport, schools, child care and open spaces, including sporting facilities or loss of views of our homes. Also request there is a gradual increase in building height from Ashley Street to the current Chatswood CBD along Pacific Highway and Anderson Street.	That Council note the petition on the comprehensive LEP and DCP planning proposal and refer the matter to the Planning and Infrastructure Director for his consideration.	Council resolved to endorse the Comprehensive LEP and DCP at its meeting of 12 December 2022. Key issues noted in the resolution included: 1. Noting the submissions and feedback. 2. Approving amendments and forwarding to DPE for finalisation. 3. Noting that consideration of specific parking provisions may delay the process. 4. Excising Northbridge Plaza carpark from the process. 5. Investigating the heritage significance of buildings in the Naremburn Conservation Area. 6. Amending the objectives of the new E1 zoning. 7. Delegating authority to the CEO for minor amendments. 8. Thanking the Planning team. COMPLETE

Date	Subject of Petition	Petitioned Council to	Referred to / Resolution	Status
25/07/2022	Unjust Outsourcing of Devonshire Daycare by Willoughby Council (A petition of 50 signatories against the outsourcing of Devonshire Street Long Day Care citing the following reasons. The centre is: profitable and charges market rate, fully utilised, high rating and great reputation strategic asset so it should be internally controlled, parents and staff are unhappy with the decision, third party will either increase cost or reduce quality of care and no model or business case was shared with impacted parties.)	Revoke the Devonshire Street Long Day Care outsourcing decision and cease any activities related to this decision till the matter is reviewed again.	That Council note the petition on the outsourcing of Devonshire Street Long Day Care Centre by Willoughby City Council: 'Revoke the Devonshire Street Long Day Care outsourcing decision and cease any activities related to this decision till the matter is reviewed again' and refer the matter to the Community, Culture and Leisure Director that Council officers continue to engage with parents throughout the expression of interest process.	EOI was completed in November 2022. Parents were updated during the EOI process including providing an outline of the proposed criteria for the EOI prior to going out to the market. COMPLETE

Date	Subject of Petition	Petitioned Council to	Referred to / Resolution	Status
28/11/2022	Reinstatement of previously constituted WCC Advisory Committee (A petition of 92 signatories submitted by Mark Crews petitioning Council to reinstate the previous WCC Advisory Committees.)	“Reinstate previously constituted WCC Advisory Committees. 1. immediately reinstate all 13 Advisory Committees and 2. recognise the high value adding to WCC’s knowledge base and decision making of the Griffin Reserve Advisory Committee over many years by elevating it from ‘Group’ to the status of Committee for the term of this Council and Beyond.”	That Council note the petition on the Reinstatement of the previously constituted WCC Advisory Committees and refer the matter to the C&C Director.	At the December 2022 and the February 2023 Council finalised Advisory Committees. The Committee members have been selected and the scheduling of inaugural meetings are in progress. COMPLETED

Date	Subject of Petition	Petitioned Council to	Referred to / Resolution	Status
22/02/2023	<p>Proposed concrete footpath at Rembrandt Drive, Middle Cove (A petition of 350 signatories, submitted by Michelle Inns, is petitioning against the proposed concrete footpath at Rembrandt Drive, Middle Cove The detail of their concerns are as follows: <i>“Not proceed with the concrete footpath at Rembrandt Drive, Middle Cove. This is due to the significant negative environmental impact of replacing the grass verge of bushland suburb, with concrete.”</i></p>	Not proceed with the footpath at Rembrandt Drive, Middle Cove.	<p>That Council:</p> <p>1.Note the petition on the proposed concrete footpath at Rembrandt Drive, Middle Cove. <i>‘Not proceed with the concrete footpath at Rembrandt Drive, Middle Cove This is due to significant negative environmental impacts of replacing the grass verge of a bushland suburb, with concrete.’</i></p> <p>2.Refer the matter to the Planning and Infrastructure Director.</p>	<p>At the 27 February 2023 Council meeting, for item 12.12 Missing Link Program – Proposed Extension at Rembrandt Drive, Middle Cove, it was resolved That:</p> <p>1. Willoughby City Council does not proceed with the proposed footpath along Rembrandt Drive until it such time that it can be demonstrated that community support for the project exists. 2. The savings be diverted to the next prioritised project on the Missing Links Program that has a similar community benefit and safety enhancements and is supported by the local community.</p> <p>COMPLETE</p>

12.5 AUDIT, RISK AND IMPROVEMENT COMMITTEE DRAFT MINUTES 15 FEBRUARY 2023

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT MINUTES ARIC MEETING 15 FEBRUARY 2023
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CONNOR – GOVERNANCE, RISK & COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

To present Council with the draft minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 15 February 2023.

2. OFFICER'S RECOMMENDATION

That Council note the draft minutes of the Audit, Risk and Improvement Committee meeting held on 15 February 2023.

3. BACKGROUND

The *Audit Risk and Improvement Committee Charter* requires that the minutes of each ARIC meeting be presented to Council.

4. DISCUSSION

The ARIC met on 15 February 2023 and discussed, amongst other things, the following:

- Progress of the Quarterly Budget Review for Quarter 2.
- A benchmarking analysis of the Independent Commission Against Corruption's *Operation Ember*.
- Risk management pertaining to the Willoughby Leisure Centre Upgrade and Council's other major projects.
- The progress of internal audit actions.
- A half yearly update regarding Council's cyber security.
- A 'declared business' report regarding Dougherty Food Services.
- Council's asset management and renewal program.
- An update from the Chief Executive Officer regarding:
 - The second Futures Summit held with Councillors.
 - Recruitment and staff retention.
 - Council's 2022 Community Perception Survey.

The minutes of the meeting have been reviewed by the ARIC Chair and the ARIC members and are contained in **Attachment 2**. The draft minutes are scheduled for adoption at the next ARIC meeting planned for 17 May 2023.

5. CONCLUSION

It is recommended that Council note the draft minutes of the ARIC meeting held on 15 February 2023.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The Audit, Risk and Improvement Committee (ARIC) is a statutory committee, which provides assurance in the areas of internal and external audit, risk management, business improvement and governance. This promotes effective performance in pursuit of the priorities outlined in the <i>Our Future Willoughby 2032 Community Strategic Plan</i> .
Policy	<i>Audit, Risk and Improvement Committee Charter.</i>
Consultation	The minutes have been reviewed by the ARIC Chair and ARIC members. They will be presented to the 17 May 2023 meeting of the ARIC for final endorsement.
Resource	Administrative support is provided to this Committee by the Governance, Risk & Compliance team.
Risk	There are no risks associated with this report.
Legal	There are no legal implications associated with the report.
Legislation	There are no legislative implications associated with the report.
Budget/Financial	There are no budgetary or financial implications applicable to this report.

ATTACHMENT 2



Willoughby City Council

**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING**

HELD ON 15 FEBRUARY 2023

DRAFT MINUTES

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

1 OPENING AND INTRODUCTIONS**1.1 ACKNOWLEDGEMENT OF COUNTRY**

At 8:30 am, Ms Gavey opened the meeting, welcomed those present and delivered the following 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.

2 ATTENDANCE AND APOLOGIES**Committee Members Present:**

Ms E Gavey (Chair)
Mr R Lagaida
Cr R Samuel
Cr J Xia

Council Officers Present:

Ms D Just (Chief Executive Officer)
Ms M Kenyon (Customer & Corporate Director)
Mr H Phemister (Planning & Infrastructure Director)
Ms L Perrine (Community Culture & Leisure Director)
Mr S Naven (Chief Financial Officer)
Ms B Yparraguirre (Internal Auditor) *(for items 13.1 and 13.2)*
Ms S Connor (Governance, Risk and Compliance Manager)
Ms C Chiu (Risk Specialist) *(for Item 9.2)*
Mr G Drinan (Project Management team Leader) *(for Item 9.3)*
Mr M Cashin (Community Life Manager) *(for Item 15)*
Mr T Mapeza (Senior Assets Management Specialist) *(for Item 16)*
Mr A Booth (Council & Corporate Support Officer) *(minute taker)*

External Attendees

Nil

Apologies:

Committee Member: Mr C Davies
Council Officers: Mr B Herring (Chief Information Officer)
External Attendees: Council's external auditors (Mr J Winter, Grant Thornton Australia Limited and Mr K Leung, the Audit Office of NSW) were not required to attending the meeting.

Observer:

Cr A Greco
Her Worship the Mayor, T Taylor

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

3 DISCLOSURES OF INTEREST**Standing Declarations:**

Ms Gavey declared a non-significant non-pecuniary interest by advising she holds the following positions:

- Chair/Independent Member - Camden Council Audit, Risk and Improvement Committee
- Chair/Independent Member - Penrith City Council Audit, Risk and Improvement Committee
- Chair/Independent Member - Waverley Council Audit, Risk and Improvement Committee
- Audit and Risk Committee Member - Electoral Commission of NSW
- Audit and Risk Committee Member - Office of Independent Review
- Audit and Risk Committee Member - Audit Office of NSW
- Audit and Risk Committee Member - Local Government NSW
- Chair/Director - Primary and Community Care Services Limited
- Independent Panel Member - Disciplinary Tribunal of Chartered Accountants Australia and New Zealand

Item 11.1, External Compliance Update, considers Council's administration of its September 2024 ordinary election. Accordingly, Ms Gavey took the opportunity to highlight her standing declaration regarding membership of the Audit and Risk Committee of the Electoral Commission of NSW.

Ms Gavey also declared:

"There is the potential for a conflict of interest to arise with my role on the Audit Office of NSW Audit and Risk Committee (as Council is its audit client); and Local Government NSW, of which Council is a member. Any potential conflict of interest will be managed on a case by case basis with appropriate mitigating action taken as required."

Clr Samuel declared he is a former Partner of Grant Thornton Australia Limited, which is the contracted external auditor on behalf Council's current external auditor, the Audit Office of NSW.

Mr Lagaida declared he is an Independent Member of the Wollongong City Council Audit, Risk and Improvement Committee.

4 EXTERNAL GUESTS**DISCUSSION**

The Chair noted that the External Auditors did not have matters to discuss and were not required to attend the meeting on this occasion.

The Committee requested an update regarding Council's financial institution signatories – being a matter raised in the financial year 2021/22 External Auditor Management Letter. Management informed the Committee that Council's signatories had been updated with the institutions in question. However, with the recent departure of a senior management accountant, the signatories require further updating.

The Committee and Management also discussed progression of financial year 2022/23 External Auditor engagement.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING**15 February 2023**

The Chief Financial Officer, Mr Naven, discussed the continuing issue of asset value indexation, noting the Audit Office have been responsive in providing guidance as to which index to utilise. The Committee and Management agreed consistent indexation across the local government sector would be beneficial.

5 EXTERNAL ACCOUNTABILITY

5.1 FINANCE UPDATE 15 FEBRUARY 2023

DISCUSSION

Mr Naven discussed the headline matters arising from the Financial Update report:

- At all times this financial year Council has maintained adequate unrestricted cash.
- Council extracted a net positive outcome of approximately \$350,000 by working with various banks to terminate certain low yielding term deposits earlier than the maturity date (and reinvesting those sums at higher rates available in the market). Mr Naven cited this as a good example where the Committee provides value to Council with constructive suggestions. Equally, the Committee acknowledged it is good to have Management listening to suggestions and the result is positive.
- A comparison of 2022 Financial Ratios for NSROC councils. Mr Naven discussed Council's ratios relative to patterns emerging for other councils.

Management discussed the effect asset indexation has on asset depreciation in the current and future financial years, in that increasing asset depreciation places pressure on Council's building and infrastructure renewal ratio. The Committee queried the extent to which Council continues to use assets that have reached full depreciation, to which Management confirmed it analyses the sensible useful lives (and values) of individual assets and components of assets.

Regarding the Quarterly Budget Review for Quarter 2, Management foreshadowed a projected reduced full year deficit before capital revenue from \$0.9M to \$0.5M. Staff engagement in savings identification and budget development with management accountants working well as part of Council's first zero base budgeting program. A corresponding increase in financial literacy amongst staff has been noted.

The Committee and Management discussed continual analysis of debt arrangements in the current high interest and high inflation environment.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee receive and note the results for investments during November 2022 and answers to actions discussed at previous ARIC meetings.

Action:
Nil.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

6 CONFIRMATION OF MINUTES – 30 NOVEMBER 2022**6.1 CONFIRMATION OF MINUTES - ARIC MEETING 30 NOVEMBER 2022****DISCUSSION**

The Committee noted the minutes of the Audit, Risk & Improvement Committee meeting held on 30 November 2022.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee receive and accept the minutes as a true and accurate record of the Audit, Risk and Improvement Committee meeting held on 30 November 2022.

Action:

Nil.

7 ACTION LOG**7.1 ACTION LOG****DISCUSSION**

The Chair noted that the Action Log will contain a cumulative list of completed actions for the calendar year, re-setting in the subsequent year.

The Committee suggested Management continue to monitor the Office of Local Government's development of the *Draft Guidelines for Risk Management and Internal Audit for Local Government in NSW* before providing a report on this topic.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the status report on the Action Log.

Action:

Nil.

8 CHIEF EXECUTIVE OFFICER VERBAL UPDATE**8.1 CHIEF EXECUTIVE OFFICER VERBAL UPDATE****DISCUSSION***Second Futures Summit*

The second Futures Summit was recently held with Councillors to focus attention on their options for financial sustainability levers and their best prospects. This followed the first Futures Summit which involved a significant environmental scan of the economic,

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

environmental, social and political trends that will have an impact on Council's financial position. Subsequent briefings to Councillors will progress scenario modelling to support Councillors in decision making for the upcoming 2023/24 Operational Plan and Budget.

Recruitment

Council's appointment of a Talent Acquisition Specialist is bearing fruit. Roles that are difficult to recruit are being targeted, responsiveness and candidate care during the application process has increased (including interviews during the advertising period) and relationships with recruiters are being established.

To assist staff retention, Council is providing career progression opportunities, both in terms of acting-up and promotions, and lateral moves across disciplines. Council is also reinitiating and revising plans to improve the office environment at the Victor Street offices, which will benefit staff retention and attraction.

Recruitment remains a particular challenge for the planning team.

Community Perception Survey

Council's 2022 Community Perception Survey, which drills into perceptions of Council's provision of 41 service groupings, will be released shortly. The preliminary headline is Council remains above the overall satisfaction benchmark. During the 10 years Council has engaged Micromex to conduct the research, Council has held its highest rating. However, there has been a general softening of results - which is also a trend across councils. Council will examine the areas where results have softened and respond.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the verbal report provided by the Chief Executive Officer.

Action:

Nil.

9 RISK MANAGEMENT FRAMEWORK**9.1 QUARTERLY PROCUREMENT REPORT****DISCUSSION**

The Committee discussed the benchmarking analysis of the Independent Commission Against Corruption's *Operation Ember* contained in the Quarterly Procurement Report. The Committee commended the author on the quality of the analysis.

The Committee discussed Council's ability to develop data analytic programs to detect suspicious activity and the Procurement team's current approach in this area. Further discussion included the importance of staff taking numerous consecutive days of annual leave, which can expose suspicious activity in an employee's absence. Management confirmed Council does monitor and target excess leave, which has the added financial and staff wellbeing benefits.

On a separate matter, the Committee noted Council's concern regarding amendments to the *Local Government (General) Regulations 2021* where Council will now be required to publish tendered amounts on its website. Management informed the Committee that the Contracts &

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

Procurement Team Leader had proactively contacted the Office of Local Government to communicate the implications (including difficulties in debriefing unsuccessful tenderers and the possible discouragement of tender submissions). Management understands the Office of Local Government will take these comments on board.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the update on procurement activities.

Action:
Nil.

9.2 RISK MANAGEMENT UPDATE**DISCUSSION**

Ms C Chiu, who commenced in the Risk Specialist role in late 2022, introduced herself to the Committee and provided a summary of her professional background. Ms Chiu outlined her initial work at Council, which has focussed on reviewing the current state of the risk management framework.

Ms Chiu described her initial impression of Council's general risk management maturity and her intention to strengthen Council by helping officers to recognise risk management as part of their daily work.

The Committee was informed of the recent session held between the Executive Leadership Team and Ms Chiu, where perceived enterprise risks and risk appetite were discussed. Ms Chiu commented that the list of enterprise risks articulated by the ELT was generally consistent with external global standards, which the Committee noted as positive.

Management indicated it wished to revisit Council's risk appetite statement and reiterate consequences so that they tightly relate.

The Committee noted that simple, readable risk management documentation is key – so staff across all disciplines are engaged.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee receive status of Council's risk management program.

Action:
Nil.

9.3 RISK MANAGEMENT - MAJOR PROJECTS**DISCUSSION***Corporate Systems Replacement*

Ms M Kenyon, Customer & Corporate Director, noted that Mr B Herring, Chief Information Officer, is an apology to the meeting - having commenced his secondment to Council's

ITEM - 9.2

Risk Management Update

PAGE 8

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

CONNECT project. Eight staff have been seconded to the project to assist the implementation of Phase 3B.

Management discussed the significant cultural change that will be required to maximise value and realise full maturation of the system. Training will be developed and a Change Manager will be engaged to lead the cultural shift.

Management discussed cash and cheque transactions, which are currently minimal and only used in special situations. Council has not finalised cash treatment in Technology One at this stage.

Council's new ECM module will be rolled out to staff at the end February 2023 and People & Culture's new recruitment module was already operational and producing efficiency gains.

Gore Hill Indoor Sports Centre:

Management updated the Committee on the progress of the feasibility analysis of a smaller scheme, pursuant to Council's resolution at its 31 October 2022 meeting. Management will provide more detail on a reassessed risk analysis to the Committee when the smaller scheme is scoped.

Management continue to monitor the adequacy of the current funding envelope relative to changing costs.

Willoughby Leisure Centre Upgrade

Management informed the Committee that mobilisation at the site had begun and demolition will commence shortly.

Management discussed the experience of the construction contractor in executing projects involving significant public management and safety – particularly in the context of facilities remaining partially open during construction. In addition, Council have a program in place to directly observe and check the contractor's work over the course of the project.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee (ARIC) note the Risk Management – Major Projects report.

Action:

1. At the next meeting of the Committee, specify actual spend relative to spend milestone in the project budget table for the Willoughby Leisure Centre Upgrade.
2. Report the structure of \$5M Multi Sport Grant for the Willoughby Leisure Centre Upgrade at the next meeting.

10 CONTROL FRAMEWORK**10.1 GOVERNANCE UPDATE - FEBRUARY 2023****DISCUSSION**

Management informed the Committee that public facing staff are trained in handling health and safety incidents involving members of the public. The support and recognition of individual staff who become involved in such incidents was also discussed.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

The Committee acknowledged that Employee Lost Time Injuries have decreased in the last 3 months, and were interested to understand the duration of those injuries.

Management provided an update regarding the steps taken to reduce the receipt of Formal Access Requests that are more appropriately categorised as Open Access Requests. The Committee is interested to better understand the general subject matter of Formal Access Requests.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the Governance Update report.

Action:

At the next meeting of the Committee:

1. Include the duration of lost time injuries in the Trends in Employee Lost time Injuries chart (or supplemental chart or table).
2. Include statistics regarding the matters subject to Formal Access Requests received by Council.
3. Circulate the Office of Local Government *Guideline on the Use and Management of Credit Cards* with the Committee.

11 LEGISLATIVE COMPLIANCE**11.1 EXTERNAL COMPLIANCE UPDATE****DISCUSSION**

The Committee discussed the Office of Local Government's progression of the *Draft Guidelines for Risk Management and Internal Audit for Local Government in NSW*. Management will monitor and report back to the Committee at the appropriate time. In the meantime, Management confirmed Council's existing Audit, Risk and Improvement Committee Charter will remain the status quo.

Management outlined its engagement with the NSW Electoral Commission pursuant to a resolution of Council (at its 22 August 2022 meeting) requesting the Commission's assistance to improve information provided to voters in the major languages spoken by the Willoughby community. Management will continue this engagement.

The Committee noted Management's proposed review of the centralised legislative compliance register. To assist the Committee to provide suggestions for management of the Legislative Compliance Register, further detail about its contents will be provided to the Committee at the next meeting.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the External Compliance Update report.

Action:

At the next meeting of the Committee:

1. Management report the outcome of further engagement with the NSW Electoral Commission.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

2. Management provide further detail regarding the contents of the Legislative Compliance Register.

12 GENERAL COMPLIANCE AND BUSINESS IMPROVEMENT**12.1 BUSINESS IMPROVEMENT AND SERVICE REVIEWS UPDATE****DISCUSSION**

Management informed the Committee of the appointment of Ms E Lay, Corporate Performance Manager, and provided a summary of her team and responsibilities.

Management is reviewing the currency of its policies and procedures with a view to their renewal, improvement or retirement.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the Business Improvement and Service Review Update report.

Action:

At a future meeting of the Committee:

1. Report statistics regarding the currency of Council's policies and procedures.
2. When a corresponding report is made to Council, provide a detailed report regarding the review of Council's policy framework.

13 INTERNAL AUDIT**13.1 INTERNAL AUDIT ACTIONS UPDATE****DISCUSSION**

The Committee discussed the status of current Internal Audit Actions with the Internal Auditor, particularly the process for revising completion dates and defining completion. The Committee made suggestions regarding internal approvals for revisions of timing and scope.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the Internal Audit Actions Update.

Action:

Nil.

13.2 INTERNAL AUDIT PLAN**DISCUSSION**

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

The Committee and Internal Auditor discussed the program of work undertaken by the Internal Auditor since the last meeting of the Committee. The Committee suggested Council monitor the development of the *Draft Guidelines for Risk Management and Internal Audit for Local Government in NSW* before revising the Internal Audit Charter further.

The Committee discussed the process for finalising the draft Internal Audit Plan and supporting documentation with Management and the Internal Auditor. Documentation will be brought to the Committee for endorsement when internal approval processes have been completed.

The timing of the six upcoming audits was clarified, with an audit into wages and remuneration due to the Committee's May meeting and the subsequent five audits due by 30 June 2024. The Committee acknowledged that audit timing should be coordinated with subject matter teams to avoid overwhelming staff with workload.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the Internal Audit Plan.

Action:
Nil.

14 CYBER SECURITY – HALF YEARLY UPDATE**14.1 CYBER SECURITY - HALF YEARLY UPDATE****DISCUSSION**

The Committee moved into an in camera session to consider the Cyber Security – Half Yearly Update report. The session commenced at 11:21 am and concluded at 11:40 am.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the Cyber Security – Half Yearly Update report.

Action:
Nil.

15 DECLARED BUSINESS REPORT: DOUGHERTY FOOD SERVICES**15.1 DECLARED BUSINESS REPORT: DOUGHERTY FOOD SERVICES****DISCUSSION**

Mr M Cashin, Community Life Manager, was introduced to the Committee by the Chief Executive Officer. The Committee thanked Mr Cashin for the quality of his previous report (regarding the Out of School Hours Child Care Declared Business) and the current report regarding Dougherty Food Services.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

Mr Cashin provided a summary of Dougherty Food Services' business, social benefits, streams of revenue and financial viability. Mr Cashin further informed the Committee of the resolutions passed by Council at its 23 May 2022 meeting regarding outsourcing the business and the subsequent expressions of interest process. The intent of outsourcing the business is to retain a food offering and café at the Centre, while reducing Council's financial and operational risk profile.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the Dougherty Food Services Declared Business report.

Action:
Nil.

16 ASSET MANAGEMENT AND RENEWAL PROGRAM**16.1 ASSET MANAGEMENT AND RENEWAL PROGRAM****DISCUSSION**

Mr T Mapeza introduced himself to the Committee and provided some background on the Asset Management team. Mr Mapeza highlighted the Asset Management Framework; Council's number (over 40,000) and value (approximately \$2.1B) of assets; the asset condition (generally very good - with over 80% by value being at condition 1 and 2); the renewal gap (\$5.2M); asset data; and an improving level of asset management maturity (an expectation Council will reach "core" maturity this year or next and "advanced" maturity in the 12 months following).

The Committee discussed the cessation of the Infrastructure Levy in June 2022. Management confirmed that the size of the renewal gap is not exacerbated by the cessation, but Council's financial ability to close that gap is impeded. Management noted that the third Councillors' *Futures Summit* will contain scenario modelling addressing this issue.

Mr Mapeza confirmed that Council's fixed asset register is updated on an ongoing basis (not by periodic point-in-time updates).

Management confirmed that trees are not part of the Asset Management Framework, but are subject to a separate maintenance program with a tree inventory currently being collected. Management confirmed that individual footpath condition is formally assessed over a defined period (4-5 years) and a rolling annual stormwater inspection program is conducted, with camera inspections approximately 90% complete for the current cycle.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the Asset Management and Renewal Program report.

Action:
Nil.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

15 February 2023

17 GENERAL BUSINESS**17.1 ARIC ANNUAL REPORT****DISCUSSION**

The Committee had no further comments on the draft ARIC Annual Report for 2022.

The Chair will present the Annual Report at an upcoming meeting of Council.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee approve the draft ARIC Annual Report and its presentation to Council.

Action:

1. The Chair to present the ARIC Annual Report for 2022 at the next available meeting of Council.

17.2 FORWARD PLANNER**DISCUSSION**

The Committee had no comments on the 2023 Forward Planning Calendar, other than to note the Chair will liaise with the Committee secretary regarding the proposed content of some reports.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the 2023 Forward Planning Calendar.

Action:

Nil.

18 CONCLUSION OF MEETING / NEXT MEETING

The next Committee meeting will be held on Wednesday 17 May 2023 commencing at 8.30 am.

The meeting concluded at 11:40 am.

19 IN CAMERA SESSION

As noted under Item 14.1 above, the Committee moved into an in camera session at 11:21 am, concluding at 11:40 am.

12.6 LEGAL MATTERS REPORT - APRIL 2023

ATTACHMENTS:	1. IMPLICATIONS 2. LEGAL MATTERS REPORT 3. CONFIDENTIAL – LEGAL MATTERS REPORT (ATTACHMENT 3 INCLUDED IN CLOSED AGENDA)
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CONNOR – GOVERNANCE, RISK & COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

To present for noting matters that relate to legal services in which Council is involved.

2. OFFICER'S RECOMMENDATION

That Council note the quarterly, January – March 2023, legal matters report.

3. BACKGROUND

At its meeting on 27 February 2023, Council resolved:

That Council:

- 1. Note the final monthly legal matters report; and*
- 2. Receive the quarterly legal matters reports, noting any progress made during the quarter will be provided to Councillors via the Councillor Weekly News.*

This report presents the legal matters report (**Attachment 2** open and **Attachment 3** confidential) for Council's consideration, which is current at the time of publication.

Attachment 3 to this report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and (g)) of the *Local Government Act 1993*, as information contained relates 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
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

4. DISCUSSION

The report includes four tables for the different categories of matters:

1. Reviews of decisions and complaints such as GIPA and privacy matters.
2. Civil claims including:
 - 2.1 Contractual claims by and against Council, property and leasing disputes, as well as claims by and against Council for property damage or personal injury and defamation proceedings.
 - 2.2 Participation in any class actions.
3. Compliance actions and prosecutions.
4. Planning appeals.

Attachment 3 to this report provides information that assists Councillors to understand the status of current legal matters. The release of this information would provide person(s) with whom Council conducts business or parties subject to legal proceedings, details of Council's legal strategy, intentions and expenditure. On balance, it is not in the public interest to release information, which, if disclosed, would compromise Council's legal prospects. Should Councillors wish to discuss any specific information included in the confidential Attachment, it may be required they resolve into closed session of Council in accordance with Section 10A(2)(c) and (g) of the *Local Government Act 2009*.

5. CONCLUSION

The legal matters report offers an overview of legal matters in which Council is involved.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The provision of a quarterly report is related to the work undertaken by General Counsel and the Governance, Risk and Compliance Unit.
Policy	The report is produced pursuant to a resolution of Council.
Consultation	Internal consultation is undertaken to produce the report.
Resource	The report is provided using staff resources and external legal providers.
Risk	Due to the identified risks associated with the subject matter of this report, information which would constitute a breach of the <i>Privacy and Personal Information Protection Act 1998</i> or information which would compromise Council's legal prospects has been included in the open report.
Legal	The purpose of this report is to inform Council on current legal proceedings involving Council.
Legislation	<p>On 27 March 2023, Council resolved to delegate to the Chief Executive Officer the functions of the Council under the <i>Local Government Act 1993</i> and any other legislation conferring functions on the Council, with the exception of functions which are required by legislation to be performed by the governing body of the Council and certain other matters specified in the instrument of delegation.</p> <p>In accordance with this delegation, to Chief Executive Officer is authorised to manage litigation and claims.</p>

ATTACHMENT 2

Legal Matters Report

This report was current at the time of publication.
Items highlighted in *Italics* display the most recent updates.

1. **Reviews of Decisions and Complaints - GIPA, Privacy Complaints – there are no current matters.**
2. **Civil Claims - Contractual or property including leasing disputes, contractual claims by and against Council as well as claims by and against Council for property damage or personal injury, defamation proceedings and any class actions**

Court / Matter No or Ref	Counter Party	Type of Matter	Status Update	Law firm / counsel engaged	Insurer
NSW District Court 2019/96207	John Hooper	Defamation Proceedings	<p>NO CHANGE</p> <p>The matter has been listed for hearing, for two weeks, from 4 September 2023.</p> <p>The hearing on whether Mr Hooper is to pay additional costs incurred by Council's previous insurer, as a result of the manner in which his case has been conducted, was to have been heard on 10 November but the judge decided that a hearing was not needed and that the application could be determined on the submissions already filed by each party.</p> <p>There is no timeframe for the judge's decision on the application.</p>	RGS Lawyers appointed by Council's insurers.	State Wide Mutual

Court / Matter No or Ref	Counter Party	Type of Matter	Status Update	Law firm / counsel engaged	Insurer
Federal Court NSD215/2019	Lead Plaintiffs The Owners – Strata Plan No 87231 v 3A Composites GmbH & Halifax Vogel Group Pty Ltd, Federal Court of Australia, Proceeding number NSD215/2019 (“Alucobond Combustible Cladding Class Action”)	Council is participating as a Funded Group Member in the Alucobond Combustible Cladding Class Action in relation to Alucobond installed at The Concourse.	NO CHANGE The parties have been ordered to file and service their evidence by 5 December 2022, the matter has been listed for case management on 12 December 2022 and it has been listed for a mediation on 31 March 2023.	William Roberts Lawyers instructed by litigation funders Omni Bridgeway (Previously IMF Bentham).	N/A
Supreme Court of NSW	JLT Risk Solutions (formerly known as Jardine Lloyd Thompson Pty Ltd)	Council is participating as a Funded Group Member in the Richmond Valley Council v Jardine Lloyd Thompson Pty Ltd. Class Action in relation to recovering losses and damage from being charged excessive insurance premiums and fees.	CLOSED The Federal Court delivered its judgement on 19 December 2022 and found in favor of JLT. This is a class action which means that, because the case brought by the lead claimant was unsuccessful, the other claimants in the class action are unable to pursue the matter. <i>Lawyers for Richmond Valley Council as the lead claimant in this class action have advised that there will not be an appeal against the decision.</i>	Quinn Emanuel trial lawyers instructed by litigation funders Harbour Litigation Funding	N/A

Court / Matter No or Ref	Counter Party	Type of Matter	Status Update	Law firm / counsel engaged	Insurer
N/A	2 Buddha Pty Ltd	Lease dispute with Tenant	<p>NO CHANGE</p> <p>The Lease has been terminated as a result of various breaches under the Lease.</p> <p>We called on and have received the proceeds of the bank guarantee of \$66,000.</p> <p>Currently reviewing options in relation to the recovery of the arrears balance.</p>	Pikes Verekers	N/A
Land & Environment Court 2021/169065	Blanc Black Projects Pty Ltd	Class 4 appeal against deemed refusal of DA for residential flat development at 58-60 Eastern Valley Way, Northbridge	<p>NO CHANGE</p> <p>The matter was heard on 30 November 2022 and judgment has been reserved.</p>	Maddocks	N/A

3. Compliance actions and prosecutions

Court / Matter No or Ref	Counter Party	Type of Matter	Status Update	Law firm / counsel engaged	Insurer
Local Court	Ms Diana Bettina Stuart	Domestic Hoarder: To obtain a Court Order to authorise Willoughby City Council and/or persons contracted by Council to access and carry out cleaning work at 95 Artarmon Road, ARTARMON NSW	NEW ITEM Council has referred the matter to Wilshire Webb Staunton Beattie to seek Court Order.	Wilshire Webb Staunton Beattie	N/A

4. Planning Appeals

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status Update	Law firm / counsel engaged
Land & Environment Court 2021/168727 and 2021/168747	Lin Yu and Jay Jay Xu	Class 1 appeal against refusal of the Building Information Certificate and a Class 4 action against a compliance order issued for 16 Johnson Street, Chatswood regarding the unauthorised conversion of a garage for habitable purposes.	NO CHANGE The applicant has not completed the works of a modified Development Control Order by 15 August 2022. Council has not received any advice from Lin YU and Jay Jay XU or their legal representative. Council has referred the outstanding matter to HWL Ebsworth for enforcement proceedings.	HWL Ebsworth

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status Update	Law firm / counsel engaged
Land & Environment Court 2022/14208 8	Aplus Architecture Pty Ltd	Class 1 Appeal - Deemed Refusal - Development application DA 2022/95 for Alterations and additions to existing building, addition of basement parking, relocation of existing above ground parking to basement, additional ground floor retail, shop top housing and associated works at 282 Victoria Avenue, Chatswood	<p>UPDATED</p> <p>First directions hearing was held on 15 June 2022.</p> <p>The Council was required to file and serve its Statement of Facts and Contentions by 29 June 2022.</p> <p>The conciliation conference was held on 31 August 2022 and was adjourned to allow the applicant to respond to Council's contentions.</p> <p>On 7 September 2022 the applicant provided amended sketched plans.</p> <p>Further amended plans have been submitted by the applicant.</p> <p>A Tele-mention* has been rescheduled for the 1 March 2023.</p> <p>* Tele-mention is a mention that is done on the phone instead of court. A mention is a short appearance by the lawyers for the parties in litigation before the registrar of the court usually to set a hearing date, deal with documents or something else related to the administration of court proceedings rather than substantive legal issues.</p> <p><i>Commissioner has formally reserved judgment without requiring the parties to appear before her. Judgment expected by the end of April 2023.</i></p>	HWL Ebsworth

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status Update	Law firm / counsel engaged
Land & Environment Court 2022/142105	Aplus Architecture Pty Ltd	Class 1 Appeal - Deemed Refusal - Development application DA 2022/2 for Demolition of existing structures, excavation and construction of four (4) storey retail and commercial premises with five (5) levels of basement car parking, loading dock, storage and associated works at 284 Victoria Avenue, Chatswood.	<p>UPDATED</p> <p>First directions hearing was held on 15 June 2022.</p> <p>The Council was required to file and serve its Statement of Facts and Contentions by 29 June 2022.</p> <p>The conciliation conference was held on 31 August 2022 and was adjourned to allow the applicant to respond to Council's contentions.</p> <p>On 7 September 2022 the applicant provided amended sketched plans.</p> <p>Further amended plans have been submitted by the applicant.</p> <p>* Tele-mention is a mention that is done on the phone instead of court. A mention is a short appearance by the lawyers for the parties in litigation before the registrar of the court usually to set a hearing date, deal with documents or something else related to the administration of court proceedings rather than substantive legal issues.</p> <p><i>Commissioner has formally reserved judgment without requiring the parties to appear before her. Judgment expected by the end of April 2023.</i></p>	HWL Ebsworth

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status Update	Law firm / counsel engaged
Land & Environment Court LEC 2021/292505	Victor Lahoud	Class 4 Appeal Lahoud v Willoughby City Council relating to DA 2020/238 for adaptive reuse of and existing commercial building to shop top housing at 131 Sailors Bay Rd, Northbridge	<p>NO CHANGE</p> <p>The Applicant applied to join the Willoughby Local Planning Panel as a party to the proceedings. WLPP granted the consent which is being challenged in the proceedings.</p> <p>The Court accepted Council's/Panel's submission that the Panel should not be joined to the proceedings, and concluded that the application should be refused. The decision of the orders was dated 21 October 2022.</p> <p>It was heard in the Land & Environment Court on 1 & 2 November 2022 and judgement has been reserved.</p>	Lindsay Taylor Lawyers
Land & Environment Court LEC 2022/00225890	Walter Projects Pty Ltd	Class 1 Appeal Demolition of existing dwellings and construction of 5 residential flat buildings comprising a total of 164 units over basement car parking as a two staged development at 452 - 460 Willoughby Road & 1A - 27 Walter Street, Willoughby.	<p>CLOSED</p> <p>A Statement of Fact and Contention in reply, is due 28 February 2023.</p> <p>Hearing dates are set for 2 and 3 May 2023.</p> <p><i>Matter discontinued on 27 February 2023.</i></p>	HWL Ebsworth

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status Update	Law firm / counsel engaged
Land & Environment Court LEC 2022/ 189031	Momentum Project Group Pty Ltd	Class 1 Appeal- DA 2021/309- Demolition of existing buildings and construction of a shop top housing development with basement car parking, landscaping and associated works at 83-87 Edinburgh Road, Castlecrag.	<p>CLOSED</p> <p>Appeal on conditions of approval. Momentum Group have supplied sufficient reasoning and justification to endorse the appeal in Council's opinion.</p> <p>At the S34 Conciliation conference on 9 September 2022, both parties agreed to reach a resolution.</p> <p><i>On 14 October 2022 the application was approved by the Court as agreed by both parties in the S34.</i></p>	HWL Ebsworth
Land & Environment Court LEC 2022/ 00273498	Metro Donnelly Road Pty Ltd	Class 1 Appeal - Refusal of DA 2021/340 for Mixed use development comprising the demolition of existing school building, additions to St Leonards Church comprising parish hall and presbytery, construction of multi dwelling housing, conversion of existing presbytery to a dwelling and construction of a dwelling house at 43 Donnelly Rd, Naremburn.	<p>UPDATED</p> <p>Conciliation was held on 6 February 2023.</p> <p>The parties have not reached in-principle agreement. Council has been forthright with the Applicant about the matters that will need to be considered in order to achieve agreement. To that end, the Applicant has agreed to prepare and provide to Council a number of amended and additional documents.</p> <p>The Commissioner has adjourned the conciliation conference to the 14 March 2023 to give Council a short period of time to review these documents and consider its position.</p> <p><i>Conciliation has been terminated by Council and the matter is listed for hearing on 23, 24, 25, 28 and 29 August 2023.</i></p>	HWL Ebsworth

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status Update	Law firm / counsel engaged
Land & Environment Court LEC 2022/ 282647	WINIM Developmen t Pty Ltd	Class 1 Appeal - Refusal of - DA 2021/123 for Demolition of existing dwellings and structures, amalgamation of lots, construction of residential flat building consisting of seven (7) apartments and additional three (3) storey multi-dwelling building consisting of seven (7) dwellings, car parking, landscaping and associated works at 46, 48 & 48A Eastern Valley Way, Northbridge.	UPDATED The Conciliation conference took place on 23 January 2023. <i>Appeal upheld and Conciliation agreement and judgment handed down on 15 March 2023. Council has the benefit of a costs throw away order.</i>	Maddocks
Land & Environment Court LEC 2022/00386077	Metro NSWSPV 26	Class 1 Appeal – Deemed Refusal of DA 2022/228 - Torrens Title Subdivision in to five (5) separate lots and new access driveway and service to all new lots and associated works. (Tresillian Family Care Centre)	UPDATED Directions hearing held on 9 February 2023. Given both DA-2022/228 & DA-2022/229 are interrelated, the proceedings will be consolidated. Noting the complexity caused by the proceedings falling within both the s 34AA and s 34 streams, the Registrar set both proceedings down for a mediation under s 26 of the Civil Procedure Act. The mediation occurring on 30 June 2023. The mediation is to be conducted as if it were a conciliation conference under s 34 of the LEC Act, for example objectors will be able to attend and speak at the site visit. <i>Council and the applicant organising a 'Without Prejudice' meeting.</i>	Maddock

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status Update	Law firm / counsel engaged
Land & Environment Court LEC 2022/00386101	Metro NSWSPV 26	Class 1 Appeal – Deemed Refusal of Demolition of existing auxiliary buildings Unit A, C and D, partial demolition of Unit B and alterations and addition to heritage dwelling, new swimming pool, garage, courtyard, landscaping, tree removal and associated works. (Tresillian Family Care Centre)	UPDATED Directions hearing held on 9 February 2023. Given both DA-2022/228 & DA-2022/229 are interrelated, the proceedings will be consolidated. Noting the complexity caused by the proceedings falling within both the s 34AA and s 34 streams, the Registrar set both proceedings down for a mediation under s 26 of the Civil Procedure Act. The mediation occurring on 30 June 2023. The mediation is to be conducted as if it were a conciliation conference under s 34 of the LEC Act, for example objectors will be able to attend and speak at the site visit. <i>Council and the applicant organising a 'Without Prejudice' meeting.</i>	Maddocks
Land & Environment Court LEC 2022/00337071 8	BM Chatswood Pty Ltd	Deemed Refusal- DA 2022/308 for Demolition of existing structures on the site and construction of two 5-storey residential flat buildings comprising a total of 123 units over two levels of basement carparking, and associated landscaping works at 1A-29 Bowen Street & 12-18 Moriarty Road, Chatswood	NO CHANGE Statement of Facts and Contention submitted on the solicitors on 9/2/2023 for filing Sec 34 on 15 June 2023	Maddocks

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status Update	Law firm / counsel engaged
Land & Environment Court LEC 2022/00343917	Wilbec Chatswood Pty Ltd	Deemed Refusal - Development application DA 2022/240 for Demolition of existing structures and construction of a RFB with basement parking and associated site works at 42 Archer Street, Chatswood	NO CHANGE Sec 34 on 23 May 2023. Dates for filing of Statement of Facts and Contention to be discussed between Solicitors and LEC	Maddocks
Land & Environment Court LEC 2023/00042161	Mark Camuglia	Deemed Refusal - Development application DA 2022/367 for Alterations and additions to existing Heritage building and change of use to a single dwelling house and construction of a new tennis court, swimming pool and associated works at 97 Ashley Street, ROSEVILLE NSW 2069	NEW ITEM <i>The proceedings were listed for a s34AA conciliation conference and hearing on 19 and 20 July 2023.</i> <i>Council and the Applicant are undertaking 'Without Prejudice' meetings to address some of the issues raised in the Statement of Facts and Contentions.</i>	Lindsay Taylor Lawyers
Land & Environment Court LEC 2023/00080448	Sam & Lena Koura	Deemed Refusal - Development application DA-2022/231 for demolition of existing dwelling and swimming pool and construction of a new dwelling, basement garage with storage, swimming pool, tree removal landscaping and associated works at 10 Willis Road, CASTLE COVE.	NEW ITEM <i>The proceedings were listed for a s34AA conciliation conference and hearing on 11 and 12 July 2023.</i> <i>The Applicant is to file the Statement of Facts and Contention in Reply by 26 April 2023, and the town planning and heritage joint expert reports are to be filed and served by 6 June 2023.</i>	Lindsay Taylor Lawyers

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status Update	Law firm / counsel engaged
<i>Land & Environment Court LEC 2023/00092319</i>	<i>Garifalia Georgarkis</i>	<i>Deemed Refusal - Development application DA-2022.306 for Demolition of existing dwelling and structures and construction of new two storey dwelling, basement car parking with storage, stairs and lift, front fence, swimming pool, landscaping, new separate driveway and associated works at 47 Upper Cliff Ave, NORTHBRIDGE</i>	<i>NEW ITEM Directions hearing set for 20th April 2023.</i>	<i>Lindsay Taylor Lawyers</i>

PLANNING & INFRASTRUCTURE DIRECTORATE

12.7 PLANNING PROPOSAL - 849 853 859 PACIFIC HIGHWAY, 2 WILSON STREET AND LOT 1 DP 1189541

ATTACHMENTS:	1. IMPLICATIONS 2. GATEWAY DETERMINATION DATED 28 JULY 2022 3. PUBLIC EXHIBITION – PLANNING ASSESSMENT OF ISSUES 4. SUMMARY OF SUBMISSIONS AND COUNCIL RESPONSES 5. RESPONSES FROM STATE AGENCIES 6. CONCEPT PLANS 7. DRAFT AMENDMENTS TO WLEP 2012 8. DRAFT DEVELOPMENT CONTROL PLAN 9. WILLOUGHBY LOCAL PLANNING PANEL ADVICE (ATTACHMENTS 2-9 INCLUDED IN ATTACHMENT BOOKLET 2)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CRAIG O'BRIEN – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

This report outlines submissions received during the exhibition of this Planning Proposal, and seeks Council's endorsement to forward it to the Department of Planning and Environment for finalisation.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Note the submissions and responses to feedback on the Planning Proposal and draft site specific Development Control Plan for 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood.**
- 2. Make the Planning Proposal 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood, on the basis of:**
 - (a) The land identified as SP2 Infrastructure (Classified Road) on the Land Reservation Acquisition Map under Willoughby Local Environmental Plan 2012, located on the Pacific Highway frontage and identified for road widening by Transport for NSW, being excluded from the site,**
 - (b) Consistency with the Chatswood CBD Planning and Urban Design Strategy 2036,**
 - (c) A minimum lot size of 4000m²,**
 - (d) A two tower built form outcome,**
 - (e) Provision of required and additional setbacks;**
 - (f) A two storey podium presentation to the Pacific Highway, Wilson Street, O'Brien Street and the North Shore Rail Line.**

- (g) Provision of public realm embellishment (outside of the land reserved for road reservation by Transport for NSW) in the form of ground levels setbacks along the Pacific Highway, O'Brien Street and the southern boundary, and the eastern setback adjacent the North Shore Rail line,
 - (h) Public rights of way over the public realm embellishment areas being the ground level setbacks as detailed above in (g) above,
 - (i) Reduced car parking rates aligned with Council's draft comprehensive Development Control Plan,
 - (j) One vehicle access and loading and unloading point for the site from Wilson Street,
 - (k) Vehicles entering and leaving the site in a forward direction, with on-site vehicle manoeuvring to involve a physical solution within the basement.
3. Require the following amendments to the draft Development Control Plan for 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood:
- (a) Vehicle access to / egress from the development is to be from one access point in Wilson Street.
 - (b) Setbacks are to reflect concept plans subject to (c) below.
 - (c) Tower/s, including any balconies, are to be setback a minimum of 4.5m from any site boundary for the full tower height
 - (d) Deep soil planting is to be provided along the Pacific Highway, O'Brien Street frontages, and the pocket park and through site link between O'Brien and Wilson Street, adjacent the North Shore Rail Line, where any setback area is greater than 3m. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground.
 - (e) Public access via public rights of way is to be provided over the Pacific Highway, O'Brien Street ground level setbacks and the pocket park and through site link between O'Brien and Wilson Street, adjacent the North Shore Rail Line.
 - (f) Reduced car parking rates aligned with Council's draft comprehensive Development Control Plan.
4. Require the following information to be provided with any development application for 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood:
- (a) Architectural plans showing:
 - i. Tower/s, including balconies, setback a minimum of 4.5m from any boundary for the full tower height – with particular reference to the O'Brien Street / southern boundary.
 - ii. Solar analysis showing the cumulative overshadowing impacts of nearby approved Planning Proposals based on the Chatswood CBD Planning and Urban Design Strategy 2036.
 - iii. Deep soil planting provided within setbacks 3m or greater to Pacific Highway, O'Brien Street and the rear setback to the North Shore Rail Line. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground including basements.
 - (b) Reduced car parking rates aligned with Council's draft comprehensive Development Control Plan.
 - (c) Updated traffic analysis and modelling.
 - (d) Assessment of sight lines for the vehicle ingress / egress point in Wilson Street, and minor amendments to design as necessary, with regard to traffic from the Pacific Highway and Wilson Street overbridge.

- (e) **An amended Transport Impact Assessment addressing:**
 - i. **The cumulative impact on the surrounding active transport network, the identification of active transport links to existing school travel paths, and investigation regarding how the site can connect to the Principal Bike Network to encourage active transport uptake into the future.**
 - ii. **Consideration of the NSW Governments Movement and Place Framework (MAPF) and its Built Environment Performance Indicators.**
- 5. **Forward the amendments to Willoughby Local Environmental Plan 2012 relating to 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood, as outlined in Attachment 7, to the Department of Planning and Environment to be made as a Deferred Commencement Amendment providing a four (4) month period to enable completion of the associated planning agreement process.**
- 6. **Support the making of the site specific draft Development Control Plan subject to the amendments above.**
- 7. **Delegate authority to the Chief Executive Officer to make any minor amendments to the final planning proposal and Development Control Plan which do not alter the intent.**

3. BACKGROUND

At its meeting of 26 April 2022, Council resolved to support the Planning Proposal and draft Development Control Plan (DCP) for exhibition regarding 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood. The proposal sought to amend *Willoughby Local Environmental Plan 2012* (WLEP) by:

- Changing the land use zone from R4 High Density Residential and SP2 Infrastructure (at the rear of the site) to B4 Mixed Use whilst retaining the SP2 Infrastructure (Classified Road) zoning for the land fronting the Pacific Highway.
- Increasing the height to 90m for the whole site (excluding the SP2 Infrastructure (Classified Road) land fronting the Pacific Highway) from 24 metres for the existing R4 zoned portion of the site noting that no height control currently applies to the existing SP2 portion at the rear of the site.
- Increasing the Floor Space Ratio (FSR) to 6:1 for the whole site (excluding the SP2 Infrastructure (Classified Road) land fronting the Pacific Highway) from 1.5:1 for the existing R4 zoned portion of the site noting that no FSR control currently applies to the existing SP2 portion at the rear of the site.

This report provides information on submissions received during the public exhibition, and seeks to finalise the Planning Proposal and draft DCP in accordance with the Gateway Determination timeframe.

4. DISCUSSION

4.1 Subject Location

The overall site which is the subject of this Planning Proposal involves:

- 849 Pacific Highway Chatswood, being SP 1496.
- 853 Pacific Highway Chatswood, being SP 60178.
- 859 Pacific Highway Chatswood, being SP 10110.
- 2 Wilson Street Chatswood, being SP 52947.
- Lot 1 DP 1189541 (end of O'Brien Street) – also referred to as 8 Wilson Street

The site has a total area of 4,751m², bounded by Pacific Highway to the west, North Shore Rail Line to the east (owned by Transport Asset Holding Entity of NSW, and known as TAHE), Wilson Street to the north and O'Brien Street to the south. Refer to **Figure 1: Locality and Figure 2: Location**.

Under *Willoughby Local Environmental Plan 2012* (WLEP 2012) the site is zoned SP2 Infrastructure (Classified Road) along the Pacific Highway frontage (approximately 457m² – this figure is to be confirmed with Transport for NSW). The site area, excluding the SP2 Infrastructure (Classified Road) land adjacent the Pacific Highway is 4,294m².

The Planning Proposal has been lodged on the 4,294m² site, excluding the SP2 Infrastructure (Classified Road) land. Part of the 4,294m² site, being the rear of Lot 1 DP 1189541 adjacent the North Shore Rail Line, is subject to easements in favour of TAHE.

To the north, on the other side of Wilson Street is 871-877 Pacific Highway. A Planning Proposal has been approved on that site responding to the CBD Strategy (height 90m and FSR 6:1). To the south of the site within the Chatswood CBD, along Railway Street, are a number of tall mixed use buildings with commercial tenancies at the lower levels and the residential on the remaining levels. To the east is the North Shore Rail Line and then 54-56 Anderson Street, which has had a Planning Proposal approved responding to the CBD Strategy (height 53 and 90m and FSR 5:1). To the west is the Pacific Highway and then medium density development located outside the Chatswood CBD.

The site is located approximately 450m from the Chatswood Railway Station and Transport Interchange and within the expanded Chatswood CBD boundary identified in the CBD Strategy.

Figure 1: Locality

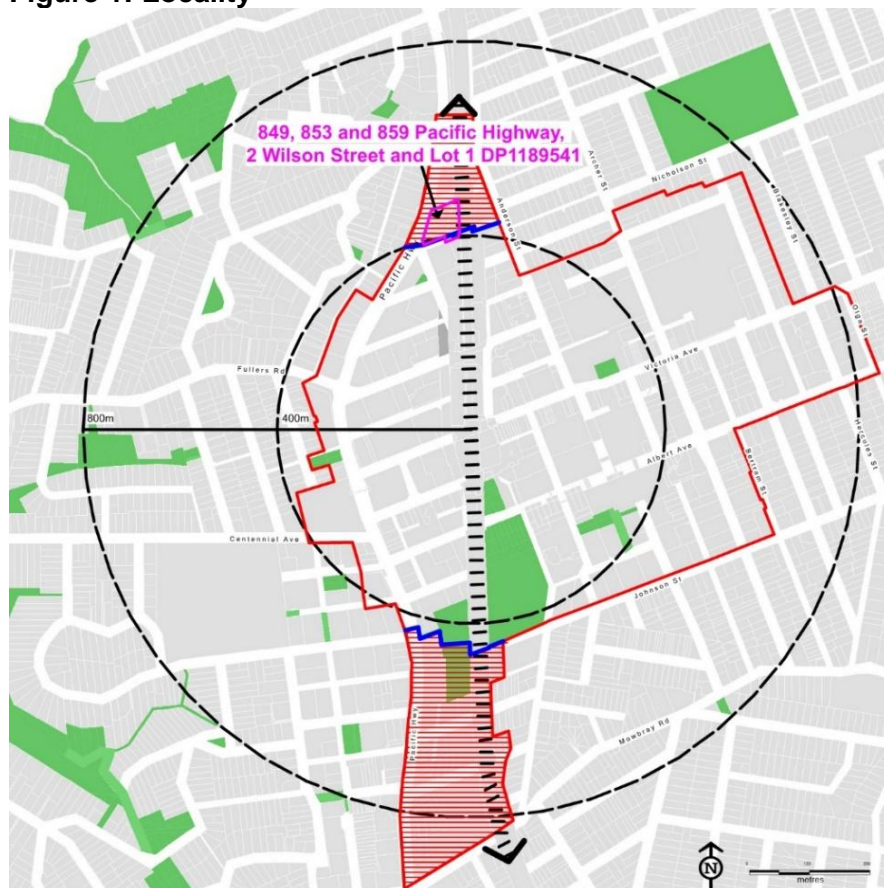


Figure 2: Location

The proposal is responding to the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy). The proposed controls will facilitate a mixed use development on the site, with the concept plans accompanying the Planning Proposal showing a two storey commercial podium, and two residential towers (the north tower facing Wilson Street and the south tower facing O'Brien Street both being 26 storeys and below 90m).

The CBD Strategy was endorsed by Council on 26 June 2017, and supported by the Greater Sydney Commission on 18 May 2018. At the request of the Department of Planning and Environment (DPE) the CBD Strategy was further reviewed, with height and floor space ratio being reduced on some interface sites on the edges of the Chatswood CBD with low density residential conservation areas. In regards to this particular site, there was no change to the proposed 90m height and 6:1 floor space maximums.

The CBD Strategy was endorsed by DPE on 9 July 2020, and further noted by Council at the Council Meeting of 14 September 2020.

In regards the Planning Proposal, DPE issued a Gateway Determination on 28 July 2022, with conditions, on the basis of a height of 90m and floor space ratio of 6:1, and permitting the Planning Proposal to proceed to public exhibition (**Attachment 2**).

The Planning Proposal was updated in accordance with the Gateway Determination, and together with the draft Development Control Plan provisions (DCP), exhibited from 26 August to 23 September 2022.

A Planning Agreement (PA) was reported to the Council Meeting of 27 March 2023, and has been exhibited between 29 March and 27 April 2023. The PA has been based on the *Willoughby Planning Agreement Policy* (adopted 28 March 2022) and the demand for community infrastructure contributions. As of the date of this Council Meeting, the PA is on exhibition and yet to be executed. It is for this reason that the recommendation is to bring the planning proposal into effect 4 months after it is made.

Part of the site, Lot 1 DP 1189541, is owned by Transport Asset Holding Entity of NSW (TAHE) and surplus to its requirements. Council was previously informed that the lease with the existing tenant Sunnyfield (a community support service provider) would not be renewed and that it would be required to find premises elsewhere. This matter was considered at the Council Meeting on 22 August 2022, where it was resolved *“That Council negotiate and undertake due diligence with Sunnyfield to lease 12 Brown Street, Chatswood.”* As of the date of this Council Meeting, Sunnyfield have become a tenant at 12 Brown Street Chatswood.

4.2 Planning Proposal as Exhibited

The exhibited Planning Proposal included the following amendments to the *Willoughby Local Environmental Plan 2012* (WLEP 2012):

- Changing the land use zone from R4 High Density Residential and SP2 Infrastructure (at the rear of the site) to B4 Mixed Use whilst retaining the SP2 Infrastructure (Classified Road) zoning for the land fronting the Pacific Highway.
- Increasing the height to 90m for the whole site (excluding the SP2 Infrastructure (Classified Road) land fronting the Pacific Highway) from 24 metres for the existing R4 zoned portion of the site noting that no height control currently applies to the existing SP2 portion at the rear of the site.
- Increasing the Floor Space Ratio (FSR) to 6:1 for the whole site (excluding the SP2 Infrastructure (Classified Road) land fronting the Pacific Highway) from 1.5:1 for the existing R4 zoned portion of the site noting that no FSR control currently applies to the existing SP2 portion at the rear of the site.

Concept plans are at **Attachment 6**. Refer to **Plan 1: Ground Floor Plan and Plan 2: Envisaged Pacific Highway Elevation of Development**. The height proposed equates to 27 storeys.

Plan 1: Ground Floor Plan



Plan 2: Envisaged Pacific Highway Elevation of Development



The full draft written and mapping amendments to WLEP 2012 are at **Attachment 7**.
The Planning Proposal proponent is the Trustee for 2017 PHC Unit Trust.

4.3 Draft Development Control Plan as Exhibited

The draft Development Control Plan (DCP) includes site specific provisions to guide future development on the site (**Attachment 8**). The aims and objectives of this plan are to:

1. Provide guidelines for a mixed use development on the site.
2. Provide a development that ensures the viability of adjoining and surrounding sites for future development.
3. Minimise traffic impacts on the surrounding road network
4. Ensure development on the site minimises impacts to the amenity of neighbouring residential properties.
5. Provide landscaping in and surrounding the site that enhances the presentation of the site as well as the amenity of the development.
6. Achieve architectural and urban design excellence.
7. Maximise activation to Pacific Highway, O'Brien Street and Wilson Street.

The draft DCP controls address the 35 Key Elements in the CBD Strategy, including setbacks, design excellence and open space provisions.

4.4 Consultation with Public Authorities

Consultation was required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions and the Gateway determination:

- Transport for NSW
- Ausgrid
- Sydney Water
- Department of Education
- Department of Health (Northern Sydney LHD)
- Air Services Australia
- Sydney Airport Corporation
- Department of Infrastructure, Regional Development

Agency written responses were received from Transport for NSW (TfNSW), Sydney Water, Department of Education (School Infrastructure) and Sydney Airport Corporation, and are at **Attachment 5**.

The TfNSW submission (dated 22/12/2022) on the amended Planning Proposal, raised no objection to the Planning Proposal subject to comments on the following:

- The vehicle access point,
- Car parking provision,
- Active transport,
- Contributions to transport infrastructure,
- Requirements of Sydney Trains and Sydney Metro,
- Requirements for development near rail corridors and busy roads,
- Property and transport reservations.

In regards property and transport reservations, Transport for NSW concluded:

“The integrity of all existing TfNSW reservations is to be maintained. No infrastructure that is integral to any redevelopment of the site is to be located in the existing TfNSW reservations and easements.”

Based on the TfNSW submission, the following is required to be addressed at development application stage:

- i. All servicing, including drainage, to be outside the Sydney Train corridor.
- ii. The future design of the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor.
- iii. No work is permitted within the rail corridor or any easements which benefit/ burden Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE has been obtained by the Applicant.
- iv. An acoustic report in accordance with the *State Environment Planning Policy (Transport and Infrastructure) 2021, 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'*, must be provided along with the future development application to ensure that the residential development will account for vibration and noise from the rail corridor.
- v. Provision of a Traffic Management Plan for the construction phase, and future operation phase, to demonstrate that additional vehicular movements in and out of the site:
 - (a) Do not potentially obstruct access onto TAHE land and rail corridor.
 - (b) Do not pose queuing issues along the Wilson Street overbridge, and potentially obstruct rail corridor access. The rail corridor access point/s must not be blocked at any stage during the construction and operation phases of future developments on the subject site. Rail bridge load restrictions must also be considered and adhered to, as related to construction-related vehicles.
- vi. Documentation demonstrating compliance with the Sydney Metro Underground Corridor Protection Guidelines and/or Sydney Metro At Grade and Elevated Sections Corridor Protection Guidelines as applicable.
- vii. The integrity of all existing TfNSW reservations is to be maintained. No infrastructure that is integral to any redevelopment of the site is to be located in the existing TfNSW reservations and easements.
- viii. Demonstrate how the site can connect to the Principal Bike Network to encourage active transport uptake into the future.

The Department of Education (Schools Infrastructure NSW) raised no objection to the Planning Proposal subject to comments on the following:

“Proposal falls within the intake area for both Chatswood Public School and Chatswood High School it is likely that the number of students projected to be generated by the proposal can be accommodated by the surrounding schools ... SINSW is committed to working with Council to ensure schools are supporting community needs and continue to be appropriately resourced to respond to changes in the student population.”

Comments were also made on active transport and access. The Transport Impact Assessment was requested to be amended to consider:

- i. The cumulative impact on the surrounding active transport network and identify active transport links to existing school travel paths.
- ii. NSW Governments Movement and Place Framework (MAPF) and its Built Environment Performance Indicators.

The above has been addressed in the proposed Council resolution as being required at development application stage.

The Sydney Airport Corporation submission raised no objection to the Planning proposal. It did note that:

“Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.”

Sydney Water submission is discussed below in the Assessment section under Servicing.

Comments on the NSW Planning Portal were received from Ausgrid, Department of Health (Northern Sydney LHD), Air Services Australia and Department of Infrastructure Regional Development, with no objections raised (Refer to **Attachment 5**).

Ausgrid made the following comments:

“Ausgrid has no comment to make with regard to this planning proposal (Re zoning) at this point in time.

Ausgrid however does look forward to reviewing future Development Application submissions for any development attached to this proposal and will then provide feedback accordingly.”

Department of Health (Northern Sydney LHD) made the following comments:

“No decision required due to all public health indicators being satisfied.”

Airservices Australia made the following comments:

“the proposed development would not have an impact on any Airservices designed instrument procedures, CNS facilities or ATC operations at Sydney aerodrome.

Any cranes planned to be used in the construction of the proposed development will need to be forwarded to Sydney Airport for assessment if they exceed 100m AGL”

Department of Infrastructure Regional Development required Sydney Airport Corporation to be notified.

4.5 Community Consultation

In response to exhibition of the Planning Proposal and draft DCP, thirty (30) community submissions were received through Council's Have Your Say, general email or letter to Council and the NSW Planning Portal. Twenty two (22) submissions were opposed to the Planning Proposal. Eight (8) were in support.

The main issues raised during public exhibition were the timing of planning proposals before the comprehensive WLEP 2012 review, zone objectives, density and overcrowding, height and visual impact, view loss, traffic congestion, vehicle access to the site, loss of amenity and privacy, overshadowing, impact on infrastructure, construction impacts and negative impact on property values.

Details of the planning issues and outcomes of the public exhibition process are addressed further at **Attachments 3 and 4**.

The Record of Advice dated 5 April 2022 from the Willoughby Local Planning Panel (WLPP) is at **Attachment 9**. The Panel considered a number of issues including:

The potential relocation of the Sunnyfield facility

- Traffic at the intersection of Railway Street and Pacific Highway
- The provision of public open space
- Compliance with the strategic framework.

The WLPP advised “It is satisfied that the planning proposal is worthy of being forwarded to the DP&E for a Gateway consideration having demonstrated strategic and site specific merit.”

The issues considered by the WLPP are discussed in the Assessment section of this report.

4.6 Assessment

Strategic planning background

The site is located within the existing CBD boundary, also referred to as the strategic centre of Chatswood, with significant public transport infrastructure and commercial and other non-residential services.

The site is not being considered in isolation but is part of the overall *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy). The CBD Strategy has been considered to have strategic merit in terms of planning for the future of the Chatswood CBD to 2036 and responding to the Greater Sydney Plan, *North District Plan* and *Willoughby Local Strategic Planning Statement*.

Timing of planning proposals before the comprehensive WLEP 2012 review

Willoughby Council is in the process of reviewing Willoughby Local Environmental 2012 and Willoughby Development Control Plan. A comprehensive Planning Proposal has been submitted to the NSW Planning Portal, and exhibited between 5 March and 7 June 2022. Following consideration of submissions, Council resolved at the Council Meeting of 12 December 2022 to forward the PP to the Department of Planning and Environment (DPE) for finalisation, subject to changes.

Notwithstanding the abovementioned comprehensive Planning Proposal, the NSW planning system allows for proponents to lodge planning proposals at any time. As of this report, twelve (12) Planning Proposals in the Chatswood CBD have been considered and supported by Council, and subsequently finalised by DPE.

Zone objectives of site and surrounds

The subject site is zoned either SP2 Infrastructure (Classified Road), R4 High Density Residential or unzoned.

The site to the north at 871-877 Pacific Highway is zoned to B4 Mixed Use with a height of 90m and FSR of 6:1. The site to the east, over the North Shore Rail Line, at 54-56 Anderson Street, is zoned B4 Mixed Use with a height of 53m and 90m and FSR of 5:1. Land to the south is proposed as B4 Mixed Use with a height of 90m and FSR of 6:1. Land on the western side of the Pacific Highway, outside the Chatswood CBD, is zoned R3 Medium Density Residential with a height of 12m and FSR of 0.9:1.

The Chatswood CBD Strategy represents the strategic planning for the future of Chatswood, and provides the structure that all Planning Proposals are expected to be based upon. The Planning Proposal on the subject site, the objectives of the B4 Mixed Use zone and the CBD Strategy do not conflict with the objectives of the R3 Medium Density Residential zone. The objectives of the R3 Medium Density Residential zone do not prevent development consistent with the objectives of the B4 Mixed Use zone.

Vehicle access to the site

The exhibited concept plans showed all vehicle and loading access via one point in O'Brien Street. Transport for NSW were referred the Planning Proposal and made a submission which included detailed comments on the vehicle access point as follows:

"TfNSW still have concerns regarding the access arrangements on O'Brien Street at the Pacific Highway/Railway Street/O'Brien Street intersection in terms of the safety implications for pedestrians, active transport and vehicles (including service vehicles). The primary concern is due to the unusual and historical geometry of O'Brien Street. TfNSW is of the position that consideration should be given to Wilson Street being a safer access alternative."

In response to the Transport for NSW submission, amended plans have been provided with vehicle access via Wilson Street. An amended Transport Impact Assessment, prepared by Stantec, dated 7/12/2022, has also been provided.

Transport for NSW have further reviewed (22/12/2022) the amended plans and additional information including the amended Traffic Impact Assessment and concluded:

"TfNSW has assessed the revised submitted plans (dated 5 December 2022) and is generally supportive of the proposed combined vehicle access point at Wilson Street. TfNSW previously recommended that the design elements of vehicle access point be included in a site-specific DCP. It has been noted that there was no amendment to the proposed site specific DCP. Notwithstanding, Council is to be satisfied that an appropriate mechanism be in place to ensure that all vehicle access associated with any future development of the site be at Wilson Street as depicted in the plans dated 5 December 2022."

Both Council's Traffic section and Transport for NSW support access via Wilson Street, and this has been specifically addressed in the site specific development control plan prepared by Council.

Traffic congestion

The CBD Strategy has been guided by traffic analysis from ARUP, which was reviewed by Transport for NSW prior to DPE endorsement. In this regard ARUP then prepared a Future Conditions Report, Chatswood CBD Strategic Study, September 2020 which concluded that the growth proposed under the CBD Strategy could be accommodated having regard to traffic.

The above conclusion from ARUP involved Council reviewing car parking provision, with the emphasis being on reducing car parking rates close to major public transport infrastructure. The provision of parking in the subject Planning proposal has been questioned by Transport for NSW.

"It is noted that a reduction of car parking was included in the revised submission as requested by Council, however minimum parking rates are still proposed. Additionally, it is noted that car parking rates for 2 and 3 bedroom units are still higher than the rates

outlined by Council for development within the Chatswood CBD, with 0.7 spaces and 1.2 spaces proposed respectively. The maximum parking rates recommended by the Willoughby Development Control Plan Part F: Transport and Parking Management – DRAFT 2021 are to be adopted for the subject site within a site specific DCP for the subject site. Commercial maximum carparking rates should also be determined in light of the development type proposed. These rates are reflective of best practices proposed in the Willoughby Integrated Transport Strategy (2020) and the proposed rates set out in Willoughby Development Control Plan 2006 (WDCP) are outdated for the current circumstance.”

Transport for NSW raised a number of traffic related matters in their submission, and these have been addressed in the Officers Recommendation.

It should be noted that up to date traffic analysis should be provided at development application stage and this is addressed in the Officers recommendation to this report.

Loss of amenity and privacy

Design considerations were a key component in the preparation of the CBD Strategy, and were addressed in the 35 Key Elements of the final CBD Strategy.

It is considered that privacy and acoustic impacts can be effectively managed through the proposed controls and the development application stage. Council's DCP, the site specific DCP and SEPP65/ADG will provide adequate controls to protect the privacy of nearby residences.

The site specific draft DCP has a section on Amenity that states:

“Amenity

Performance Criteria

- 1. Maximise solar access and ventilation to residential units.*
- 2. Ensure visual and acoustic privacy of residential units in the development and adjoining properties.*
- 3. Improve pedestrian amenity surrounding the site.*

Controls

- 1. A Wind Assessment shall be submitted at Development Application Stage.*
- 2. A detailed Acoustic Assessment shall be submitted at Development Application Stage.*
- 3. Residential units shall be designed to maximise solar access, cross ventilation, visual and acoustic privacy.”*

Detailed information addressing visual and acoustic privacy is to be provided based on detailed plans, rather than concept plans, through the design excellence process and at development application stage.

Density and overcrowding

The CBD Strategy deliberately locates increased density close to public transport infrastructure and services within the identified strategic centre that is Chatswood.

In regards the subject site, the CBD Strategy proposes a maximum FSR of 6:1. The Planning Proposal is consistent with this FSR.

Height and visual impact

The CBD Strategy increases height and floor space within the expanded Chatswood CBD boundary to provide for the growth of Chatswood to 2036.

In regards the subject site, the CBD Strategy proposes a maximum height of 90m. The Planning Proposal is consistent with this height.

Prior to the endorsement of the CBD Strategy, Council and the Department (DPE) carefully considered the proposed building height and FSR in relation to the site context and characteristics of adjoining development.

A two tower solution is considered the appropriate design response on this large site.

View loss

The CBD Strategy contains 35 Key Elements to assist in achieving the desired outcome for Chatswood, and a number of these have regard to built form such as the slender tower objective, floor plate size and setbacks. These built form controls are intended to have positive impacts on neighbouring properties and public spaces with regard to minimising overshadowing, encouraging view sharing, and minimising adverse visual impacts.

The Planning Proposal is consistent with the requirements of the CBD Strategy, and represents the envisioned development under this strategic planning document.

The existing height of development or existing controls under the *Willoughby Local Environmental Plan 2012* are not guaranteed in perpetuity and are subject to change to meet the demands of the Strategic Centre that is the Chatswood CBD and its growth to 2036.

Council supports the concept of view sharing and notes that this will be further reviewed through the design excellence and development application process.

Overshadowing

It is considered that the overshadowing impacts arising from this Planning Proposal are reasonable for a site located within the Chatswood CBD under the CBD Strategy. The residential towers are considered to be consistent with the slender tower objective, with residential floor plates of approximately 353m² for the north tower (facing Wilson Street), and 592m² for the south tower (facing O'Brien Street), being below the 700m² maximum control as stated in the CBD Strategy. The placement of the north and south tower has assisted in minimising overshadowing to the south. Setbacks have also been provided in some cases above minimum CBD Strategy requirements with particular regard to the southern boundary. As envisioned in the CBD Strategy, the proposed design results relatively fast moving shadows.

The subject site and neighbouring properties are able to achieve the minimum 2 hour solar access requirement under the Apartment Design Guidelines and WDCP requirement of 3 hours of sunlight between 9am and 3pm mid-winter.

The Planning Proposal does not impact on any of the areas identified as a key public space requiring sun access protection in the CBD Strategy.

Further consideration of overshadowing will occur at development application stage, with particular regard to satisfying the solar access requirements under the Apartment Design Guidelines and WDCP.

Construction impacts

Construction impacts are a consideration at development application stage. This will be addressed by condition of consent, involving requirement for a construction management plan.

Impact on infrastructure

Significant key public places and open space, being Chatswood Park and Oval, as well as the Garden of Remembrance, are located within the Chatswood CBD boundary. Other key public spaces such as Chatswood Mall, the Concourse open space and the Chatswood Tennis and Croquet Club are located within the CBD boundary. Existing accessible public spaces within Chatswood include the Day Street pocket park and various through site links.

Outside of the CBD, but within close proximity to the subject site is Beauchamp Park.

Notwithstanding this, the CBD Strategy recognises the need for more open space within the Chatswood CBD to accompany increase in density. Through-site links and new open space have been identified in Key Element 22. Embellishment of open space is not limited to the areas identified. Council will continue to seek public open space in various forms within the Chatswood CBD at every opportunity.

The Transport for NSW submission (22/12/2022) also raised the importance of developer contributions to walking and cycling infrastructure.

Council seeks the embellishment of existing infrastructure through contributions arising from this Planning Proposal, including a Planning Agreement (PA), s7.11/7.12 contributions and an affordable housing contribution. The executed PA has been based on the *Willoughby Planning Agreement Policy* (adopted 28 March 2022) and the demand for community infrastructure contributions.

The site specific DCP acknowledges that public art is to be provided in accordance with Council's Public Art Policy.

Negative impact on property values

The CBD Strategy aims to establish a strong framework to guide future private and public development as the CBD grows over the next 20 years and beyond, providing capacity for future growth, exceptional design and a distinctive, resilient and vibrant CBD. The CBD Strategy deliberately seeks to balance increase in density with demanding Key Element requirements.

The envisioned outcome sought under the CBD Strategy is to be guided by draft site specific Development Control Plan provisions, the design excellence process and through the development application process.

As noted above, infrastructure is to be provided and embellished to accommodate increased density.

Ground setbacks

The Planning Proposal is accompanied by plans consistent with the CBD Strategy required setbacks at ground level:

- 4m to Pacific Highway
- Between 1m and 5.4m to O'Brien Street and 3m to southern boundary with pathway
- Between 6.86m and 11.365m to the North Shore Rail Line

Tower setbacks

In regards the tower setbacks above podium level, the following should be noted:

- 6m above street wall to Pacific Highway (10m in total including the 4m ground setback).
- Between 3m and 7.5m to O'Brien Street / southern boundary with pathway (between approximately 4m (where O'Brien Street ends) and 10.5m in total including the 3m ground setback)
- 4.5m above street wall to Wilson Street (4.5m in total with no ground level setback)
- 4.5m above street wall to North Shore Rail Line (between 11.3m and 15.8m)

Concern is raised with the tower setback to O'Brien Street / southern boundary - where O'Brien Street ends. The tower setback to O'Brien Street / southern boundary is to be a minimum of 4.5m. This is addressed in the resolution and draft Development Control Plan.

The remaining setbacks are in accordance with the CBD Strategy. The setbacks above minimum requirements are supported and addressed in the draft Development Control Plan.

Street wall heights

Street wall heights are provided as follows:

- Pacific Highway: 7m (two storeys).
- O'Brien Street: 7m (two storeys).
- Wilson Street: 7m (two storeys).
- Eastern Elevation facing North Shore Rail Line: 7m (two storeys).

Street wall heights are consistent with the CBD Strategy.

Public domain

In regards the subject Planning Proposal, and consistent with the envisioned public domain strategy for the Chatswood CBD, opportunities have been considered to embellish public domain. This has been done through public access to ground level setbacks, and in particular the widening of O'Brien Street, and the creation of a pocket park and through site link at the rear of the site, adjacent the North Shore Rail Line, between O'Brien Street and Wilson Street.

Public rights of way

A Right of Way is to be established over the ground level setbacks to Pacific Highway, O'Brien Street, and the rear setback to the North Shore Rail Line, in particular:

- To embellish public realm by widening O'Brien Street.
- To embellish the public link at the end of O'Brien Street
- To embellish public realm by creating a pocket park and through site link at the rear of the site, adjacent the North Shore Rail Line, between O'Brien Street and Wilson Street.

The Right of Way requirement is addressed in the draft Development Control Plan.

Servicing

The response from Sydney Water noted that following the Planning Proposal process, as part of the development application and consent process:

- *“There should be adequate potable water and wastewater servicing to support the proposed development.*
- *Amplifications, adjustments, and/or minor extensions may be required*
- *If this proposed development is going to generate trade wastewater, the developer must submit an application requesting permission to discharge trade wastewater to Sydney Water’s wastewater system. Applicant must wait for approval and issue of a permit before any business activities can commence.”*

Stormwater and engineering requirements will be further reviewed by Council at development application. The following was noted by Council’s Engineering section:

“The site will require OSD, and space for this needs to be included in any DA plans. Given the size of the system required, consideration should be given to where the OSD tank will be located, ensuring that all impervious area can drain to the tank. The outlet level for the tank needs to be above the downstream 1%AEP flood level. Where connecting to a Council pit, the adopted level must be the grate level on the pit.”

5. CONCLUSION

In regards this Planning Proposal at 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood, Council has already given its in-principle support to zoning changes and increases in height and floor space for this site on the basis of the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy). The Planning Proposal was then also supported by the Department of Planning and Environment (DPE) for public exhibition following a Gateway Determination.

The main issues raised during public exhibition were the timing of planning proposals before the comprehensive WLEP 2012 review, zone objectives, density and overcrowding, height and visual impact, view loss, traffic congestion, vehicle access to the site, loss of amenity and privacy, overshadowing, impact on infrastructure, construction impacts and negative impact on property values.

Following consideration of the submissions received during exhibition together with the advice from relevant State Agencies, it is considered that the requested change of zoning, and increase in height and FSR controls, can be supported. The Planning Proposal is generally consistent with the objectives of the CBD Strategy, with the site’s proximity to the strategic centre of Chatswood, public transport and existing infrastructure making it an appropriate location for increased residential and non-residential density. The Planning Agreement, to embellish existing infrastructure in accordance with *Willoughby Planning Agreement Policy*, has been exhibited but has yet to be executed.

Consideration has been given to public realm opportunities within the site, and consistent with the CBD Strategy, embellishment has been sought with regard to public access over ground level setbacks including the setback to the North Shore Rail Line. This has been addressed in the site specific draft Development Control Plan. Embellishment of public realm is considered a major consideration for the proposed draft recommendation supporting this Planning Proposal.

The Transport for NSW comments with particular regard to being supportive of combined car and loading access via Wilson Street have been noted and, due to the importance of this issue, incorporated into the site specific draft Development Control Plan.

It is considered that the subsequent development application will be satisfactorily guided by the Officer's recommendation, Council's design excellence process and the draft DCP provisions for this site.

The amendments to *Willoughby Local Environmental Plan 2012* relating to the Planning Proposal for 849, 853 and 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541 Chatswood as outlined in **Attachment 7** are supported to be made, with its commencement being delayed for a four month period to enable completion of the associated planning agreement process.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.4 – Anticipate and respond to changing community and customer needs
Business Plan Objectives, Outcomes / Services	To ensure this Planning Proposal is in line with the <i>Local Strategic Planning Statement</i> (LSPS), the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> , <i>A Metropolis of Three Cities</i> and the <i>North District Plan</i> in that it accommodates future housing and employment growth needs.
Policy	<i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan 2012</i>
Consultation	The Planning Proposal, together with the draft site specific DCP, was exhibited from 26 August to 23 September 2022.
Resource	Operating resources with legal input in relation to preparation of Planning Agreement.
Risk	Risk of not achieving the objectives of the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> and accommodating future growth requirements.
Legal	The Planning Proposal would amend <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan 2012</i> .
Legislation	<i>Environmental Planning & Assessment Act 1979</i>
Budget/Financial	Future development following rezoning is subject to the <i>Environmental Planning and Assessment Act 1979</i> .

12.8 PLANNING PROPOSAL - 100 EDINBURGH ROAD, CASTLECRAG

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. GATEWAY DETERMINATION DATED 13 APRIL 20223. DPE LETTER TO COUNCIL 15 JULY 20224. ALTERATIONS OF GATEWAY DETERMINATION.5. PUBLIC EXHIBITION – PLANNING ASSESSMENT OF ISSUES6. SUMMARY OF HAVE YOUR SAY SUBMISSIONS AND COUNCIL RESPONSES7. SUMMARY OF OTHER PUBLIC SUBMISSIONS AND COUNCIL RESPONSES8. COUNCIL LETTER TO TRANSPORT FOR NSW AND RESPONSES FROM STATE AGENCIES9. CONCEPT PLANS - ELEVATIONS10. DRAFT AMENDMENTS TO WLEP 201211. DRAFT DEVELOPMENT CONTROL PLAN12. WILLOUGHBY LOCAL PLANNING PANEL ADVICE13. WILLOUGHBY PARKING STUDY – CASTLECRAG ASSESSMENT (ATTACHMENTS 2-13 INCLUDED IN ATTACHMENT BOOKLET 2)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN SHILLINGTON – STRATEGIC PLANNER CONSULTANT
CITY STRATEGY OUTCOME:	4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF OUR VILLAGE CENTRES
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

To provide Council with a report about the outcomes of the public exhibition of a Planning Proposal (PP 2021/06) and draft site-specific development control plan to facilitate a four storey mixed-use development at The Quadrangle, 100 Edinburgh Road, Castlecrag. The report summarises feedback received, provides responses, and recommends the Planning Proposal be made by Council, subject to changes.

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

2. OFFICER'S RECOMMENDATION

That Council:

1. **Note the submissions received during the exhibition period on the draft planning proposal and DCP following the public exhibition period, and responses from Council staff at Attachment 5.**

2. Make the Planning Proposal in accordance with 3.36 (2)(a) of the *Environmental Planning and Assessment Act 1979* subject to amendments outlined in Attachment 10 and included below, and forward it to the Department of Planning and Environment for notification:
- (a) Insert the following at *Clause 4.3A Exceptions to height of buildings*:
(11) The height of any building at Lot 11, DP 611594 100 Edinburgh Road, Castlecrag being identified as Area 4 on the height of building map shall not exceed AHD 97.490. For the purposes of this clause, the height of building does not include the following elements:
 - i. any balustrade which is less than 1.2m height,
 - ii. any lift tower allowing disabled access to communal areas on the building roof and access to the lift, not to exceed 3.75m above the roof finished floor level,
 - iii. any stair enclosure allowing access to the roof, not to exceed 2.55m above the roof finished floor level,
 - iv. any services installations which are less than 2m in height including but not limited to air conditioning, solar panels, skylights,
 - v. any communal facilities such as barbeques, seating and tables, planter boxes,
 - vi. disabled facilities such as toilets, not to exceed 2.55m above the roof finished floor level.
 - (b) Insert the following at *Clause 4.4A Exceptions to floor space ratio*:
(25) The floor space ratio of any building on the land at Lot 11, DP 611594 100 Edinburgh Road identified as Area 21 on the floor space ratio map shall not exceed 1.8:1 of which not more than 1.6:1 shall be above the level of Edinburgh Road.
 - (c) Insert the following at *Schedule 1 Additional permitted uses*:
(75) Use of certain land at 100 Edinburgh Road, Castlecrag
 - (1) This clause applies to land at Lot 11, DP 611594 100 Edinburgh Road, Castlecrag.
 - (2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
 - (a) Those uses at ground level facing Edinburgh Road are used for non-residential purposes,
 - (b) A minimum of 20% of the gross floor area is provided for non-residential purposes and
 - (c) A minimum of 75% of the gross floor area on the ground floor of the development is provided for non-residential purposes.
 - (d) Amend LEP Height of Buildings (HOB) Map to nominate the site as “Area 4” and allow for a maximum height of building described at *Clause 4.3A Exceptions to height of buildings* sub-clause (11) on the site;
 - (e) Amend LEP Floor Space Ratio (FSR) Map to nominate the site as “Area 21” and allow for a maximum FSR described at *Clause 4.4A Exceptions to floor space ratio* sub-clause (25) on the site;
 - (f) Amend the Special Provisions Area Map to show Lot 11, DP 611594 100 Edinburgh Road, Castlecrag, as Area 9 (Clause 6.8 Affordable Housing applies), and Area 12 (Clause 6.23 Design Excellence applies);

- (g) Amend the Active Street Frontage (ASF) Map to show that the ASF applies to Lot 11, DP 611594 100 Edinburgh Road, Castlecrag including the Edinburgh Road frontage and Eastern Valley Way frontage (in part and at the Edinburgh Road street level only).
3. Support including a requirement when forwarding the LEP amendments to Parliamentary Counsel to bring the plan into effect three (3) months after it has been made to allow time for the Planning Agreement to be finalised.
4. Bring the draft site specific Development Control Plan into effect as soon as possible after the Planning Proposal is made, subject to the following amendments outlined in detail in this report and included at Attachment 11:
- (a) Amend building setbacks description in Figure 4b to include balconies.
 - (b) Remove sections for private open space, solar access and visual privacy as the provisions of SEPP 65 and the Apartment Design Guide will prevail over these DCP controls.
 - (c) Amend controls in relation to colours and materials to improve clarity.
 - (d) Amend landscape and tree preservation controls to improve clarity.
 - (e) Amend public and private open space areas on the DCP setback plans Figures 4a and 4b to confirm that there is no encroachment of adjoining private properties to the south.
 - (f) Include an additional section on access, parking and transport requirements to apply to a future development on the site.
5. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal and Development Control Plan which do not alter their intent.

3. BACKGROUND

An application for a Planning Proposal for sites at 100 Edinburgh Road, Castlecrag was lodged with Council by Greencliff Castlecrag Pty Ltd in September 2021. At the meeting of 3 November 2021, Council resolved to support the Planning Proposal and draft DCP for exhibition and seek a Gateway Determination from the Department of Planning and Environment. The proposal sought to amend the *Willoughby Local Environmental Plan 2012* (WLEP) to add 'residential flat building' as an additional permitted use and increase the height of building and floor space ratio applying to the site as outlined in Table 1 below.

Table 1: Summary of proposed changes

Control	Existing	Proposed
Zoning	B1 Neighbourhood Centre	B1 Neighbourhood Centre
Height	9m	AHD to not exceed 97.49 which equates to 11m above Edinburgh Road level and 16.3 m above southern boundary.
FSR	1:1	1.8:1 and a max. 1.6:1 for building above Edinburgh Road

Figure. 1: Image of the Proposed Development (Source FJMT Studio)

In accordance with the resolution of Council and the Gateway Determination the draft Planning Proposal and draft site specific DCP were exhibited from 11 August until 9 September 2022.

This report will explain how changes to the proposal have been made following consideration of submissions received during exhibition allowing it to now be recommended for support and making.

A draft VPA was also submitted with the Planning Proposal and was considered by Council at its meeting of 28 November 2022. The draft VPA has been exhibited from 29 November 2022 until 31 January 2023 and is being reported to Council concurrently with the Planning Proposal via a separate report.

4. DISCUSSION

The draft Planning Proposal and DCP were on public exhibition from Thursday 11 August until Friday 9 September 2022. A total of 71 *Have Your Say* submissions were received. There were also 19 other submissions received including from the Castlecrag Progress Association, Walter Burley Griffin Society, Sydney Water and Transport for NSW (2 submissions). This resulted in a total of 90 submissions being received during exhibition.

Responses from *Have your say* were divided (37 in support, 32 against and two don't know), while residents' and consultants' letter/email responses were mostly against the proposal. The Castlecrag Progress Association and Griffin Society were generally supportive, with particular comments made regarding provision of a community space and public art including display space for the Marion Mahony Griffin and Walter Burley Griffin puppets. Key issues raised by residents in relation to the planning proposal included:

- Impact of future development on properties to the south (setbacks, height, bulk and scale, overshadowing).
- Support for the proposed design and importance of the proposal to assist in the revitalisation of a dilapidated shopping centre (The Quadrangle) and adjacent public spaces.
- Loss of and impact on existing trees.
- Loss of future retail and community space due to residential space being partially proposed to be located on the ground floor (not conforming with the shop-top housing definition).
- Additional traffic and congestion associated with the development.
- Reduction in parking in the new development compared to the existing Quadrangle development, including loss of parking associated with the proposed park in front of the Griffin Centre.
- Uncertainty regarding the impact of the proposed development on the public walkway linking the existing Quadrangle development to The Postern.

The zoning of the existing B1 Neighbourhood Centre and RE1 Public Recreation is not proposed to change with the Planning Proposal. The maintenance of the public pedestrian right of way over private land linking Edinburgh Road to The Postern is proposed to be specified in the draft DCP amendment.

It is also acknowledged that at the Council meeting held on 27 February 2023 during the Open Forum members of the public addressed Council on the Planning Proposal. The speakers were Ms Suzie Gold, Ms Kate McCann and Mr Andrew Johnson. There have also been two additional community submissions received recently raising issues relating to the potential loss of retail space and impact of the future development on existing vegetation.

A planning assessment and response from Council staff to the major issues raised is at **Attachment 5**. A summary of *have your say* and public submissions and Council staff responses are at **Attachments 6 and 7**.

A number of amendments are recommended for the Planning Proposal and DCP to respond to concerns raised during the public exhibition process. These are outlined in the responses to issues at **Attachment 5** and the changes are summarised as follows:

In terms of timing of the process, a Gateway Alteration was issued by DPE on 16 January 2023 stating that the Planning Proposal must be reported to Council for a final recommendation 11 months from the date of the Gateway Determination (i.e. 13 March 2023). At the request of Council an additional Gateway Alteration was issued on 23 March 2023 granting a further two months to complete the Planning Proposal. The Planning Proposal is required to be finalised by 13 June 2023 (within 14 months of the date of the Gateway Determination).

The following matters were raised in submissions received:

Building heights

Issue

While the proposed building height at the rear (16.3m) is in excess of the height proposed in the draft comprehensive LEP 2022 (14m), the Planning Proposal states that the additional height is to take into account the varying height of the site (maximum proposed across the site of AHD 97.490) and accommodation of two levels of parking including additional height required for a garbage truck access.

Response

Additional LEP amendments are proposed to reduce the impact of the proposed bulk and scale of development. This includes a reduction in the additional height proposed for a lift tower from 4.5m to 3.75m as well as height reductions in the height of the rooftop stairs and toilets. It is therefore proposed to amend the LEP control to the following:

- a) *Insert the following at Clause 4.3A Exceptions to height of buildings:*
 - (9) *The height of any building at 100 Edinburgh Road, Castlecrag being Lot 11, DP 611594 and Lot 1, DP 43691 shall not exceed AHD 97.490. For the purposes of this clause, the height of building does not include the following elements:*
 - (a) *any balustrade which is less than 1.2m height,*
 - (b) *any lift tower allowing disabled access to communal areas on the building roof and access to the lift, not to exceed 3.75m above the roof finished floor level,*
 - (c) *any stair enclosure allowing access to the roof, not to exceed 2.55m above the roof finished floor level,*
 - (d) *any services installations which are less than 2m in height including but not limited to air conditioning, solar panels, skylights,*
 - (e) *any communal facilities such as barbeques, seating and tables, planter boxes,*
 - (f) *disabled facilities such as toilets, not to exceed 2.55m above the roof finished floor level.*

The proposed height of building is therefore considered acceptable, taking into account the variation in height across the site and the proposal to accommodate two levels of parking. The height of building of the concept plans are also consistent with the *Willoughby Local Centres Strategy to 2036*, being three storeys on Edinburgh Road and four storeys at the rear.

Provision of retail on the site*Issue*

In response to a number of submissions from the community, it is also proposed to include the following additional clause at c) 75(2)(c) to ensure that a clear majority of the ground floor (75%) will be retained for non-residential uses. This will ensure that residential uses are located only at the rear of the ground floor of a future development on the site. This is in addition to the proposed 20% of the overall building being used for non-residential purposes. This clause is proposed to be amended as follows:

- c) *Insert the following at Schedule 1 Additional permitted uses:*
 - 75 Use of certain land at 100 Edinburgh Road, Castlecrag*
 - (1) *This clause applies to land at Lot 11, DP 611594 100 Edinburgh Road, Castlecrag.*
 - (2) *Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:*
 - (a) *Those uses at ground level facing Edinburgh Road are used for non-residential purposes,*
 - (b) *A minimum of 20% of the gross floor area is provided for non-residential purposes and*
 - (c) *A minimum of 75% of the gross floor area on the ground floor of the development is provided for non-residential purposes.*

Response

These proposed changes will ensure that a future development on the site will have an increased amount of retail space compared to the plans included with the exhibited Planning Proposal. The table below summarises the changes in retail space that could occur compared to the existing and exhibited plans:

Table 2: Existing and Proposed Retail Areas

	<u>Existing Retail Space</u>	<u>Proposed Retail Space – exhibited plans</u>	<u>Anticipated Retail Space – new controls (est.)</u>
<u>Ground Floor</u>	<u>2,552m²</u>	<u>1,498m²</u>	<u>1,740m²</u>
<u>Lower Ground Floor</u>	<u>Nil</u>	<u>419m²</u>	<u>400m²</u>

It should be noted that the above are the minimum amounts of retail space that could be provided based on the revised LEP controls. This will be confirmed when plans are submitted at development application (DA) stage. It is also understood that the proposed future owner (Luxcon) intends to increase the commercial floorspace significantly to about 2,600m² in the plans being prepared for the DA (including 400m² being located on the lower ground resulting in 2,200m² being located on the ground floor).

Active street frontages

Issue

It is proposed to modify slightly the draft Willoughby LEP 2022 active street frontage (ASF) map as it applies to 100 Edinburgh Road and Eastern Valley Way. The amended ASF map proposed in this planning proposal is as follows:

Proposed Active Street Frontage map Castlecrag



Response

It is proposed to retain the draft active street frontage to apply to the Edinburgh Road and the Eastern Valley Way frontages on the LEP map. This will ensure that all of the Edinburgh Road frontage and the majority of the Eastern Valley Way frontage (at the Edinburgh Road street level) will be activated with non-residential uses. This will ensure consistency with the proposed site specific LEP clause in relation to location and proportion of non-residential uses on the ground floor in a future development.

The LEP clause is proposed to include the following in relation to the ASF map as it applies to the site:

- g) *Amend the Active Street Frontage (ASF) Map to show that the ASF applies to Lot 11, DP 611594 100 Edinburgh Road, Castlecrag including the Edinburgh Road frontage and Eastern Valley Way frontage (in part and at the Edinburgh Road street level only).*

Public walkway at rear of the site

Issue

Concerns about certainty around the public walkway linking The Postern being retained was also raised in a number of submissions. It is considered that the existing and proposed zoning of RE1 Public Recreation of this walkway link will provide greater certainty about its future use including retention of the public pathway. It is noted that in the submission by City Planning Works on behalf of the applicant on the draft Willoughby LEP 2022, it was requested that the existing RE1 zone be rezoned to the adjoining zone which is B1 Neighbourhood Centre.

Response

The existing RE1 Public Recreation strip of land at the rear of the site is used for landscaping and public access to the Quadrangle and directly links to the rear Council pathway through to The Postern. There is no change to the RE1 Public Recreation zone proposed with this amendment. The revised draft amendments to the Willoughby LEP 2012 are included at **Attachment 10**.

Additional permitted use

Issue

Concerns have also been raised that an additional permitted use of residential flat building will be permitted in the new development and this this would change the nature of this development by reducing the retail offering and associated public space with the new development.

Response

The proposed changes outlined above relating to amount of non-residential floorspace on the ground floor (75%) and amendments to the LEP active street frontage map will ensure that a majority of the ground floor would be used for non-residential purposes. Residential uses would only be permitted at the rear on the ground floor. It is also considered that this is a reasonable compromise and will assist in managing the interface with existing residential uses to the south of the site. The DCP also includes provisions to maintain public access through the site including provision of an open landscaped plaza and street setbacks, as shown on the DCP public open space plan. The open space area shown on this DCP plan is 1150m².

Boundary setbacks

Issue

A number of submissions raised concerns about proposed setbacks for the future building on the site. In relation to building setbacks, it is also proposed that the draft DCP should be amended to the following:

- *setbacks are to comply with the building envelope plan identified by the red box outlines in Fig. 4a and Fig. 4b. (Part 5.3 Site Planning – setbacks)*
- *Amend Fig. 4b note to state that setbacks are to **include** balconies.*

Response

Proposed setbacks of a future building have been included in the draft DCP. Setbacks will be addressed in detail at DA stage and will need to be assessed against the SEPP 65 Apartment Design Guide (ADG) Controls.

Private open space, solar access and visual privacy

Issue

A number of submissions raised concerns about impact on private open space, solar access and visual privacy, particularly in relation to existing residential dwellings to the south. This was due to concerns about the future bulk and scale of the development and concerns that a future development may protrude onto adjoining private land to the south.

Response

In response to these concerns and to ensure consistency with the SEPP 65 ADG, it is proposed to remove the following sections on private open space, solar access and visual privacy from the draft DCP:

Private open space

Objective

- a. *Design private open space in a way that contributes to the building design and the privacy of ground floor apartments.*

Control

1. *Private open space should achieve, to the extent possible having regard to Building Height and FSR permissible, the design criteria of section 4E- 1 of the Apartment Design Guide (ADG).*

Solar access

Objective

- b. *Maximise the amenity possible for all dwellings within a high density environment.*

Control

1. *Solar access should achieve, to the extent possible having regard to Building Height and FSR permissible, the design criteria of section 4A- 1 of the Apartment Design Guide (ADG).*

Visual privacy

Objective

- c. *Provide separation between windows and balconies to ensure visual privacy is achieved.*

Control

1. *Visual privacy should achieve, to the extent possible having regard to Building Height and FSR permissible, the design criteria of section 3F-1 of the Apartment Design Guide (ADG).*

It is considered that these sections are redundant as SEPP 65 and the ADG will prevail over any Council DCP controls. These are performance-based controls which will need to be justified at DA stage based on amenity and off-site impacts.

The DCP has also been amended to clarify public and private open space areas on the concept plan drawings to confirm that there is no encroachment of adjoining private properties to the south.

Landscaping and tree preservation:

Issue

A number of submissions raised concerns regarding the potential loss of trees and also that a future development on the site will also impact on the health of trees to be retained.

Response

The applicant has stated that a future development will maintain all existing mature street trees to the west and north of the site as well as nearly all of the existing mature trees on the southern boundary. Compensatory planting of endemic species will be provided on the southern boundary where two trees will be lost to construction and four dead trees removed.

To ensure the retention of the majority of the existing trees on site, the draft DCP also includes a plan showing trees to be retained as well trees to be removed or pruned (DCP *Figure 5 Tree Preservation Plan*).

It is also stated in the draft DCP that conditions around the pruning of trees will be determined at development stage.

In order to provide greater certainty around future tree preservation and landscaping on the site, it is also proposed to amend the DCP to state that *landscaping and tree preservation control No. 1* is to be amended to state that landscaping to be provided as per the *“Landscaping Concept” specified in “Planning Proposal Architecture and Landscape Report” by FJMT Studios (Aug. 2021)*.

It is therefore proposed to recommend the amendments to the DCP landscaping and tree preservation controls as follows:

2. *Street trees adjoining the site on Eastern Valley Way and Edinburgh Road are to be retained as shown in Tree Preservation Plan (Fig. 5).*
3. *Trees on the southern boundary, other than trees specified in the report of the arborist for removal, are to be retained as shown in Tree Preservation Plan (Fig. 5). Trees subject to pruning are to be re-assessed at DA stage.*

Colours and materials*Issue*

A submission raised the issue that there was not enough clarity and controls on the future colours and materials to be used in a future development.

Response

The DCP controls for the following are also proposed to be amended as the control as drafted is not a control and should be a note. The controls are proposed to be amended as requested in a community submission as follows:

Colours and Materials:

- *The use the materials and colours as identified in the Indicative Material Palette is required to meet the stated objectives.*

An additional control is proposed in this section that states the following:

- *The use of coloured panels or cladding to achieve visual interest is not permitted.*

Future Traffic Impacts*Issue*

A number of submissions raised concerns with additional traffic and congestion associated with the development.

Response

Traffic issues will be considered in detail at DA stage. The traffic and transport assessment has stated that the impact of additional traffic as a result of a new development on the site will be minor. The assessment has also considered the anticipated traffic increase in relation to the overall future increase in traffic forecast in Castlecrag under the *Willoughby Local Centres Strategy to 2036*.

The draft DCP is also proposed to be amended to ensure that matters relating to traffic generation and access arrangements will be effectively managed during construction and following completion of a future development.

Loss of Parking

Issue

There were a number of submissions concerned with the loss of parking in a future development. There are currently 117 car spaces available in The Quadrangle carpark which provide unlimited parking for visitors to the Castlecrag centre. The table below sets out the required parking spaces in the future development under the draft WDCP controls considered by Council at its meeting in December 2022 in comparison with the proposed parking spaces as proposed in the concept plans for the Planning Proposal.

Table 3: Car parking spaces required and proposed, using proposed new WDCP rates

Component	Parking rate (targets)	Spaces required (draft WDCP 2022)	Spaces proposed (Planning Proposal concept plans)
Residential (53)			
1-bedroom unit (2)	0.5 space per unit	1	
2-bedroom unit (29)	1 space per unit	29	
3-bedroom unit (22)	1 space per unit	22	
Residential total		52	66
Visitor spaces	1 space per 7 units	7	11
Supermarket (1,057sqm)	1 space per 33sqm	32	
Retail (549sqm)	1 space per 33sqm	16	
Restaurant (134sqm)	1 space per 33sqm	4	
Commercial total		52	80
Total		111	157

Submissions also raised concerns with the loss of existing car spaces at the corner of The Postern. Council is proposing to rezone the carpark from B1 Neighbourhood Centre to RE1 Public Recreation in the Willoughby LEP 2022 to reflect the proposed future use as a park. This is consistent with the adopted *Willoughby Local Centres Strategy to 2036*.

Response

Council's overall approach to parking is to reduce and manage the demand for car use and associated parking in the LGA. However, as part of its consideration of the public submissions received on the draft Willoughby DCP 2022 that has recently been on public exhibition, it determined that further consideration of this issue was required.

At its meeting on 12 December 2022, Council resolved (in part) to undertake the following:

Further consider public feedback related to target parking rates in the local centres and in what circumstances (if any) these may be applied above the targets; and provide a further report on this matter for Council's consideration in a timely manner which allows for the implementation of the Development Control Plan at the same time as the Local Environmental Plan is brought into effect.

That the investigation of the sufficiency of parking in Castlecrag include consideration of the number of aged residents and whether it is appropriate to increase the number of disabled parking spots at the Castlecrag shops.

Therefore Council resolved that an additional review of car parking was required for the Chatswood and St Leonards CBDs and local centres in Willoughby including Castlecrag. The assessment has now been completed in relation to Castlecrag. The review has noted that Castlecrag is a suburb that is highly dependent on the private car due to the physical location, poor public transport and older population. In relation to the future car parking rate that would apply to the site, the assessment proposed that a higher rate above the DCP target rate can be justified if a specific *Car Parking Demand Assessment* in relation to the site is undertaken at the DA stage. It is noted that the target parking rate proposed in the Willoughby DCP 2022 is neither a maximum or minimum rate. A copy of the site-specific car parking assessment for Castlecrag is included at **Attachment 13**.

In response to this review and public submissions, it is proposed to include specific controls on parking as part of an additional section on Access, Parking and Transport in the DCP. It has also been proposed that eight additional public car spaces will be provided within the Quadrangle to compensate for the loss of spaces at the corner of the Postern to make way for a small public park. These spaces would be in addition to the number of spaces required by the DCP.

In light of the additional analysis of the special circumstances that prevail in Castlecrag it is recommended that the current WDCP 2012 rates continue to be applied and the new DCP rates which would reduce the number of parking spaces required would not apply.

The table below shows the number of spaces required and proposed spaces based on the exhibited concept plan using the existing WDCP 2012 rates.

Table 4: Car parking spaces required and proposed, using existing WDCP rates

Component	Parking rate (targets)	Spaces required	Spaces proposed
Residential (on MPTC) (53)			
1-bedroom unit (2)	1 space per unit	2	
2-bedroom unit (29)	1 space per unit	29	
3-bedroom unit (22)	1.25 space per unit	27	
Residential total		58	66
Visitor spaces	1 space per 4 units	13	11
Supermarket (1,057sqm)	6 spaces per 100sqm	63	
Retail (549sqm)	1 space per 25sqm	21	

Restaurant (134sqm)	1 space per 75sqm	1	
Commercial total		85	80
Total		156	157

Given the older demographic groups that live in Castlecrag, it is also proposed that a minimum of 4 accessible parking spaces would also be required as part of the public car parking to be provided in a future development.

The proposed controls in the draft DCP in relation to access, parking and transport are therefore as follows:

Controls

1. *Proposed vehicular access points are to be limited to no more than one ingress/egress from Edinburgh Road. Vehicular access is not permitted from Eastern Valley Way.*
2. *Future development of the site must ensure that measures are put in place so that development will have no significant impact on the efficiency and operation of the existing surrounding road network.*
3. *Active transport facilities including resident and visitor bicycle parking are to be provided.*
4. *Electric car charge points are to be provided within any basement car park.*
5. *The parking rates contained in Council's DCP 2012 are to be applied and any variation to these rates are to be agreed with Council.*
6. *Justification for an amended car parking rate must be accompanied by a Car Parking Demand Assessment. The Car Parking Demand Assessment must address the following matters, to the satisfaction of Council:*
 - *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use*
 - *The variation of car parking demand likely to be generated by the proposed use over time*
 - *The short-stay and long-stay car parking demand likely to be generated by the proposed use*
 - *The availability of public transport in the locality of the land*
 - *The convenience of pedestrian and cyclist access to the land*
 - *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land*
 - *The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land*
 - *Any empirical assessment or case study.*
7. *An additional 8 public car spaces are to be provided in addition to applicable DCP parking requirements.*
8. *A minimum of 4 accessible parking spaces are to be provided for use by the public on site.*

A table including the proposed DCP parking rates to apply to this site will also be included in the DCP. It is noted that the Castlecrag Progress Association considers that, at least in the shorter term, there be a compromise in which only the spaces on the southern side of The Postern carpark be lost. This is because of the important facility these spaces provide to elderly and less mobile residents. The timing for the loss of the existing car spaces available in The Postern could potentially be considered further at DA stage, however Council has resolved in the new LEP for this car park to become a local park in the fullness of time.

A copy of the draft DCP is at **Attachment 11**.

5. CONCLUSION

It is recommended that the proposed draft LEP amendments made in response to submissions be supported. The changes recommended not only take into account community feedback on the proposed amendments but will help realise the future revitalisation of this key site in the Castlecrag local centre consistent with the vision as outlined in the *Willoughby Local Centres Strategy to 2036*.

Should Council decide to proceed as per the recommendation, the Planning Proposal will be 'made' and forwarded to the Department of Planning and Environment for notification, noting the 3 month delay which is recommended to ensure the Planning Agreement can be finalised before the new controls are in place. Once this has occurred, Council will bring the DCP into effect as soon as possible afterwards, and development applications will be able to be lodged consistent with the new planning controls.

IMPLICATIONS	COMMENT
City Strategy Outcome	4.6 – Facilitate the viability and vibrancy of our CBD and village centres
Business Plan Objectives, Outcomes / Services	<p>To ensure this Planning Proposal is in line with the Greater Sydney Commission's <i>North District Plan</i>, which aims to accommodate future growth needs in relation to commercial and residential uses.</p> <p>To ensure consistency with the <i>Willoughby Local Strategic Planning Statement 2020</i> and <i>Willoughby Local Centres Strategy to 2036</i>.</p>
Policy	<p>Council's <i>Willoughby Local Strategic Planning Statement 2020</i> includes the following Priorities relevant to the planning proposal:</p> <p><i>6.1 Housing the City;</i> <i>Priority 1: Increasing housing diversity to cater to families, the aging population, diverse household types and key workers</i> <i>Priority 2: Increasing the supply of affordable housing</i></p> <p><i>6.2 A City for People</i> <i>Priority 3: Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features</i> <i>Priority 4: Ensuring that social infrastructure caters to the population's changing needs and is accessible to foster healthy and connected communities</i></p> <p><i>6.3 A City of Great Places.</i> <i>Priority 5: Respecting and enhancing heritage and local suburban character</i> <i>Priority 6: Planning for local centres which are vibrant places that meet the everyday needs of the population</i></p> <p>The Amendment of the Planning Proposal will lead to amendments to <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan 2012</i>.</p>
Consultation	Prior to endorsement by Council, the draft <i>Willoughby Local Strategic Planning Statement</i> was publicly exhibited between 15 August and 14 October 2019. The <i>Willoughby Local Centres Strategy to 2036</i> was endorsed by Council in December 2019 following community consultation between February and May 2019. This Planning Proposal was publicly exhibited from 11 August until 9 September 2022.
Resource	No additional operating resources beyond budget required.
Risk	Risk of not achieving the endorsed <i>Community Strategic Plan 2028</i> and <i>Local Strategic Planning Statement 2020</i> objectives and accommodating future economic and residential growth requirements.
Legal	Amendments are proposed to the <i>Willoughby Local Environmental Plan 2012</i> , which would provide the basis for future development application assessment. In addition, <i>Development Control Plan</i> provisions are proposed to further guide future development application assessment.

Legislation Under *Environmental Planning and Assessment Act 1979* provisions.

Budget/Financial No additional financial or budget implications.

12.9 PLANNING AGREEMENT - SEEK RE-EXHIBITION OF 100 EDINBURGH RD, CASTLECRAG

ATTACHMENTS:	1. IMPLICATIONS 2. REVISED DRAFT PLANNING AGREEMENT – 100 EDINBURGH ROAD, CASTLECRAG (ATTACHMENT 2 INCLUDED IN ATTACHMENT BOOKLET)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	SYLVANIA MOK – CONTRIBUTIONS SPECIALIST
CITY STRATEGY OUTCOME:	3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO 5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

The purpose of this report is to outline the findings of the public exhibition for the draft Planning Agreement applying to the land at 100 Edinburgh Road, Castlecrag which occurred from November 2022 to January 2023. The draft Planning Agreement relates to the Planning Proposal for this site, which is subject to a separate Council report. Changes to the draft Planning Agreement are proposed which would require re-exhibition.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Note the issues raised in submissions and responses prepared by Council staff.**
- 2. Endorse the *revised* draft Planning Agreement for re-exhibition in accordance with Department of Planning and Environment's *Planning Agreements Practice Note – February 2021*, Section 7.5 of the *Environmental Planning and Assessment Act 1979* and Clause 204 of the *Environmental Planning and Assessment Regulation 2021*.**
- 3. Authorise the Chief Executive Officer to execute the Planning Agreement following re-exhibition and to make appropriate amendments to the Planning Agreement which do not alter the intent of the draft Planning Agreement as exhibited, or result in material changes to the Planning Agreement following consideration of public submissions.**

3. BACKGROUND

At its meeting of 3 November 2021, Council resolved to exhibit the Planning Proposal (PP2018/12) which seeks to amend Willoughby Local Environmental Plan 2012 (LEP) consistent with the strategic objectives of the *Willoughby Local Centres Strategy*.

The Department of Planning and Environment (DPE) issued a Gateway Determination on 13 April 2022 for the Planning Proposal allowing it to be publicly exhibited in August/September 2022. The outcome of the exhibition of the Planning Proposal is being reported at this same meeting.

3.1 Exhibited Planning Proposal

The related Planning Proposal for 100 Edinburgh Rd, Castlecrag, seeks to amend the Willoughby Local Environmental Plan 2012 as follows:

- Increase the maximum floor space ratio (FSR) from 1:1 to 1.8:1 of which not more than 1.6:1 shall be above the level of Edinburgh Road.
- Increase the maximum building height (HOB) from 9m to height that would not exceed AHD 97.490.



The related Planning Proposal seeks to retain the existing zoning of the site to facilitate a mixed use development of retail/commercial floor space below residential units and allowing residential flat building as a permissible use to accommodate a small number of residential units at the ground level at the rear of the development. The Planning Proposal is being reported to Council separately.

3.2 Exhibited draft Planning Agreement associated with the Planning Proposal

In line with Council's *Planning Agreement Policy (Policy) and Procedures Manual* (Procedures Manual) and taking into account the need for local infrastructure arising from the proposed intensification of the site, an agreement was sought for the Planning Proposal to offer an appropriate level of public benefit towards the community resulting in the following contributions offer being put forward by the proponent through the draft Planning Agreement.

On 28 November 2022, Council considered the draft Planning Agreement and endorsed it for public exhibition for an extended period over Christmas and new year. The draft Planning Agreement was placed on exhibition between 29 November to 31 January 2022 and attracted 60 submissions.

4. DISCUSSION

4.1 Exhibition Outcome – Key issues raised in submissions

A majority of the 60 submissions (3 being late submissions that were still considered) raised issues concerning the Planning Proposal with only the following points related directly to the exhibited draft Planning Agreement per se as summarised in Table 1 below:

Table 1 – Council’s responses to submissions

Submissions issues: (note: Voluntary Planning Agreement is referred as ‘VPA’)	How the issue is/will be addressed:
Concerns relating to provision of 8 car spaces to be secured under VPA (17 submissions)	
<p>32 submissions raised concerns on insufficient car spaces for the overall development with 17 submissions raising issues directly regarding the 8 car spaces provision under the VPA contribution. (note: some submitters misunderstood the interpretation of parking space ratio applicable to the proposed development. It is noted that any parking provision assessment is to be undertaken at Development Application (DA) stage, not at the Planning proposal stage)</p>	<p>The 8 car spaces secured under the VPA are intended to replace those at a small council carpark nearby that will be used as a pocket park in the future. These car spaces will be the property of the owner(s) / corporation of the development and made available for use by members of the public.</p> <p>The terms under the exhibited draft VPA contain provisions requiring at Cl 13 & Sch 4, the registration of Public Car Spaces Encumbrances (ie. easement) on the land title prior to the issue of first Occupation Certificate of the development to ensure they will be for public use in perpetuity.</p> <p>The revised draft VPA will make clear that the 8 public car spaces used will be provided over and above the site specific Development Control Plan (DCP) required car spaces for the overall development itself.</p>
Pathway at rear of site expected to be wheelchair accessible and well lit (8 submissions)	
<p>Submitters expect this pathway will be well-lit and accessible by people with disabilities.</p> <p>Submitters are concerned that the estimated cost of \$180,000 is inadequate to construct the needed pathway.</p>	<p>The pathway’s estimated cost of \$180,000 as valued by council officers includes the cost of bollard lighting installation. It is expected that the developer will construct this pathway with the light installation. This value of pathway is not intended to be used for offsetting any monetary contribution against the future s7.11 or s7.12 contribution applicable to this development. This cost will also be subject to CPI adjustment to account for the inflated cost at the time of construction. Council will be able to ensure the quality of the constructed pathway through to construction.</p> <p>Due to width and gradient constraints, it is not possible to achieve a continuous compliant accessible pathway connecting to the site from the rear. However, disabled access will be provided for at the front and from the basement carpark.</p>

Community meeting room for public use on subject development is expected (11 submissions)	
Submissions raised the need for a community meeting room on the subject development for public use with a preference to its location to be on ground floor and be able to accommodate 10-50 people.	<p>Revised draft VPA includes added terms to accommodate the provision of a public meeting area as part of the development at the developer's cost and will be subject to the following. It will:</p> <ul style="list-style-type: none"> - be at the discretion of the developer to determine its location within the development whether it is a self-contained room or designated area within a larger room/space (such as the manager's area/room) and will be subject to council officer's assessment and confirmation at DA stage; - ensure it is of sufficient size able to accommodate approx. 10 people having regards to Council's required minimum dimensions of 9m x 6m; and - ensure it is accessible by people with disabilities.
Publicly Accessible Open Space (as offered by developer) not secured as VPA contribution (16 submissions)	
Submitters' expectation of publicly accessible open space on site to be provided by the developer as a contribution.	<p>The developer had initially offered (through earlier version of VPA offer letter) to provide works fronting the development site at Edinburgh Road and other publicly accessible works within the site (ie. the plaza). However, Council officers consider it more appropriate for these works to be provided through conditions of consent at DA stage.</p> <p>These works are seen as measures that would fulfil the aims of the <i>Local Centres Strategy</i> in relation to this specific site and address the impacts of the development on surrounding sites and hence cannot be considered as additional public benefits under a VPA arrangement.</p> <p>Therefore, these works are expected to be provided by the developer and be required as conditions of consent at the Development Application stage (if approved), noting the requirement for these works in the proposed site specific Development Control Plan (DCP) as part of the Planning Proposal.</p>
Public Art – expectation on a storage/display area for existing Marion Mahony Griffin & Water Burley Griffin Puppets (9 submissions) & installation of Bim Hilder sculpture (3 submissions)	
Submitters' request a need to house/display the two 3m tall papier-mache puppets on the development site. (note: these puppets are properties of the Castlecrag Progress Association (CPA) and are currently being stored at the Council's Depot	<p>This is an unusual request and mixed views have been expressed in the community as to the inclusion of this action as part of the VPA.</p> <p>The Museum had advised the CPA that the subject development (ie. retail / commercial area) is not a suitable place to house and display the puppets as these puppets required a temperature controlled</p>

<p>having been returned from the National Museum of Australia.)</p> <p>Public art sculpture designed by Bim Hilder is expected to be constructed and installed on-site.</p> <p>(note: Bim Hilder, also known as Vernon Arthur ('Bim') Hilder was engaged by Walter Burley Griffin as a carpenter constructing the houses in Castlecrag. Hilder's sculpture was a winning entry to the WCC Bi-Centenary Sculpture Competition but was never built / installed)</p>	<p>environment and could not be exposed to direct sunlight. However, due to the size of these puppets, the limited ceiling heights of the development's indoor space rules out their accommodation within.</p> <p>The Museum suggested that CPA should engage a conservator to assess the suitability of other sites for the Puppets. As such, there would be a need for the CPA to negotiate separate actions beyond this Planning Agreement.</p> <p>The exhibited commitment of contribution of \$75,000 towards public art will be increased to \$100,000 and will go towards a to-be-determined artwork piece in accordance with Council's Public Art Policy. The location of this installation will be expected to be within the Castlecrag Local Centre and could comprise the Bim Hilder work if ultimately agreed with the community.</p>
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4.2 Amendments to draft Planning Agreement and summary of public benefits secured under the revised draft Planning Agreement

Submitters' concerns have been fully considered and council officers have approached the developer to explore ways to address these concerns. The developer has now offered to make changes to the draft Planning Agreement as summarised in Table 2 below:

Table 2 – Amendments made to the draft Planning Agreement

(BEFORE as exhibited) Exhibited draft VPA contributions items as reported at council meeting on 28 November 2022	(AS AMENDED) Revised draft VPA contributions items seeking for re-exhibition (note: Voluntary Planning Agreement is referred as 'VPA')
<p>1. Dedication of 8 car parking spaces at the subject development's commercial carpark – these spaces at developer's indicative cost of \$644,000, will be accompanied by a registration of Public Car Spaces Encumbrances (easement) on the land title prior to the issue of first Occupation Certificate of the development to ensure they will be for public use in perpetuity.</p> <p>Schedule 4 of draft VPA sets out the terms of this Encumbrances requiring the Burden Lot Owner (ie. the land's registered proprietor) to manage and maintain</p>	<p>The commitment of dedicating 8 car parking spaces for public use at the subject development's commercial carpark, its management and condition of registering the encumbrance (easement) will remain with the following being amended/added to the revised draft VPA:</p> <ul style="list-style-type: none"> - It will be made clear that the 8 car spaces will be over and above the car spaces required by the development's site specific DCP to service the overall development. - The value of these spaces have been recently evaluated by the developer at an indicative cost of \$800,000 and this will be reflected in the revised draft VPA.

<p>these parking bays at its cost, to the satisfaction of the Benefitted Authority (ie. Council).</p>	
<p>2. The design and delivery of works to upgrade a public pathway extending from the rear of the site to The Postern. This public pathway valued at \$180,000 is to be a continuation of a proposed path within the lot owned by the Developer (ie. Lot 1 DP 43691) with an easement creation on the land title to facilitate public access along the extent of the pathway.</p> <p>This pathway works and the easement creation on the above mentioned Lot/DP are to be delivered prior to issue of the first Occupation Certificate of the development.</p>	<p>The general terms of this pathway is unchanged in the revised draft VPA as the pathway's estimated cost of \$180,000 has been re-checked by Council officers confirming the bollard lighting installation.</p> <p>The draft VPA as exhibited already reflected the need for this cost to be subject to CPI adjustment to account for the inflated cost at the time of construction.</p> <p>It is important to note that, the value of this pathway is not intended to be used for offsetting any monetary contribution. It is the quality of the constructed pathway meeting council's required standard that is crucial in its delivery. The developer is required to obtain upfront the detailed specifications for council's approval to ensure the required quality of the pathway at an appropriate phase of the development in the future (subject to DA consent). This is reflected in Cl 14A of the exhibited draft VPA.</p> <p>Where necessary, Council will be able to evaluate the quality of the constructed pathway against the adjusted (inflated) vs actual costs in due course.</p>
<p>3. Public art monetary contribution of \$75,000 towards public artwork in accordance with Council's <i>Public Art Policy</i>. The contribution is to be paid prior to the issue of Construction Certificate</p>	<p>This contribution value will be increased to \$100,000</p> <p>The exhibited commitment of contribution of \$75,000 towards public art will be increased to \$100,000 that goes towards a to-be-determined artwork piece in accordance with Council's Public Art Policy. Most of the related VPA terms at Cl 9.6 are generally retained as exhibited, except for the insertion of the expected location of art work to be within Castlecrag Local Centre.</p>
<p>New item</p>	<p>4. As discussed in section 4.1, a community meeting room for public use on the subject development will be secured under the VPA.</p> <p>The terms to accommodate the provision of a public meeting area with the registration of Public Meeting Area Encumbrances on land title will be added to the revised draft VPA with the following:</p> <ul style="list-style-type: none"> - at the discretion of the developer to determine its location within the development whether it is a self-contained room or designated area within a larger room/space (such as the manager's area/room); - ensure it is of sufficient size able to accommodate approx. 10 people having regards to Council's required minimum dimensions of 9m x 6m; - ensure it is reasonably accessible by the public

	including people with disabilities; - ensure there is an online booking system so it is easily accessible by the public and council could monitor its existence in long term.
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Accordingly, 4 items above with their relevant terms and conditions will be secured under the revised draft Planning Agreement in response to the increased demand for public facilities resulting from the proposed development.

4.4 Revised Draft Planning Agreement reviewed by Council's engaged Legal Consultant

The amended and added terms within the draft Planning Agreement (**Attachment 2**) accommodating the 4 items of public benefit contributions have been reviewed by lawyers on Council's Legal Panel.

The legal advice sought from the lawyers have allowed an assessment of the risks and allowed further refinement of the terms and content of the Planning Agreement in preparation for Council's consideration for re-exhibition. Taken into consideration were relevant legislation including the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), *Regulation 2021* ('EP&A Reg') and the *Planning Agreement Practice Note – February 2021*. On the basis of the lawyer's advice, refinements have been incorporated into the revised draft Planning Agreement that align with Council's template and the Policy's Procedures Manual to ensure Council's best interests are served, negotiation rights are safeguarded, exposure to risk is minimised and the payment and delivery of the contributions would be secured.

4.5 Re-exhibition of revised draft Planning Agreement

Since there are substantial amendments made in response to the submissions which will constitute material changes to the draft Planning Agreement. In accordance with the EP&A Act and the Department of Planning and Environment's *Planning Agreements Practice Note – February 2021*, the revised draft Planning Agreement is required to be publicly re-notified.

In the event that the Planning Proposal does not proceed to finalisation, any Planning Agreement entered into would not be activated and no payment to Council or delivery of works would be required.

5. CONCLUSION

The revised draft Planning Agreement outlining the revised and added new terms for securing the additional contributions offered have been carefully reviewed by lawyers on Council's Legal Panel and is recommended fit for exhibition. The contributions offered under the Planning Agreement align with the *Planning Agreement Policy and Procedures Manual* which will provide valuable public benefits to the wider local community and is considered to be in the best interests of Council. The public benefit offer will be in addition to, and not offset against, any s.7.11 and s7.12 development contributions.

The changes made to the exhibited draft Planning Agreement, forming the revised draft Planning Agreement is now submitted for re-exhibition.

IMPLICATIONS	COMMENT
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> <p>5.3 – Balance the creation of new public assets with the upgrade of existing public asset</p>
Business Plan Objectives, Outcomes/ Services	<p>To keep Councillors and the community informed in order to ensure transparency and confidence in the organisation.</p> <p>The monetary contributions received from these Planning Agreement will support Council's delivery of the capital works program which will facilitate and enhance social outcomes for current and future residents within the LGA.</p>
Policy	The Planning Agreement ensures appropriate contributions are obtained from the Planning Proposal towards agreed items of public benefit and aligns with Council's <i>Planning Agreement Policy & Procedures Manual</i> which was adopted on 28 March 2022.
Consultation	The revised draft Planning Agreement is required to be placed on public exhibition for a period of 28 days in accordance with Section 7.5 of the <i>Environmental Planning and Assessment Act 1979</i> and Clause 204 of the <i>Environmental Planning and Assessment Regulation 2021</i> . Comments received will inform the finalisation of the Planning Agreement.
Resource	As conditioned in the terms of the revised draft Planning Agreement, the Developer will bear all reasonable costs of and incidentals to preparing, negotiating, executing, stamping and registering the subject Planning Agreement, and any charge, caveats or other documents related to the subject Planning Agreement.
Risk	The revised draft Planning Agreement has been prepared to ensure that it supports Council's mechanism for funding local infrastructure and is in accordance with all legislative requirements.
Legal	The revised draft Planning Agreement has been reviewed by lawyers acting for Council to ensure alignment with relevant legislation and regulations.
Legislation	The revised draft Planning Agreement has been prepared in accordance with Subdivision 2 of the <i>Environmental Planning and Assessment Act 1979</i> and Part 9, Division 1 of the <i>Environmental Planning and Assessment Regulation 2021</i> ensuring that all requirements under the Act and Regulations are met.
Budget/ Financial	Collecting developer contribution under a Planning Agreement is one of the funding mechanisms to assist with the provision of local infrastructure within the LGA. Contribution will be applied towards the different aspects of community infrastructure works that will provide valuable public benefits to the local centre community.

12.10 PLANNING AGREEMENT - 10 GORDON AVE & 15 TO 19 NELSON ST, CHATSWOOD

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT VPA – 10 GORDON AVENUE & 15-19 NELSON STREET, CHATSWOOD (ATTACHMENT 2 INCLUDED IN ATTACHMENT BOOKLET 2)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	SYLVANIA MOK – CONTRIBUTIONS SPECIALIST
CITY STRATEGY OUTCOME:	3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO 5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

To seek approval to place the draft Planning Agreement on public exhibition relating to the planning proposal at 10 Gordon Avenue & 15-19 Nelson Street, Chatswood. The draft Planning Agreement has been negotiated with the applicant in accordance with Council's *Planning Agreement Policy and Procedures Manual*.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Endorse the draft Planning Agreement for 10 Gordon Avenue & 15-19 Nelson Street, Chatswood for public exhibition in accordance with Section 7.5 of the *Environmental Planning and Assessment Act 1979* and Clause 204 of the *Environmental Planning and Assessment Regulation 2021*.**
- 2. Authorise the Chief Executive Officer to execute the Planning Agreement following public exhibition and make minor amendments which do not alter its intent.**

3. BACKGROUND

At its meeting of 12 December 2022, Council resolved to exhibit the Planning Proposal (PP2022/3) for the subject site which seeks to amend Willoughby Local Environmental Plan 2012, consistent with the strategic objectives of the *Chatswood CBD Planning and Urban Design Strategy*.

The Department of Planning and Environment granted Gateway Determination on 20 February 2023 for the Planning Proposal, allowing it to be publicly exhibited in March and April 2023. The Planning Proposal is currently on exhibition and the outcome of the exhibition will be reported at a future Council meeting.

The report considered by Council on 12 December 2022 indicated that any Planning Agreement negotiation relating to the Planning Proposal would be addressed through a separate report to Council.

If any of the Planning Proposal does not proceed to finalisation, any Planning Agreement entered into would not be activated and no payment to Council would be required. This report presents a draft Planning Agreement for 10 Gordon Avenue & 15-19 Nelson Street for Council's endorsement.

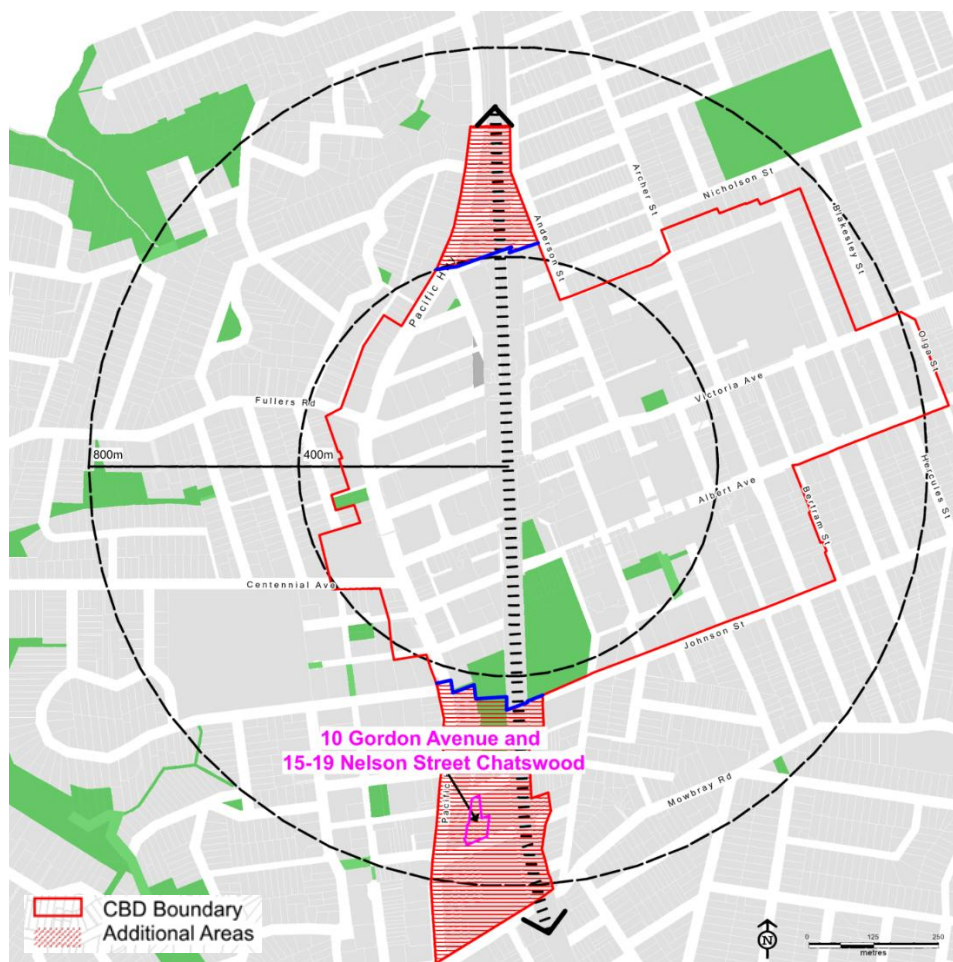
4. DISCUSSION

4.1 Exhibited Planning Proposal

The related Planning Proposal seeks to amend the Willoughby Local Environmental Plan 2012 as follows:

10 Gordon Avenue & 15-19 Nelson Street, Chatswood

- Rezone the land from R3 Medium Density Residential to B4 Mixed Use
- Increase the maximum building height from 12 metres to 90 metres
- Increase the maximum floor space ratio from 0.9:1 to 6:1



The proposed Willoughby Local Environmental Plan (LEP) amendments will result in increased density yielding additional residential floor space of approximately 9,914m² at this site (not including the 4% affordable housing to be provided to Council).

In line with Council's *Planning Agreement Policy* (Policy) and its *Procedures Manual* (Procedures Manual), an agreement for the Planning Proposal to make a contribution towards the provision of increased community infrastructure in response to the additional growth in this area is sought. The following public benefit item has been put forward by the proponent as part of the draft Planning Agreement.

4.2 Acceptance of monetary contribution offer

The developer had offered a monetary contribution of \$7,584,057 to be paid in three instalments at different stages of the development. The contribution is calculated based on the Community Infrastructure Contribution (CIC) rate of \$765 per additional m² of residential floor area. This is a transitional rate which Council allowed for applications that were already being negotiated before Council's Policy and Procedures Manual was adopted.

On 28 March 2022, Council resolved to adopt the final Policy and Procedures Manual and agreed to endorse the higher rate of \$900 per additional m² of residential floor area above existing LEP controls, to be applied to any Planning Agreement associated with a Planning Proposal lodged after the adoption of the Policy.

The related Planning Proposal was lodged on 2 June 2022, but substantial negotiations had already commenced at a pre-lodgement meeting that occurred on 16 February 2022 (before the Policy's adoption date). The former rate of \$765 per m² was therefore applied in this instance.

The monetary contribution will be applied towards aspects of community infrastructure works listed under the Community Infrastructure Contribution (CIC) works schedule of the adopted Policy and Procedures Manual, providing valuable public benefits to the Chatswood CBD community.

It is noted that if agreed, the Planning Agreement's monetary contribution will be in addition to section 7.11 development contribution applying at DA stage for the resulting residential dwellings, calculated indicatively at \$2,107,351.89 (assuming an average dwelling size of 90m² with a s7.11 rate of \$15,544 for a 2-bedroom unit).

4.3 Planning Agreement as drafted

The terms within the draft Planning Agreement (**Attachment 2**) for collecting the monetary contribution from the developer have been reviewed by Council's solicitors, Lindsay Taylor Lawyers.

The legal advice sought from Lindsay Taylor Lawyers helped to refine the terms and content of the Planning Agreement in preparation for Council's consideration for exhibition. Council's solicitor took into consideration relevant legislation including the *Environmental Planning and Assessment Act 1979*, *Regulation 2021* and the *Planning Agreement Practice Note – February 2021*. On the basis of the solicitor's advice, refinements were made to the draft Planning Agreement that align with Council's template and the Policy's *Procedures Manual* to ensure Council's best interests are served, negotiation rights are safeguarded, exposure to risk is minimised and the payment of the contribution would be secured.

5. CONCLUSION

The draft Planning Agreement outlining the terms for securing the monetary contribution offered have been carefully reviewed by Council's solicitors and is recommended for exhibition. The contribution offered under the Planning Agreement aligns with the Community Infrastructure Contribution scheme and the *Planning Agreement Policy* and its *Procedures Manual* which will provide valuable public benefits to the Chatswood community and is considered to be in the best interests of Council.

IMPLICATIONS COMMENT

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> <p>5.3 – Balance the creation of new public assets with the upgrade of existing public assets</p>
Business Plan Objectives, Outcomes/ Services	<p>To keep Councillors and the community informed in order to ensure transparency and confidence in the organisation.</p> <p>The monetary contributions received from the Planning Agreement will support Council's delivery of the capital works program, which will facilitate and enhance social outcomes for current and future residents within the Chatswood area of the LGA.</p>
Policy	The Planning Agreement ensures appropriate contributions are obtained from the Planning Proposal towards agreed items of public benefit and aligns with Council's <i>Planning Agreement Policy & Procedures Manual</i> which was adopted on 28 March 2022.
Consultation	The draft Planning Agreement is required to be placed on public exhibition for a period of 28 days in accordance with Section 7.5 of the <i>Environmental Planning and Assessment Act 1979</i> and Clause 204 of the <i>Environmental Planning and Assessment Regulation 2021</i> . Comments received will inform the finalisation of the Planning Agreement.
Resource	As conditioned in the terms of the draft Planning Agreement, the Developer will bear all reasonable costs of and incidentals for preparing, negotiating, executing, stamping and registering the subject Planning Agreement, and any charge, caveats or other documents related to the subject Planning Agreement.
Risk	The draft Planning Agreement has been prepared to ensure that it supports Council's mechanism for funding local infrastructure and is in accordance with all legislative requirements.
Legal	The draft Planning Agreement has been reviewed by lawyers acting for Council to ensure alignment with relevant legislation and regulations.
Legislation	The draft Planning Agreement has been prepared in accordance with Subdivision 2 of the <i>Environmental Planning and Assessment Act 1979</i> and Part 9, Division 1 of the <i>Environmental Planning and Assessment Regulation 2021</i> ensuring that all requirements under the Act and Regulations are met.
Budget/ Financial	Collecting developer contributions under a Planning Agreement is one of the funding mechanisms to assist with the provision of local infrastructure within the LGA. Contributions will be applied towards the different aspects of community infrastructure works that will provide valuable public benefits to the Chatswood community.

12.11 LOCAL PLANNING PANEL - CHANGES TO PANEL MEMBERSHIP

ATTACHMENTS:	1. IMPLICATIONS 2. CONFIDENTIAL - LOCAL PLANNING PANELS DIRECTION-APPOINTMENT OF NEW MEMBERS 3. CONFIDENTIAL - SUCCESSFUL COMMUNITY REPRESENTATIVE APPLICANT (ATTACHMENTS 2-3 INCLUDED IN CLOSED AGENDA)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTOR
AUTHOR:	MITCHELL NOBLE – HEAD OF PLANNING
CITY STRATEGY OUTCOME:	5.1 BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of additional appointments to the Willoughby Local Planning Panel, which are required to respond to legislative changes introduced by the State government.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Endorse the selection of additional expert members to the Willoughby Local Planning Panel for an initial period of one year (Attachment 2).**
- 2. Endorse the appointment of the additional Community Representative to the Willoughby Local Planning Panel for an initial period of one year (Attachment 3).**

3. BACKGROUND

Council resolved to create the Willoughby Local Planning Panel (WLPP) on 12 February 2018, following the mandatory introduction of Local Planning Panels by the NSW Government.

The panels were designed to remove the involvement of elected officials in the development assessment process, and put decision making before an independent panel. The four member panel consists of a chair, two independent experts appointed by Council from a pre-screened pool of suitably qualified people, plus a community representative.

This report seeks Council's endorsement of the selection and appointment of new expert panel members and community representatives.

4. DISCUSSION

Council is responsible for appointing the chair and members to the WLPP from a pool of experts that have gone through a rigorous recruitment process and have been approved by the Minister as being appropriately qualified and experienced. The aim is to strike a balance between technical experts making decisions in relation to planning issues, with the ability to incorporate legitimate and relevant local knowledge through the inclusion of community members.

Independent expert members are required to have expertise in one or more of the following fields: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism, or government and public administration. Panel chairs are required to have expertise in law or government and public administration. Community representatives are not required to have planning expertise. The role of the community representative is to ensure that local insights and knowledge are considered as part of the panel's decision-making.

Councillors, property developers and real estate agents are ineligible to be panel members as this undermines the objective of having DAs determined by independent experts, depoliticising the assessment process.

The referral criteria for both development applications and planning proposals has been set by the Minister for Planning.

The Willoughby Local Planning Panel determines development that falls into one or more of the following categories, which are set by the Minister for Planning:

- Development where Council has a conflict of interest (e.g. where Council owns the land or the applicant is a Councillor or a member of Parliament).
- Contentious development (e.g. where 10 or more unique submissions have been received).
- Development that exceeds a development standard by more than 10% (e.g. the maximum height of building control).
- Sensitive development such as designated development, demolition of a heritage item, residential flat buildings, and bars.

On 7 December 2022, the Minister for Planning introduced a range of changes to the operation of Local Planning Panels including:

- Mandating a minimum of 15 people in the pool of experts (Council currently has 7).
- Mandating a minimum of 4 people in the pool of community representatives (Council currently has 3).
- Requiring Local Planning Panel members to be rotated regularly so that there is randomisation of panel membership.
- Requiring probity checks, including police checks, for community representatives in Local Planning Panels, and a statutory declaration that representatives are not property developers or real estate agents.
- Clarifying that applicants can request to formally meet with Local Planning Panels to brief them on any project, and
- Implementing a framework for the Department to induct Local Planning Panel members.
- A summary of the proposed changes to membership of the Willoughby Local Planning Panel is provided below in Figure 1.

Figure 2: Summary of proposed changes

	Current	Proposed
Chair and alternates	1 chair 2 alternates	No change
Independent experts	7	17
Community representatives	3	4

In order to achieve legislative compliance, a selection panel comprising the Head of Planning, Team Leader Development Planning, and Team Leader Strategic Planning considered suitable candidates from the pre-approved list of expert members that had expressed an interest in working with Willoughby City Council. The recommended list of ten additional expert members is at **Attachment 2**.

The selection panel also sought expressions of interest over a six-week period for additional Community Representatives. Two applications were received and one applicant was deemed suitable for the role. Council currently has three community representatives, with one more being required to be legislatively compliant. The recommended additional Community Representative is outlined at **Attachment 3**.

5. CONCLUSION

The expansion of the membership of the Willoughby Local Planning Panel is required to meet legislative requirements introduced by the NSW Government in December 2022. The recommended appointments were selected from a pool of 218 members approved by the Minister.

An expression of interest process that was undertaken to identify suitable Community Representatives is complete, with one applicant selected. Approval is sought for Council to endorse the new independent experts and community representative to the Willoughby Local Planning Panel for an initial period of one year.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
Business Plan Objectives, Outcomes / Services	To keep Council and the Community informed of changes to Planning legislation and provide feedback to the State Government on proposed changes to the Willoughby Local Planning Panel.
Policy	There are no Policy implications applicable to this report.
Consultation	<p>The legislative reforms introduced by the NSW Government were not consulted on, so Council did not have the opportunity to provide feedback to inform the proposed changes.</p> <p>Council put out an expression of interest for approximately six weeks to seek applications to expand the pool of community representatives.</p>
Resource	There are no resource implications applicable to this report.
Risk	There are no risk implications applicable to this report.
Legal	There are no legal implications applicable to this report.
Legislation	State Government Legislation regarding the selection process and appointment of members to Local Planning Panels has been amended.
Budget/Financial	<p>The outcomes and implications of this report remain within approved budgets.</p> <p>Remuneration for the chair and panel members is in accordance with the Remuneration Determination issued by the Minister under the <i>Environmental Planning and Assessment Act 1979</i> on 23 February 2018.</p>

12.12 WCC PROPERTY REPORT - 26 APRIL 2023

ATTACHMENTS:	1. IMPLICATIONS 2. CONFIDENTIAL – LEASE SURRENDER / NEW LEASE / VARIATION OF LEASE 3. CONFIDENTIAL – VARIATION OF LEASE 4. CONFIDENTIAL – VACANCIES AND ARREARS (ATTACHMENTS 2-4 INCLUDED IN CLOSED AGENDA)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	RUPERT GILROY – PROPERTY MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

This report provides an update of Council's property lease portfolio.

2. OFFICER'S RECOMMENDATION

That Council:

1. Delegate authority to the CEO to negotiate and execute all documentation to facilitate entering into:
 - (a) a Deed of Surrender of Lease for a Unit at 25 Gibbes St;
 - (b) to negotiate and agree commercial terms, and execute a lease for a new tenant to occupy a Unit at 25 Gibbes st; and
 - (c) to execute Deed of Variation for existing leases as contained in Confidential Attachment 2 to the report.
2. Delegate authority to the CEO negotiate and execute a Deed of Variation for a Council owned property in Victoria Avenue, Chatswood as contained in Confidential Attachment 3 to the report.
3. Note the property lease portfolio report, including the information contained in Confidential Attachment 4.

3. BACKGROUND

This report is provided as a monthly report on Council's property lease portfolio, with public information outlined below and confidential information relating to this report is contained in **Attachments 2 - 4.**

4. DISCUSSION

REASON FOR CONFIDENTIALITY

Attachment 2 to 4 are Confidential in accordance with *Section 10A(2)(d)(i) 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

This paper is confidential as disclosure of information in it could put Council at a commercial disadvantage in its future dealings with external parties and would also make public commercially confidential information pertaining to the matters.

Tenant Update

Trading conditions at the Concourse continue to improve, and the majority of tenants are paying their rent, and back rent, on time. However, two tenants still owe considerable back rent remain a risk until it is collected, noting both tenants have put plans in place to ensure their rent balance is up to date.

The Gibbes Street industrial properties continue to trade well, with all tenants paying their rent on time. This is reflective of the work undertaken to re-position the tenant mix over the last two years to improve our tenant lease quality.

Rent arrears at 31 March 2023 is \$1,209,676 (28 February 2023 \$1,380,135).

Lease Expiries and New Leases

For the broader property portfolio:

- Leases Expiring - Nil this month to report on
- Active steps are being taken to lease vacant shops at The Concourse.

A summary of the expired leases and new leases is in **Attachment 4**.

5. CONCLUSION

The performance of Council's Concourse tenants is improving, however, some tenants are struggling to fully recover trade levels which existed prior to Covid lockdown periods. Council continues to work with these tenants to collect rental arrears.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The provision of the report is to inform Council of the current status of the financial performance of Council's property lease portfolio.
Policy	This report was produced pursuant to a resolution of Council.
Consultation	Council officers' preparation of this report was informed by ongoing communication with tenants of Council's leased properties.
Resource	There are no resourcing implications associated with this report's recommendation.
Risk	This report provides an overview of the leased property portfolio. For confidentiality reasons, it does not identify any commercial information for individual tenancies. Councillors can access further information pertaining to risks associated with individual tenancies in the accompanying confidential attachment.
Legal	Council's leases provide for formal action to be initiated where parties breach the terms of a lease.
Legislation	Any actions to be taken on individual tenancies will be in accordance with the provisions of the <i>Retail Leases Act 1994</i> and the <i>NSW Retail and Other Commercial Leases (COVID-19) Regulation 2022</i> .
Budget/Financial	Council holds bank guarantees for tenants in arrears and has made provisions for potential bad debts. Consequently, Council's lease portfolio represents an acceptable level of financial risk at this time.

12.13 NORTHERN SYDNEY REGIONAL WASTE STRATEGY

ATTACHMENTS:	1. IMPLICATIONS 2. NORTHERN SYDNEY REGIONAL WASTE STRATEGY 2022 (ATTACHMENT 2 INCLUDED IN ATTACHMENT BOOKLET 2)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT MANAGER
CITY STRATEGY OUTCOME:	1.4 – REDUCE ENERGY, WATER AND RESOURCE WASTE AND ENCOURAGE REUSE
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

This report seeks Council's approval to adopt the Northern Sydney Regional Waste Strategy 2022.

2. OFFICER'S RECOMMENDATION

That Council adopt the Northern Sydney Regional Waste Strategy 2022

3. BACKGROUND

The NSW Government 20-year *Waste and Sustainable Materials Strategy 2041* (WASM) was released in 2021. It sets new targets for all councils to create a circular economy and minimise emissions from waste. The *Northern Sydney Regional Waste Strategy (Attachment 2)* was released in 2022 as the regional response to the WASM.

It is intended that each member council will provide endorsement, signifying their commitment to being part of a successful strategic initiative for the region. This report seeks that endorsement from Council.

4. DISCUSSION

The Northern Sydney Regional Organisation of Councils (NSROC) has worked with councils at a regional scale for many years to address waste issues. Following the release of the *NSW Waste and Sustainable Material Strategy 2041*, NSROC worked with member councils to develop the *Northern Sydney Regional Waste Strategy 2022* (Strategy). This Strategy is the regional response to WASM and outlines regional priorities based on the needs and opportunities of member councils to work together. The Strategy provides a 20-year vision while focusing on initiatives in a five-year period from 2022 to 2027.

Consultation was undertaken with NSROC member councils to outline the Strategy's vision and to identify and prioritise key objectives and initiatives for the region. It reflects member council's priorities for regional action and developed the following vision:

A collaborative alliance of councils investigating and delivering balanced outcomes to recover resources, protect the environment and enhance community well-being.

It is anticipated that this vision will be achieved by pursuing regional objectives and long-term outcomes.

The NSROC Waste Strategy objectives align to the WASM priority areas of:

- Meeting our future infrastructure and service needs
- Reducing carbon emissions through better waste and material management
- Building on our work to protect the environment and human health from waste pollution.

As part of the process of developing the Strategy, there are five themes that have objectives and initiatives which have been prioritised for action. The five themes are:

Theme 1: Avoid and Reduce Waste

The key objective is to adopt a circular economy approach to reduce the Region's carbon emissions through reducing the waste generated per capita and consequently, carbon emissions. Initiatives include creating guidelines and educational resources to encourage the use of recycled content and innovative products. Further initiatives will involve developing educational opportunities for our communities through workshops and webinars on repairing goods and avoiding waste generation.

Theme 2: Recover Resources

The Federal and State resource recovery target has been set as 80% across all waste streams by 2030. The key objectives are to focus on plastic recycling and halving the amount of organics sent to landfill. To support this key objective, NSROC initiatives include a cost benefit analysis to identify pathways for the region to reach 80% diversion and a deep dive into an organics collection and processing service with a view to potential joint procurement and infrastructure. Also included is a plastics industry scan to better inform the region of opportunities to improve plastics recovery across the region.

Theme 3: Protect the Environment.

Poor waste management will damage our natural environment and potentially impact human health and community wellbeing. A coordinated regional approach plays an important role in protecting our environment. Key initiatives are focused on improving the recovery of problem waste streams and reducing illegal dumping and litter.

Theme 4: Strategic Collaboration

Strategic collaboration delivers efficiencies to member councils that can't be achieved alone. Of particular focus, is identifying infrastructure needs and creating roadmaps for suitable solutions. Key initiatives for the region include identifying potential transfer station sites and conducting a needs analysis including joint procurement options.

Theme 5: Education and Engagement

Education and continual engagement are necessary for the effective adoption of waste and resource recovery across the region. Initiatives include a regional approach to long-term behavior change programs to engage our communities in the areas of organics recovery, waste treatment technologies and to test community knowledge on waste. NSROC will lead advocacy and engagement with the Federal and State Governments, Industry, Councils and other regional organisations to provide strong promotion of best practice waste management.

The *NSROC Regional Waste Strategy 2022* aligns with the key drivers for Willoughby City Council. It aligns with Council's *Our Green City Plan 2028* resource recovery strategy to reduce the amount of waste sent to landfill and to reach net zero emissions by 2028. The collaborative efforts will enhance Willoughby's own endeavours in moving towards a circular economy and further strengthen our ability to engage our community. It provides a strong basis for decision making, both regionally and in our own Local Government area.

5. CONCLUSION

The adoption of the Strategy will assist Council to meet the requirements of the *NSW Waste and Sustainable Material Strategy 2041*.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Serving the best interest of the public when purchasing assets, goods, materials and services
Policy	This Strategy supports meeting Councils waste targets in <i>Our Green City Plan 2028</i>
Consultation	This Strategy was developed with NSROC member councils
Resource	The objectives proposed in the Strategy can be accommodated within existing resources
Risk	This Strategy will reduce the risk of failing to meet the NSW State Government <i>NSW Waste and Sustainable Material Strategy 2041</i>
Legal	Local Government Act 1993 – Section 496 (Domestic Waste Management Services)
Legislation	This Strategy responds to the NSW State Government <i>Waste and Sustainable Material Strategy 2041</i>
Budget/Financial	External funding areas have been identified for each objective in the Strategy

12.14 DEVELOPMENT ASSESSMENT REPORT - 1 JANUARY TO 31 MARCH 2023

ATTACHMENTS:	1. IMPLICATIONS 2. VARIATIONS TO DEVELOPMENT STANDARDS – QUARTER 3 3. APPLICATIONS DETERMINED – QUARTER 3 4. CURRENT DEVELOPMENT APPLICATIONS AS AT 31 MARCH 2023 (ATTACHMENTS 2-4 INCLUDED IN ATTACHMENT BOOKLET 2)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MITCHELL NOBLE – HEAD OF PLANNING
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

To provide Council with details relating to development assessment for Quarter 3 (1 January to 31 March 2023).

2. OFFICER'S RECOMMENDATION

That Council notes:

- 1. The variations to development standards and development applications determined under delegated authority during Quarter 3 (1 January to 31 March 2023).**
- 2. The current development applications list as at 31 March 2023.**

3. BACKGROUND

Quarterly reports are prepared for Council to note variations to development standards and applications determined under delegated authority (including those to be determined by the Sydney North Planning Panel) during that quarter.

This report presents Council with the results for quarter 3.

4. DISCUSSION

330 Development Applications were either lodged, under assessment or determined during Quarter 3, out of which 11 were determined by either Willoughby Local Planning Panel, Sydney North Planning Panel or the NSW Land and Environment Court.

One Development Application was withdrawn and therefore has been excluded in the total figures.

Variations to development standards

Eight applications were approved with a variation to development standards, of these 2 were approved by Council staff under delegation. Details are provided in **Attachment 2**.

Development Applications determined under delegated authority

67 Development Applications were determined under delegated authority during Quarter 3. **Attachment 3** provides details of these applications, arranged by suburb.

A summary of Development Applications determined under delegated authority during quarter 3 is shown in Figure 1.

Figure 1: Development Application determinations under delegated authority – Q3

Area	Consent	Deferred Commencement	Refused	Rejected	Total
Artarmon	10				10
Castle Cove	3				3
Castlecrag	4				4
Chatswood	15		2		17
Chatswood West	1				1
Lane Cove North	3				3
Middle Cove	2				2
Naremburn	4				4
North Willoughby	2				2
Northbridge	9		1		10
Roseville	5				5
St Leonards	0				0
Willoughby	2				2
Willoughby East	3		1		4
Total	63		4		67

Four Development Applications were refused under delegated authority during Quarter 3:

1. 8 Dowel Street, Chatswood

Reasons for refusal were noted as follows:

1. Development does not satisfy one objective of the R2 Low Density Residential zone regarding Heritage Values.
2. Development does not satisfy the Heritage Conservation objectives of Clause 5.10 of the Willoughby Local Environmental Plan 2012 (WLEP).
3. Development does not satisfy the following aims contained in Clause 1.2(2) of the WLEP with regards to urban design, heritage and access.
4. The proposed development does not meet the controls contained in Part C.4.6 of Willoughby Development Control Plan (WDCP) in respect to the siting of car parking spaces and impact on vegetation.
5. Does not meet with the objectives of Part C.9 of WDCP in respect to preventing the unnecessary removal of trees and vegetation and to protect vegetation considered significant due to heritage criteria.
6. Does not meet with the controls of Part C9.5.2 of WDCP to preserve and enhance features which contribute to the landscaping qualities of the area.
7. Development does not meet the objectives and controls contained in Part D.1.4.1 of WDCP to preserve and enhance features which contribute to the landscaping qualities of the area.

8. Proposed development does not meet the intent and controls contained in Part H.3.11 of WDCP to retain landscaped settings by minimising hard surfaces forward of the building line, locating car parking structures behind the building alignment and maintaining the existing patterns of low/semi-transparent fencing to the street.
9. Proposed development does not meet the objectives contained in Part H.2.2 (E) of WDCP to reasonable on site car parking behind the building line where an alternative exists while retaining the character and significance of the heritage conservation area.
10. Proposed development does not meet the objectives contained in Part H.2.2 (F) of WDCP front fencing meeting the scale requirements for the conservation zone.
11. Development does not meet with the management policies of the North Chatswood Heritage Conservation zone location under Part H.3.11 of WDCP in maintaining a typical scale, rhythm and character of the streetscape, whilst minimising hard surfaces, retaining landscaped setting and locating parking structures behind the building alignment.
12. Development does not meet the control requirements of Part D.1.8.3.1 of WDCP development fails to meet with the minimum soft landscaped areas for the property.
13. The location of the off-street hard stand parking space within the primary building line, will be visually obtrusive and not a suitable development for the property.
14. Development will set an undesirable precedent and the proposal's non-compliance with the relevant controls and would not be in the public interest.
15. Development will generate adverse streetscape impacts that are inappropriate and not considered to be in the interests of the public given alternative vehicular access exists to the rear of the site via Boronia Lane.

2. 126 Greville Street & 23-25 Millwood Avenue, Chatswood West

Reasons for refusal were noted as follows:

1. Pursuant to Section 4.13 (1) of the Environmental Planning and Assessment Act 1979, the proposed development does not receive concurrence to undertake the development from Transport for NSW under s138 of the Roads Act 1993.
2. Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development proposes amended access arrangements which would have impact to both safety and functionality of the site and the locality.
3. Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development would provide an amended access which is not suitable for the site as proposed.
4. Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest given that Transport for NSW has refused concurrence.

3. 5 Tarakan Crescent, Northbridge

Reasons for refusal were noted as follows:

1. The proposal does not comply the following requirements of Willoughby Local Environmental Plan:
 - (a) Clause 5.21 Flood planning as the applicant has not satisfied Council that the development:
 - i. is compatible with the flood function and behaviour on the land, or
 - ii. will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.
2. The proposal does not comply with the following requirements of Willoughby DCP:
 - (a) Clause 5.4.1 Site specific requirements because information has not been submitted with the application that considers potential flooding from overland flow paths,

- (b) Clause 5.5.3 Technical Standard No. 2 Floodplain Management because a flood study, prepared by a suitably qualified person, has not been submitted to enable the overland flow volume, depth, velocity and extent of inundation to be ascertained.
- (c) Clause D1.7 Building Envelopes and Setbacks:
 - i. Control 1 – building envelope, and
 - ii. Control 2 – street setback.

4. 137 High Street, Willoughby East

Reasons for refusal were noted as follows:

1. Development does not meet the Performance criteria of Part C.4.6 of WDCP as the proposed development will be visually dominant, concealing a large portion of the street façade and not blended into the predominant streetscape form.
2. Development does not meet the Control requirements of Part C.4.6.1(iv) of WDCP as the proposed development is not a single open carport structure within the primary front building line.
3. Development does not meet with the desired future character of the East Willoughby location under Part D.1.2.6 of WDCP.
4. Proposed development forward of the primary building line is excessive in scale and will not reinforce the established streetscape patterns.
5. Development does not meet the Control requirements of Part D.1.8.3.1 of WDCP as the development fails to meet with the minimum soft landscaped areas for the property.
6. Development does not meet the Control requirements of Part D.1.8.3.3(ii) of WDCP fails to meet with the minimum 50% soft landscaped areas forward of the building line.
7. The location of the double carport within the primary building line, adjacent to an existing a double driveway, is a visually dominant built form.
8. Development will set an undesirable precedent.

Current development applications

252 development applications were under assessment as at 31 March 2023.

A summary of development applications (shown by approving authority) is shown in Figure 2.

Figure 2: Current development applications as at 31 March 2023

Approving Authority	
Delegation	202
Willoughby Local Planning Panel	36
Land and Environment Court	9
Sydney North Planning Panel	5
Total	252

In addition, 10 Planning Proposals Applications were either being assessed or progressed by Council, details of which are shown in **Attachment 4**.

5. CONCLUSION

The information for Quarter 3 2022/23 is now available for Council to note.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	<p>To ensure appropriate planning principles are applied to all new development in order to achieve a liveable, sustainable and resilient city.</p> <p>To keep Councillors and the community informed in order to ensure transparency and confidence in the organisation.</p>
Policy	There are no policy implications resulting from this report.
Consultation	Consultation is undertaken in accordance with Council's notification policy.
Resource	Assessments are undertaken within Council's resource allocation.
Risk	Each assessment considers risks of the relevant development and conditions the applications appropriately.
Legal	There are no legal implications resulting from this report.
Legislation	Applications are assessed in accordance with the <i>Environmental Planning & Assessment Act 1979</i> .
Budget/Financial	Council's costs of assessing Development Applications are within the budget allocation for 2022/23. The costs are offset in part from the income derived from application fees in accordance with Council's adopted fees and charges.

12.15 OUTCOME OF COUNCIL RESOLUTION NOM 19/2022 - WESTERN HARBOUR TUNNEL AND BEACHES LINK PROJECTS

ATTACHMENTS:	1. IMPLICATIONS 2. DETAILS OF MEETINGS HELD WITH INNER WEST, NORTH SYDNEY AND CITY OF SYDNEY COUNCIL
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CHRIS BINNS – EXECUTIVE MANAGER STRATEGY & REFORM
CITY STRATEGY OUTCOME:	2.1 - ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 3.4 - CREATE DESIRABLE PLACES TO BE AND ENJOY 5.4 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

To provide Council an update on the status of the Beaches Link tunnel project and to inform Council of the outcomes of Council Resolution 19/2022 – Western Harbour Tunnel and Beaches Link.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Note that the resolutions of Council on the Western Harbour Tunnel and Beaches Link projects have been completed.**
- 2. Note the Beaches Link project is highly unlikely to proceed in the near future and officers will maintain a watching brief on any potential reactivation of the project.**
- 3. Note that significant additional resources would need to be committed to undertake many of the actions reflected in the lessons learned by other Councils.**

3. BACKGROUND

Council passed Resolution 19/2022 (Western Harbour Tunnel and Beaches Link Projects) at the 31 October 2022 general meeting as follows:

That Council:

1. *Acknowledge the Member for Willoughby's statement of Friday 21 October 2022 indicating he opposes the Beaches Link tunnel project and cannot support it in its current form.*
2. *Call on the NSW Government not to enter into any further contracts or tenders associated with the Western Harbour Tunnel and Beaches Link toll road projects prior to the March election 2023. Key representatives to contact are: Premier; Treasurer; Minister for Metropolitan Roads; Minister for Environment and Heritage; Minister for Infrastructure, Cities, Active Transport; Minister for Planning; Member for Willoughby.*
3. *Write to the NSW Opposition seeking their commitment that, if elected, they will halt and review the Western Harbour Tunnel toll road and terminate the Beaches Link toll road project. Key representatives to contact are: Leader of the Opposition; Shadow Treasurer; Shadow Minister for Roads; Shadow Minister for Environment and Heritage; Shadow Minister for Transport.*
4. *Engage and collaborate through knowledge sharing with impacted councils including North Sydney to identify and address any measures that are needed to safeguard the community and environment in the Willoughby Local Government Area to prevent further impacts associated with the Western Harbour Tunnel and Beaches Link.*

Regarding resolution 1 - This was acknowledged by Council through its resolution.

Regarding resolution 2 - Letters were sent by Mayor Taylor to the then Premier (Dominic Perrottet) and all listed NSW Government ministers on 9 November 2022. Follow-up letters were sent on 20 March 2023. Council is awaiting full responses.

Regarding resolution 3 - Letters were sent by Mayor Taylor to the then NSW Opposition Leader (Chris Minns) and all listed NSW opposition shadow ministers on 9 November 2022. Follow-up letters were sent on 20 March 2023. Council is awaiting full responses.

Regarding resolution 4 - Letters were sent by Mayor Taylor to the Mayors of Inner West, North Sydney and City of Sydney Councils on 22 December 2022. These letters requested meetings to understand: key learnings from their experience with the WestConnex, Western Harbour Tunnel and Warringah Freeway Upgrade projects and how Council could apply these learnings particularly with the Beaches Link project.

Meetings were held with each Council in February and March 2023.

4. DISCUSSION

Regarding resolution 4, the now Premier, Chris Minns MP, pledged in early October 2022 as part of his Labour Party election campaign that he would scrap the proposed \$10bn Beaches Link tunnel project. That pledge was supported by the lack of substantive budget, inflationary and supply pressures in acquiring skills, labour and materials and the prospect of a slow-down in the economy.

Further, in early December 2022, a Parliamentary Inquiry by the Upper House Public Works Committee recommended that the Beaches Link tunnel project not proceed on the grounds that:

- There was a lack of transparency in the planning of the project and that no business case had been publicly released;
- The proposal and the Environmental Impact Statement (EIS) did not adequately consider the integration of active or public transport;
- Procurement processes led to delays and the accrual of additional costs, and
- The environmental impact on air and water resources was notable.

These concerns, and many others, were raised by Council in its submission on the Beaches Link EIS and to the subsequent Parliamentary Inquiry.

Although no formal cancellation statement has been made by the NSW Government given the pre-election commitments made, there is a high level of confidence that the Beaches Link tunnel project will not proceed in the near future. The project is also yet to receive any form of State Government planning approval.

Should there be a change in the NSW Government's present view that triggers reactivation of the project through the allocation of substantial budget funding, further studies and explorative work or progressing the planning approvals process, then the lessons learned from speaking with Councils may require further consideration. The learnings offered by Councils who navigated through the Westconnex and Western Harbour Tunnel projects are appreciated.

If the Beaches Link project is reactivated, close consideration of the necessary staff resources to understand the construction phase, challenge plans and assumptions, and manage community input will be needed. Council does not currently have the staff resource capacity to manage the extensive workloads arising from the combined learnings of other Councils on this NSW Government project.

At this time, and with the limited information at hand, staff will maintain a watching brief over the project and will alert Council to any signs of reactivation.

LEARNINGS FROM OTHER COUNCILS

The Mayor and Council staff met with the Mayors and staff from Inner West, North Sydney and City of Sydney Councils in February and March 2023. A summary of key learnings provided at these meetings are provided below and in **Attachment 2**. It is notable that some of the actions put forward were planned and implemented, while others were recommended as learnings in hindsight. The learnings are themed across four key areas:

Council governance, communication, instruction and resourcing

- Council needs to be firm in its position opposing the project (Beaches Link). However, Council needs to balance taking this hard line with the reality of needing to work with Transport for NSW (TfNSW) on addressing issues, should the project proceed.
- Councillors need to be explicit in their instructions via resolutions so that staff have clarity in what is being asked of them.
- Council should be ambitious and articulate its goals; engage professional consultants to show TfNSW the Council's visions and plans (e.g. for a certain street, area or for a specific issue).
- Ideally Council would have comprehensive strategies and plans in place that are current and relevant to shape and guide the project.
- It would be in Council's interest to request that TfNSW fund Council-NSW Government liaison officers given the amount of work that will be required to manage impacts with the Beaches Link project if it does proceed.

Communication and engagement with the community

- Be an advocate for residents and work collaboratively with them.
- Distribute information in plain English; cut through the dense documentation of the Environmental Impact Statement (EIS) and make it very clear how people will be impacted.
- Make messaging related to tree removal as detailed as possible so that the community fully understands the impact.
- Be prepared for how distressing and traumatic the project can be on the community, particularly in relation to tree removal and destruction of habitat.
- Engage community development staff to manage the social, psychological and emotional impacts on the community.
- Tell residents / businesses to seek legal advice in regards to any compulsory acquisition, as Council's ability to assist is very limited.

Approvals and agreements

- Work with the Department of Planning (DPE) on conditions of consent; insist on very specific wording as vaguely worded conditions create problems in the future.
- Council should encourage DPE to enforce conditions of consent.
- Council should settle the interface agreement with TfNSW early. It is an important contract that structures the relationship and provides essential structure to all negotiations.
- Focus input at early stages, as after contracts are signed, it is difficult to effect real change.
- Be proactive with TfNSW in terms of negotiations on land acquisition. Get compensation for any land acquisition (whether temporary or permanent).

Liaison with Transport for NSW (TfNSW) and contractors

- Continue to insist that the NSW Government release the business case for the Beaches Link project.
- Push TfNSW and the contractors to engage in meaningful consultation, not just briefings.
- Ensure Council officers have direct relationships with relevant staff within TfNSW.
- When TfNSW defer to information in the EIS, it would be in Council's best interests to challenge this. The EIS is a conceptual approval and specific information needs to be provided at later stages.
- Council should know what it wants to receive after construction of the project and get formal, written agreement on what TfNSW and contractors will hand back to Council.
- Obtain grants to fund any smaller projects (e.g. local area traffic management) that will result from the main project. Ensure mitigation measures are in place before completion of the main project.
- Council should be aware that contractors would have many obligations to meet prior to the opening of the project.

5. CONCLUSION

Given the recent change of NSW Government, there is a high level of confidence that the Beaches Link tunnel project will not proceed in the near future, however Council staff will maintain a watching brief on the Beaches Link tunnel project for any signs of reactivation and will alert Council accordingly.

The agreed Council resolutions from Notice of Motion 19/2022 have now been actioned and finalised as detailed in this report.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.1 – Enhance transport choices and connection throughout the City 3.4 - Create desirable places to be and enjoy 5.4 - Anticipate and respond to changing community and customer needs
Business Plan Objectives, Outcomes / Services	To support the Strategic Directions of <i>Willoughby Integrated Transport Strategy (ITS) 2036</i> which in turn aligns with the Outcomes of <i>Our Future Willoughby 2028 – Community Strategic Plan</i> .
Policy	N/A
Consultation	Meetings were held with Mayors and staff of Inner West, North Sydney and City of Councils as detailed in the report and Attachment 2.
Resource	Existing Council staff resources.
Risk	There are no specific risks arising from this report.
Legal	There are no legal implications arising from this report.
Legislation	The development of this report is not driven by specific legislation.
Budget/Financial	Depending on future decisions of Council, further budgetary resources may need be allocated to Council's liaison with Transport for NSW, contractors and the community in relation to the Western Harbour Tunnel and Beaches Link projects.

ATTACHMENT 2

Details of meetings held with Inner West, North Sydney and City of Sydney Councils

All meetings were held virtually via Microsoft Teams.

Date and Time	Council	Attendees (Willoughby City Council)	Attendees (other Council)
1 February 2023 11:30am-12:15pm	Inner West Council	Clr Tanya Taylor – Mayor Clr Georgie Roussac Mitchell Noble – Head of Planning Norma Shankie-Williams – Strategic Planning Team Leader Andrew Gillies – Strategic Transport Planner	Clr Darcy Byrne – Mayor
9 March 2023 10:30-11:40am	North Sydney Council	Clr Tanya Taylor – Mayor Clr Georgie Roussac Mitchell Noble – Head of Planning Norma Shankie-Williams – Strategic Planning Team Leader Andrew Gillies – Strategic Transport Planner	Clr Zoe Baker – Mayor Gavin McConnell – Public Projects Interface Manager Jon Higlett – Chief Engineer and A/Director, Engineering Services Joseph Hill – Director, City Strategy Sandra Moore – Manager, Communications & Events
15 March 2023 3:00-4:00pm	City of Sydney Council	Clr Tanya Taylor – Mayor Mitchell Noble – Head of Planning Norma Shankie-Williams – Strategic Planning Team Leader Andrew Gillies – Strategic Transport Planner	Pauline Lockie – Community Response and Engagement Manager (Also councillor for Inner West Council) Sebastian Smyth – Executive Manager, City Access and Transport

COMMUNITY, CULTURE & LEISURE DIRECTORATE

12.16 GRANTS FOR THE COMMUNITY PROGRAM 2022-2023 APPLICATIONS - FEBRUARY/MARCH 2023

ATTACHMENTS:	1. IMPLICATIONS 2. RECOMMENDED APPLICATIONS
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	TRACEY WALKER – COMMUNITY PROJECTS OFFICER
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	26 APRIL 2023

1. PURPOSE OF REPORT

To seek Council's consideration and resolution regarding a non-conforming grant application under the Grants for the Community Program for the 2022/23 financial year.

2. OFFICER'S RECOMMENDATION

That Council considers the distribution of funds through the 2022/23 Grants for the Community Program - Category 1 as follows:

Northside Broadcasting Cooperative Limited - 40 Year Anniversary Event: \$7,500

3. BACKGROUND

The Grants for the Community Program was adopted by Council in June 2021, and provides grants of up to \$7,500 to not for profit and sporting organisations, individuals, small businesses, social enterprises and performing arts organisations operating in the Willoughby Local Government Area (LGA).

Under the Program, applications may be submitted all year round and recommended applications are tabled at Council Meetings each month (or as required) for endorsement.

This report details a non-complying application received in February 2023 – March 2023 for Category 1 - Grants for the Community.

4. DISCUSSION

The Grants for the Community Program has an annual budget of \$169,569. Council has endorsed \$124,744 for distribution in the 2022/23 financial year, with \$44,825 of funds remaining.

4.1 – Category 1 - Grants for the Community Program

This funding provides grants of up to \$7,500 to not for profit and sporting organisations, individuals, small businesses, social enterprises and performing arts organisations operating in the Willoughby LGA.

Grants for the Community criteria.

Applicants must;

1. Be a not for profit, incorporated group or group with an auspice by an incorporated body. Profit making organisations may apply within the Green or Prosperous and Vibrant grant streams.
2. Be a community sporting group or individual athlete (Liveable grant stream only)
3. Offer services to residents in the Willoughby LGA
4. Meet the grant eligibility criteria
5. Demonstrate in your application the ability to successfully deliver the project
6. Demonstrate in your application how the project aligns with at least one of Council's CSP priorities
7. Only submit one application per applicant per year
8. Have current Public Liability Insurance (\$10 million)

Council received a total of one application across February 2023 – March 2023.

Total Amount being sought:	\$7,500
WCC Officer Recommendation:	\$7,500

The awarding of the funding is put forward for Council's consideration as it does not comply with Council's policy. The application is detailed in **Attachment 2**.

If endorsed, \$37,325 will remain in the Grants for the Community Program budget for the remainder of the 2022/23 financial year.

Northside Broadcasting Co-operative Ltd second application in 2022/2023

At its meeting on 31 October 2022, the Council endorsed a \$3,574 grant for broadcasting equipment for the applicant Northside Broadcasting Co-operative Ltd (Northside Radio). This application was part of the 2022/2023 Grants for the Community Program funding.

Northside Radio's current application is seeking funds to celebrate their 40th anniversary with the community. The application indicates Northside Radio is operated by volunteers and is Sydney's second oldest sub-metropolitan community radio station.

The celebration will be held on 20 May 2023 at The Concourse and will include a program of musical concerts as well as recording live from the venue with the community. This event will be a celebration to highlight the station's contribution over 40 years of keeping the North Shore informed and entertained.

To support the production of this event Northside Broadcasting Co-operative Ltd have submitted an application in March 2023 for \$7,500. This application will be the second application within the 2022/2023 financial year. *Grants for the Community Guidelines* state in eligibility criteria point 7 that applicants may only submit one application per year.

The community event aligns with Council's CSP outcomes 2.2 *Respect and celebrate our indigenous and non-indigenous history and heritage* and 2.7 *Promote accessible services and facilities for the community*.

Officers note that this application is not eligible for funding under the eligibility criteria. Should Council wish, it could waive its policy for this application; and this application only so as not to set further precedents. If the Council supports the application, it may consider imposing a further condition that prevents Northside Broadcasting Co-operative Ltd applying for a community grant in the next (2023/24) financial year.

To assist Council in ensuring that no precedents are set, a model recommendation is provided hereafter:

That Council:

Considers waiving, for this application from Northside Broadcasting Cooperative Ltd only, the eligibility criteria requirement preventing the awarding of a second grant under the Community Program in the same financial year, owing to the significance and timing of the event.

Considers the following condition of approval: "Notes the approval to award a second grant in the 2022/23 financial year, renders Northside Broadcasting Co-operative Ltd ineligible to apply for or receive Grants for the Community funding during the 2023/24 financial year, due to the waiving of the eligibility requirements for this application and in order to restore the equitable distribution of Grants for the Community funding."

5. CONCLUSION

The Grants for the Community Program allows Willoughby City Council to recognise and support the vital contribution of our local community groups, performing arts groups, sporting organisations, businesses and social enterprises in developing and delivering projects that build the social, cultural, economic and environmental life of the Willoughby LGA.

The report provides a request from Northside Broadcasting Cooperative Ltd which is non-complaint with Council's policy for Council's consideration.

IMPLICATIONS	COMMENT
City Strategy Outcome	2.7 – Promote accessible services for the community 5.4 – Anticipate and respond to changing community and customer needs
Business Plan Objectives, Outcomes / Services	The recommendations of this report support the Community Life Business Plan outcome to support community organisations to improve their ability to plan and deliver appropriate and accessible services to the community.
Policy	The application meets the eligibility requirements of the <i>Grants for the Community Program</i> .
Consultation	Eligible organisations, businesses and individuals are advised of the funding round.
Resource	Managed with existing resources.
Risk	The level of risk associated with the contents of this report is low, under Council's <i>Risk Management Framework</i> .
Legal	The distribution of grants funds recommended in this report meets legal requirements under for the provision of financial assistance of the <i>Local Government Act 1993, Section 356</i> .
Legislation	<i>Local Government Act 1993, Section 356</i> .
Budget/Financial	The recommended funding amount in this report is allocated within the 2022/23 operational budget.

ATTACHMENT 2

RECOMMENDED APPLICATIONS – FEBRUARY 2023 – MARCH 2023
GRANTS FOR THE COMMUNITY PROGRAM

Category 1 – Grants for the Community Applicants

APPLICANT	MEETS CRITERIA	AMOUNT REQUEST	AMOUNT RECOMMEND	PROJECT OUTLINE
Northside Broadcasting Cooperative Limited	No – second application in a year.	\$7,500	\$7,500	<p>40th year Anniversary of Northside Radio 'On Air'</p> <p>Community fun event - to highlight the station's contribution over 40 years of keeping the North Shore informed of happenings and issues that effect it and provide appropriate entertainment.</p> <p>Officers recommend full funding. However, officers ask Council to consider full funding given that this is a one off, time sensitive grant.</p>
TOTAL		\$7,500	\$7,500	

13 NOTICES OF MOTION

NIL

14 QUESTIONS WITH NOTICE

14.1 QUESTION WITH NOTICE 03/2023 - IS COUNCIL CONSIDERING SETTING UP A FAN ZONE FOR THE FIFA WOMEN'S WORLD CUP 2023?

RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIET ROSSER – ARTS & EVENTS MANAGER
CITY STRATEGY OUTCOME:	3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE 4.2 – BUILD AND SUPPORT A NIGHT-TIME ECONOMY 4.4 – ATTRACT VISITORS AND PROMOTE LOCAL DESTINATION-BASED TOURISM
MEETING DATE:	26 APRIL 2023

Submitted by: Councillor Roy McCullagh

QUESTION

The upcoming FIFA Women's World Cup is a superb opportunity for Council to bring the Willoughby community together to celebrate Australia hosting the Women's World Cup and the achievements of the Matilda's. Not all of our residents have access to pay per view channels and Fan Zones can create memorable occasions with access to broadcast games.

Is Council considering setting up a Fan Zone site for the FIFA Women's World Cup 2023 and what are the requirements for such an event?

This is a once in a lifetime opportunity for the community to come together to support the Matilda's and of course their country of heritage, and provides potential opportunities to share our passion for sports, food and entertainment which could be embraced by local businesses .

ANSWER

The Northern Suburbs Football Association (NSFA) is exploring a live activation site at The Concourse during the FIFA Women's World Cup. The NSFA are liaising with FIFA directly to understand the requirements for such an event.

If able to progress, the current planning is for NSFA to host live events on

- Thursday 27 July: Australia vs Nigeria (7pm – 10pm)
- Monday 31 July: Australia vs Canada (7pm – 10pm)

They will also look for other potential dates.

During the live streams, NSFA will have stalls providing club information and a competition area using the NSFA Dartboard. They will approach restaurants at The Concourse to create package deals or meal specials during the games.

The NSFA oversees community football in the northern suburbs region from the harbour to Hawkesbury. They have 30 member clubs, 18,100+ players and a female football strategy.

The reach of the NSFA to attract audiences to Chatswood will have a positive economic impact on the area.

Financial Impact

If the live activation site approval is gained from FIFA, Council's contribution will be covering the fee for the hire of The Concourse i.e. waiving payment of full commercial hire fee of \$2300 per day by NFSA. The Fan Zone FIFA license fee, promotion and management of the site will be the responsibility of the NFSA as the organiser.

14.2 QUESTION WITH NOTICE 04/2023 - BANK BRANCH CLOSURES SINCE JANUARY 2018

RESPONSIBLE OFFICER: DEBRA JUST – CHIEF EXECUTIVE OFFICER

AUTHOR: JOHN ELLIOTT – ECONOMIC DEVELOPMENT MANAGER

CITY STRATEGY OUTCOME: 4.1 – FACILITATE THE DEVELOPMENT OF ALL BUSINESSES

MEETING DATE: 26 APRIL 2023

Submitted by: Councillor Roy McCullagh

QUESTION

How many bank branches have closed their in the Willoughby LGA since January 2018?

The issue of bank closures has been raised with me by a number of residents and local businesses of Northbridge, Castlecrag and Willoughby South. They now have to travel to suburbs such as Chatswood, Crows Nest and Lane Cove. This is a challenge for residents who do not have easy access to internet banking or transport. I am conducting research into this issue and this information would be appreciated. There is currently a NSW Government Senate enquiry underway into the impact of branch closures on regional communities , however metropolitan communities are also impacted.

ANSWER

Staff have not been able to establish the number of banks, building societies and other banking institutions which have closed since January 2018 as requested by Councillor McCullagh to assist his research.

As noted by Councillor McCullagh, banking services are available within close proximity, and though Australia Post outlets for over the counter transactions thereby providing a level of service in every local centre.

Residents and businesses are advised to liaise direct with their individual banks about specific concerns they have.

15 CONFIDENTIAL MATTERS**15.1 CONFIDENTIAL - REVIEW OF SERVICES OPERATING MODEL**

ATTACHMENTS:	1. IMPLICATIONS 2. FINANCIAL RESULTS 3. FINANCIAL RESULTS BY LOCATION
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	26 APRIL 2023

REASON FOR CONFIDENTIALITY

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

a) personnel matters concerning particular individuals (other than councillors)
This report is confidential as it provides Councillors information relating to the review of services. On balance, it is not in the public interest to release information that involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors).

CONFIDENTIAL ATTACHMENTS

12.6	LEGAL MATTERS REPORTS – APRIL 2023
12.11	LOCAL PLANNING PANEL – CHANGES TO PANEL MEMBERSHIP
12.12	WCC PROPERTY REPORT – 26 APRIL 2023

16 CONCLUSION OF THE MEETING