



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 13 September 2021
commencing at 7:00pm

The Meeting is open to the Public

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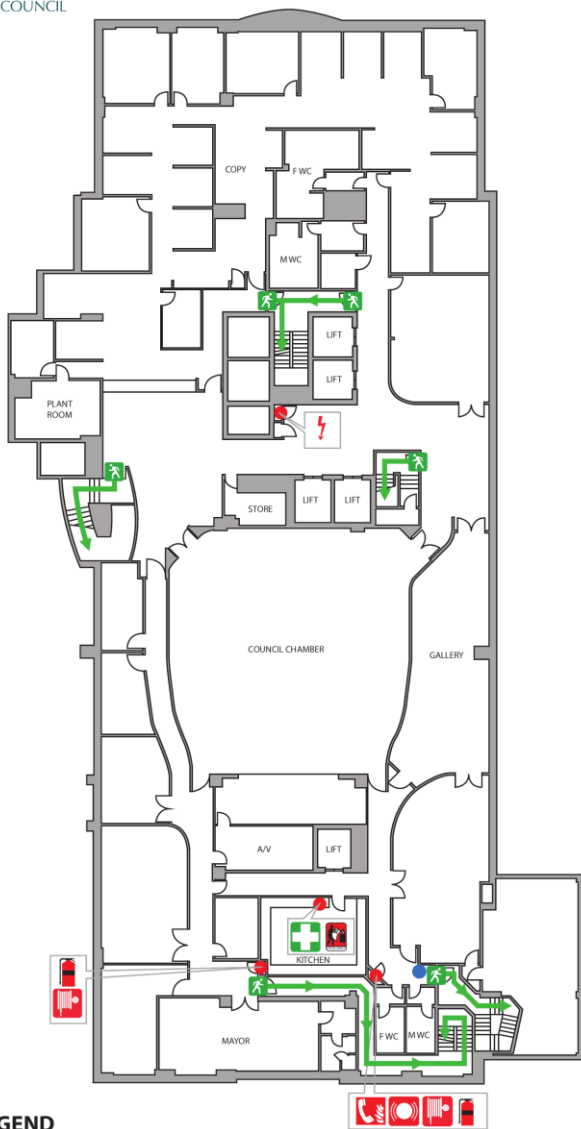
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WILLOUGHBY CITY COUNCIL

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 BEEEP..BEEEP..BEEEP.
 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

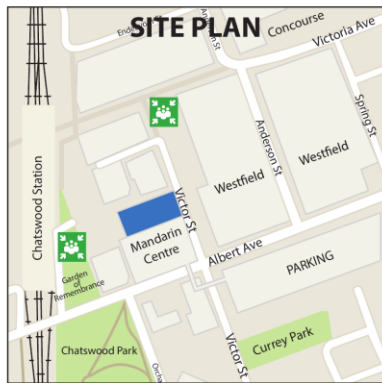
LEGEND

	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

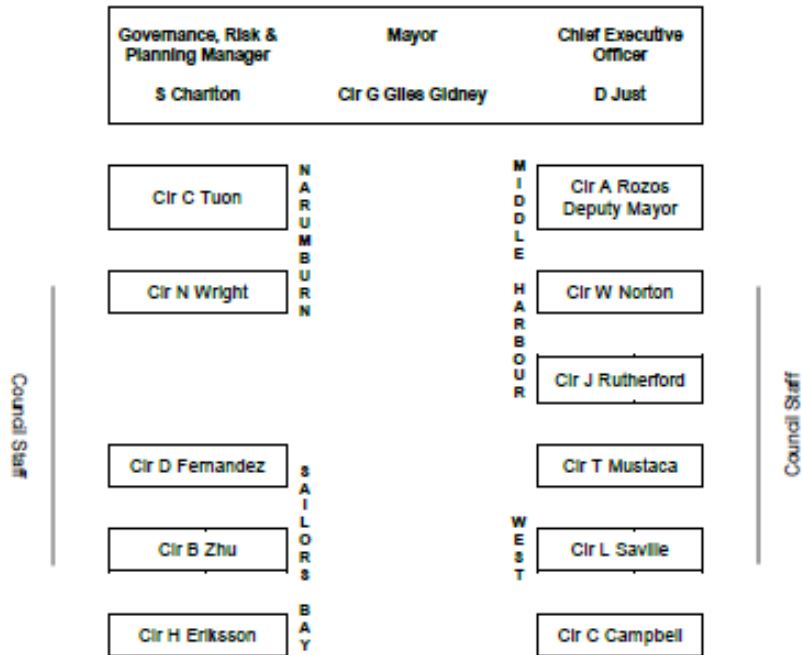


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COUNCIL CHAMBERS





Council Chamber Protocol

Ordinary Council Meetings are held on the second 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 a person 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 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 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 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.

1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY

2 DISCLOSURES OF INTERESTS

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 2 August 2021, copies of which have been circulated to each member of Council, be confirmed.

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

5 PETITIONS

6 OPEN FORUM — MATTERS NOT ON THE AGENDA

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).

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE 06/2021 - INFRASTRUCTURE CONTRIBUTIONS REFORMS CAMPAIGN UPDATE**

ATTACHMENTS: 1. NSROC UPDATE: INFRASTRUCUTRE CONTRIBUTIONS ADVOCACY

MEETING DATE: 13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To seek Council's formal confirmation of its continued support for the local government sector's campaign regarding infrastructure contributions reforms.

2. DISCUSSION

The NSW Government's proposed infrastructure contributions reforms continue to threaten our community's access to vital community infrastructure as Willoughby City's population grows. Many of the implications of the reforms remain unknown, and could involve a drastic shift of costs for community infrastructure in Willoughby from developers to ratepayers.

As Councillors know, the NSW Government introduced the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* (the Bill) to Parliament on 22 June. The Bill was referred on 24 June 2021 to the Legislative Council's Portfolio Committee No. 7 – Planning and Environment for inquiry and report by 10 August 2021.

At the Council Meeting of 12 July 2021, Council supported a Mayoral Minute regarding the proposed reforms, which threaten to considerably reduce the quality of Willoughby's places and spaces for decades to come, or require Council to impose significantly higher rates on ratepayers, or both. Specifically, Council resolved as follows:

1. *Note the significant impact on revenue of the NSW Government's proposed reforms to infrastructure contributions and that Willoughby City Council could lose \$100 million over 20 years.*
2. *Support Local Government NSW and North Shore Region of Councils (NSROC) advocacy efforts including submissions to the Parliamentary Inquiry into the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021.*
3. *Write to the:*
 - a. *Premier, The Hon Gladys Berejiklian*
 - b. *Treasurer, The Hon Dominic Perrottet*
 - c. *Minister for Planning and Open Space, The Hon Robert Stokes*
 - d. *Minister for Local Government, The Hon Shelley Hancock*

- e. *Opposition Leader Mr Chris Minns and*
- f. *local Members of Parliament The Hon. Gladys Berejiklian MP (Member for Willoughby), The Hon. Jonathon O’Dea MP (Member for Davidson) and The Hon. Anthony Roberts MP (Member for Lane Cove)*
to advocate for additional modelling, consultation and a mechanism to ensure that contributions are paid in a timely way and that no council is worse off under the proposed reforms.

At the same meeting, Council received an officer’s report regarding infrastructure contributions reforms, and resolved to:

1. *Call on the NSW Parliament to halt progress of the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 until genuine consultation, detailed modelling, and credible impact assessment are undertaken, and it can be demonstrated that no council will be worse off.*
2. *Note that independent modelling indicates that Willoughby City Council could lose almost \$100m in infrastructure contributions over 20 years if the reforms proceed, leading to a reduction in facilities available to the community.*
3. *Note and support the Northern Sydney Regional Organisation of Councils’ advocacy initiatives to address potentially severe adverse impacts on communities from proposed reforms to local infrastructure contributions.*
4. *Continue its complementary advocacy for provision of the local infrastructure Willoughby City’s community needs and expects to support development, including endorsing [a submission to the Parliamentary Committee conducting an inquiry into the Bill].*

These resolutions have since been implemented in full. Council has written to all the Members of Parliament named above, and received responses indicating a majority of those parliamentarians are aware of Council’s submission of 11 July 2021 to the parliamentary inquiry into the Bill. Willoughby City Council representatives have played an active role in shaping and supporting NSROC’s advocacy on infrastructure contributions. Council representatives have also contributed to galvanising Local Government NSW (LGNSW) and other regional organisations of councils to advocate on this important issue.

In our capacities as President of the North Shore Regional Organisation of Councils (NSROC) and Chair of NSROC’s General Managers Advisory Committee, Council’s Chief Executive Officer and I met with the Minister for Planning and Public Spaces on 27 July to press for genuine consultation with councils before the Government advances its infrastructure contributions reforms. We also sought separation of reforms to infrastructure contributions and rate pegging, and a mechanism to ensure no council is worse off.

Minister Stokes assured us the Government will provide some additional transparency of impacts of the reforms, before progressing related changes to legislation. (A summary of the NSROC advocacy activities that contributed to this change is provided in **Attachment 1**.) Minister Stokes also committed to review independent modelling commissioned by NSROC, which shows that under the proposed reforms, Willoughby City Council faces potential losses of \$100 million over 20 years.

Having considered submissions from Council, NSROC, Local Government NSW (LGNSW), and many other councils and stakeholders, the parliamentary committee conducting an inquiry into the Bill has recommended progress of the Bill halt, until:

- draft regulations are released for consultation, and
- the Independent Pricing and Regulatory Tribunal (IPART) publishes its reviews into the rate pegging system, benchmarking and the essential works list.

IPART will publish draft reports for both these reviews in October 2021. Representatives of the Department of Planning Industry and Environment have advised they are working to publish draft regulations to supplement the Bill in October. Further, the NSW Government will have its next opportunity to progress the Bill when the Legislative Assembly is next scheduled to sit between 12 and 21 October. It is essential for Council at this time to continue adding its voice to those of NSROC, LGNSW, and others calling for Parliamentarians to ensure no community or council is worse off due to infrastructure contributions reforms.

The Government's stated intent to cut red tape, improve supply and affordability of housing, and improve transparency and equity is worthy of our support. However, we must continue to impress upon our parliamentary representatives that unless infrastructure contributions reforms are significantly revised, are conducted more transparently, and involve genuine consultation with councils, the proposed reforms may force Willoughby City Council to delay or completely remove projects from our Long Term Financial plan. Not only will this detrimentally affect community wellbeing and participation in civic life, it will also be a handbrake on vital job creation.

Examples of projects at risk under current reform proposals include the Willoughby Leisure Centre upgrade, and dozens of projects to increase the capacity of our parks, open spaces, and active transport links. In total, the proposed reforms threaten \$300m worth of community infrastructure works throughout the City of Willoughby. Consequently, the reforms also threaten \$1.5b in direct economic benefits, and 10,000 jobs over a 20-year period.

Clearly, there is much at stake for our community, and for our local economy. We must leave no stone unturned in our efforts to protect our community from the potentially dire impacts of the reforms. Moreover, LGNSW recently requested its member councils add their voices to the campaign seeking withdrawal of the Bill by passing fresh resolutions to that effect.

I therefore recommend Council reaffirm its support for the local government sector's campaign to ensure no community or council is worse off as a result of infrastructure contributions reforms.

3. MOTION

That Council:

1. **Call on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.**
2. **Call on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.**
3. **Call on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.**

- 4. Supplement its previous letters to the Premier, Treasurer, Minister for Planning and Public Spaces, Minister for Local Government, local Members of Parliament, and Leader of the Opposition, by writing to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Pauline Hanson's One Nation the Hon Mark Latham MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the Hon Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament.**
- 5. Alert the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels.**
- 6. Affirm its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.**

Attachment 1

**Mayor Minute 01/2021 – Infrastructure Contributions Reforms Campaign Update
Council Meeting 13 September 2021**

Update on NSROC Advocacy Activity relating to Infrastructure Contribution Reforms

NSROC has been a driving force in ensuring that Government appropriately considers the impact of proposed infrastructure contribution reforms on local council.

As outlined in detail below, NSROC has already made progress or delivered against the majority of the recommendations in the template LGNSW Mayoral Minute (MM).

LGNSW Mayoral Minute Recommendation	NSROC Action to Date
1. That (Council) calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.	In the spirit of cooperation and collaboration, NSROC has stopped short of asking for the Bill to be withdrawn. We have asked for meaningful consultation and additional detail prior to it progressing. Minister Stokes has agreed to this.
2. That (Council) calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.	NSROC has already done and will continue to do this
3. That (Council) calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.	NSROC has already done and will continue to do this
4. That Council writes to the local State Member(s) <xxxxxx>, the Premier the Hon Gladys Berejiklian MP, Treasurer the Hon Dominic Perrottet MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.	NSROC has written to and met with local members, the Premier, Treasurer and Ministers outlining our concerns, the financial impacts on councils and seeking meaningful consultation and additional detail prior to the Bill progressing.
5. That Council writes to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Pauline Hanson's One Nation the Hon Mark Latham MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the Hon Adam Searle MLC seeking their support in securing the withdrawal of the	NSROC has written to the Leader of the Opposition, Shadow Treasurer, parliamentary crossbenchers and others as requested by LGNSW outlining our concerns, the financial impacts on councils and seeking meaningful consultation and additional detail prior to the Bill progressing.

Attachment 1

Bill from the NSW Parliament and outlining council's concerns with the Bill.	
6. That (Council) alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels and via its networks.	NSROC has not approached the media at this time
7. That (Council) affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.	NSROC has already done and will continue to do this

Modelling commissioned by NSROC demonstrated that Councils will be significantly worse off under the proposed reforms. NSROC immediately commenced a program of work to engage LGNSW, the City of Sydney, SSROC and WSROC in a collaborative, information sharing and advocacy campaign. NSROC has worked closely with LGNSW on policy positioning and shared the financial modelling to inform case studies.

In mid-July, NSROC provided member Councils with a template Mayoral Minute to put to Councils to highlight the significance of this issue. NSROC also provided member Councils with a template letter to send to local MP's outlining concerns and the impact of the proposed reforms.

The NSROC Executive, Council General Managers/CEOs and NSROC officers have met with relevant members of government and department officers. At each of these meetings NSROC:

- asked that the Government not progress the infrastructure contribution reforms without further meaningful consultation with councils and detailed modelling of the impacts.
- acknowledged the need for rate and infrastructure contribution reform and requested that that the two should be decoupled.
- reaffirmed its position and support of LGNSW and the advocacy it has and continues to undertake.

NSROC has consistently represented itself to Government as a willing partner seeking robust analysis and policy settings that achieve a balanced contributions system that reflects the needs of communities, government and industry.

The NSROC President, Executive and General Managers/CEOs have together and separately met with:

- Minister for Planning and Public Spaces – the Hon Rob Stokes MP
- Minister for Counter Terrorism and Corrections – the Hon Anthony Roberts MP
- Minister for Sport, Multiculturalism, Seniors and Veterans – the Hon Natalie Ward MLC
- Member for Davidson – the Hon Jonathon O'Dea MP
- Minister for Families, Communities and Disability Services – the Hon Alister Henskens SC MP
- Member for North Shore – Ms Felicity Wilson MP
- President Local Government NSW – Ms Linda Scott
- CEO Local Government NSW – Mr Scott Phillips
- Coordinator General Planning Delivery and Local Government DPIE – Ms Kiersten Fishburn
- DPIE Senior Representatives – Luke Walton, Jonathon Schipp, Kate Speare

Attachment 1

- District Commissioner Greater Sydney Commission – Ms Deborah Dearing
- IPART Public Hearing

NSROC also wrote seeking meetings, meaningful consultation and detailed modelling of the reform impacts to:

- The Premier – the Hon Gladys Berejiklian MP
- The Treasurer – the Hon Dominic Perrottet MP
- Minister for Local Government – the Hon Shelley Hancock MP
- Minister for Health and Medical Research – the Hon Brad Hazzard MP
- Minister for Customer Service, Minister for Digital – the Hon Victor Dominello MP
- Minister for Energy and Environment – the Hon Matt Kean MP
- Member for Manly – Mr James Griffin MP

NSROC has recently raised its concerns via correspondence with the NSW Opposition, parliamentary cross-benchers and relevant MPs including:

- Leader of the Opposition – Mr Chris Minns MP
- Shadow Treasurer – The Hon Daniel Mookhey MLC
- Shadow Minister for Planning and Public Spaces – Mr Paul Scully MP
- Shadow Minister for Local Government – Mr Greg Warren MP
- Shadow Minister for Water, Housing and Homelessness – The Hon Rose Jackson MLC
- Member of the Australian Labor Party – The Hon Adam Searle MLC
- Member of the Pauline Hanson's One Nation – The Hon Mark Latham MLC
- Member of the Christian Democratic Party – Reverend the Hon Fred Nile MLC
- Member of the Shooters, Fishers and Farmers Party – The Hon Robert Borsak MLC
- Member of the Animal Justice Party – The Hon Emma Hurst MLC
- Member of the Animal Justice Party – The Hon Mark Pearson MLC
- Independent – Mr Justin Field MLC
- Member of the Greens – Ms Cate Faehrmann MLC
- Member of the Greens – Mr David Shoebridge MLC
- Government Whip in the Legislative Council – The Hon Shayne Mallard MLC
- Member of the Liberal Party – The Hon Catherine Cusack MLC
- Parliamentary Secretary for Energy and the Arts – The Hon Ben Franklin MLC

NSROC has made submissions to the NSW Productivity Commission, the Office of Local Government, IPART and the NSW Parliamentary Inquiry.

NSROC's advocacy efforts and comprehensive financial modelling helped secure a meeting with Minister Stokes on 27 July. The NSROC President (Mayor Gail Giles-Gidney) and GMAC Chair (Debra Just – CEO Willoughby City Council) met with Minister Stokes and representatives from DPIE.

At this meeting Minister Stokes reiterated his commitment that no council would be worse off and also that the regulations and policy settings for the reform would be released for consultation prior to the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* progressing through Parliament. This was a significant win for NSROC and its member councils.

NSROC Mayors are actively engaging through a coalition of metropolitan Mayors lead by the City of Sydney reiterating and advocating the LGNSW and NSROC positions.

NSROC has updated its financial modelling to reflect the rate reform model proposed in the IPART *Review of the Rate Peg to Include Population Growth – Draft Report*. Including supplementary valuation income in the

Attachment 1

base case (with rate peg) significantly reduces the reported positive income impact of the rate peg reform across the NSROC region (by 46% to 2040/41). Previously combined (rate and infra reform) net losses across the region were \$67m (nominal) over the first 5 years. This has increased to \$108m (nominal).

NSROC officers continue to engage regularly with DPIE regarding the infrastructure contributions reform and have been approached regarding a briefing prior to the release of the regulations and policy settings in October.

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

10 MATTERS REQUIRING ELABORATION OR DEBATE

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.

11 PUBLIC FORUM — MATTERS 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.

12 REPORTS OF COMMITTEES

12.1 MINUTES - ACCESS AND INCLUSION ADVISORY COMMITTEE HELD ON 14 JULY 2021

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES OF THE MEETING OF ACCESS AND INCLUSION ADVISORY COMMITTEE HELD ON 14 JULY 2021
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ELLEN MILLER - COMMUNITY VENUES AND SERVICES TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To provide Council with the minutes of the Access and Inclusion Advisory Committee meeting held on 14 July 2021.

2. OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Access and Inclusion Advisory Committee meeting held on 14 July 2021.

3. BACKGROUND

The Access and Inclusion Advisory Committee meets monthly and provides specialist advice and support to Council relating to access issues and aims to promote physical access and mobility to services and facilities in the Willoughby City Local Government Area. The committee's composition includes two Willoughby City Councillors, as well as community representatives, with attendance by the Community Life Manager and Works Manager at committee meetings.

4. DISCUSSION

The Access and Inclusion Advisory Committee met on 14 July 2021, to discuss issues and outcomes arising from previous meetings.

Key items discussed at the meeting included:

- Chatswood Interchange
- Reserve Road Footpaths
- Bus Stop Upgrades
- Better Business Partnerships (BBP)
- Local Election
- Disability Action Inclusion Plan (DIAP)– Annual Report
- Dougherty Community Centre – Dementia Friendly Environment Accreditation.

5. CONCLUSION

The minutes do not commit Council to any additional resource commitment. It is recommended that Council receive and note the minutes of the Access and Inclusion Advisory Committee meeting held on 14 July 2021.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.7 – Promote accessible services for the community.
Business Plan Objectives, Outcomes / Services	To ensure the delivery of the <i>Disability Inclusion Access Plan 2017 - 2021</i> .
Policy	The contents of this report and the provided attachments comply with Council's <i>Advisory Committees Policy</i> .
Consultation	Consultation has occurred with the Access and Inclusion Advisory Committee members on the contents of this report.
Resource	3 hours per staff member per month.
Risk	The level of risk associated with the contents of this report is low, with insignificant consequences under Council's Risk Management Framework.
Legal	There are no legal implications associated with this report.
Legislation	<i>Disability Inclusion Act 2014</i>
Budget/Financial	Officer's attendance at meeting and preparation of documentation is considered in current year operational budget.

ATTACHMENT 2



MINUTES OF MEETING

MEETING NAME: ACCESS AND INCLUSION ADVISORY COMMITTEE
 LOCATION HELD: DOUGHERTY COMMUNITY CENTRE, 7 VICTOR ST CHATSWOOD
 DATE: WEDNESDAY 14 JULY 2021
 MEETING CHAIR: COUNCILLOR WENDY NORTON
 TIME OF MEETING: 4:00pm – 5:30pm

1. ATTENDANCE
Present

Clr Wendy Norton	Willoughby Councillor
John Mills	Community Representative
Mark Tonga	Community Representative
Jordana Goodman	Community Representative
Julie Green	Community Representative

Apologies

Clr Lynne Saville	Willoughby Councillor
Susan Hartly	Community Representative
Maria La Greca	Community Representative
Lorri Grundy	Community Representative
Helen Woodman	Community Representative
Audrey Thomas	Community Representative
Julia Norton	Community Representative

Officers in Attendance

Ellen Miller	Community Venues and Services Team Leader
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2. DECLARATIONS OF INTEREST - NIL

3. ACCEPTANCE OF THE MINUTES

Minutes of the previous meeting were accepted as a true record of proceedings.

4. BUSINESS ARISING FROM THE MINUTES

4.1 Chatswood Interchange

Interchange Management are developing a signage strategy and will forward to the Committee once completed.

Action: Community Venue and Services Team Leader to follow-up.

4.2 Reserve Road Footpaths (inside Hospital grounds).

Facilities Management Team at the RNSH have been contacted. Awaiting a response.

Action: Community Venues and Services Team Leader to follow-up.

5. CORRESPONDENCE - NIL

6. BUSINESS ARISING FROM CORRESPONDENCE - NIL

7. GENERAL BUSINESS

7.1 Bus Stop Upgrades

Committee would like to thank the Depot staff for the installation of temporary bus stops signs at upgraded bus stops in the LGA.

7.2 Better Business Partnerships (BBP)

Committee were informed the BBP Program website contained information on accessibility under 'Business Health'.

Committee discussed the possibility of BBP expanding the Accessible criteria to include accessible technology, websites and services.

Action: Community Venues and Services Team Leader to follow-up with BBP team.

7.3 Local Election

Committee requested clarification on whether Council would provide information on voting locations and methods (online, postal) on Council's website.

Action: Community Venues and Services Team Leader to follow-up.

7.4 Disability Action Inclusion Plan (DIAP)– Annual Report.

Committee were informed the DIAP 2021 Annual report had been completed and forwarded to relevant regulatory bodies.

Action: Community Venues and Services Team Leader to forward report to Committee Members.

7.5 Dougherty Community Centre – Dementia Friendly Environment Accreditation

Committee were informed the Dougherty Community Centre had received accreditation from Dementia Australia as a Dementia Friendly Environment.

Meeting closed: 6.15pm

Next meeting: TBC

**12.2 DRAFT MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE
MEETING HELD ON 21 JULY 2021**

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING 21 JULY 2021
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To present to Council the draft minutes of the Audit, Risk and Improvement Committee meeting of the 21 July 2021.

2. OFFICER'S RECOMMENDATION

That Council note the draft minutes of the Audit, Risk and Improvement Committee meeting of 21 July 2021.

3. BACKGROUND

The Audit, Risk and Improvement Committee (ARIC) meets quarterly to provide independent advice, oversight and assurance to Council in the area of internal and external audit, risk management, business improvement and governance.

The minutes are presented to Council in draft form due to the scheduling of Council and Committee meetings. The ARI Committee will formally receive the minutes for endorsement at its meeting of 9 September 2021.

4. DISCUSSION

On 21 July 2021, the ARIC met to discuss the following issues:

- Internal and external audit programs
- Major projects such as The Concourse Compliance Upgrade Project and the Corporate Systems Review
- Council's Business Improvement Program
- Procurement activity and corporate governance
- Update from the Chief Executive Officer (CEO) including:
 - Council's response to the recent Public Health Orders, advising that measures have been implemented to ensure both staff and public safety.

- Results of the Community Perception Survey, which is undertaken every two years, to gauge community satisfaction with services and identify opportunities for improvement.
- Financial impacts of the proposed reforms to NSW Infrastructure Contributions, advising that a meeting has been sought with the Minister for Planning and Public Spaces, The Hon. Robert Stokes, MP to discuss Council's opposition to certain aspects of the reforms.

A full copy of the draft minutes is contained in **Attachment 2**, which have been reviewed by the ARIC Chair.

5. CONCLUSION

It is recommended that Council note the draft minutes of the Audit, Risk and Improvement Committee meeting of the 21 July 2021.

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 2020 Community Strategic Plan</i> .
Policy	Audit, Risk and Improvement Committee Charter
Consultation	The attached draft minutes will be presented to the September 2021 meeting of the ARIC for final endorsement.
Resource	Administrative support is provided to this Committee by the Audit and Risk Team.
Risk	The Audit, Risk and Improvement Committee reviews and advises on Council's risk framework. The Committee advises on matters of risk management and mitigation.
Legal	There are no legal implications associated with the report.
Legislation	There are no legislative implications associated with the report.
Budget/Financial	This report has no budgetary or financial implications.



Willoughby City Council

DRAFT MINUTES

**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING**

held on Wednesday 21 July 2021

DRAFT

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DRAFT

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

1 OPENING AND INTRODUCTIONS

At 8.32am Ms Gavey opened the meeting and welcomed those present.

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

Ms E Gavey (Chair)
Mr R Lagaida
Mr C Davies
Councillor C Tuon

Apology:

Councillor N Wright

Council Officers Present:

Ms D Just (Chief Executive Officer)
Ms L Kendall (Customer & Corporate Director)
Mr H Phemister (Planning & Infrastructure Director)
Mr S Naven (Chief Financial Officer)
Ms S Charlton (Governance, Risk & Corporate Planning Manager)
Mr B Herring (Chief Information Officer)
Mr G Drinan (Project Management Team Leader)
Mr K Pechimuthoo (Internal Auditor)
Mr S Ray (Risk and Audit Team Leader)
Ms T Strydom (Governance Administration Officer)
Mr M Long (Network Support Officer).

External Attendees:

Mr K Leung and Mr T Hossain representing the Audit Office of NSW
Mr J Winter and Ms L Yang representing external auditors, Grant Thornton.

3 DISCLOSURES OF INTEREST**Standing Declaration:**

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
- Deputy Chair/Independent Member - Penrith City Council Audit, Risk and Improvement Committee
- Chair/Independent Member - Waverley Council Audit, Risk and Improvement Committee
- Independent Member - Electoral Commission of NSW Audit, Risk and Improvement Committee
- Audit and Risk Committee Member - Independent Review Office
- Audit and Risk Committee Member - Audit Office of NSW (appointment from 29 August 2021)
- Chair/Director - Primary and Community Care Services Limited
- Independent Panel Member - Disciplinary Tribunal of Chartered Accountants Australia and New Zealand
- Chair/Director - The Astor Pty Limited

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

Ms Gavey advised that her husband, Mr Brian White is an employee of Payreq Australia Pty Ltd, which is a sub-contractor to the IVE Group; providing digital rate notice delivery services to Willoughby City Council. This is not a material contract for Council or Payreq.

DRAFT

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

4 CONFIRMATION OF MINUTES – ARIC MEETING 17 MARCH 2021

ATTACHMENTS:	1. DRAFT MINUTES - ARIC MEETING 17 MARCH 2021
RESPONSIBLE OFFICER:	LAURA KENDALL - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEVE RAY - RISK & AUDIT TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	21 JULY 2021

PURPOSE OF REPORT

To provide the Audit, Risk and Improvement Committee with the draft minutes of the Committee meeting held on 17 March 2021.

OFFICER'S RECOMMENDATION

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 on 17 March 2021.

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 on 17 March 2021.

Action:

That the typing error on page 20 of the minutes being 'out ling' be corrected to read 'outlining'.

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5 CHIEF EXECUTIVE OFFICER UPDATE

ATTACHMENTS:	1. COMMUNITY PERCEPTION SURVEY 2020 - RESULTS
RESPONSIBLE OFFICER:	DEBRA JUST - CHIEF EXECUTIVE OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	21 JULY 2021

PURPOSE OF REPORT

To facilitate the presentation of a verbal report by the Chief Executive Officer to the Audit, Risk and Improvement Committee, including the results of the 2020 Community Perception Survey.

DISCUSSION***COVID-19 Update***

The Chief Executive Officer provided an overview of Council's response to the recent Public Health Orders, advising that measures have been implemented to ensure both staff and public safety. Council has been financially resilient throughout the pandemic and will continue to closely monitor and respond to the financial impact of Public Health Orders. Opportunities to reduce expenditure have been identified and implemented. These include, but are not restricted to, a reduction in operating expenditure by turning off amenities in closed sites and working with staff to reduce leave balances.

Community Perception Survey

The Committee were provided, prior to the meeting, a document presenting the results of the Community Perception Survey, which was taken as read. The Chief Executive Officer discussed the methodology and results of the survey, advising that communication with the community will continue to be a high priority as a means of gauging community satisfaction and identifying opportunities for improvement.

Results of the survey drive the Business Improvement Program and are taken into consideration in the development of operational business plans.

NSW Infrastructure Contributions Reforms

The Committee brought forward discussion of item 15 regarding Council's response to proposed reforms of infrastructure contributions. With reference to the reports provided, the Chief Executive Officer brought to the Committee's attention the financial impact of these reforms and advised that a meeting had been sought with the Minister for Planning and Public Spaces, The Hon. Robert Stokes, MP to discuss Council's opposition to certain aspects of the reforms.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

The Committee noted that if the proposed reforms to infrastructure contributions are implemented, the modelling identified significant adverse impacts on Council's financial position and requested that it be kept informed of developments, including the outcome of the meeting with the Minister for Planning and Public Spaces, The Hon. Robert Stokes, MP in regards to *NSW Infrastructure Contributions Reforms*.

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee receive and note the verbal report provided by the Chief Executive Officer; and the results of the Community Perception Survey.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee receive and note the update provided by the Chief Executive Officer.

Action:

That the Committee be informed the outcome of the meeting with the Minister for Planning and Public Spaces, The Hon. Robert Stokes, MP in regards to *NSW Infrastructure Contributions Reforms*.

DRAFT

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

6 EXTERNAL AUDIT

ATTACHMENTS:

1. AUDIT OFFICE OF NSW ANNUAL ENGAGEMENT PLAN FOR THE YEAR ENDED 30 JUNE 2021
2. AUDIT OFFICE OF NSW FINAL MANAGEMENT LETTER FOR THE YEAR ENDED 30 JUNE 2020

RESPONSIBLE OFFICER: LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: STEVE RAY - RISK & AUDIT TEAM LEADER

MEETING DATE: 21 JULY 2021

PURPOSE OF REPORT

To provide the Audit, Risk and Improvement Committee details of the Annual Engagement Plan as issued by the Audit Office of NSW for the year ending 30 June 2021 and progress of external audit actions.

DISCUSSION

The Committee discussed management's responses to the matters raised in the Final Management Letter for the year ended 30 June 2020, noting that management has advised that all matters were now completed.

The Committee had been provided the engagement plan, issued on 26 March 2021, for the year ending 30 June 2021. General discussion took place regarding the focus of the plan and Council's preparations for the forthcoming audit.

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee note:

1. The Annual Engagement Plan for the year ended 30 June 2021.
2. Progress against external audit recommendations for the year ended 30 June 2020.

COMMITTEE RESOLUTION

That, having read, considered and discussed the report, the Committee receive and note the report.

Action:

That a meeting be held in late August or early September 2021 to enable the Committee to review Council's preliminary draft financial statements for the financial year ending 30 June 2021.

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

7 ACTION LOG

RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEVE RAY- RISK & AUDIT TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	21 JULY 2021

PURPOSE OF REPORT

To report to the Audit, Risk and Improvement Committee the status of actions from previous meetings.

DISCUSSION

The Committee discussed progress on the various items. In response to inquiries regarding Council's cyber security measures, Mr Herring confirmed that penetration testing is conducted as part of Council's threat and vulnerability assessment. Council is in the process of developing a Cyber Security Strategy, which will be closely aligned to the strategy that is currently being developed by the Office of Local Government.

Ms Kendall provided an update on the external quality assessment of Council's internal audit function that is being conducted by OCM. It was agreed that the outcome of this process be reported to the next meeting of the Committee.

OFFICER'S RECOMMENDATION

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

COMMITTEE RESOLUTION

That, having read, considered and discussed the report, the Committee receive and note the report.

Actions:

1. That the Committee be provided:
 - (i) a copy of Council's and the Office of Local Government cyber security strategies.
 - (ii) details of the scope of Council's Cyber Security Threat and Risk Assessment that is currently being undertaken.
2. That a report be provided to the next meeting of the Committee regarding the external quality assessment of Council's internal audit function conducted by OCM.

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

8 ARIC REPORTING CALENDAR

ATTACHMENT:	1. AUDIT RISK AND IMPROVEMENT COMMITTEE 2021 REPORTING CALENDAR
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEVE RAY – RISK AND AUDIT TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	21 JULY 2021

PURPOSE OF REPORT

To provide the Audit, Risk and Improvement Committee details of the 2021 reporting calendar.

DISCUSSION

The report was taken as read. The Committee discussed the impact of the deferral of the Council elections to October 2021 on the reporting calendar.

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee receive and note the report regarding the Audit, Risk and Improvement Committee 2021 Reporting Calendar.

COMMITTEE RESOLUTION

That, having read, considered and discussed the report, the Committee receive and note the report.

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

9 QUARTERLY BUDGET REVIEW

ATTACHMENTS:	1. QUARTERLY BUDGET REVIEW 2020/21 MARCH QUARTER REPORT
RESPONSIBLE OFFICER:	LAURA KENDALL – 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:	21 JULY 2021

PURPOSE OF REPORT

To provide the Audit, Risk and Improvement Committee the Quarterly Budget Review 2020/21 March Quarter Report.

DISCUSSION

Mr Naven addressed the Committee on this item, advising that a projected improvement in the operating position, before capital revenue, of \$2.6M was achieved between Q2 and Q3. This has reduced the projected deficit from \$3.5M to \$900,000 for the FY2020/21. Council's Long Term Financial Plan will be impacted by the *Environmental Planning and Assessment Act Amendment (Infrastructure Contribution) Bill, 2021* which, if adopted, will come into effect from 1 July 2022.

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee receive and note the Quarterly Budget Review 2020/21 March Quarter Report.

COMMITTEE RESOLUTION

That, having read, considered and discussed the report, the Committee receive and note the report.

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

10 PROCUREMENT ACTIVITY

ATTACHMENT:	1. ELT REPORT PROCUREMENT ACTIVITY FEBRUARY, MARCH AND APRIL 2021
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	PAUL BROWN - CONTRACTS & PROCUREMENT TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	21 JULY 2021

PURPOSE OF REPORT

To provide the Audit, Risk and Improvement Committee the February, March and April Procurement Reports, along with an update on the gap analysis being undertaken against the December 2020 Performance Audit by the Audit Office of NSW on Procurement Management in Local Government.

DISCUSSION

General discussion took place on the procurement memos that had been provided to the Committee. The Committee were advised that Council is currently implementing the TechnologyOne Contract Management module and this will provide opportunity for further analysis of procurement activity. In regards to a specific inquiry regarding the number of credit cards utilised by the Council, Ms Just confirmed that there are less than 20 cards issued and that she has oversight of all statements.

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee receive and note the procurement report.

COMMITTEE RESOLUTION

That, having read, considered and discussed the report, the Committee receive and note the report.

Actions:

1. That information regarding the number of credit cards issued to Council Officers be included in the next procurement report.
2. That the Audit Office of NSW be advised of the error on page 19 of the Annual Engagement Letter for the Year Ending 30 June 2021, where Council is incorrectly listed as participating in the credit card performance audit conducted by the Office.

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

11.1 RISK MANAGEMENT (MAJOR PROJECTS)

RESPONSIBLE OFFICER:	LAURA KENDALL - CUSTOMER & CORPORATE DIRECTOR
AUTHORS:	BRAD HERRING – CHIEF INFORMATION OFFICER (CORPORATE SYSTEMS REVIEW) GYNT DRINAN – PROJECT MANAGEMENT TEAM LEADER (THE CONCOURSE COMPLIANCE UPGRADE)
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	21 JULY 2021

PURPOSE OF REPORT

To provide the Audit, Risk and Improvement Committee with an update on risk management for major projects being the Corporate Systems Review and The Concourse Compliance Upgrade.

DISCUSSION**Corporate Systems Review**

Mr Herring addressed the Committee by providing a status overview of the project, of note being the adjusted launch date of 4 October 2021. The revised date will enable the provision of staff training, process mapping and the implementation of a change management processes to be finalised prior to launch.

The Concourse Compliance Upgrade

Mr Drinan addressed the Committee by providing a status overview of the project, advising that the project is on schedule and will be completed in February 2021.

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee receive and note the status report regarding the Corporate Systems Review and The Concourse Compliance Upgrade Projects.

COMMITTEE RESOLUTION

That, having read, considered and discussed the report, the Committee receive and note the report.

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11.2 RISK MANAGEMENT

ATTACHMENTS:	<ol style="list-style-type: none">1. RISK MANAGEMENT POLICY2. EMERGENCY RESPONSE, CRISIS MANAGEMENT AND BUSINESS CONTINUITY POLICY3. BUSINESS CONTINUITY MANAGEMENT PLAN4. BUSINESS CONTINUITY SUB-PLANS FOR CRITICAL FUNCTIONS (ELEVEN IN TOTAL)
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEVE RAY - RISK & AUDIT TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	21 JULY 2021

PURPOSE OF REPORT

To provide the Audit, Risk and Improvement Committee with an overview of Council's risk management program.

DISCUSSION

The Committee were provided an update on the review that is currently being conducted of Council's Risk Management Framework, which will be reported to the December meeting. Council's Executive Team will be developing a Risk Appetite Statement in August, details of which will also be reported to the Committee. General discussion followed regarding the tabled strategic and operational risks and the review process that is being conducted by Mr Ray.

OFFICER'S RECOMMENDATION

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

COMMITTEE RESOLUTION

That, having read, considered and discussed the report, the Committee receive and note the report.

Actions:

1. That management consider amending the wording of the following strategic risk as shown: *Failure to adequately respond to a business disruption.*
2. That the Committee be provided details of Council's top 10 strategic and operational risks.
3. That future reports to the Committee regarding the risk registers, assign a risk rating to all risks, with all risks to include details of the inherent, residual and target residual risk.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

4. That consideration be given to expanding the application of the *Risk Management Policy* to include volunteers.
5. That the committee be provided a copy of the *Information Technology Disaster Recovery Plan*.

DRAFT

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

12 BUSINESS IMPROVEMENT**RESPONSIBLE OFFICER:** LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR**AUTHOR:** ELLA GEDDES – BUSINESS IMPROVEMENT**CITY STRATEGY OUTCOME:** 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**MEETING DATE:** 21 JULY 2021

PURPOSE OF REPORT

To provide the Audit, Risk and Improvement Committee with an update on the Business Improvement Initiatives Program and Service Reviews conducted at Council.

DISCUSSION

The report was taken as read.

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee receive and note the Business Improvement Report.

COMMITTEE RESOLUTION

That, having read, considered and discussed the report, the Committee receive and note the report.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

13 INTERNAL AUDIT

ATTACHMENTS:	1. AUDIT REPORT – LOCAL INFRASTRUCTURE CONTRIBUTIONS 2. AUDIT REPORT – ACCOUNTS PAYABLES DATA ANALYSIS 3. AUDIT REPORT – FLEET MANAGEMENT 4. FIVE YEAR INTERNAL AUDIT PLAN
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	KRISHNAN PECHIMUTHOO - INTERNAL AUDITOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	21 JULY 2021

PURPOSE OF REPORT

To provide the Audit, Risk and Improvement Committee with the status of the 2020/21 Internal Audit Plan, including audits completed in the last quarter, the status of internal audit recommendations and the Five Year Internal Audit Plan.

DISCUSSION

The Committee were provided, prior to the meeting, the Local Infrastructure Contributions Audit Report, the Accounts Payable Data Analysis Audit Report and the Fleet Management Audit Report and the 5 Year Internal Audit Plan. General discussion took place regarding the process and recommendations of the three audit reports, with feedback provided to the Internal Auditor in this regard.

The Committee discussed that the results of the external assessment of Council's internal audit function would be a key input into the development of the 5 Year Internal Audit Plan, and so it may be premature for the Committee to endorse a 5 Year Internal Audit Plan at this point in time. However the Committee noted that it was important that internal audit reviews continue in the interim. The Committee recommended to management that an interim audit plan could be adopted for the next 6 months, with audits to be undertaken on:

- Work Health and Safety
- Project Management
- Service Standards in the Development Applications Process

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee receive and note the:

1. Status of the 2020/21 Internal Audit Plan
 2. Completed 2020/21 audit reports:
 - (i) Local Infrastructure Contributions
 - (ii) Accounts Payables - Data Analysis
 - (iii) Fleet Management
-

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

21 July 2021

3. Status of Internal Audit Recommendations
4. Five Year Internal Audit Program.

COMMITTEE RESOLUTION

That, having read, considered and discussed the report, the Committee receive and note the report

Actions:

1. That the scope and objective of the audits proposed in the interim audit plan be provided out of session to Independent External Members to facilitate their feedback.
2. That future reports on the status of internal audit recommendations contain details of incomplete actions, including the risk rating for each issue.

DRAFT

14 CORPORATE UPDATE

ATTACHMENTS:	<ol style="list-style-type: none">1. CORPORATE SCORECARD2. JUNE COUNCIL LEGAL REPORT3. SUBMISSION TO THE OFFICE OF LOCAL GOVERNMENT – AUDIO VISUAL PARTICIPATION AT COUNCIL MEETINGS4. MEMO TO COUNCILLORS - IMPACT OF THE LOCAL GOVERNMENT AMENDMENT ACT 20215. FRAUD AND CORRUPTION PREVENTION POLICY AND PLAN
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHORS:	SAMANTHA CHARLTON - GOVERNANCE, RISK & CORPORATE PLANNING MANAGER MONICA LONERGAN – PEOPLE AND CULTURE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	21 JULY 2021

PURPOSE OF REPORT

To provide the Audit, Risk and Improvement Committee information regarding organisational performance and governance not addressed in other reports to the Committee, including work health and safety performance, access to information requests, public interest disclosures, complaints, legal matters, and correspondence with regulatory authorities.

DISCUSSION

The report was taken as read. No questions were raised by the Committee on this item.

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee receive and note the corporate update report.

COMMITTEE RESOLUTION

That, having read, considered and discussed the report, the Committee receive and note the report.

15 NSW INFRASTRUCTURE CONTRIBUTIONS REFORMS

ATTACHMENTS:	1. REPORT TO COUNCIL MEETING 12 JULY 2021 2. COUNCIL SUBMISSION TO ENQUIRY INTO EP&A ACT AMENDMENT (INFRASTRUCTURE CONTRIBUTION) BILL 2021 – 11 JULY 2021
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEVE RAY – RISK AND AUDIT TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	21 JULY 2021

PURPOSE OF REPORT

To provide the Audit, Risk and Improvement Committee with an update regarding Council's response to proposed reforms of infrastructure contributions in NSW.

DISCUSSION

This item was discussed earlier in the meeting. Please refer to agenda item 5.

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee receive and note Council's submission on the proposed Environmental Planning and Assessment Act Amendment (Infrastructure Contribution) Bill, 2021.

COMMITTEE RESOLUTION

That, having read, considered and discussed the report, the Committee receive and note the report.

16 GENERAL BUSINESS

There were no items of general business.

17 NEXT MEETING

Date to be confirmed.

The meeting concluded at 11:32am.

DRAFT

12.3 MINUTES - WILLOUGHBY HERITAGE ADVISORY COMMITTEE MEETING HELD ON 25 MAY 2021

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES OF THE MEETING OF WILLOUGHBY HERITAGE ADVISORY COMMITTEE MEETING HELD ON 25 MAY 2021
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT - PLANNING MANAGER
CITY STRATEGY OUTCOME:	2.2 RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To present Council with the minutes of the Willoughby Heritage Advisory Committee meetings (WHAC) held on 25 May 2021.

2. OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Willoughby Heritage Advisory Committee meeting held on 25 May 2021.

3. BACKGROUND

The Willoughby Heritage Advisory Committee (WHAC) meets every three months to consider issues relating to heritage in the City of Willoughby. The committee consists of at least three Councillors and five community members in which at least two will be residents of the City of Willoughby who have expertise in or knowledge of heritage management or other aspects of the WHAC's role and/or ability to be pro-active within the community. Council's Strategic Planning Officers also attends the meetings and provide support the Chair in the administration of the Committee and its business.

4. DISCUSSION

The Willoughby Heritage Advisory Committee met on 25 May 2021, to discuss issues and outcomes arising from previous meetings.

Key items discussed at the May meeting included:

- 100 years of Griffins and Castlecrag special events
- National Trust Australia Heritage Festival (18 April to 19 May 2021)
- Artarmon Bowling Club (Artarmon Parklands Pavilion Development)
- Former Caroma site on Victoria Avenue – Community access per the condition of consent
- Status of the WCC LEP and heritage nominations
- Heritage Act Review
- Aboriginal Heritage.

Copies of the minutes from this meeting are provided in **Attachment 2**.

5. CONCLUSION

The minutes do not commit Council to any additional resource commitment. It is recommended that Council receive and note the minutes of the Willoughby Heritage Advisory Committee meeting held on 25 May.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome:	2.2 Respect and celebrate our history and heritage sites.
Business Plan Objectives, Outcomes/ Services	The role of the Committee is to advise Council on policy relating to the heritage in the City of Willoughby.
Policy	The Committee is an advisory committee appointed by Council. The contents of this report and the provided attachments comply with Council's <i>Advisory Committees Policy</i> .
Consultation	There are no consultation considerations applicable to this report.
Resource	Officer attendance at meetings. The recommendations do not commit Council to any additional resource commitment.
Risk	The level of risk associated with the contents of this report is low, with insignificant consequences under Council's Risk Management Framework.
Legal	There are no legal considerations applicable to this report.
Legislation	There are no legislative considerations applicable to this report.
Budget/Financial	Officer's attendance at the meeting and preparation of documentation is considered in the current year's operational budget.

ATTACHMENT 2

MINUTES OF MEETING

MEETING NAME: Willoughby Heritage Advisory Committee

LOCATION HELD: Banksia Room, Level 6, 31 Victor Street, Chatswood

MEETING CHAIR: MR T. FOGARTY

DATE OF MEETING: 25 May 2021 – 5:00pm

1. PRESENT:

CLlr L Saville:
CLlr W Norton: Councillor (departed at 5:55pm)
Mr T Fogarty: Community representative - Chair
Mr P Storm: Community representative
Mr A Alexander: Artarmon Progress Association
Dr M Foley: Willoughby Environmental Protection Association

APOLOGIES:

Ms A Kabos: Walter Burley Griffin Society
Mr R Wilson: Community representative

OFFICERS IN ATTENDANCE:

Mr I Arnott: Planning Manager
Ms S Ramrakha: Local Studies Librarian
Ms A Stapleton: Heritage Planner

2. DECLARATIONS OF INTEREST

Pecuniary – Nil
Non-pecuniary – Mr T. Fogarty.
Mr Fogarty declared a non-pecuniary interest having recently discovered he is of Aboriginal descent.

3. ACCEPTANCE OF PREVIOUS RECORD OF PROCEEDINGS (26 November 2019)

Accepted – all agreed to adopt as minutes.
Moved by Mr Alexander and seconded by Mr Storm.

4. BUSINESS ARISING FROM THE MINUTES OF 27 August 2019**4.1 100 years of Griffins and Castlecrag special events**

Ms Kabos circulated a report (copy attached) prior to the meeting on the Griffin Houses Open Day held on 2 May 2021. Councillor Saville and Mr Storm both acknowledged the quality of the event, the number in attendance and expressed appreciation to the home owners. Dr Foley noted that the quality and extent of promotion brings people to such events.

4.2 National Trust Australia Heritage Festival (18 April to 19 May 2021)

Ms Ramrakha advised that a display from Council's Local Studies Collection was located in the foyer of the library during the festival. Mr Storm advised that the Willoughby District Historical Society had an exhibition titled '*Growing up in Willoughby – I remember when...*'

Mr Fogarty noted that although he was previously critical of the National Trust and Council moving away from print media for promotion he noted that there had been a huge improvement in search engines for museums and galleries assisting in online promotion.

Councillor Saville expressed disappointment that WCC did not participate in the heritage festival and again congratulated the WBG Society on their event. There was discussion about future involvement including use of the Council website for promotion and use of banners or similar in the mall.

Also discussed was:

- Promotion of heritage online;
- Use of online exhibitions – Ms Ramrakha advised that physical exhibitions are transferred to digital form;
- Lack of Aboriginal acknowledgement on Council's website – Ms Ramrakha advised that the library staff are reviewing Aboriginal heritage information provided on Council's website;
- Links to be provided from Council website to the library website to 'History of Willoughby';
- The disappearance of past Willoughby Citizens of the Year from the Council's website;
- That the first 20 years of the Heritage Committee focussed on the built environment whereas a positive change has been its expansion to include social heritage.

Mr Arnott and Ms Stapleton agreed to put the Heritage Committee request to reinstate involvement in the heritage festival (perhaps every two years) as well as other of the issues raised in the discussion to Council's Events Team and/or webmaster for consideration.

4.3 Artarmon Bowling Club (Artarmon Parklands Pavilion Development)

Mr Arnott advised that the Willoughby Local Planning Panel were currently meeting to consider the application for the Artarmon Pavilion. The Committee requested advice on the outcome of the Panel decision and conditions should consent be granted. It was noted that International Conservation Services based in Chatswood could be used for the preservation of items.

4.4 Former Caroma site on Victoria Avenue – Community access per the condition of consent

Mr Arnott and Ms Stapleton advised that they had attended the site and met with the Owner's Corporation President on site. He indicated that the Owner's Corporation did not support the facility being available to the public citing issues with liability, cleaning and security. It was pointed out that the consent allows for public use and that the way forward may be to establish the basis upon which this can occur. It was discussed about people interested in viewing the artifacts held within the room booking a time to do so. It is noted that no requests for use of the room have been received.

It was suggested that the Historical Society could run Mashman tours incorporating viewing of the artefacts.

Officers agreed to liaise with the Owner's Corporation President about digitising the artefacts including the inventory sheets and further negotiation in respect to making the room available for community use as provided for in the conditions of approval.

4.5 Status of the WCC LEP and heritage nominations

Mr Arnott advised that the heritage nominations have been included in the draft LEP endorsed by Council for exhibition. Council is awaiting advice from the Department of Planning Industry and Environment to enable the draft LEP together with the draft DCP to proceed to exhibition. It is anticipated exhibition will occur from about August and continue for 12 weeks.

5. GENERAL BUSINESS AND OTHER MATTERS

5.1 Heritage Act Review

Ms Stapleton advised that Council officers are preparing a submission on the Heritage Act Review. She noted that the Discussion Paper provided for comment lacked detail but noted that it promoted adaptive reuse. She indicated Council's submission would raise concern relating to both the existing Heritage Act and proposed changes including:

- Lack of integration between the *Heritage Act, 1977* and the *Environmental Planning and Assessment Act, 1979*;
- The inclusion of Aboriginal heritage within the Heritage Act;
- Categorising of State Items

5.2 Aboriginal Heritage

The issue of visibility of Aboriginal heritage and acknowledgement by Council was raised including the lack of acknowledgement of country on the Council website and questions around what is said and how is it decided. Mr Arnott indicated he would investigate and provide further advice.

Mr Fogarty raised the possibility of investigating traditional Aboriginal agricultural practices along the Lane Cove River with subsequent discussion regarding literature available on this subject.

Councillor Saville raised the matter of signage and potential for more extensive use in street names and signage at the entrances to the LGA. She noted that a number of councils including Lane Cove and Randwick use the Aboriginal name as well as the European name. She also requested/urged that Council liaise closely with the Aboriginal Heritage Office to progress this matter. Ms Ramrakha noted that there are already a number of Willoughby streets noted in the street directory with Aboriginal names.

6. MEETING CLOSED

The meeting closed at 6.40pm.

7. **NEXT MEETING** – Tuesday 27 July 2021 at 5.00pm (Advice will be provided as to whether the meeting will be held in person or remote).

13 DEFERRED MATTERS

14 CORRESPONDENCE

15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 INVESTMENT REPORT FOR MONTH OF JULY 2021

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2020) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 31 July 2021 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 July 2021**.

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 2005*, 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 July 2021 is included in **Attachment 1** (Financial Implications) with details of holdings and counterparty analysis included in **Attachment 3**.

Actual performance against policy settings and budget are included in **Attachment 2**.

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

The key financial indicators for Council's investment holdings at 31 July 2021 include:

Combined Bank Balance	\$8.8M
Investment Holdings	\$169.1M
Total Cash and Investments	\$177.9M
Return on Investments	0.93%, (0.90% above benchmark of 0.03%) (Refer to Attachment 3 – Figure 1).
Actual Interest Return (Month)	\$134K (\$3K better than \$131K budget) (Refer to Attachment 3 – Figure 2).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of \$134K is \$3K favourable to Year to Date budget of \$131K.

Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 31 July 2021 was \$177.9m. Of this amount, \$166.2m, or 93% is restricted to be spent on specific purposes. This leaves \$11.7m or 7% of unrestricted cash and investments for working capital purposes.

Table 1 shows the breakdown of cash and investments

Table 1 – Restricted versus unrestricted cash and investments as at 31 July 2021

Restriction Category	Total cash and investments as at 31 July 2021 (\$'m)	Percentage of Total Portfolio %
Internally Restricted	\$63.6M	36
Externally Restricted	\$102.6M	57
Unrestricted	\$11.7M	7
Total	\$177.9M	100

5. CONCLUSION

Council's investment holdings at 31 July 2021 have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, 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>The Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested under <i>Section 625</i> of the <i>Local Government Act 1993</i>.</p> <p>In accordance with Clause 212 of <i>Local Government (General) Regulation 2005</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 July 2021 were \$177.9M and Interest returns are on track to exceed the annual budget of \$1.1M.</p>

ATTACHMENT 2

Actual Performance against Investment Policy Settings and Budget is detailed below:

Figure 1 - Maximum hold of a class/mix of investments as a % of total portfolio

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	Portfolio Maximum %	Actual Allocation this month %
AAA to AA+/- (Or major banks)	A1+	100	58
A+ / A	A1	70	3
A- / BBB+ / BBB	A2	50	35
BBB-	A3	10	0
Unrated	Unrated	10	4

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 - Maximum exposure to a single financial institution as a % of total portfolio

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	Institution Maximum %	Actual Allocation this month %
AAA to AA+/- (Or major banks)	A1+	30	28
A+ / A	A1	20	1
A- / BBB+ / BBB	A2	15	7
BBB-	A3	5	0
Unrated	Unrated	5	4

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 July 2021

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio	<u>0.93%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index	<u>0.03%</u>
Above Benchmark Return	<u>0.90%</u>

Figure 3 shows the average interest rate achieved by Council on its investment portfolio compared with the average Bloomberg AUSBond Bank Bill Index for the month. Council's return has outperformed the benchmark by 0.90%.

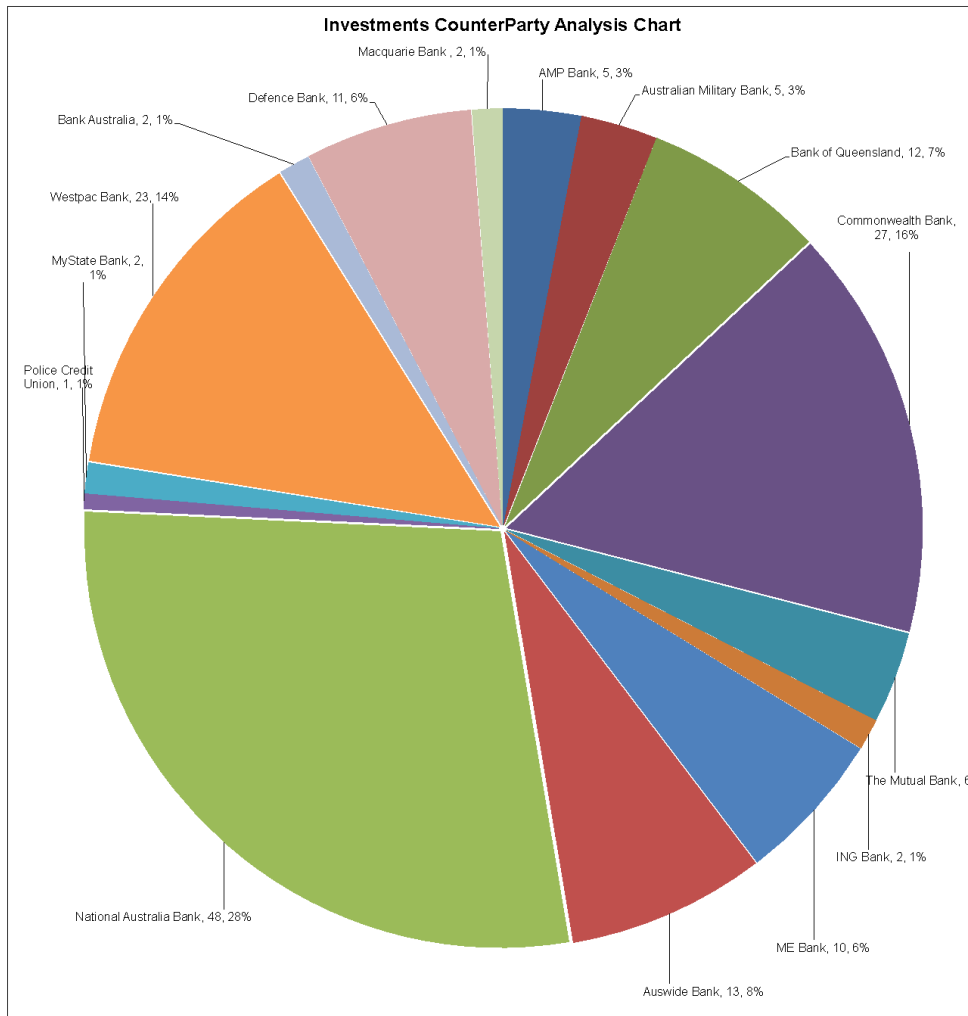
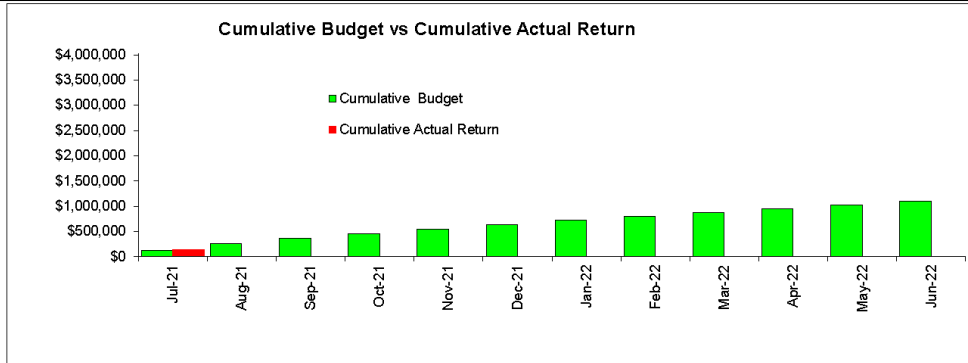
Figure 4 – Investment Return for 31 July 2021

<u>Description</u>	<u>Interest Achieved (\$K: \$000's)</u>
Council Actual Interest Return	\$134K
Budgeted Return	<u>\$131K</u>
Over Budgeted Return	<u>\$3K</u>

Figure 4 provides a comparison of the actual interest return on investments for the month with the budget and shows that the monthly return is \$3K better than budget.

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 (47724)	A1+	TD	1,000,000	0.90%	173	23/07/2020	8/07/2021	Matured
National Australia Bank (46613)	AA-	TD	2,000,000	1.00%	767	28/05/2020	15/07/2021	Matured
National Australia Bank (46483)	AA-	TD	2,000,000	1.01%	1,162	21/05/2020	22/07/2021	Matured
Current Investments:								
Bank Australia (41066)	BBB+	TD	2,000,000	1.85%	3,142	8/08/2019	12/08/2021	0-3 mths
National Australia Bank (10716985)	A1+	TD	2,000,000	0.85%	1,444	14/08/2020	12/08/2021	0-3 mths
Bank of QLD (173034)	BBB+	TD	2,000,000	1.75%	2,973	15/08/2019	19/08/2021	0-3 mths
Commonwealth Bank (1972)	AA-	TD	2,000,000	1.55%	2,833	22/08/2019	19/08/2021	0-3 mths
Bank of QLD (173824)	BBB+	TD	2,000,000	1.75%	2,973	29/08/2019	26/08/2021	0-3 mths
Westpac Bank (7966434)	AA-	TD	2,000,000	1.51%	2,565	29/08/2019	26/08/2021	0-3 mths
Commonwealth Bank (1973)	AA-	TD	2,000,000	1.49%	2,531	29/08/2019	26/08/2021	0-3 mths
Australian Military Bank (41254)	A2	TD	1,000,000	1.71%	1,452	22/08/2019	26/08/2021	0-3 mths
Westpac Bank (7966480)	AA-	TD	3,000,000	1.51%	3,847	29/08/2019	2/09/2021	0-3 mths
ME Bank (41352)	BBB+	TD	2,000,000	1.55%	2,833	29/08/2019	3/09/2021	0-3 mths
Auswide Bank (41540)	BBB+	TD	2,000,000	1.80%	3,058	5/09/2019	9/09/2021	0-3 mths
Westpac Bank (800620) (REG)	AA-	TD	2,000,000	1.67%	2,837	13/09/2019	16/09/2021	0-3 mths
Auswide Bank (41697)	BBB+	TD	2,000,000	1.75%	2,973	12/09/2019	16/09/2021	0-3 mths
Australian Military Bank (41849)	BBB+	TD	2,000,000	1.80%	3,058	19/09/2019	23/09/2021	0-3 mths
Auswide Bank (42057)	BBB+	TD	3,000,000	1.70%	4,332	31/10/2019	7/10/2021	0-3 mths
Westpac Bank (8601107)	AA-	TD	2,000,000	1.00%	1,699	11/06/2020	14/10/2021	0-3 mths
Commonwealth Bank (2018)	A1+	TD	3,000,000	0.63%	1,605	15/10/2020	14/10/2021	0-3 mths
Commonwealth Bank (2019)	A1+	TD	3,000,000	0.63%	1,605	15/10/2020	14/10/2021	0-3 mths
National Australia Bank (10726716)	A1+	TD	1,000,000	0.64%	544	15/10/2020	21/10/2021	0-3 mths
Commonwealth Bank (2020)	A1+	TD	3,000,000	0.63%	1,605	15/10/2020	21/10/2021	0-3 mths
National Australia Bank (48866)	A1+	TD	1,000,000	0.63%	535	8/10/2020	28/10/2021	0-3 mths
Westpac Bank (8775277)	AA-	TD	3,000,000	0.80%	2,038	27/08/2020	4/11/2021	4 mths
National Australia Bank (10719202)	AA-	TD	2,000,000	0.82%	1,393	27/08/2020	4/11/2021	4 mths
National Australia Bank (48236)	AA-	TD	3,000,000	0.82%	2,089	27/08/2020	11/11/2021	4 mths
Westpac Bank (8119878)	AA-	TD	2,000,000	1.62%	2,752	8/11/2019	11/11/2021	4 mths
Westpac Bank (8758031)	AA-	TD	4,000,000	0.82%	2,786	20/08/2020	18/11/2021	4 mths
AMP Bank (653244327) (REG)	A-	TD	1,050,963	1.55%	1,384	14/05/2020	18/11/2021	4 mths
National Australia Bank (10730270)	A1+	TD	2,000,000	0.58%	985	12/11/2020	25/11/2021	4 mths
Commonwealth Bank (2025)	A1+	TD	2,000,000	0.54%	917	12/11/2020	25/11/2021	4 mths
Commonwealth Bank (2028)	A1+	TD	1,000,000	0.55%	467	26/11/2020	25/11/2021	4 mths
Commonwealth Bank (2031)	A1+	TD	2,000,000	0.55%	934	3/12/2020	2/12/2021	5 mths
Westpac Bank (8804859)	AA-	TD	2,000,000	0.75%	1,274	10/09/2020	9/12/2021	5 mths
The Mutual Bank (48415)	Unrated	TD	2,000,000	0.95%	1,614	10/09/2020	9/12/2021	5 mths
MyState Bank (48416)	BBB+	TD	2,000,000	0.95%	1,359	10/09/2020	9/12/2021	5 mths
National Australia Bank (48344)	AA-	TD	3,000,000	0.80%	2,038	3/09/2020	16/12/2021	5 mths
Macquarie Bank (257847582)	A+	TD	1,000,000	0.74%	628	15/01/2021	13/01/2022	6 mths
National Australia Bank (10738486)	A1+	TD	1,000,000	0.45%	382	21/01/2021	20/01/2022	6 mths
Auswide Bank (44222)	BBB+	TD	2,000,000	1.70%	2,888	6/02/2020	3/02/2022	7 mths
National Australia Bank (10741025)	A1+	TD	2,000,000	0.43%	730	4/02/2021	3/02/2022	7 mths
The Mutual Bank (50608)	Unrated	TD	2,000,000	0.55%	934	4/02/2021	3/02/2022	7 mths
Auswide Bank (197597)	BBB+	TD	2,000,000	1.75%	2,973	13/02/2020	17/02/2022	7 mths
Bank of QLD (227914)	A2	TD	2,000,000	1.60%	2,718	20/02/2020	17/02/2022	7 mths
Commonwealth Bank (2041)	A1+	TD	2,000,000	0.50%	849	4/03/2021	3/03/2022	8 mths
Auswide Bank (44840)	A2	TD	2,000,000	1.65%	2,803	5/03/2020	10/03/2022	8 mths
Macquarie Bank (51134)	A1	TD	1,000,000	0.45%	382	11/03/2021	10/03/2022	8 mths
Defence Bank (51133)	Unrated	TD	2,000,000	0.47%	798	11/03/2021	17/03/2022	8 mths
Police Credit Union SA (180321)	Unrated	TD	1,000,000	0.50%	425	18/03/2021	17/03/2022	8 mths
Bank of QLD (267625)	BBB+	TD	2,000,000	1.25%	2,123	4/06/2020	7/04/2022	9 mths
National Australia Bank (48537)	AA-	TD	4,000,000	0.77%	2,616	17/09/2020	14/04/2022	9 mths
National Australia Bank (48536)	AA-	TD	3,000,000	0.77%	1,962	17/09/2020	14/04/2022	9 mths
National Australia Bank (6295247)	AA-	TD	2,000,000	0.77%	1,308	17/09/2020	21/04/2022	9 mths
Defence Bank (52215)	A2	TD	2,000,000	0.50%	849	8/05/2021	5/05/2022	10 mths
ME Bank (52216)	A2	TD	1,000,000	0.50%	425	8/05/2021	5/05/2022	10 mths
ME Bank (52311)	A2	TD	2,000,000	0.50%	849	13/05/2021	12/05/2022	10 mths
ME Bank (52393)	A2	TD	3,000,000	0.50%	1,274	20/05/2021	19/05/2022	10 mths
Defence Bank (46617)	BBB+	TD	2,000,000	1.20%	2,038	28/05/2020	2/06/2022	11 mths
The Mutual Bank (47111)	Unrated	TD	2,000,000	1.30%	2,208	18/06/2020	16/06/2022	11 mths
AMP Bank (415527977)	BBB+	TD	1,000,000	0.75%	637	17/12/2020	16/06/2022	11 mths
ME Bank (52908)	A2	TD	2,000,000	0.53%	900	17/06/2021	16/06/2022	11 mths
AMP Bank (474382181)	A2	TD	1,000,000	0.75%	637	28/01/2021	28/07/2022	>12 mths
AMP Bank (862977733)	BBB+	TD	2,000,000	0.75%	1,274	18/02/2021	11/08/2022	>12 mths
Bank of QLD (314082)	BBB+	TD	1,000,000	0.80%	679	22/10/2020	20/10/2022	>12 mths
National Australia Bank (10728150)	AA-	TD	2,000,000	0.85%	1,104	27/10/2020	27/10/2022	>12 mths
National Australia Bank (10730271)	AA-	TD	2,000,000	0.66%	1,121	12/11/2020	10/11/2022	>12 mths
Defence Bank (49553)	BBB+	TD	2,000,000	0.62%	1,053	19/11/2020	17/11/2022	>12 mths
Defence Bank (49658)	BBB+	TD	1,000,000	0.63%	535	26/11/2020	24/11/2022	>12 mths
National Australia Bank (10732871)	AA-	TD	4,000,000	0.65%	2,208	3/12/2020	8/12/2022	>12 mths
Australian Military Bank (48693)	BBB+	TD	2,000,000	0.60%	1,019	10/12/2020	8/12/2022	>12 mths
National Australia Bank (10733380)	AA-	TD	3,000,000	0.63%	1,605	10/12/2020	15/12/2022	>12 mths
National Australia Bank (10738485)	AA-	TD	3,000,000	0.62%	1,580	21/01/2021	19/01/2023	>12 mths
Commonwealth Bank (2038)	AA-	TD	2,000,000	0.55%	934	25/02/2021	23/02/2023	>12 mths
National Australia Bank (511346)	AA-	TD	2,000,000	0.64%	1,087	4/03/2021	9/03/2023	>12 mths
Commonwealth Bank (2042)	AA-	TD	3,000,000	0.51%	1,299	11/03/2021	16/03/2023	>12 mths
Defence Bank (51389)	BBB+	TD	2,000,000	0.55%	934	18/03/2021	23/03/2023	>12 mths
Commonwealth Bank (2046)	AA-	TD	2,000,000	0.51%	866	22/04/2021	27/04/2023	>12 mths
Bank of QLD (382470)	A2	TD	3,000,000	0.50%	1,274	13/05/2021	18/05/2023	>12 mths
ING Bank (811179)	A+	TD	2,000,000	0.55%	934	3/06/2021	8/06/2023	>12 mths
National Australia Bank (10754610)	AA-	TD	2,000,000	0.60%	1,019	10/06/2021	15/06/2023	>12 mths
National Australia Bank (52905)	AA-	TD	1,000,000	0.60%	510	17/06/2021	22/06/2023	>12 mths
Westpac Bank (9298720)	AA-	TD	2,000,000	0.65%	1,104	17/06/2021	14/12/2023	>12 mths
Westpac Bank - Green Tailored Deposit (75532)	AA-	TD	1,000,000	1.04%	883	28/02/2019	1/03/2024	>12 mths
Current Investments - "New and Rollover" made during the month:								
National Australia Bank (53282)	AA-	TD	1,000,000	0.80%	526	8/07/2021	4/07/2024	36 mths
National Australia Bank (53374)	AA-	TD	2,000,000	0.65%	605	15/07/2021	13/07/2023	24 mths
Total Current Investments, Monthly Interest and Weighted Return		Inv	169,050,963	0.93%	132,668			
Other Cash and Monthly Interest (11am STMM)		Cash	8,949,814		1,388			
Total Cash & Investments			177,900,777		134,056			
Benchmark: Bloomberg AU\$Bond Bank Bill Index				0.03%				
Investments Margin above Benchmark				0.90%				
Investments Maturity Period								
Amount	0-3 Months	4-12 Months	> 12 Months	Total \$	chk/sbe	0		
	44,000,000	77,050,963	48,000,000	169,050,963				
% of Total	26.0%	45.6%	28.4%	100%				
Cash & Investments Return:								
	Budget \$	Actual \$	Var. \$					
Current Month	130,621	134,056	3,435					
Year to Date	130,621	134,056	3,435					

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount \$	Return % p.a.	Monthly Income \$	Investment Date	Mature & Reset Date	Period/ Matur. Date
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15.2 INVESTMENT REPORT FOR MONTH OF AUGUST 2021

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2020) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 31 August 2021 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 August 2021.

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 2005*, 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 August 2021 is included in **Attachment 1** (Financial Implications) with details of holdings and counterparty analysis included in **Attachment 3**.

Actual performance against policy settings and budget are included in **Attachment 2**.

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

The key financial indicators for Council's investment holdings at 31 August 2021 include:

Combined Bank Balance	\$23.9M
Investment Holdings	\$170.0M
Total Cash and Investments	\$193.9M
Return on Investments	0.94%, (0.92% above benchmark of 0.02%) (Refer to Attachment 3 – Figure 1).
Actual Interest Return (Month)	\$129K (\$4K better than \$125K budget) (Refer to Attachment 3 – Figure 2).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of \$263K is \$8K favourable to Year to Date budget of \$255K.

Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 31 August 2021 was \$193.9m. Of this amount, \$168.4m, or 87% is restricted to be spent on specific purposes. This leaves \$25.5m or 13% of unrestricted cash and investments for working capital purposes.

Table 1 shows the breakdown of cash and investments

Table 1 – Restricted versus unrestricted cash and investments as at 31 August 2021

Restriction Category	Total cash and investments as at 31 August 2021 (\$'m)	Percentage of Total Portfolio %
Internally Restricted	\$64.9M	34
Externally Restricted	\$103.5M	53
Unrestricted	\$25.5M	13
Total	\$193.9M	100

5. CONCLUSION

Council's investment holdings at 31 August 2021 have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, 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	The Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested under <i>Section 625</i> of the <i>Local Government Act 1993</i> .
	In accordance with Clause 212 of <i>Local Government (General) Regulation 2005</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> .
Budget/ Financial	The monthly investment report details the interest income for the month and any other relevant information required by Council.
	Council's Cash and Investments holdings at 31 August 2021 were \$193.9M and Interest returns are on track to exceed the annual budget of \$1.1M.

ATTACHMENT 2

Actual Performance against Investment Policy Settings and Budget is detailed below:

Figure 1 - Maximum hold of a class/mix of investments as a % of total portfolio

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	Portfolio Maximum %	Actual Allocation this month %
AAA to AA+/- (Or major banks)	A1+	100	58
A+ / A	A1	70	3
A- / BBB+ / BBB	A2	50	35
BBB-	A3	10	0
Unrated	Unrated	10	4

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 - Maximum exposure to a single financial institution as a % of total portfolio

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	Institution Maximum %	Actual Allocation this month %
AAA to AA+/- (Or major banks)	A1+	30	29
A+ / A	A1	20	1
A- / BBB+ / BBB	A2	15	9
BBB-	A3	5	0
Unrated	Unrated	5	4

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 August 2021

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio	<u>0.94%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index	<u>0.02%</u>
Above Benchmark Return	<u>0.92%</u>

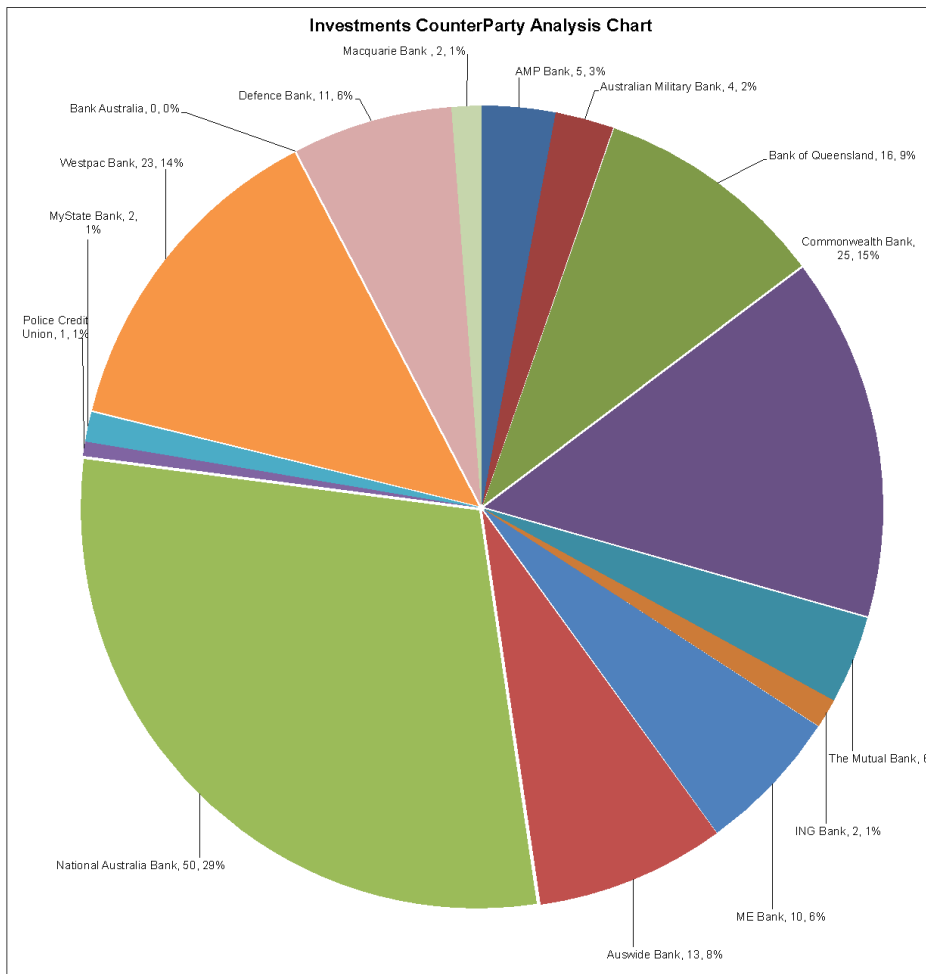
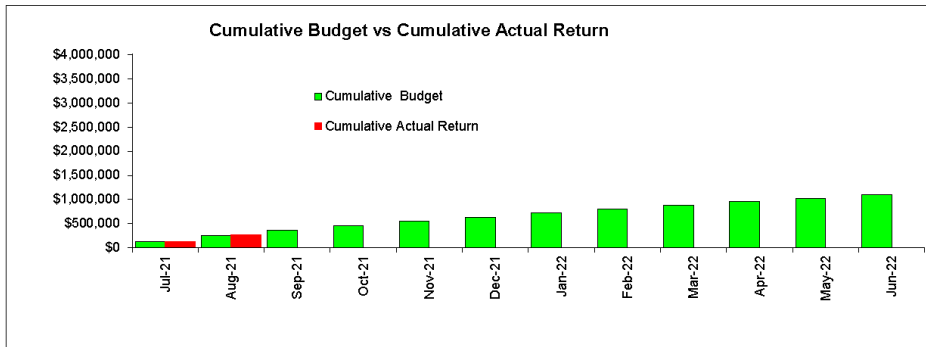
Figure 3 shows the average interest rate achieved by Council on its investment portfolio compared with the average Bloomberg AUSBond Bank Bill Index for the month. Council's return has outperformed the benchmark by 0.92%.

Figure 4 – Investment Return for 31 August 2021

<u>Description</u>	<u>Interest Achieved (\$K: \$000's)</u>
Council Actual Interest Return	\$129K
Budgeted Return	<u>\$125K</u>
Over Budgeted Return	<u>\$4K</u>

Figure 4 provides a comparison of the actual interest return on investments for the month with the budget and shows that the monthly return is \$4K better than budget.

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount \$	Return % p.a.	Monthly Income \$	Investment Date	Mature & Res et Date	Period/ Matur. Date
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15.3 QUARTERLY BUDGET REVIEW 4 - CARRYOVER OF UNSPENT PROJECT FUNDS FROM 2020/21 TO 2021/22

ATTACHMENTS:	1. IMPLICATIONS 2. 2020/21 QUARTER 4 CARRYOVER PROJECTS
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To seek Council's approval to carry over unspent project budgets from 2020/21 to 2021/22 in order to finalise all associated works, and to make minor changes to the 2021/22 works program to increase benefits to the community.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Approve the carryover of unspent project budgets from 2020/21 to 2021/22 totalling \$3,811,409 (with \$309,000 funded from General Fund).**
- 2. Approve the new project "Bellambi St & Carden Lane - Road Rehabilitation" with savings of \$78,843 from the Local Roads and Community Infrastructure Program grant income received in 2020/21.**
- 3. Approve the budget increase of \$9,000 for a 2020/21 project "Traffic control signals improvements, Anderson Street and Victoria Avenue, Chatswood" to complete the works in 2021/22.**

3. BACKGROUND

A report is prepared for Council on an annual basis seeking approval for unspent budgeted project funding to be carried over to the following year to enable their completion.

This report provides information to Council on the specific projects and the quantum of funds for 2020/21 projects requiring budget carryover to 2021/22.

4. DISCUSSION

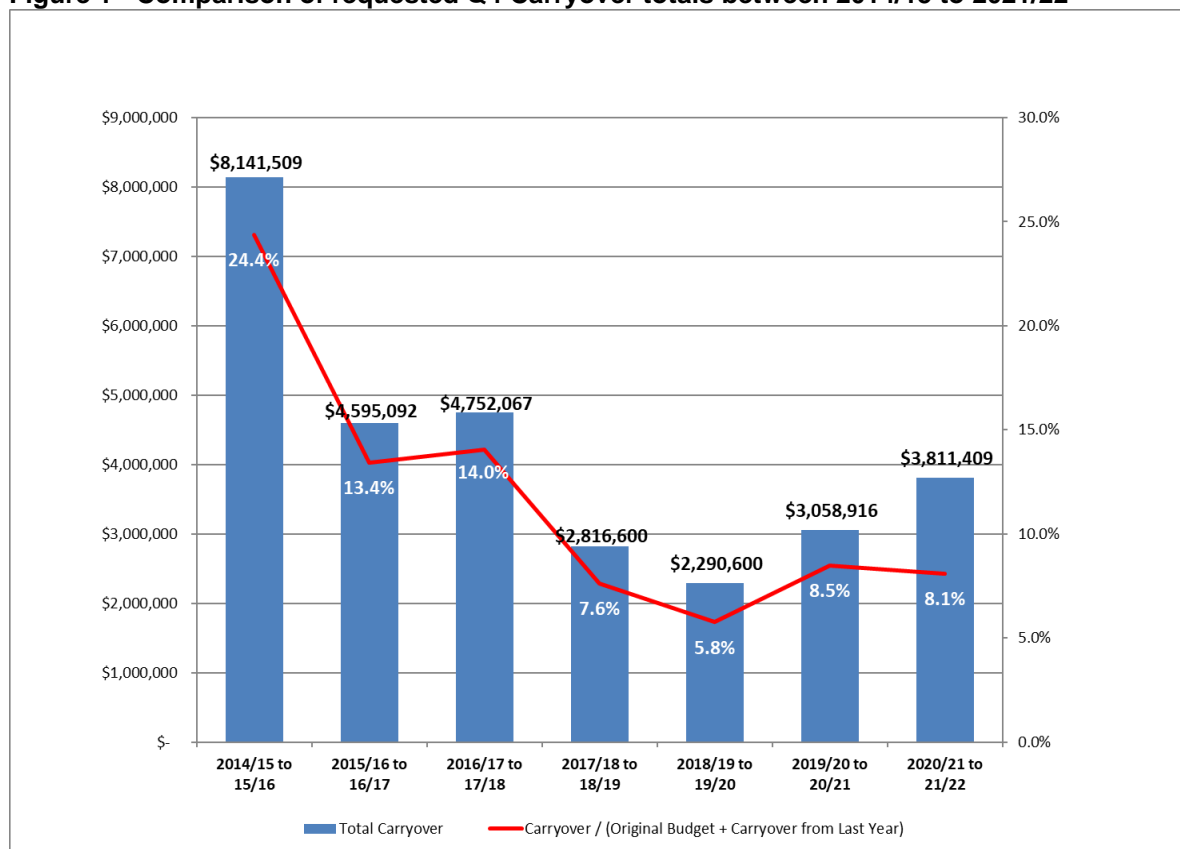
At the conclusion of any financial year there will be projects that for a number of reasons have not spent the budget allocation for that financial year. Where the unspent budget allocation is required in order to complete the project, Council approval to carry forward that budget into the next financial year is required under the *Local Government Act 1993* and clause 202(b) of the *Local Government (General) Regulation 2005*.

Attachment 2 sets out the various projects and their remaining 2020/21 budgets which require carryover into 2021/22 to enable their completion.

The total amount of carryover request has increased from \$3.06m last year to \$3.8m this financial year. This is due predominately to the Concourse cladding project requesting \$2.16m to be carried over to 2021/22 to complete the project. This single project accounts for 57% of the total carryover request. Excluding this project, the total carryover requesting approval is \$1.64m.

Despite the increase this financial year, there has been a significant and sustained reduction in the quantum of funds that have been requested for carryover compared with prior years. Figure 1 shows a reduction of 53% over the six years since 2014/15 despite the disruption caused by the COVID-19 pandemic over the past two financial years.

Figure 1 - Comparison of requested Q4 Carryover totals between 2014/15 to 2021/22



In addition to the request for carry-over, two projects are seeking new budget allocation totalling \$87,843 in the 2021/22 financial year. These are:

1. Bellambi St & Carden Lane - Road Rehabilitation. This project is seeking \$78,843 in budget allocation funded by a grant. The project intends to utilise savings from another project funded by the Local Roads and Community Infrastructure Program grant for this project. The sections of Bellambi Street and Carden Lane to be rehabilitated are extensively affected by surface cracking, which requires frequent patching by Council to keep the roads serviceable. Rehabilitation in 2021 will reduce future maintenance costs for these roads. If the grant funding is not utilised on this project it will need to be refunded.

2. Traffic control signals improvements, Anderson Street and Victoria Avenue, Chatswood. An additional budget of \$9,000 is required to complete unforeseen critical and urgent works identified during construction phase, to ensure public safety and meet statutory requirements.

Financial Implications

The recommended carryover projects total of \$3.8m will be funded via the sources identified below:

- Council's Internal Reserves \$2.64M (70%)
- Developer Contribution \$0.16M (4%)
- Grants \$0.47M (12%)
- Council's Externally Restricted Reserves \$0.23M (6%)
- General Fund (rates, fees and charges) \$0.31M (8%).

5. CONCLUSION

Council officers have reviewed all 2020/21 projects and recommend that \$3.8m of unspent project budgets be carried over from 2020/21 to 2021/22 in order to finalise all associated works.

Council approval is also recommended for new budget allocation of \$87,843 for two projects in 2021/22.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Approval of carryover budget is required to complete projects that were included in the 2020/21 Operational Plan and Budget and the Delivery Program.
Policy	This report is compliant with a range of Council Policies in particular the summary of significant accounting policies included in the <i>Audited Annual Financial Statements</i> .
Consultation	Councillors were briefed on project performance throughout the 2020/21 financial year. The most recent briefing related to the Quarter 3 budget review.
Resource	Internal resources were used to produce this analysis and business paper.
Risk	If carryover budgets are not approved there is risk to the completion of the projects. Were projects to continue without appropriate approval Council risks being in breach of the relevant legislation.
Legal	There are no legal considerations applicable to this report.
Legislation	Changes to the adopted budget require approval under the Local Government Act 1993 and clause 202(b) of the <i>Local Government (General) Regulation 2005</i> .
Budget/Financial	The carryover projects and two other requests seek an increase to the 2021/22 Projects and Capital works budget of \$3.9M. Of this, \$318K requires funding from the general fund. This \$318K will be offset by savings on other projects or on recurring spend and this will be addressed during quarterly budget reviews throughout 2021/22.

Projects and Capital Works

Funding Source Code: GF General Fund ; 2 Internal Resv ; 3 External Resv ; 4 Grant & Contrib ; 6 Infra Levy ; 7 S/W Levy ; 8 Env Levy ; 9 Sponsorship ; 10 Sundry Income ; 11 Internal Revenue ; 12 Dev Contrib

Key Direct ion	Project I.D. and Name	Orig. Budget 20/21 \$'000	B/twd Budget 20/21 \$'000	Curr Budget 2020/21 \$'000	Var Q4 Budget 20/21 \$'000	Rev Budget 2020/21 \$'000	YTD June-21 Actual \$'000	Funding Source	Q4 Request Carryover to 2021/22 \$'000	Carryover Comments
1.3	400028 - Gross pollutant trap 4 year renewal program-Year4-design & construction-Chatswood CBD, Crick St Chatswood & Muston Park	353.6	0.0	353.6	0.0	353.6	320.0	8	33.6	Project expected to be completed by the end of July 2021 as approved in Q3 budget review.
1.5	400013 - Battery storage installation	110.0	0.0	230.0	0.0	230.0	152.4	2, 8	22.0	Project held up due to Ausgrid approval delay of 3 months.
1.5	400930 - Electric vehicle charging bay	15.0	0.0	35.0	0.0	35.0	23.2	2	10.0	Finalise payments for Railway Street, Chatswood Electric vehicle parking bay and fund investigation and development of new bays.
2.1	400036 - New bike links at Artarmon Industrial Area	250.0	0.0	600.0	0.0	600.0	532.7	3, 8	67.3	Install traffic control signals to finalise construction of the project.
2.1	400095 - Pedestrian Network Audit and PAMPs		0.0	15.0	0.0	15.0	12.9	GF	2.0	Continue to fund pedestrian project investigations and community issues response.
2.1	400099 - Shared path detailed design for Pacific Highway (Chatswood to St Leonards)	1,650.0	0.0	350.0	0.0	350.0	264.8	3	85.2	Final payment of design consultant for detailed design contract.
2.1	400567 - Bicycle logos and wayfinding program	22.0	0.0	22.0	0.0	22.0	1.8	8	19.5	Continue to fund studies and works to support safe and accessible bike network as part of the adopted Bicycle Plan implementation .

QUARTERLY BUDGET REVIEW 2020/21 - JUNE QUARTER

Key Direct ion	Project I.D. and Name	Orig. Budget 20/21 \$'000	B/fwd Budget 20/21 \$'000	Curr Budget 2020/21 \$'000	Var Q4 Budget 20/21 \$'000	Rev Budget 2020/21 \$'000	YTD June-21 Actual \$'000	Funding Source	Q4 Request Carryover to 2021/22 \$'000	Carryover Comments
2.1	400922 - End of trip bicycle facilities at 75 Albert Avenue, Chatswood	30.0	0.0	30.0	0.0	30.0	3.7	2	26.3	Complete the final stages of the project construction.
2.1	400942 - Chatswood CBD congestion treatments design	10.0	0.0	5.0	0.0	5.0	0.0	GF	5.0	Fund investigations and design activities.
2.1	400962 - Chatswood to St Leonards Bicycle Route Improvement Plan - Detailed Design	0.0	0.0	400.0	0.0	400.0	193.6	3	125.0	Make final payments to design consultant for the detailed design contract.
2.1	400664 - STRBR-013 Bridge repair works in North Arm Res over Creek, M	0.0	30.1	30.1	0.0	30.1	25.9	2	4.2	Funds required for construction inspections by design consultant.
2.1	400368 - LATM - Victoria Ave & Bertram St (Pedes safety - kerb ext Vi	0.0	6.7	44.0	0.0	44.0	35.9	3	7.0	To construction final stage of works including landscaping.
2.4	400943 - St Leonards and Northbridge, Chatswood, Artarmon - traffic calming - study	50.0	0.0	30.0	0.0	30.0	21.9	GF	7.0	To fund final implementation of Artarmon traffic calming measures.
2.4	400952 - Local area traffic management detailed design and implementation for Hampden Road, Artarmon	162.0	0.0	650.0	0.0	650.0	571.0	4, GF	79.0	Complete final construction stages of the project.
3.1	400932 - Road safety education programs	5.0	0.0	5.0	0.0	5.0	1.0	GF	4.0	Continue to investigate, design and delivery of adopted behavioural road safety projects.
3.1	400935 - Road safety action plan study	10.0	0.0	10.0	0.0	10.0	0.0	GF	10.0	Project commenced in-house. Work continuing and budget required to undertake exhibition.
3.1	400951 - Traffic control signals improvements, Anderson Street and Victoria Avenue, Chatswood	165.0	0.0	165.0	0.0	165.0	106.0	GF	59.0	Contribution towards funding the final construction stage of the project.

ATTACHMENT 2

QUARTERLY BUDGET REVIEW 2020/21 - JUNE QUARTER

Key Direct ion	Project I.D. and Name	Orig. Budget 20/21 \$'000	B/fwd Budget 20/21 \$'000	Curr Budget 2020/21 \$'000	Var Q4 Budget 20/21 \$'000	Rev Budget 2020/21 \$'000	YTD June-21 Actual \$'000	Funding Source	Q4 Request Carryover to 2021/22 \$'000	Carryover Comments
3.1	400966 - LRCI - New - Chatswood Mall - CCTV Installation	0.0	0.0	72.0	0.0	72.0	0.0	4	37.0	Broken supply chains due to Covid and a lack of commitment from suppliers to lock in delivery deadlines Latent conditions not identified at the project scoping stage.
3.1	400967 - LRCI - New - Northbridge Baths - CCTV Installation	0.0	0.0	43.0	0.0	43.0	0.0	4	40.0	Broken supply chains due to Covid and a lack of commitment from suppliers to lock in delivery deadlines Latent conditions not identified at the project scoping stage.
3.2	400839 - Upgrade Naremburn Park Playground, Station Street, Naremburn	625.0	0.0	625.0	0.0	625.0	551.0	2; 12	24.0	Additional works to install fence and path in playground to be completed by mid August.
3.2	400846 - New garden beds and turf in four parks	100.0	0.0	100.0	0.0	100.0	64.3	2	2.5	Repairs to irrigation in Garden of Remembrance.
3.2	400849 - Upgrade/New driveway, lighting, ball fence and raingarden at Artamon Reserve - Masterplan actions – construction	200.0	0.0	200.0	0.0	200.0	104.4	2	0.7	New handrail to be installed to complete works, by late August.
3.2	400822 - Renew sports court surface and lights, cricket nets feasibility at Beauchamp Park	120.0	0.0	200.8	0.0	200.8	176.9	2	23.9	Wheel stops and bollards to be completed by late August.
3.2	400426 - Northbridge Oval - Renewal of Synthetic Playing Surface	0.0	14.1	14.1	0.0	14.1	0.0	2	14.1	Works delayed by COVID restrictions; work expected for completion in Q2.

Key Direct ion	Project I.D. and Name	Orig. Budget 20/21 \$'000	B/fwd Budget 20/21 \$'000	Curr Budget 2020/21 \$'000	Var Q4 Budget 20/21 \$'000	Rev Budget 2020/21 \$'000	YTD June-21 Actual \$'000	Funding Source	Q4 Request Carryover to 2021/22 \$'000	Carryover Comments
3.2	400434 - Upgrades at Chatswood Park	350.0	0.0	438.0	0.0	438.0	299.2	12	111.0	Completion of handrails on the J Donnelly Stand delayed by COVID restrictions with final invoice due by September.
3.2	400445 - Beauchamp Park - Spectator Seating & Pathways - Masterplan A	0.0	77.0	35.2	0.0	35.2	32.9	2; 12	2.3	Works delayed due to weather and site conditions, with completion due by end of August.
3.4	400958 - Public domain technical manual development 2020/2021	100.0	0.0	100.0	0.0	100.0	43.5	GF	43.5	Contract entered into. Project commenced and not completed. Remaining committed funds required.
3.5	400907 - Stormwater upgrade, Narooma to Kameruka Road, Northbridge	25.0	0.0	25.0	0.0	25.0	0.0	GF	25.0	Works have begun but have been delayed due to inclement weather, as well as Covid Lockdowns and related delays.
5.1	400808 - Wifi upgrade and network monitoring	57.5	0.0	77.5	0.0	77.5	12.3	2	65.2	The hardware has been procured and the cabling completed. Carried over funds are for the technical implication services to complete the project.
5.3	400114 - Hampden Road Artarmor, streetscape stage 2 – construction	1,073.0	0.0	403.0	0.0	403.0	263.3	2	139.7	Funds required for current Stage 2 design consultant commitments.
5.3	400116 - Sailors Bay, Strathallen and Eastern Valley Way, Northbridge – Construction	1,079.0	0.0	299.0	0.0	299.0	226.6	2	38.5	Funds required to cover current design contract commitments.

Key Direct ion	Project I.D. and Name	Orig. Budget 20/21 \$'000	B/fwd Budget 20/21 \$'000	Curr Budget 2020/21 \$'000	Var Q4 Budget 20/21 \$'000	Rev Budget 2020/21 \$'000	YTD June-21 Actual \$'000	Funding Source	Q4 Request Carryover to 2021/22 \$'000	Carryover Comments
5.3	400117 - Northbridge Bowling Club (Design and Construction)	0.0	1,034.4	1,454.4	0.0	1,454.4	1,400.1	3; GF	30.0	Funds required to close out current construction contract commitment.
5.3	400119 - Thomson Park New Sport Amenities	0.0	559.6	559.6	0.0	559.6	493.6	4; 12	44.6	Funds required to cover current construction contract commitments.
5.3	400775 - Artarmon Parklands Pavilion – design	200.0	0.0	200.0	0.0	200.0	167.6	3	32.4	Funds required for current design contract commitments.
5.3	400790 - Incinerator Small Street, Willoughby structural ground floor repairs	415.0	0.0	115.0	0.0	115.0	45.2	6	69.8	Funds required to fund current design and construction commitments.
5.3	400214 - Modifications at SES Naremburn, 25 Station Street	260.0	0.0	100.0	0.0	100.0	41.5	6	58.5	Funds required to cover current construction contract commitments.
5.3	400261 - Concourse compliance upgrade	6,575.0	0.0	4,575.0	0.0	4,575.0	2,406.8	2	2,168.2	Project under construction - funds required to complete current contract commitment.
5.3	400779 - Dougherty Centre – furniture and fittings	228.4	0.0	258.4	0.0	258.4	146.6	4	111.8	Project scope increased due to additional Commonwealth Funding received which has increased time to complete.
5.3	400785 - Property inspection program	35.0	0.0	35.0	0.0	35.0	10.5	GF	24.5	Works have begun but have been delayed due to Covid Lockdowns and delays.
5.3	400961 - SWR: Carlos Rd (27&29) - Culvert Reconstruction	0.0	0.0	143.0	0.0	143.0	5.0	6; 7; GF	138.0	Latent conditions not identified at the project scoping stage.
	TOTAL PROJECT AND CAPITAL WORKS EXPENDITURE Q4 CARRYOVER REQUEST	44,061.9	3,058.9	33,733.8	0.0	33,733.8	27,175.9		3,811.4	

15.4 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To nominate voting delegates to attend the Local Government NSW Annual Conference on 29 November 2021, and to vote in the NSW Board Election.

2. OFFICER'S RECOMMENDATION

That Council nominate five Councillors as voting delegates to attend the Local Government NSW 2021 Annual Conference on 29 November 2021 and to vote in the NSW Board Election.

3. BACKGROUND

Local Government NSW (LGNSW) is the industry association for NSW councils. The Annual Conference facilitates the coming together of councillors to share ideas, and debate issues that shape the way councils operate.

Council has, over the years, supported representation at the Conference. In July 2020, Council resolved to nominate the Mayor, Councillor Giles-Gidney and Councillors Campbell, Norton, Saville and Wright as voting delegates, and Councillors Eriksson, Rozos, Tuon and Zhu as observers at the Annual Conference.

4. DISCUSSION

As a result of COVID constraints, and the further postponement of local government elections, LGNSW has decided to truncate the Annual Conference to a one-hour, online event from 9:30am on 29 November 2021, followed by a Special Conference on 28 February – 2 March 2022.

While the Special Conference will incorporate the debate and resolution of motions, and a range of keynote speakers, the Annual Conference will be limited to the adoption of standing orders, along with reports from the President and Treasurer.

LGNSW has requested that members provide details of their nominated voting delegates for the Annual Conference, and LGNSW Board election by 5 October 2021.

Voting delegates will be required to vote at the Annual Conference on Standing Orders and the Treasurer's Report. However, the vote on the election of the Board will be held via a postal vote, with the outcome to be announced at the Annual Conference.

Council is eligible to nominate five Councillors as voting delegates. Delegates can be nominated to vote at the Annual Conference and on the election of the Board, or alternatively, Council can nominate different voting delegates for Annual Conference and the Board election.

Councillors wishing to attend the conference as observers, are requested to provide their details to the Governance Team, so this can be arranged. It should be noted, that LGNSW has advised that registration for this event is free.

A further report will be presented at a later date regarding the 2022 Special Conference, as LGNSW is yet to confirm details regarding voting delegates for this event.

5. CONCLUSION

It is recommended that Council nominate voting delegates to participate at the Annual Conference, and in the election of the LGNSW Board.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.2 – Demonstrate leadership and advocacy for local priorities
Business Plan Objectives, Outcomes / Services	Council maintains annual membership with LGNSW as they assist member councils to deliver improved services, and better outcomes to their local communities through the provision of advocacy, representation and support.
Policy	There are no policies applicable to this report.
Consultation	There are no consultation requirements applicable to this report.
Resource	There are no additional resource implications applicable to this report. The facilitation of councillor participation in the conference is an annual activity resourced by the Governance team.
Risk	The nomination of voting delegates ensures that Council’s interests are represented at the Annual Conference and in the election of the LGNSW Board.
Legal	As a registered organisation, LGNSW is bound by a number of legal obligations, including the need to report to members on financial performance within six months of the end of the 2020-21 financial year. For this reason, the Annual Conference must be held within the relevant time period.
Legislation	As a registered organisation, LGNSW is subject to the Fair Work (Registered Organisations) Act.
Budget/Financial	Council pays an annual membership fee of \$58,636.22 this is funded through an approved budget.

15.5 LEGAL MATTERS REPORT - SEPTEMBER 2021

ATTACHMENTS:	1. IMPLICATIONS 2. LEGAL MATTERS REPORT
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To present for noting the legal services report for September 2021.

2. OFFICER'S RECOMMENDATION

That Council receive the legal services report for September 2021.

3. BACKGROUND

At its meeting on 9 March 2020, Council resolved:

That Council receive a report each Council Meeting from officers that includes all outstanding or ongoing legal matters (including mediation, NCAT, litigation, etc. excluding matters concerning NSW State Revenue). A further confidential report should contain prospects and expected costs.

This report presents the legal services report (**Attachment 2**) for Council's consideration.

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.

5. CONCLUSION

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

ATTACHMENT 1

IMPLICATIONS	COMMENT
<p>City Strategy Outcome</p> <p>Business Plan Objectives, Outcomes / Services</p>	<p>5.1 – Be honest, transparent and accountable in all that we do</p> <p>The provision of a monthly report is related to the work undertaken by the Legal Counsel and the Governance, Risk and Corporate Planning Unit.</p>
Policy	This report is produced pursuant to a resolution of Council.
Consultation	Internal consultation is undertaken to produce the report.
Resource	This report is provided using existing staff resources and external legal providers.
Risk	Due to the identified risks associated with the subject matter of this report, information that would constitute a breach of the <i>Privacy and Personal Information Protection Act 1998</i> or information that would compromise Council's legal prospects has not been included in the open report.
Legal	The purpose of this report is to inform Council on current legal proceedings.
Legislation	<p>On 25 March 2019, 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, the Chief Executive Officer is authorised to manage litigation and claims.</p>
Budget/Financial	Proceedings undertaken are financed through approved budgets.

Current Litigation and Claims Report September 2021

1. Reviews of Decisions and Complaints - GIPA, Privacy Complaints

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter	Status last month	Status this month	Law firm/ counsel engaged	Comments last month	Comments this month
NSW Civil and Administrative Tribunal 2020/4227	John Hooper	Review of GIPA determination regarding fees and extent of material to be provided.	NCAT published orders on 16 July 2021, determining Council had undertaken reasonable searches and upholding (in part) Council's decision to withhold documentation. NCAT directed that Council make a further determination on the remaining documentation.	A further determination is being prepared.	LTL Lawyers	Council staff will make a further determination on the documents as directed by NCAT.	The determination will be finalised by mid October 2021.

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 last month	Status this month	Law firm / counsel engaged	Insurer	Comments last month	Comments this month
NSW District Court 2019/96207	John Hooper	Defamation Proceedings	The hearing on 8 July was deferred until 16 September 2021.	No change.	RGS Lawyers appointed by Council's insurers.	StateWide Mutual	Hearing is set for 16 September 2021.	No change
N/A	BAMM Medical Centres Pty Ltd - BAMM Group	Lease dispute with tenant.	Council has received an updated offer from BAMM.	No change.	Pikes & Verekers	N/A	Council is currently reviewing the offer.	BAMM and Council officers have reached an agreement on a rent relief package.

Court / Matter No or Ref	Counter Party	Type of Matter	Status last month	Status this month	Law firm / counsel engaged	Insurer	Comments last month	Comments this month
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.	Council has been working with William Roberts Lawyers and OMNI to ensure that evidence is preserved as the Concourse cladding is replaced.	No change.	William Roberts Lawyers instructed by litigation funders Omni Bridgeway (Previously IMF Bentham).	N/A	Council has been notified that the respondents have applied to the Court to commence a cross-claim against other parties involved in designing and constructing The Concourse.	Council is awaiting the court's determination as to whether the respondent's cross-claim will be stayed until after the class action is determined.

Court / Matter No or Ref	Counter Party	Type of Matter	Status last month	Status this month	Law firm / counsel engaged	Insurer	Comments last month	Comments this month
Federal Court Circuit STG35/2021	Mark Barrett	General protections claim under the Fair Work Act	An agreement to settle the matter was reached at mediation without any acceptance or finding of liability by Council.	The matter was finalised in August 2021.	HWL Ebsworth Lawyers	CivicRisk – discussions are underway with CivicRisk to determine the extent of cover.	The matter is expected to be finalised in August 2021.	The matter was finalised in August 2021.

3. Compliance actions and prosecutions – there are no current matters

4. Planning Appeals

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status last month	Status this month	Law firm / counsel engaged	Comments last month	Comments this month
Land & Environment Court – 2020/160587	Luxeco Property Pty Ltd	Class 1 appeal deemed refusal for townhouse development at 82-86 Eastern Valley Way, Willoughby.	Council is yet to receive the judgement	No change.	McCabe Curwood	The matter proceeded to a hearing with Council yet to receive the judgment.	No change.

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status last month	Status this month	Law firm / counsel engaged	Comments last month	Comments this month
Land & Environment Court 2020/327200 – Class 1 appeal of Refusal of Building Information Certificate	JGCO Pty Ltd	Class 1 appeal of Refusal of Building Information Certificate – 302/72 Laurel Street	An outcome has been agreed upon with work to be carried out to enable the issue of Building Information Certificate.	No change.	HWL Ebsworth	Awaiting work to be completed prior to conducting an inspection of the property.	No change.
Land & Environment Court 2021/23645 – Class 1 appeal against Refusal of DA for Boarding House.	Kei Ng	Class 1 appeal against Refusal of DA for Boarding House. 6 View Street Chatswood	Amended plans have been lodged in response to the conciliation conference. Notification of the amended plans will occur between 12 July - 2 August 2021.	Conciliation was terminated. Amended plans have been received, notified and are currently under assessment.	McCabe Curwood	Council officers are currently reassessing the proposal and will consider the submissions received in response to the notification.	If there are prospects of an agreement being reached, a conciliation conference could be recommended. If the matter is not resolved through conciliation, it will be listed for Hearing on 9 / 10 November 2021.
Land & Environment Court 2020/00227729 – Class 1 appeal against WCC Refusal of Building Information Certificate	Linda Cameron Watson	Class 1 appeal Refusal of Building Information Certificate. 161 Victoria Avenue Chatswood	The applicant is undertaking works to the premises to secure the release of a Building Information Certificate.	No change.	HWL Ebsworth	Once works are completed and the Building Information Certificate is granted, legal proceedings may be concluded.	No change.

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status last month	Status this month	Law firm / counsel engaged	Comments last month	Comments this month
Land & Environment Court 2021/54509 – Class 1 appeal against refusal of seniors living development.	TEDA Northshore Pty Ltd	Class 1 appeal against refusal of seniors living development – 99 Beaconsfield Road and 22B Greville Street Chatswood	Conciliation terminated. Amended plans received on 12 July 2021, which are currently being reviewed.	Amended plans lodged in association with the appeal are currently on notification (closing 23 August).	Maddocks	If amended plans are acceptable, the conciliation process may be recommenced. If the plans are not acceptable, the matter will proceed to a full hearing on 2-3 Sept 2021.	If the matter is not resolved through a conciliation conference, the matter will proceed to a hearing on 27 - 28 September 2021.
Land & Environment Court 2021/169065	Blanc Black Projects Pty Ltd	Class 1 appeal against deemed refusal of DA for residential flat development at 58-60 Eastern Valley Way, Northbridge	Extension sought by Council for a statement of facts and contentions. To be lodged by 23 July 2021.	Facts and Contentions filed. Conciliation conference scheduled 26 August 2021.	Maddocks	The first directions hearing scheduled for 14 July 2021, has been deferred to allow for an extension to 28 July 2021 for the submission of a Statement of Facts and Contentions.	Conciliation conference to be held on 26 August 2021.

Court or Tribunal / Matter No or Ref	Counter Party	Type of Matter / Property	Status last month	Status this month	Law firm / counsel engaged	Comments last month	Comments this month
Land & Environment Court 2021/103026	Peter John Warner	Class 1 appeal against conditions of consent (including stormwater, screen planting, height and material and finishes) at 89 Macquarie Street, Chatswood.	Awaiting conciliation conference scheduled for September 2021.	Proceedings listed for 21 - 22 September 2021. Council awaiting Applicant's statement of facts and contentions which were due to be filed and served by 16 July 2021, yet remain outstanding.	Maddocks	Awaiting action by applicant who is required to lodge a Statement of Facts and Contentions by the 16 July 2021.	Applicants Statement of Facts and Contentions are yet to be filed.
Land & Environment Court 2021/00168727 and 2021/00168747	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.	Conciliation Conference is set for 28 September 2021.	Council's Facts and Contentions was filed on 18 August 2021. A conciliation conference is listed for 28 September 2021.	HWL Ebsworth	Awaiting Conciliation Conference set for 28 September 2021.	No change.

PLANNING & INFRASTRUCTURE DIRECTORATE**15.6 PLANNING PROPOSAL FOR 9 - 11 NELSON STREET CHATSWOOD****ATTACHMENTS:**

1. IMPLICATIONS
2. COUNCIL DETAILED ASSESSMENT
3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS'
4. PLANNING PROPOSAL CONCEPT PLANS
5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS
6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012
7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO, SPECIAL PROVISIONS AREA, ACTIVE STREET FRONTAGES AND LOT SIZE MAPS
8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 17 AUGUST 2021
9. IMAGE OF PROPOSED DEVELOPMENT FROM GORDON AVENUE

RESPONSIBLE OFFICER:

HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR:

CRAIG O'BRIEN – STRATEGIC PLANNER

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

MEETING DATE:

13 SEPTEMBER 2021

1. PURPOSE OF REPORT

The purpose of this report is to seek endorsement for the forwarding of Planning Proposal 2020/012 for 9-11 Nelson Street, Chatswood, to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Members of the Sydney (North) Planning Panel are to assess whether they should retire from Council Chambers during consideration of the Agenda Item.

2. OFFICER'S RECOMMENDATION

That Council:

1. Forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, with the following amendments to Willoughby Local Environmental Plan 2012:
 - (1) To add Clause 4.4B 'Minimum non-residential floor space in the Mixed Use Zone' as follows:

“4.4B Minimum non-residential floor space in the Mixed Use Zone
Land zoned B4 Mixed Use is to contain a minimum non-residential floor space component. This is calculated at 17% of FSR as indicated on the Floor Space Ratio Map.”
 - (2) To add Clause 5.6 'Architectural roof features', (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”
 - (3) To amend Clause 6.7 'Active street frontages' as follows:
 - “(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.**
 - (2) This clause applies to land identified as “Active Street Frontages” on the Active Street Frontages Map.**
 - (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.**
 - (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—**
 - (a) entrances and lobbies (including as part of mixed use development),**
 - (b) access for fire services,**
 - (c) vehicular access.**
 - (5) In this clause, a building has an active street frontage if:**
 - a) In the Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.**
 - b) In the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purposes of non-residential premises.”**

- (4) To amend Clause 6.8 (2) to include “Area 3 or Area 8 or Area 9” on the Special Provisions Area Map.
- (5) To amend Clause 6.23 (2) to include “Area 8” or “Area 12” on the Special Provisions Area Map.

- (6) To add Clause 6.25 as follows:

“6.25 Sun access

- (1) The objective of this clause is to:
- (a) protect certain public space in Chatswood CBD from excessive overshadowing.
 - (b) Protect properties in South Chatswood Conservation Area from a reduction in solar access
- (2) The consent authority must not grant consent to development on land zoned B3 or B4 if the consent authority is satisfied that:
- (a) the development will result in additional overshadowing in mid winter between 12 noon and 2pm, on:
 - Victoria Avenue between the interchange and Archer Street
 - Concourse Open Space
 - Garden of Remembrance
 - Tennis and croquet club
 - (b) the development will reduce solar access to any individual property within the South Chatswood Conservation Area to less than 3 hours between 9.00am and 3.00pm mid winter.

- (7) Add to Schedule 1 Additional Permitted Uses:

“75. Use of certain B4 land in Chatswood

- (1) This clause applies to land zoned B4 in the Chatswood CBD.
- (2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
- (a) the ground level is used for non-residential purposes and
 - (b) A minimum of 17% of the total FSR is provided for non-residential purposes and
 - (c) No residential dwelling is located at the ground floor.”

- (8) To amend the Land Zoning Map (Sheet LZN_004) for 9 – 11 Nelson Street, Chatswood, to B4 Mixed Use.

- (9) To amend the Height of Buildings Map (Sheet HOB_004) for 9 – 11 Nelson Street, Chatswood, to 90 metres.
 - (10) To amend the Floor Space Ratio Map (Sheet FSR_004) for 9 – 11 Nelson Street, Chatswood, to 6:1 (including affordable housing).
 - (11) To amend the Special Provisions Area Map (Sheet SPA_004) to show 9 – 11 Nelson Street, Chatswood, as Area 8.
 - (12) To amend the Active Street Frontages Map (Sheet ASF_004) to include 9 – 11 Nelson Street, Chatswood, to include the Gordon Avenue and Nelson Street frontages.
 - (13) To amend the Lot Size Map (Sheet LSZ_004) to include 9 – 11 Nelson Street, Chatswood, with a minimum lot size of 4,000sq metres.
2. The easement for public access 3 metres wide along the eastern boundary of the site adjacent to the Frank Channon Walk contained in the Letter of Offer, is to apply to ground level and the airspace above. Following on from the Letter of Offer a progressed draft VPA is to be submitted to Council prior to Council forwarding the Planning Proposal to DPIE.
 3. The following plans are to be submitted to Council, consistent with the submitted architectural plans Issue P3 and dated 27.05.2021, as one package prior to Council forwarding the Planning Proposal to DPIE:
 - (1) A full set of Elevation and section plans.
 - (2) Concept Landscape Plans.
In particular, the concept landscape plans are to show the provision of a 3m wide easement for public access along the entire eastern boundary of the site between Nelson Street and Gordon Avenue, as well as dimensions for all setbacks.
 - (3) A full set of detailed shadow diagrams every 1 hour between 9am and 3pm, 21 June, showing existing overshadowing, overshadowing proposed by the development and overshadowing proposed by the development and future Chatswood envelope. The diagrams are to be based on 1 hour analysis, with supporting analysis also to be provided.
 4. Subject to 1, 2 and 3 above, endorse for public exhibition the Planning Proposal as amended.
 5. Endorse for public exhibition the Planning Proposal, with the accompanying draft site specific Development Control Plan provisions.
 6. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - (1) To proceed as recommended.
 - (2) To not proceed with the Planning Proposal.

7. **Request that the Department of Planning, Industry and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning, Industry and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.**
8. **Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which do not alter the policy intent.**

3. BACKGROUND

The proposal for a commercial podium and residential tower development is located on a site within the extended Chatswood CBD boundary in the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy).

Council endorsed the CBD Strategy on 26 June 2017, the Greater Sydney Commission supported it on 18 May 2018, and the Department of Planning, Industry and Environment (DPIE) fully endorsed it on 9 July 2020 with qualifications regarding residential land use within the B3 Commercial Core on the eastern side of the North Shore Rail line. Council noted the DPIE endorsement of the CBD Strategy on 14 September 2020.

The site is recommended to be B4 Mixed Use, with a maximum height of 90m and a Floor Space Ratio of 6:1. This is subject to the satisfaction of other CBD Strategy requirements.

This Planning Proposal has not previously been considered by Council.

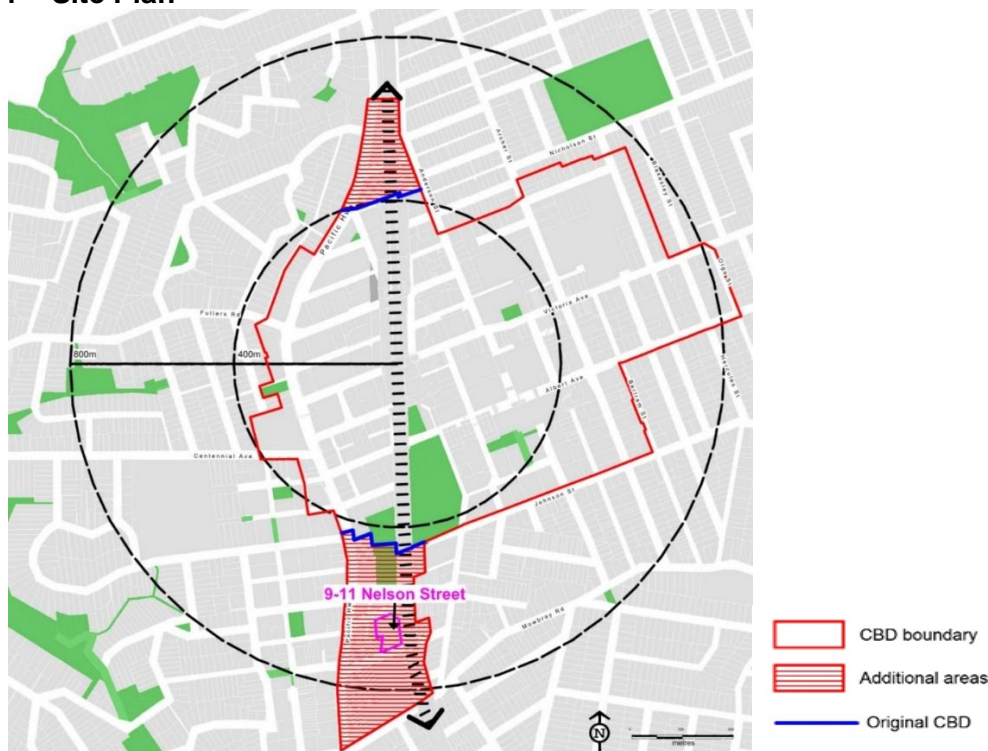
4. DISCUSSION

The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* (WLEP 2012) at 9-11 Nelson Street Chatswood as follows:

- Change the land use zone from R3 Medium Density Residential to B4 Mixed Use.
- Increase height on the site from 12m to 90m.
- Increase Floor Space Ratio on the site from 0.9:1 to 6:1.

The site has a total area of approximately 4,219m², bounded by Gordon Avenue to the north, Nelson Street to the south, the Frank Channon Walk, small public park and the North Shore Rail Line to the east and 10 Gordon Avenue and 15 Nelson Street to the west.

Figure 1 – Site Plan



The Planning Proposal for a commercial podium and residential tower development (comprising two towers) is consistent with the recommendations of the CBD Strategy as endorsed by Council.

Consistency with the CBD Strategy, as well as other issues, are discussed in the Detailed Assessment at **Attachment 2**. In addition, the Planning Proposal has been assessed with regard to the criteria contained in the Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals' and is generally satisfactory (refer **Attachment 3**).

The above Council reports have considered the proponent's documentation supporting the Planning Proposal, including:

- Concept plans showing a conceptual redevelopment plan for the site (refer **Attachment 4**).
- Site specific Draft Development Control Plan provisions (refer **Attachment 5**).

The site specific *Development Control Plan* provisions are satisfactory. Where matters are not covered by site specific provisions, the remainder of the *Development Control Plan* will apply to the site.

For the purposes of this report and any public notification, Council Officers have prepared written and mapping amendments to *Willoughby Local Environmental Plan 2012* (refer **Attachments 6 and 7**).

An offer to enter into a voluntary planning agreement (VPA) is provided by the proponent. Detailed discussions regarding an agreement have not been held with Council officers. Following such discussions, this matter will be separately reported to Council with the inclusion of a draft VPA.

The Willoughby Local Planning Panel has provided advice on this matter dated 17 August 2021, concluding that the Planning Proposal is worthy of being forwarded to the Department of Planning, Industry Environment (DPIE) for a Gateway Determination having demonstrated strategic and site specific merit (refer **Attachment 8**).

Consistent with the Willoughby Local Planning Panel advice, it is recommended that the Planning Proposal be forwarded to DPIE for a Gateway determination following which the Planning Proposal and supporting documentation be placed on exhibition. The Planning Proposal will be reported back to Council and may include additional amendments following exhibition.

5. CONCLUSION

The Planning Proposal for a mixed use development at 9 - 11 Nelson Street, in the Chatswood CBD, is consistent with the strategic objectives of the *Greater Sydney Region Plan*, the *North District Plan* and Councils' *Local Strategic Planning Statement (LSPS)*, as well as the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy). It is considered that the relevant requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning, Industry and Environment's *'A Guide to Preparing Planning Proposals'* are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

Following public exhibition and further assessment, additional amendments may be required.

Based on the above, it is recommended that Council forward the Planning Proposal to the Department of Planning, Industry and Environment, seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*. It is further recommended that Council advise the Department of Planning, Industry and Environment that the Planning Manager, be nominated as delegate to process and finalise the Planning Proposal.

ATTACHMENT 1

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>
Business Plan Objectives, Outcomes / Services	To ensure this Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> to accommodate future growth needs.
Policy	This Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> , endorsed by Council on 26 June 2017. The amendment in the Planning Proposal will lead to amendments to <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan</i> .
Consultation	<p>Prior to endorsement by Council, the draft <i>Chatswood CBD Planning and Urban Design Strategy</i> was publicly exhibited between 4 February and 27 March 2017.</p> <p>This Planning Proposal would also be publicly exhibited following Gateway Determination.</p>
Resource	No additional operating resources used to prepare this report beyond budget.
Risk	Risk of not achieving the endorsed <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> objectives and accommodating future growth requirements.
Legal	<p>The Planning Proposal should be consistent with the endorsed <i>Chatswood CBD Planning and Urban Design Strategy 2036</i>.</p> <p>Amendments are proposed to the <i>Willoughby Local Environmental Plan 2012</i>, which would provide the basis for future development application assessment.</p> <p>In addition, <i>Development Control Plan</i> provisions are proposed to further guide future development application assessment.</p> <p>The Planning Proposal is accompanied by a Letter of Offer for a voluntary planning agreement to provide for demands on Council services and infrastructure – which will be separately negotiated.</p>
Legislation	Under <i>Environmental Planning and Assessment Act 1979</i> provisions.
Budget/Financial	There are no budget/financial implications applicable to this report.

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

The overall site which is the subject of this Planning Proposal involves one large lot being 4,219m² and legally known as SP 65120, bounded by Nelson Street to the south, Gordon Avenue to the north, the Frank Channon Walk and a small public park to the east and 10 Gordon Avenue and 15 Nelson Street to the west. Further west is the North Shore Rail Line. The eastern and western boundaries of the site reflect an irregular shape.

Refer to Figure A – Site Plan.

Figure A – Site Plan



The site currently contains a three storey residential flat building complex, containing 45 residential units.

Under *Willoughby Local Environmental Plan 2012*, the site is zoned R3 Medium Density Residential, with a maximum height of 12m and floor space ratio of 0.9:1. The site is not affected by road widening.

The Planning Proposal has been lodged by Urbis.

The Locality

Directly to the north of the site is Gordon Avenue (being a no-through road), where three storey residential flat buildings are located on the northern side of the street. This area is part of the extended Chatswood CBD under the CBD Strategy. A Planning Proposal has been considered by Council at 5-9 Gordon Avenue and been progressed to DPIE where a Gateway Determination has been granted. This Planning proposal has been publicly exhibited and will be reported back to Council for further consideration.

Directly to the south of the site is Nelson Street (being a no-through road), with the Metro Dive site located on the southern side of the street. This area is part of the extended Chatswood CBD under the CBD Strategy.

Directly to the west of the site is three storey residential development, then Hampden Lane, and low rise commercial development fronting the Pacific Highway (with the exception of 621-627 Pacific Highway which involves a shop top mixed use development). This area is part of the extended Chatswood CBD under the CBD Strategy. Planning Proposals have been considered by Council at 629-639 Pacific Highway and 613-627 Pacific Highway and been progressed to DPIE. A Gateway Determination has been granted regarding the 629-639 Pacific Highway Planning Proposal. A Gateway Determination is pending on the 613-627 Pacific Highway Planning Proposal.

Directly to the east of the site is the Frank Channon Walk (a shared pedestrian and bicycle path owned by State Rail). To the north east, where the site and Frank Channon Walk meet, is a small public park. Adjacent the Frank Channon Walk is the North Shore Rail Line and further beyond that the South Chatswood Conservation Area, containing single storey residential dwellings.

Background

The subject site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy) endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and fully endorsed by the Department of Planning, Industry and Environment (DPIE) on 9 July 2020 with qualifications regarding residential land use within the B3 Commercial Core on the eastern side of the North Shore Rail line. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The CBD Strategy is intended to establish a strong framework to guide all future development in the Chatswood CBD over the next 20 years and to achieve exceptional design and a distinctive, resilient and vibrant centre.

The site has been recommended as a Mixed Use Zone with a maximum height of 90 metres and floor space ratio of 6:1 subject to the satisfaction of other CBD Strategy requirements.

Planning Proposal

The Planning Proposal submitted seeks to:

- Change the zoning from R3 Medium Density Residential to B4 Mixed Use
- Increase the height on the site to 90 metres.

- Increase the Floor Space Ratio on the site to 6:1.

The proposed amendments to *Willoughby Local Environmental Plan 2012* are detailed in Table 1 below.

Table 1 – Summary of Planning Proposal Amendments

Property	Zoning			Height			Floor Space Ratio		
	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy
9-11 Nelson Street	R3 Medium Density Residential	B4 Mixed Use	B4 Mixed Use	12 m	90 m	90 m	0.9:1	6:1	6:1

Concept plans show the potential redevelopment of the site as follows:

- Two storey Podium containing retail and bulky goods (10m high)
- Two residential towers:
 - Tower A (facing Gordon Avenue)
 - 25 storeys (27 storeys total, RL 189.5m, 90m)
 - Number of residential units: 144
 - Residential unit mix:
 - One bedroom units: 31%
 - Two bedroom units: 61%
 - Three bedroom units: 8%
 - Residential floor plates 555m²
 - Tower B (facing Nelson Street)
 - 20 storeys (22 storeys total, RL 174m, 72.2m)
 - Number of residential units: 114
 - Residential unit mix:
 - One bedroom units: 31%
 - Two bedroom units: 59%
 - Three bedroom units: 10%
 - Residential floor plates 540m²
- Total FSR of 5.96:1 (25,147m²), containing:
 - 4.96:1 residential (20,928m²) including affordable housing – total units 258
 - 1:1 commercial (4,219m²)
- Podium Setbacks
 - 3m setback to northern boundary with Gordon Avenue.
 - Nil setback to western boundary with 10 Gordon Avenue and 15 Nelson Street (with exception of small triangle shaped portion of land on Nelson Street frontage adjacent 15 Nelson Street).
 - Ground level 3m setback to eastern boundary with Frank Channon Walk. First Floor additional 3m landscape setback to eastern boundary with Frank Channon Walk
 - 3m setback to southern boundary with Nelson Street.
 - Additional setback at ground level provided adjacent public park in north east corner of site and in south west corner of site facing Nelson Street.
- Tower setbacks above Podium (two towers)

Tower A

- 3m setback above Podium facing Gordon Avenue (northern) boundary. (being a total setback of 6m from Gordon Avenue boundary when including 3m Ground setback).
- 12m setback above Podium facing western boundary. (being a total setback of 12m from western boundary when including 0m and small triangular shaped portion of land on Nelson Street Ground setback).
- Between 6m and approximately 12m setback above Podium facing eastern boundary with Frank Channon Walk and public park. (being a total setback of between 6m and approximately 18m from the eastern boundary when including, at various points, between a 3m and greater ground level setback, and a 3m Podium 1 setback).

Tower B

- 3m setback above Podium facing Nelson Street (southern) boundary. (being a total setback of 6m from Nelson Street boundary when including 3m Ground setback).
 - 12m setback above Podium facing western boundary. (being a total setback of 12m from western boundary when including 0m Ground setback).
 - 6m setback above Podium facing eastern boundary with Frank Channon Walk. (being a total setback of 6m when including the 3m ground setback and the 3m Podium 1 setback).
- 18m separation between Tower A and Tower B (12m to balconies).
 - Street wall heights are proposed between 6-14m.

Other Concept plan details:

- All vehicle movements, including loading and servicing, to be via Gordon Avenue.
- All loading at basement level, with loading vehicles access / egress in a forward direction.
- Approximately 257 car spaces, located within 3 basement levels.
- Landscaped publicly accessible open space facing public park and Frank Channon walk – discussed below.
- Landscaping provided at Level 1 Podium setback, Podium level, and roof top.
- Deep soil planting provided in Ground level setbacks along eastern boundary with public park and Frank Channon Walk, and also in triangular shaped land adjacent 15 Nelson Street.

The Concept Plans are at **Attachment 4**. Accompanying the Planning Proposal are Draft *Development Control Plan* provisions (Refer to **Attachment 5**). A Heritage Impact Assessment has also been provided.

The Planning Proposal involves the provision of public access onto the site, with specific reference to:

- An easement for public access 3m wide and landscaped, along the eastern boundary, adjacent the public park and Frank Channon Walk.

The Planning Proposal is accompanied by a Voluntary Planning Agreement Letter of Offer as follows:

- Provision of a monetary contribution in accordance with Council's Community Infrastructure Scheme.
- Easement for public access in favour of Council.

A draft VPA will be progressed separately for Council's determination.

Council Officer's have considered the implementation of this Planning Proposal, having regard to likely further proposed amendments under the overall *Chatswood CBD Planning and Urban Design Strategy 2036*. In this regards written amendments are proposed to *Willoughby Local Environmental Plan 2012* and are included in the Council recommendation (Refer to **Attachment 6**).

For the purposes of this report and any public notification, site mapping amendments have also been prepared to *Willoughby Local Environmental Plan 2012*, and in particular regarding the Land Zoning, Height of Buildings, Floor Space Ratio, Special Provisions Area, Active Street Frontages and Lot Size Maps (see **Attachment 7**).

Discussion

Discussion of the Planning Proposal is based on the 'Key Elements of Future LEP and DCP Controls' contained in the Strategy dated September 2020, listed 1 to 35, with comments provided.

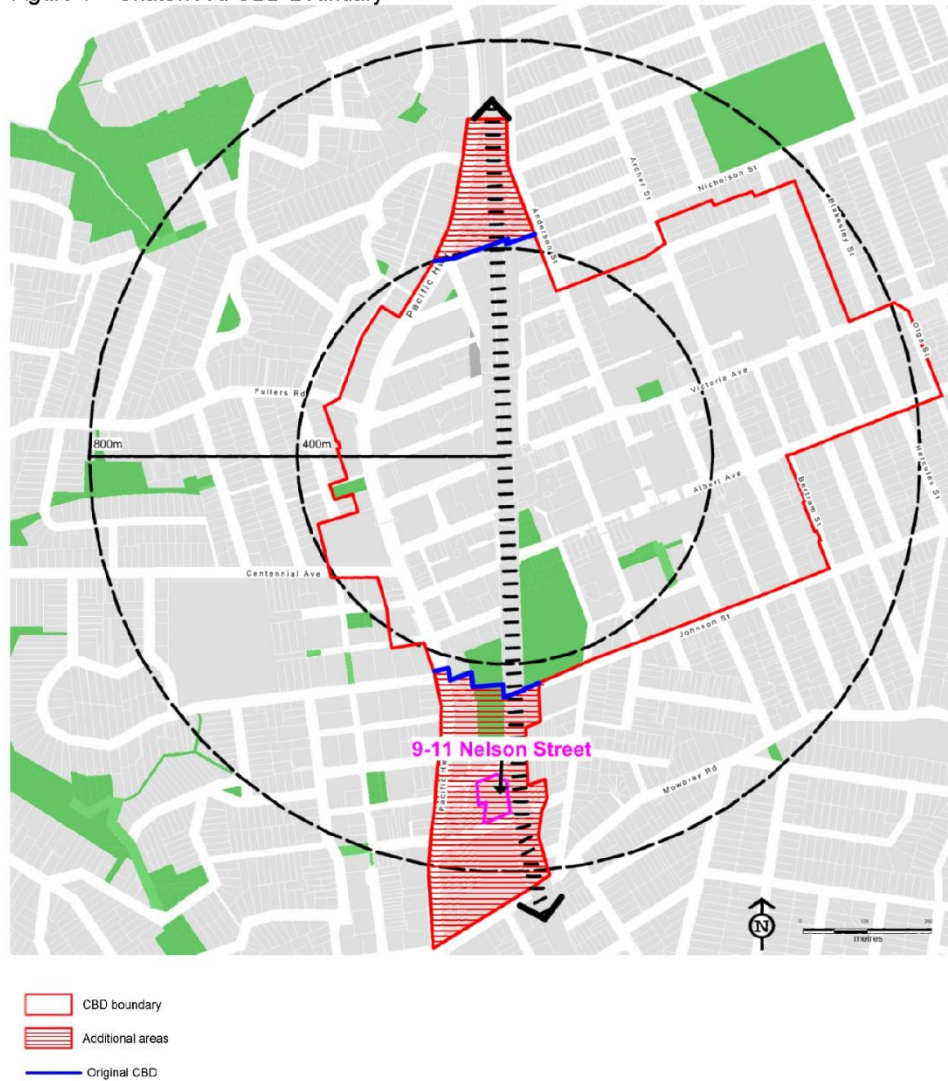
CBD Boundary

Key Element 1. **The Chatswood CBD boundary is expanded to the north and south as per Figure 1 to accommodate future growth of the centre.**

Comment

The subject site is located within the expanded Chatswood CBD boundary proposed in the CBD Strategy, as shown in Figure 1 – Chatswood CBD Boundary

Figure 1 – Chatswood CBD Boundary



Land Use

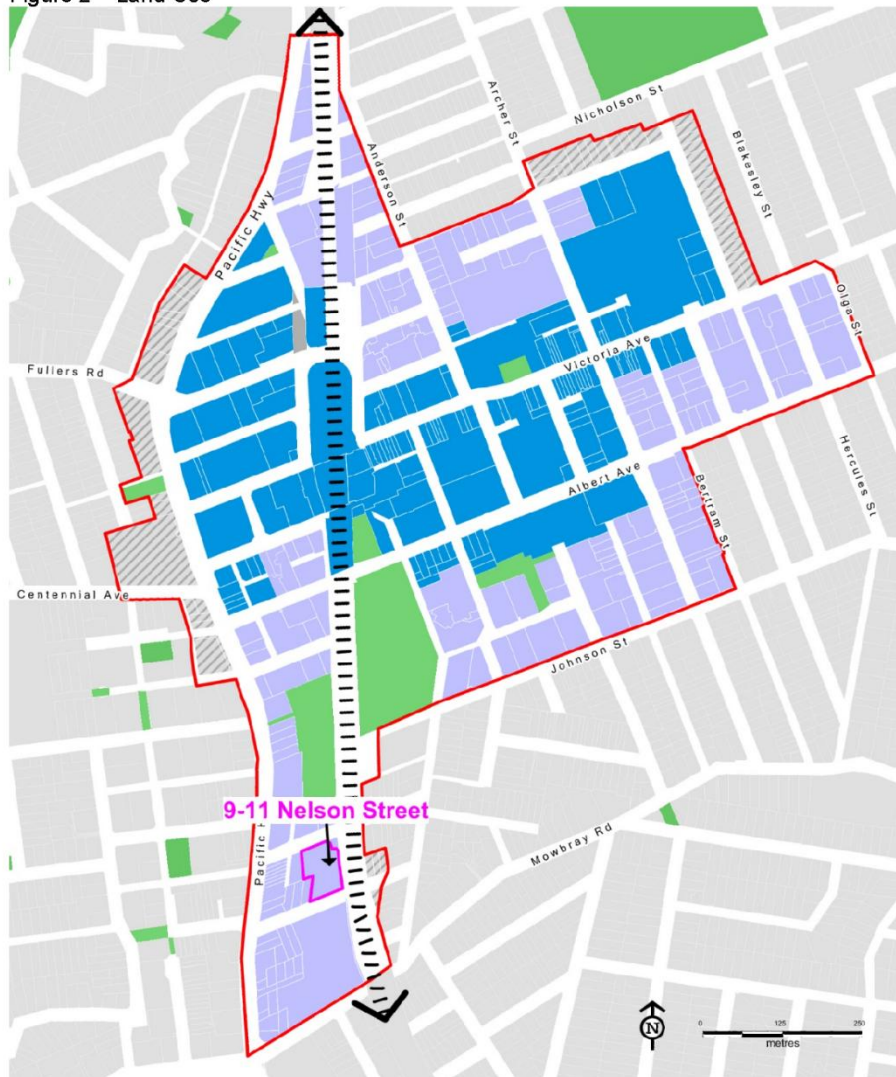
- Key Element 2.** Land uses in the LEP will be amended as shown in Figure 2, to:
- (a) **Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).**

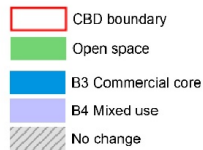
- (b) Enable other areas to be mixed use permitting commercial and residential.

Comment

The subject site is located in that part of the Chatswood CBD identified as Mixed Use, meaning part commercial and part residential. Refer to Figure 2 – Land use.

Figure 2 – Land Use





The proponent has proposed the zoning for the site be changed from R3 Medium Density Residential to B4 Mixed Use which is consistent with the CBD Strategy.

The Planning Proposal involves a Mixed Use development, with commercial development on the Ground and First Floor (1:1), and residential above (5:1).

Regarding land use, the Planning Proposal is considered consistent with the CBD Strategy.

A written amendment to *Willoughby Local Environmental Plan 2012* has been prepared for public exhibition to address the commercial component requirement in the B4 Mixed Use zone (Clause 4.4B).

Key Element 3. The existing DCP limits on office and retail use in parts of the Commercial Core to be removed.

Comment

This Key Element is not applicable to the Planning Proposal as the site is not located within the B3 Commercial Core zone.

Key Element 4. Serviced apartments to be removed as a permissible use from the B3 Commercial Core zone.

Comment

This Key Element is not applicable to the Planning Proposal as the site is not located within the B3 Commercial Core zone.

Planning Agreements to fund public domain

Key Element 5. Planning Agreements will be negotiated to fund public domain improvements.

Comment

Consistent

The subject site is located within the Chatswood CBD and therefore this Key Element is applicable.

The proponent has indicated a preparedness to enter into a voluntary planning agreement to fund public domain improvements. This is discussed further below.

Key Element 6. A new Planning Agreements Policy will apply and be linked to a contributions scheme that will provide the public and social infrastructure in the Chatswood CBD necessary to support an increased working and residential population.

The scheme would:

- a) Apply to residential uses.

- b) Apply to commercial uses above 10:1 FSR.
- c) Operate in addition to any adopted Section 7.11 or 7.12 contributions scheme and separate from Affordable Housing requirements within Willoughby Local Environment Plan (WLEP).
- d) Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses.

Comment

Consistent

The proponent has submitted a Letter of Offer that proposes:

- A monetary contribution for community infrastructure.
- Dedication and registration of an easement for public access 3 metres wide in favour of Council along the eastern boundary of the site adjacent the Frank Channon Walk and public park.

The above offer is in addition to requirements under Section 7.11, 7.12 and 7.24 of the *Environmental Planning and Assessment Act 1979* and affordable housing contributions.

Key Element 7. All redevelopments in the Chatswood CBD should contribute to public art in accordance with Council's Public Art Policy.

Comment

Consistent

The proponent has proposed that public art is to be in accordance with Council's public art policy.

Design Excellence and Building Sustainability

Key Element 8. Design excellence is to be required for all developments based on the following process:

- a) A Design Review Panel for developments up to 35m high.
- b) Competitive designs for developments over 35m high.

Comment

Consistent

The Planning Proposal involves a development that is over 35 metres in height. On this basis a competitive design process is envisaged at development application stage to ensure design excellence under existing WLEP 2012 Clause 6.23 Design Excellence at certain sites. In this regard the subject site is to be included as Area 8 on the Special Provisions Area Map.

Key Element 9. Achievement of design excellence will include achievement of higher building sustainability standards.

Comment

Consistent

As part of the competitive design process to achieve design excellence, higher building sustainability standards are expected. This is acknowledged by the proponent.

The proposed *Development Control Plan* provisions include a requirement that a minimum 5 star GBCA building rating is expected. An assessment report is to be submitted at Development Application Stage.

Higher building sustainability standards will be assessed to ensure the Key Element is satisfied at development application stage.

Key Element 10. The Architects for design excellence schemes should be maintained through the development application process and can only be substituted with written agreement of Council.

Comment

With regard to Key Element 10, it is considered that the Planning Proposal is consistent with the CBD Strategy and will be further considered at design excellence stage.

Floor Space Ratio (FSR)

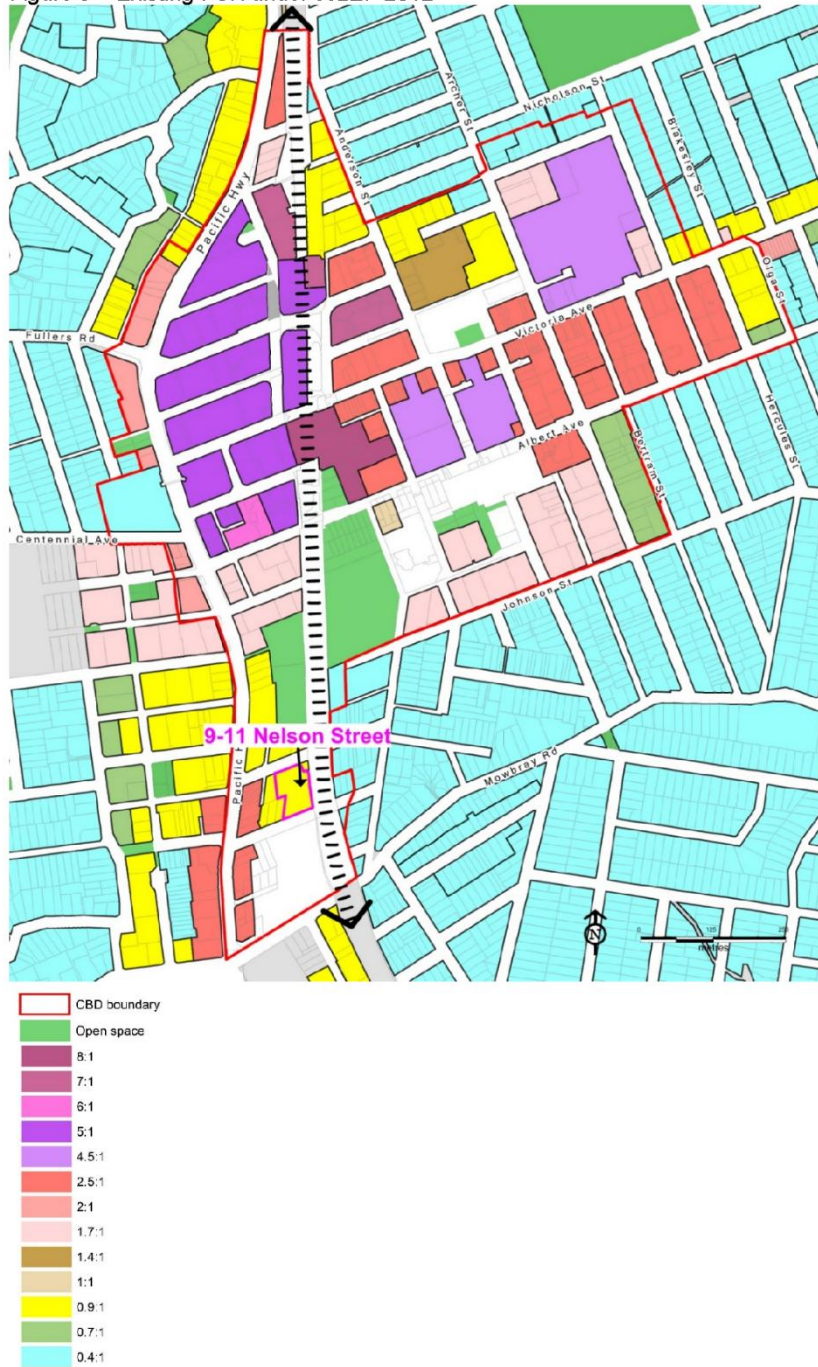
Key Element 11. Figure 3 shows the existing FSR controls under WLEP 2012.

Comment

The subject site is in a location with a maximum floor space ratio of 0.9:1 as shown below in Figure 3 – Existing FSR under WLEP 2012.

The Planning proposal seeks to increase this to 6:1, which is discussed below in Key Element 12.

Figure 3 – Existing FSR under WLEP 2012



- Key Element 12.** Minimum site area of:
- a) 1800sqm for commercial development in the B3 Commercial Core zone.
 - b) 1200sqm for mixed use development in the B4 Mixed Use zone.
- to achieve maximum FSR as indicated in Figure 4.
- Site amalgamation is encouraged to meet this minimum requirement. In addition sites should not be left isolated.

Comment
Consistent.

The subject site is 4,219m² and is above the minimum site area of 1200m² for mixed development involving residential land use.

In response to the subject Planning Proposal and the large site involved, it is proposed to introduce a site specific lot size requirement of 4,000m² on the Lot Size Map.

- Key Element 13.** The FSRs in Figure 4 should be considered as maximums achievable in the centre subject to minimum site area and appropriate contributions, and are as follows:
- a) No maximum FSR for commercial development in the B3 zone.
 - b) A range of FSR maximums in the B4 zone, surrounding the B3 zone, reflecting context.
 - c) Retention of 2.5:1 FSR along northern side of Victoria Avenue east.

Floor space ratio maximums are not necessarily achievable on every site, and will depend on satisfactorily addressing:

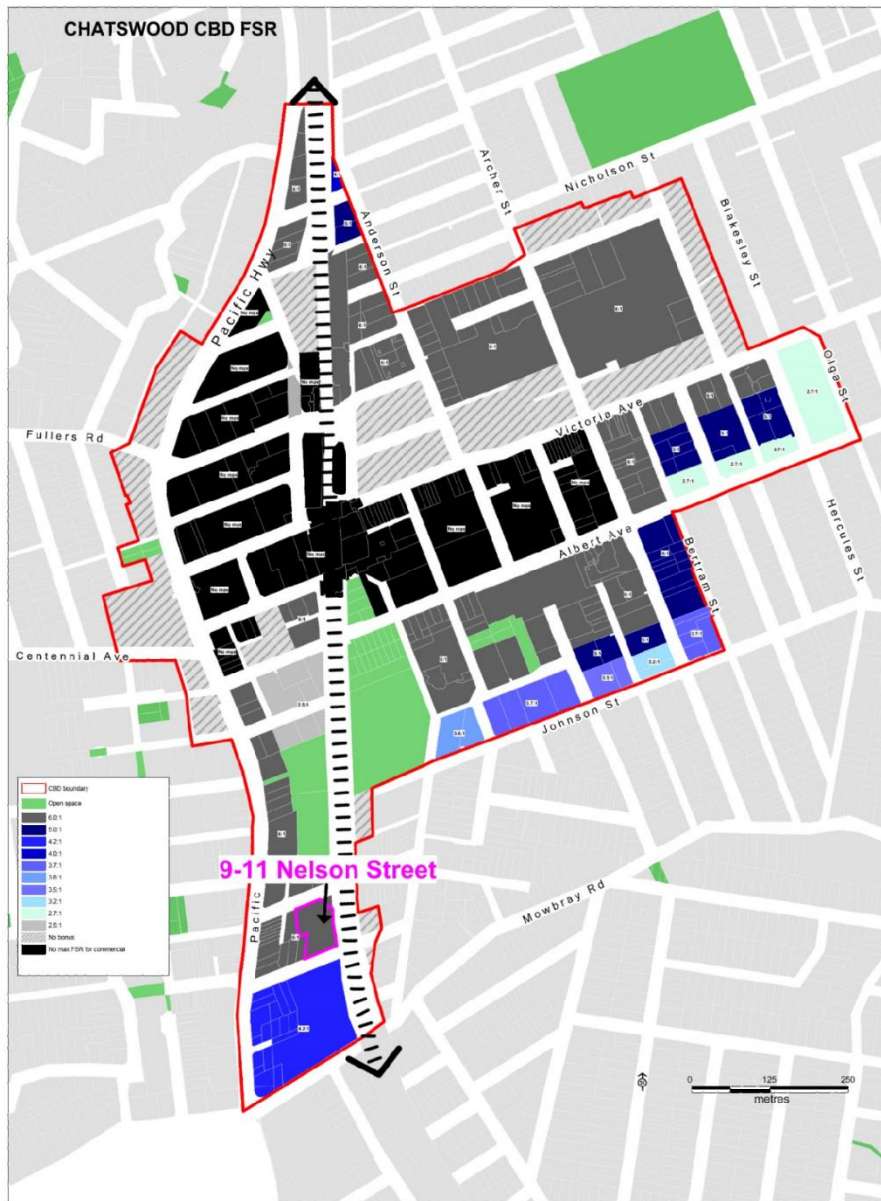
- a) Site constraints,
- b) Surrounding context,
- c) Other aspects of this Strategy including setbacks at ground and upper levels,
- d) SEPP 65 and the associated Apartment Design Guidelines.

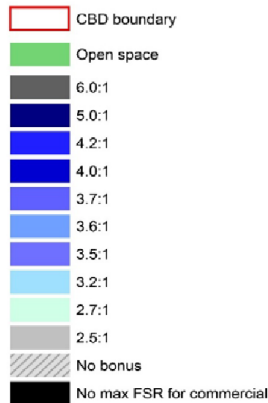
Comment
Consistent.

The subject site is in a location with an FSR of 6:1, as shown in Figure 4 - Floor Space Ratio.

The Planning Proposal proposes a maximum FSR of 6:1, which includes affordable housing, and is therefore consistent with the CBD Strategy.

Figure 4 - Floor Space Ratio





Key Element 14. Affordable housing is to be provided within the maximum floor space ratio, and throughout a development rather than in a cluster.

Comment
Consistent.

The floor space ratio of 6:1 proposed in the Planning Proposal, includes affordable housing within the residential component, to be provided in accordance with Council's DCP requirements.

To achieve the above in regards implementation under WLEP 2012, the existing Clause 6.8 Affordable Housing is proposed to be amended to include Area 8. It is also proposed to identify the site on the Specials Provisions Area Map as Area 8.

Key Element 15. Where the maximum floor space ratio of 6:1 is achieved, the minimum commercial floor space ratio sought in development in a Mixed Use zone is 1:1.

The objective of this Key Element is to achieve a satisfactory level of commercial in the B4 Mixed Use zone to deliver a reasonable amount of employment floor space, typically to be within the podium levels of a development. This will be moderated depending on the overall FSR.

Comment
Consistent.

The proponent has indicated that a commercial component of 1:1 will be provided, and has shown this in the concept plans provided.

A written amendment to *Willoughby Local Environmental Plan 2012* has been prepared in regards the 1:1 commercial floor space requirement.

Built Form

- Key Element 16.** In order to achieve the slender tower forms sought by Council the maximum floor plate at each level of a development should be no more than:
- a) 2000sqm GFA for office (to achieve this maximum a large site would be required).
 - b) 700sqm GFA for residential towers above Podium within Mixed Use zones.

Comment

Consistent.

The two towers above the podium shown in the Concept Plans contain a floor plate Gross Floor Area of 555m² (Tower A) and 540m² (Tower B), both below the identified Gross Floor Area maximum of 700m².

- Key Element 17.** In pursuit of the same goal of slender tower forms, the width of each side of any tower should be minimised to satisfactorily address this objective. To the same end, design elements that contribute to building bulk are not supported, and should be minimised.

Setbacks are considered an important part of achieving slender tower forms.

Comment

Consistent.

The dimensions of the residential tower shown in the Concept Plans are considered generally consistent with the slender tower objective and an appropriate response to the site.

It should be noted that setbacks consistent with, and in some cases greater than, the CBD Strategy setback requirements has assisted in satisfying the slender tower objective. Setbacks are discussed below.

The slender tower objective is an important consideration on this site, have regard to the visibility of any development to the South Chatswood Conservation Area located on the eastern side of the North Shore Rail Line.

- Key Element 18.** If there is more than one residential tower on a site, sufficient separation is to be provided in accordance with setbacks required in this Strategy, SEPP 65 and the Apartment Design Guidelines, to ensure that the slender tower form objective is achieved. Council will seek to avoid an outcome where two towers read as one large tower. Towers are not to be linked above Podium and should operate independently regarding lifts and services.

Comment

This Planning Proposal is accompanied by concept plans that propose two residential towers on the site.

An appropriate response is proposed with 18m separation provided (12m to balconies).

This issue will be further examined at development application stage.

Sun Access to Key Public Spaces

- Key Element 19.** The sun access protection in Figure 5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid winter of:
- a) Victoria Avenue (between interchange and Archer St) 12pm - 2pm.
 - b) Concourse Open Space 12pm - 2pm.
 - c) Garden of Remembrance 12pm - 2pm.
 - d) Tennis and croquet club 12pm - 2pm.
 - e) Chatswood Oval 11am - 2pm (which in turn also protects Chatswood Park).
- In addition,
- f) Heights adjoining the South Chatswood Conservation Area will provide for a minimum 3 hours solar access between 9am and 3pm mid winter.

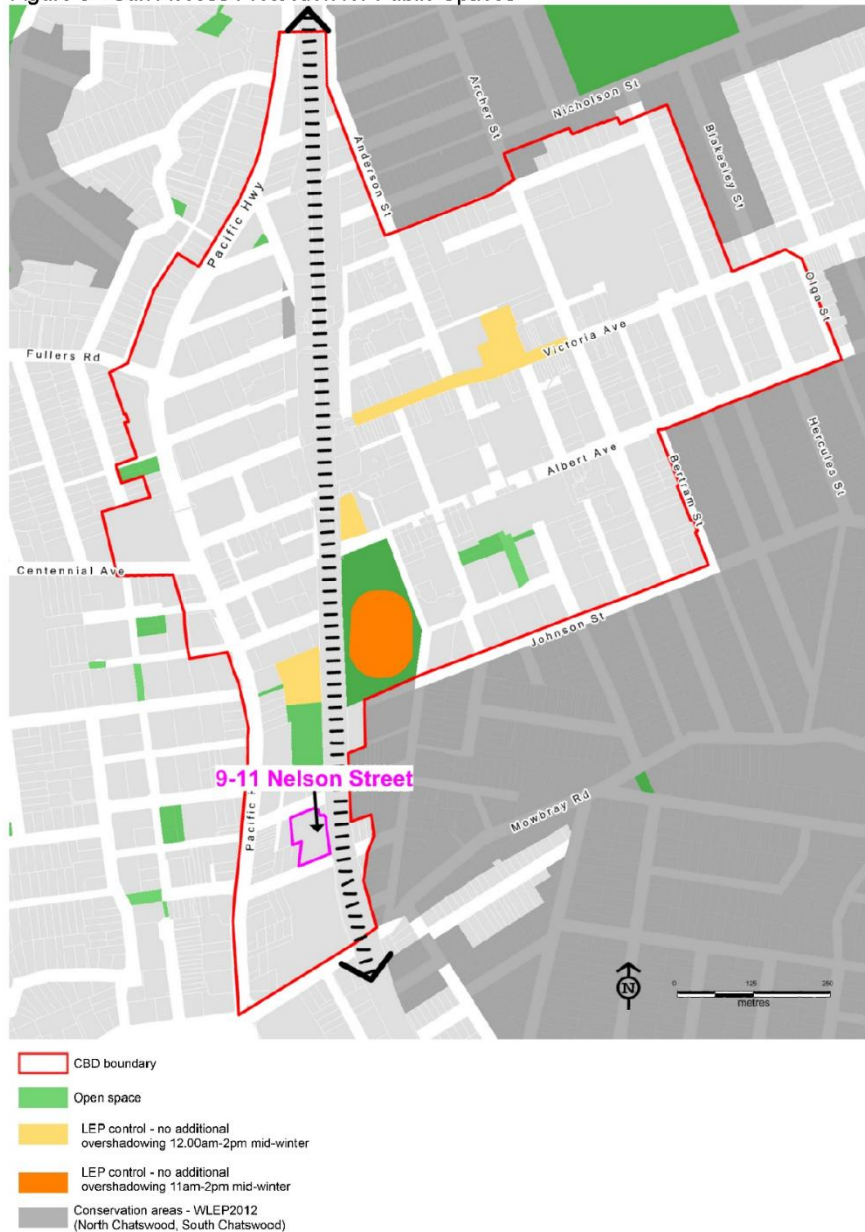
Comment

Consistent.

The subject site is located in the southern section of the Chatswood CBD, south of any public open space areas identified within the Chatswood CBD as requiring sun access protection, as shown in Figure 5 - Sun Access Protection.

Overshadowing analysis has been provided that shows overshadowing from the proposed concept development on the site starting to impact the South Chatswood Conservation Area after 2pm. The 3 hour solar access objective for the South Chatswood Conservation Area between 9am and 3pm mid winter is achieved for the sites impacted by overshadowing.

Figure 5 - Sun Access Protection for Public Spaces



Building Heights

Key Element 20. Maximum height of buildings in the CBD will be based on Figure 6, based on context and up to the airspace limits (Pans Ops plane), except as reduced further to meet:

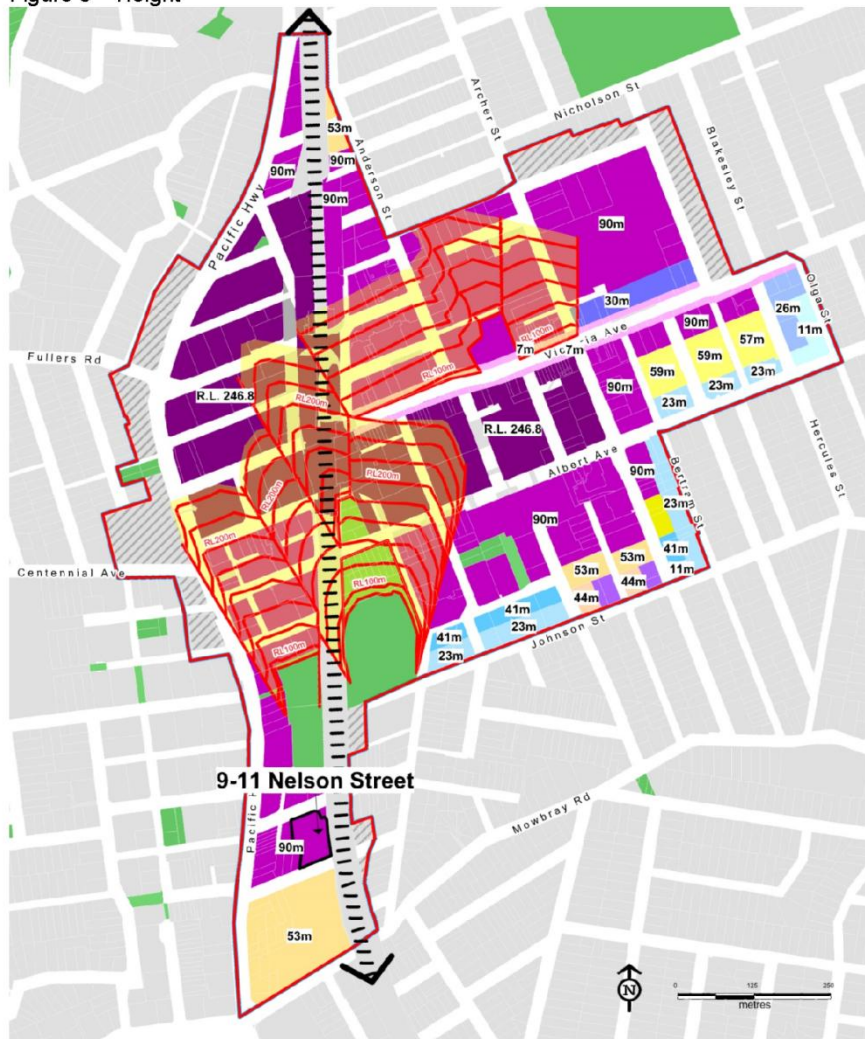
a) Sun access protection.

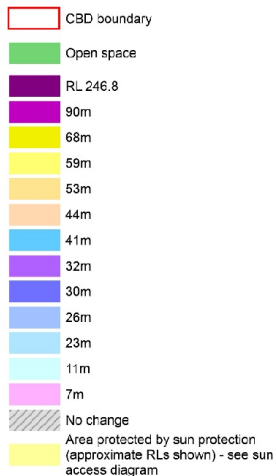
Achievement of nominated height maximums will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and Apartment Design Guidelines.

Comment
Consistent.

Figure 6 – Height shows the height maximums in the Chatswood CBD, including where height is to be reduced in order to achieve sun access protection to the public open space areas identified in Figure 5.

Figure 6 – Height





As a result of the site location, the maximum height of 90 metres is able to be achieved on the subject site.

It is noted that the two proposed towers have different heights that step down towards Nelson Street and the Metro Dive site, which is located on the boundary of the Chatswood CBD and has a maximum floor space ratio of 4.2:1 and height of 53m. This transitional approach to height on the site, in regards the two towers, and the relationship with the Metro Dive site, is supported.

The maximum height requested includes provision for affordable housing as well as lift over runs and roof plant rooms.

Notwithstanding the above, a full set of elevations and sections is requested in the Officer’s recommendation prior to referral to DPIE for a Gateway Determination.

Key Element 21. All structures located at roof top level, including lift over runs and any other architectural features are to be:
 a) Within the height maximums.
 b) Integrated into the overall building form.

Comment
 Consistent.

The concept plans provided show a tower designed to contain all roof top structures within the height maximum of 90 metres.

Detailed plans, showing integration of roof top structures into the overall building form, will be provided at development application stage. Assessment at development application stage will have regard to WLEP 2012 and site specific draft DCP provisions.

Links and Open Space

Key Element 22. The links and open space plan in Figure 7 will form part of the DCP. All proposals should have regard to the potential on

adjacent sites. Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD.

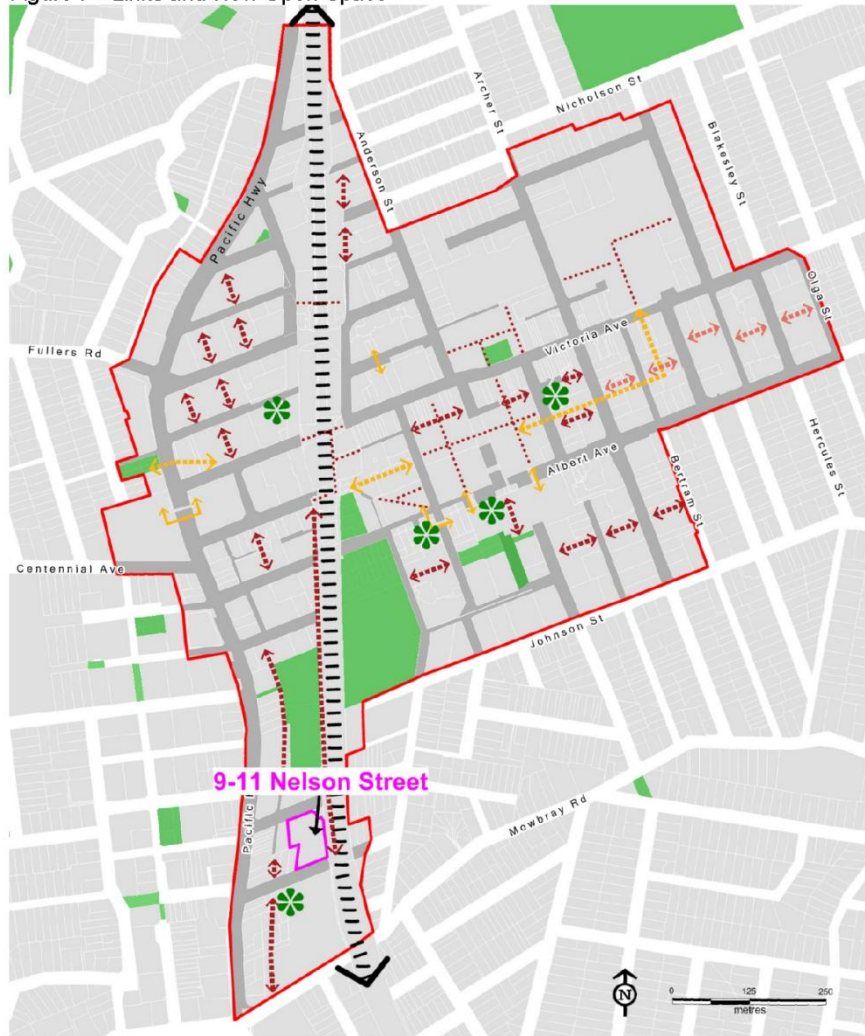
New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.

Comment

Consistent.

The site is adjacent to an identified open air 24 hour pedestrian / cycle link (the Frank Channon Walk), as shown in Figure 7 - Links and Open Space – along the eastern boundary of the site. Also the site is adjacent an existing public park to the north east which also backs onto the Frank Channon Walk.

Figure 7 - Links and New Open Space



- CBD boundary
- Open space
- ✱ New open space
- ↔ Open air 24 hour through-site links
- ↔ Open air 24 hour through-site links within block
- ⋯ Through-building links
- ↔ Existing upper storey links
- ↔ Proposed upper storey links
- Streets and public places

The Planning Proposal proposes to embellish the existing public park and pedestrian / cycle link (the Frank Channon Walk) by dedicating an easement for public access 3m wide for landscaping along the eastern boundary of the site – from Nelson Street through to Gordon Avenue – following the irregular property boundary.

The Planning Proposal satisfactorily addresses this Key Element with regard to the public park and the Frank Channon Walk.

Key Element 23. Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.

Comment
Consistent.

Communal open space has been provided on the site, at ground, podium and rooftop.

Public realm or areas accessible by public on private land

Key Element 24. Public realm or areas accessible by public on private land:

- a) Is expected from all B3 and B4 redeveloped sites.
- b) Is to be designed to respond to context and nearby public domain.
- c) Should be visible from the street and easily accessible.
- d) Depending on context, is to be accompanied by public rights of way or similar to achieve a permanent public benefit.

Comment
Consistent.

The Planning Proposal has satisfactorily addressed this Key Element by the provision of a public easement 3m wide for landscaping purposes along the eastern site boundary, adjacent to the neighbouring public park and the Frank Channon Walk. As per the Key Element, such public realm provision is expected under the CBD Strategy as part of future redevelopment.

A landscape plan is requested in the Officer's recommendation clearly showing the proposed 3m easement along the eastern boundary, as well as all other setback dimensions, prior to the Planning Proposal proceeding to DPIE for a Gateway Determination.

Key Element 25. All roofs up to 30 metres from ground are to be green roofs. These are to provide a green contribution to the street and a balance of passive and active green spaces that maximise solar access.

Comment
Consistent.

Concept plans have been provided showing green roofs at podium level – presenting to Nelson Street, Gordon Avenue, the public park and the Frank Channon Walk.

Key Element 26. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.

Comment

Consistent.

Soft landscaping has been provided above 20% of the site area.

Setbacks and street frontage heights

Key Element 27. Street frontage heights and setbacks are to be provided based on Figure 8, which reflect requirements for different parts of the Chatswood CBD. With setbacks of 3 metres or more, including the Pacific Highway, deep soil planting for street trees is to be provided.

- d) Mixed use frontage with commercial Ground Floor
 - i. 6-14 metre street wall height at front boundary.
 - ii. Minimum 3 metre setback above street wall.

Comment

Consistent.

The concept plans are consistent with the below Figure 8 requirements applying to the subject site.

It is noted that greater Ground setbacks are provided with:

- 3m setback to Gordon Avenue boundary.
- 3m setback to Nelson Street boundary.
- 3m setback to eastern boundary with the Frank Channon Walk.

It is also noted that greater tower setbacks above Podium are provided as follows:

- Tower setbacks above Podium (two towers)

Tower A

- 3m setback above Podium facing Gordon Avenue (northern) boundary. (being a total setback of 6m from Gordon Avenue boundary when including 3m Ground setback).
- 12m setback above Podium facing western boundary. (being a total setback of 12m from western boundary when including 0m and small triangular shaped portion of land on Nelson Street Ground setback).
- Between 6m and approximately 12m setback above Podium facing eastern boundary with Frank Channon Walk and public park – due to irregular eastern boundary. (being a total setback of between 6m and approximately 18m from the eastern boundary when including, at various points, between a 3m and greater ground level setback, and a 3m Podium 1 setback).

Tower B

- 3m setback above Podium facing Nelson Street (southern) boundary. (being a total setback of 6m from Nelson Street boundary when

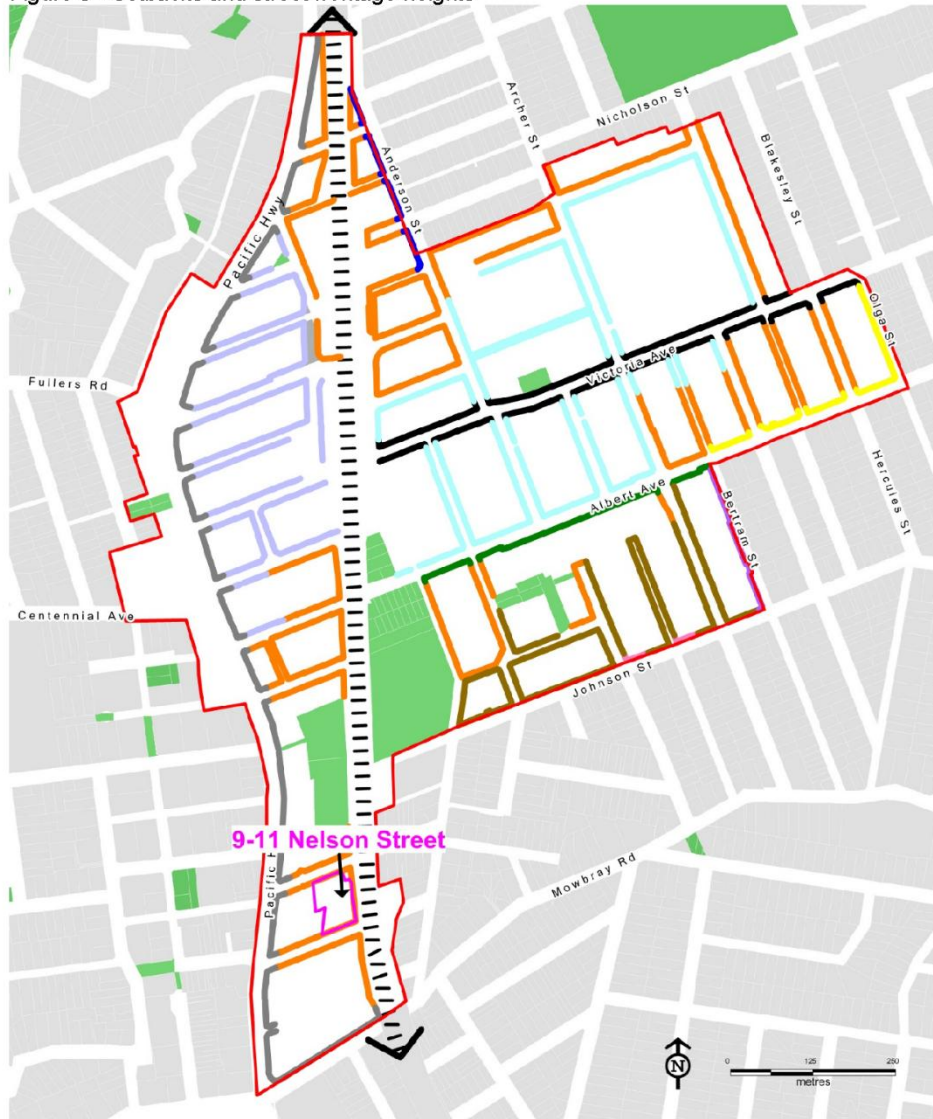
- including 3m Ground setback).
- 12m setback above Podium facing western boundary.
(being a total setback of 12m from western boundary when including 0m Ground setback).
- 6m setback above Podium facing eastern boundary with Frank Channon Walk.
(being a total setback of 6m when including the 3m ground setback and the 3m Podium 1 setback).

Setbacks above minimum requirements are encouraged and supported, noting the location of this site away from the centre and towards the southern boundary of the Chatswood CBD.

Street wall heights are proposed to be within the 6-14m CBD Strategy requirement.

These requirements have also been included in the proposed *Development Control Plan* provisions.

Figure 8 - Setbacks and street frontage heights



	CBD boundary
	Open space
	Pacific Highway frontage
	Office Core frontage
	Urban Core
	Victoria Avenue retail frontage
	Albert Avenue South
	Southern Precinct
	Anderson Street Interface
	Johnson Street interface
	Bertam Street interface
	Albert Avenue north and Olga Street interface
	Mixed use frontage with commercial Ground Floor

Key Element 28. All towers above podiums in the B3 Commercial Core and B4 Mixed Use zones are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height.

This means if a building is:

- a) A total height of 30m, a minimum setback from the side boundary of 1.5m is required for the entire tower on any side.
- b) A total height of 60m, a minimum setback from the side boundary of 3m is required for the entire tower on any side.
- c) A total height of 90m, a minimum setback from the side boundary of 4.5m is required for the entire tower on any side.
- d) A total height of 120m, a minimum setback from the side boundary of 6m is required for the entire tower on any side.
- e) A total height of 150m, a minimum setback from the side boundary of 7.5m is required for the entire tower on any side.
- f) A total height of 160m, a minimum setback from the side boundary of 8m is required for the entire tower on any side.

The required setback will vary depending on height and is not to be based on setback averages but the full setback.

Comment
Consistent.

Key Element 28 is a general requirement for all new development within the Chatswood CBD. The proposed height of 90 metres requires a minimum 4.5 metre building setback from all boundaries for all towers above podiums.

As discussed above in Key Element 27, tower setbacks have been provided consistent with the Strategy.

- Key Element 29. Building separation to neighbouring buildings is to be:**
- a) In accordance with the Apartment Design Guide for residential uses.
 - b) A minimum of 6 metres from all boundaries for commercial uses above street wall height.

Comment

The Concept Plans address the required setbacks to neighbouring properties as outlined in this Key Element.

As previously noted, the site is bounded by Gordon Avenue to the north, Nelson Street to the south, a public park, the Frank Channon Walk and the North Shore Rail Line to the east. The tower component is setback a minimum of 12m from the western boundary and neighbouring residential properties.

Any exhibition plans following Gateway should confirm that building separation controls in *State Planning and Environmental Policy 65 Apartment Design Guidelines* have been satisfied.

Active Street Frontages

- Key Element 30. At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active frontages. Particular emphasis is placed on the B3 Commercial Core zone. Blank walls are to be minimised and located away from key street locations.**

Comment

Consistent.

The Concept Plans provided show commercial floor space at Ground Level with the opportunity for active street frontages to Gordon Avenue, Nelson Street and the public park.

This issue will be further assessed at development application stage.

Further Built Form Controls

- Key Element 31. Site Isolation will be discouraged and where unavoidable joined basements and zero-setback podiums should be provided.**

Comment

Consistent.

This Key Element is satisfactorily addressed as the Planning Proposal involves a site of 4,219m².

In regards the neighbouring land to the west, the potential exists for amalgamated sites to be over the 1,200m² minimum lot size.

Key Element 32. Controls will be applied to ensure the traditional lot pattern along Victoria Ave east (building widths of between 6-12m) is reflected into the future.

Comment

This Key Element is not applicable to the subject site.

Key Element 33. Floor space at Ground level is to be maximised, with supporting functions such as car parking, loading, garbage rooms, plant and other services located in Basement levels.

Comment

Consistent.

All car parking and loading as well as garbage provision for the site is located within the Basement levels.

Significant and meaningful Ground Level floor space has been provided.

Key Element 34. Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages.

Comment

Consistent.

The proponent has indicated that substations will be within the building.

Key Element 35. The CBD Strategy employs a Travel Demand Management approach seeking to modify travel decisions to achieve more desirable transport, social, economic and environmental objectives. A new CBD Transport Strategy will build on the approach. In addition, site specific traffic and transport issues are to be addressed as follows:

- a) Vehicle entry points to a site are to be rationalised to minimise streetscape impact, with one entry into and exiting a site. To achieve this objective loading docks, including garbage and residential removal trucks, are to be located within Basement areas.
- b) In order to facilitate rationalisation of vehicle entry points on neighbouring sites, all development sites are to provide an opportunity within Basement levels to provide vehicle access to adjoining sites when they are developed.
- c) All vehicles are to enter and exit a site in a forward direction. In this regard vehicle turntables should be provided where necessary.
- d) All commercial and residential loading and unloading is required to occur on-site and not in public streets.
- e) Car parking should be reduced by utilising RMS car parking rates for sites close to public transport, as well as reciprocal parking and car share strategies.

Comment
Consistent.

A Transport and Traffic Assessment, prepared by Urbis, has been submitted.

The Planning Proposal is considered to satisfactorily address this key Element for the purposes of Gateway consideration and exhibition:

- All car parking and loading as well as garbage provision for the site is located within the Basement levels.
- Vehicle entry points have been rationalised, with one access via Gordon Avenue.
- All loading and car parking is accommodated off street.
- Loading in the Basement is able to accommodate MRV and HRV vehicles.

A physical solution to vehicle manoeuvring on the site is the preferred Council outcome.

Full traffic consideration of this Planning Proposal will be required at development application stage.

Other Issues to be addressed

Good Design Outcomes

The Government Architect NSW issued *Delivering Better Placed – An Integrated Design Policy for the Built Environment of NSW* (2017). This document lists the following seven objectives to define the key considerations in the design of the built environment:

- 1) Better fit – contextual, local and of its place.
- 2) Better performance – sustainable, adaptable and durable.
- 3) Better for community – inclusive, connected and diverse.
- 4) Better for people – safe, comfortable and liveable.
- 5) Better for working – functional, efficient and fit for purpose.
- 6) Better value – creating and adding value.
- 7) Better look and feel – engaging, inviting and attractive.

The document states that “*achieving these objectives will ensure our cities and towns, our public realm, our landscapes, our buildings and our public domain will be healthy, responsive, integrated, equitable, and resilient.*”

It is considered that the subject Planning Proposal and Concept Plans have had regard to, and are consistent with, *Delivering Better Placed – An Integrated Design Policy for the Built Environment of NSW*.

Solar Access

With regard to the built form being the subject of the Concept Plans, and impacts on surrounding properties, the shadow analysis provided by the proponent for 9am to 3pm, 21 June shows the following:

- At 9am, 15 – 19 Nelson Street, part of 10 Gordon Avenue, part of 613 - 627 Pacific Highway, the north western corner of the Metro Dive site, and land on the western side of the Pacific Highway between 552 and 572 Pacific Highway, is affected by overshadowing.

- At 10am, 15 – 19 Nelson Street, part of 10 Gordon Avenue and the mid section of the Metro Dive site is affected by overshadowing. The western side of the Pacific Highway is no longer affected.
- At 11am, 15-17 Nelson Street and the mid section of the Metro Dive site is affected by overshadowing.
- At 12 noon, the eastern part of the Metro Dive Site is affected by overshadowing.
- At 1pm a small component of the Metro Dive site is affected (north east corner, and along eastern boundary), with overshadowing then falling on the North Shore Rail Line.
- The South Chatswood Conservation Area is not affected by overshadowing between 9am and 2pm. After 2pm, a very small portion of the South Chatswood Conservation Area is affected including Local Heritage Item I105 (2 Orchard Road) – with overshadowing ending at approximately where Orchard Road meets Mowbray Road.
- At 3pm, overshadowing extends further into the South Chatswood Conservation Area including Local Heritage Item I95 (333 Mowbray Road) - ending approximately where Elizabeth Street meets Cambridge Road.

It should be noted that the Local Heritage Item on the Sydney Metro Dive site (I96, 339 Mowbray Road) is not affected by overshadowing at any point.

The proponent concludes:

- The proposed towers are predominantly north-south orientated with slender tower forms to create relatively fast moving shadows.
- The Sydney Metro Dive site will be the most impacted by the proposed development, being within the CBD Strategy.
- Solar amenity outcomes for future residential towers to the west of the subject site will be subject to future site specific investigations.

It is considered that the overshadowing from this Planning Proposal is reasonable for a site located within the Chatswood CBD. It should be noted that 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, and has minimal impact on the South Chatswood Conservation Area. Notwithstanding this conclusion, additional shadow diagrams are requested in the Officer's recommendation as part of the Planning Proposal to be referred to DPIE for a Gateway Determination.

Further consideration of overshadowing may occur following public exhibition and at development application stage.

Privacy and general amenity

With regard to privacy and general amenity impacts to neighbouring properties, it is noted that:

- To the north, on the other side of Gordon Avenue, is 1-3 and 5-9 Gordon Avenue. The site 5-9 Gordon Avenue is the subject of a Planning Proposal to redevelop in accordance with the CBD Strategy (as Mixed Use with a height of 90m and floor space ratio of 6:1).
- To the east is the public park and Frank Channon Walk, then the North Shore Rail Line.
- To the west is 10 Gordon Avenue and 15, 17, 19 Nelson Street. These sites are also subject to the CBD Strategy.

Further to the west are submitted Planning Proposals on 613-627 Pacific Highway and 629-639 Pacific Highway to redevelop in accordance with the CBD Strategy (as Mixed Use with a height of 90m and floor space ratio of 6:1).

- To the south, on the other side of Nelson Street, is the Metro Dive site also part of the CBD Strategy. No plans for the Metro Dive site have been progressed for consideration at the same time as this subject Planning Proposal.

Further consideration of amenity impacts such as privacy may occur following public exhibition and at development application stage.

Heritage

The site does not contain a Local Heritage Item or is part of a heritage conservation area.

The site is opposite, on the other side of the Frank Channon Walk and North Shore Rail Line, the South Chatswood Conservation Area.

The Planning Proposal is supported by a Heritage Impact Statement prepared by Urbis.

It is considered that this Planning Proposal has shown appropriate consideration of the South Chatswood Conservation Area, having regard to setbacks along the eastern boundary at Ground Level and Podium Level 1, and may be forwarded to the Gateway for subsequent public exhibition and further consideration as required.

Other Internal Referrals

The Planning Proposal has also been referred to the Urban Design, Traffic, Engineering, Open Space and Heritage sections of Council, and no objections have been raised.

It is considered that satisfactory information has been provided to enable the Council to forward the Planning Proposal to the Gateway.

Development Control Plan provisions

The proponent has submitted site specific *Development Control Plan* provisions. The site specific *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of amendments.

It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Development Control Plan* will apply to the site.

Public Benefit

The proponent has indicated an intention to enter into a Voluntary Planning Agreement.

At this stage discussions regarding a Voluntary Planning Agreement have not been held with Council. Once such discussions have occurred, this matter will be separately reported to Council.

Department of Planning and Environment Requirements

The Planning Proposal is considered to be generally in accordance with the requirements under Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Industry and Environment (December 2018) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning

Proposal, which are addressed at Attachment 3.

Conclusion

From the perspective of managing changes to the *Willoughby Local Environmental Plan 2012* in response to the *Chatswood CBD Planning and Urban Design Strategy 2036*, it is proposed to consider requested amendments under this Planning Proposal in the form of:

- Written amendments to *Willoughby Local Environmental Plan 2012* and the accompanying Land Zoning Map, Height of Buildings Map, Floor Space Ratio, Special Provisions Area Map, Active Street Frontages Map and Lot Size Map.
- Draft *Willoughby Development Control Plan* provisions.

The Planning Proposal is consistent with the strategic objectives of the *Greater Sydney Region Plan*, the *North District Plan*, as well as Councils' *Local Strategic Planning Statement* and the *Chatswood CBD Planning and Urban Design Strategy 2036*. The subject site has been identified as within the B4 Mixed Use zone, permitting mixed use development.

The draft *Development Control Plan* provisions are satisfactory for the purposes of public exhibition and may be the subject of further amendments.

It is considered that the relevant requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning, Industry and Environment's '*A Guide to Preparing Planning Proposals*' are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

Based on the above, it is recommended that Council forward the Planning Proposal to the Department of Planning, Industry and Environment, seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*. It is further recommended that Council advise the Department of Planning, Industry and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.

ATTACHMENT 3

COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS'

The Planning Proposal is considered to be generally in accordance with the requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (December 2018) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning Proposal:

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives in support of the Planning Proposal to amend *Willoughby Local Environmental Plan 2012* (referred to as WLEP 2012) are as follows:

- Provide additional housing
- Is located within walking distance of Chatswood Station, which is a major transport interchange;
- Protect and grow the commercial core;
- Maximise the land use opportunities provided by Sydney Metro;
- Promote and encourage connectivity, and upgrade and increase public open spaces.

PART 2 – EXPLANATION OF PROVISIONS

In response to the Planning Proposal, Council Officer's have proposed that the outcome be achieved by requiring that the planning proposal request be consistent with the following amendments to WLEP 2012, which will include:

- a) To add Clause 4.4B 'Minimum non-residential floor space in the Mixed Use Zone' as follows:

"4.4B Minimum non-residential floor space in the Mixed Use Zone

Land zoned B4 Mixed Use is to contain a minimum non-residential floor space component. This is calculated at 17% of FSR as indicated on the Floor Space Ratio Map."
- b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

"(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3."
- c) To amend Clause 6.7 'Active street frontages' as follows:
 - "(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.
 - "(2) This clause applies to land identified as "Active Street Frontages" on the Active Street Frontages Map.

- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—
- (a) entrances and lobbies (including as part of mixed use development),
 - (b) access for fire services,
 - (c) vehicular access.
- (5) In this clause, a building has an active street frontage if:
- a) In the Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.
 - b) In the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purposes of non-residential premises."
- d) To amend Clause 6.8 (2) to include "Area 3 or Area 8 or Area 9" on the Special Provisions Area Map.
- e) To amend Clause 6.23 (2) to include "Area 8" or "Area 12" on the Special Provisions Area Map.
- f) To add Clause 6.25 as follows:
- "6.25 Sun access
- (1) The objective of this clause is to
- (a) protect certain public space in Chatswood CBD from excessive overshadowing.
 - (b) Protect properties in South Chatswood Conservation Area from a reduction in solar access
- (2) The consent authority must not grant consent to development on land zoned B3 or B4 if the consent authority is satisfied that :
- (a) the development will result in additional overshadowing in mid winter between 12 noon and 2pm, on:
 - Victoria Avenue between the interchange and Archer Street
 - Concourse Open Space
 - Garden of Remembrance
 - Tennis and croquet club
 - (b) the development will reduce solar access to any individual property within the South Chatswood Conservation Area to less than 3 hours between 9.00am and 3.00pm mid winter.
- g) Add to Schedule 1 Additional Permitted Uses:
- "75. Use of certain B4 land in Chatswood
- (1) This clause applies to land zoned B4 in the Chatswood CBD.
-

- (2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
 - (a) the ground level is used for non-residential purposes and
 - (b) A minimum of 17% of the total FSR is provided for non-residential purposes and
 - (c) No residential dwelling is located at the ground floor.”
- h) To amend the Land Zoning Map (Sheet LZN_004) for 9 – 11 Nelson Street, Chatswood, to B4 Mixed Use.
- i) To amend the Height of Buildings Map (Sheet HOB_004) for 9 – 11 Nelson Street, Chatswood, to 90 metres.
- j) To amend the Floor Space Ratio Map (Sheet FSR_004) for 9 – 11 Nelson Street, Chatswood, to 6:1 (including affordable housing).
- k) To amend the Special Provisions Area Map (Sheet SPA_004) to show 9 – 11 Nelson Street, Chatswood, as Area 8.
- l) To amend the Active Street Frontages Map (Sheet ASF_004) to include Gordon Avenue and Nelson Street, Chatswood frontages.
- m) To amend the Lot Size Map (Sheet LSZ_004) to show 9 – 11 Nelson Street, Chatswood with a minimum lot size of 4,000 sq metres.

From the perspective of managing changes to the WLEP 2012 in response to the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to as the CBD Strategy), it is proposed to consider requested amendments under this Planning Proposal in the form of amendments to the written instrument and relevant maps.

Accompanying the Planning Proposal are draft *Development Control Plan* provisions.

PART 3 – JUSTIFICATION

Questions to consider when demonstrating the justification

Section A - Need for the Planning Proposal

1) Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal arises from the endorsement by Council of the CBD Strategy, which recommends land use, increased building height and development density for land within the Chatswood CBD and the expanded CBD boundaries. The subject site is located within the proposed CBD boundary and is identified as mixed use, with an increase in maximum building height to 90 metres and increase in floor space ratio up to 6:1 subject to satisfaction of other CBD Strategy requirements.

The CBD Strategy provides a CBD boundary which includes this location because it is close to the Chatswood City Centre, with significant transport infrastructure and urban services.

The increased commercial and residential density is intended to accommodate anticipated demand for employment and housing in the Willoughby Local Government Area.

Analysis supporting the application has been provided with the Planning Proposal.

- 2) **Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

It is considered that the Planning Proposal is the best means of achieving the objectives and outcomes discussed above.

Section B - Relationship to strategic planning framework

- 3) **Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The Planning Proposal is consistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan*, as well as the more detailed requirements of the CBD Strategy.

The *Greater Sydney Region Plan* and the *North District Plan* were released by the Greater Sydney Commission in March 2018. The *Greater Sydney Region Plan* will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

The *Greater Sydney Region Plan* is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. Delivering a metropolis of three cities will be guided by 10 overarching directions, which provide interconnected infrastructure, productivity, liveability and sustainability benefits to all residents.

The North District forms a large part of the Eastern Harbour City and its economy is focused on the Harbour CBD which includes North Sydney as well as the strategic centres such as Chatswood within the Eastern Economic Corridor. The Chatswood strategic centre comprises a mix of uses including retail, office, residential as well as community and health. Entertainment facilities and a vibrant night-time economy contribute to the amenity. Job targets for Chatswood as a strategic centre has informed the scale of growth and land use and infrastructure planning. Maintaining and growing a high quality commercial core will facilitate the continued growth of the centre as a major employment hub.

Chatswood remains a Strategic Centre located in the Eastern Economic Corridor, and is the 6th largest office market in Greater Sydney. Chatswood is earmarked as a centre that should be attracting significant investment and business activity in strategic centres to provide jobs growth; creating the conditions for residential development within strategic centres but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.

The CBD Strategy has been a response to the above strategic plans.

The Planning Proposal is considered consistent with the *Greater Sydney Region Plan* and the *North District Plan* for the following reasons:

- The proposal provides commercial floor space at an amount envisioned under the *Chatswood CBD Planning and Urban Design Strategy 2036*. The commercial component supports and strengthens the commercial core of Chatswood by increasing the availability of jobs in an identified strategic centre with good access to existing and planned public transport services. The proposal will also provide more employment opportunities to local residents.
- The proposal will assist in meeting the housing supply targets in a location identified as Mixed Use in the CBD Strategy.
- The additional housing is provided in a location close to existing and proposed transport and urban services infrastructure.
- The additional housing is in a location that is a walkable or cyclable distance to the Chatswood CBD centre.

The Department of Planning and Environment (December 2018) '*A Guide to Preparing Planning Proposals*' establishes specific assessment criteria to assist a Relevant Planning Authority.

Assessment Criteria

a) Does the proposal have strategic merit? Will it:

- give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment;

Comment: The Planning Proposal is considered consistent with the *Greater Sydney Region Plan* and *North District Plan* released March 2018.

- Consistent with a relevant local council Strategy that has been endorsed by the Department;

Comment: The *Willoughby Council Local Strategic Planning Statement* (LSPS) was endorsed by DPIE in March 2020.

The CBD Strategy was endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and endorsed by DPIE on 9 July 2020 with qualifications. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The Planning Proposal is consistent with the endorsed Willoughby Council LSPS, and the CBD Strategy and its DPIE endorsement. This is discussed in the Council Detailed Assessment (Attachment 2).

- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

Comment: It is considered that the Planning Proposal is consistent with the envisioned land use mix within the Chatswood CBD, and the utilization of existing and upcoming infrastructure by different land uses. The CBD Strategy has been prepared with a careful allocation of commercial core and mixed use zones within an expanded Chatswood CBD, intended to utilise

new infrastructure such as the rail metro and accommodate expected future residential demand.

b) Does the proposal have site-specific merit, having regard to the following:

- The natural environment (including known significant environmental values, resources or hazards)

Comment: The site is not characterised by an existing significant natural environment. The proposal does have site specific merit with ground level publicly accessible open space proposed with landscaping.

- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal

Comment: The planning controls proposed are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* and the envisaged future development for the locality, with the site located within the expanded Chatswood CBD boundaries. The proposal promotes the future urban renewal of the land involved.

- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Comment: This issue is discussed in the Council Detailed Assessment.

4) Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Our Future Willoughby 2028 is the Council's community strategic plan for the future of the local government area to help guide decision making and planning.

Our Future Willoughby 2028 sets out five broad outcomes, which are identified below with relevant community priorities:

1. A City that is green
 - 1.1 Create and enhance green spaces.
 - 1.2 Promote sustainable lifestyles and practices.
 - 1.3 Enhance, protect and respect waterways, bushland, nature, wildlife and ecological systems.
 - 1.4 Reduce energy, water and resource waste and encourage reuse and recycling.
 - 1.5 Reduce carbon and greenhouse gas emissions.
2. A city that is connected and inclusive
 - 2.1 Enhance transport choices and connections throughout the City.
 - 2.4 Reduce parking and traffic congestion.
 - 2.7 Promote accessible services for the community
3. A city that is liveable
 - 3.5 Maintain quality of life by balancing population growth with the provision of

assets and services.

- 4. A city that is prosperous and vibrant
 - 4.1 Facilitate the development of all businesses.
- 5. A City that is effective and accountable
 - 5.1 Be honest, transparent and accountable in all that we do.

The CBD Strategy has been developed having regard to the *Our Future Willoughby 2028*, with a commercial core as well as a mixed use area identified within the Chatswood CBD. The Planning Proposal is consistent with the above applicable objectives.

In regards the Willoughby LSPS, the Planning Proposal is consistent with the following priorities:

- 1. Increasing housing diversity to cater to families, the aging population, diverse household types and key workers.
- 2. Increasing the supply of affordable housing.
- 3. Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features.
- 8. Facilitate the viability and vibrancy of our strategic and local centres.
- 9. Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor.
- 17. Augmenting local infrastructure and using existing infrastructure more intensively and efficiently to accommodate planned growth.
- 20. Co-ordinating economic development for Chatswood and St Leonards.

5) Is the proposal consistent with applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are applicable, with comment provided.

SEPP Title	Comment
<i>SEPP (BASIX) 2004</i>	This SEPP will apply to future proposed dwellings/units and appropriate BASIX documentation will be required with any future development application for redeveloping the site.
<i>SEPP (Exempt and Complying Codes) 2008</i>	The Planning Proposal does not contain provisions that contradict the application of the SEPP.
<i>SEPP 65 – Design Quality of Residential Flat Development (referred to as SEPP 65 in this report)</i>	This SEPP will apply to the proposed residential component of the future mixed use building. The concept plan has been submitted having regard to the <i>SEPP 65 Apartment Design Guide</i> (referred to as ADG in this report) and achieves general compliance with this Code.

	Detailed assessment of compliance with SEPP 65 and Apartment Design Guidelines would occur at DA stage.
SEPP (Affordable Rental Housing) 2009	The Planning Proposal provides for affordable housing and is consistent with the SEPP.
SEPP (Infrastructure) 2007	The Planning Proposal provides for housing and jobs close to a commuter hub and is consistent with the SEPP.

6) Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions?)

Section 9.1 Directions issued to councils require that a Planning Proposal does not conflict with the Directions. The following is a summary of the planning proposal against the relevant Section 9.1 Directions in this instance.

1. EMPLOYMENT AND RESOURCES

Direction	Relevant?	Consistent?	Comment
1.1 Business and Industrial Zones	Yes	Yes	The Planning Proposal will support employment generation within a B4 Mixed Use Zone.

2. ENVIRONMENT AND HERITAGE

Direction	Relevant?	Consistent?	Comment
2.3 Heritage Conservation	Yes	Yes	The site does not contain a Local Heritage Item or is part of a heritage conservation area. Furthermore, the site is not within close proximity of a Local Heritage Item or a heritage conservation area.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent	Comment
3.1 Residential Zones	Yes	Yes	The site is within a R3 Medium Density Residential zone proposed to be B4 Mixed Use.

			The Planning Proposal involves a substantial increase in residential on the site in response to the CBD Strategy under the B4 Mixed Use zone, above what is currently permitted.
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Direction	Relevant?	Consistent	Comment
3.3 Home Occupations	Yes	Yes	Home occupations will be permissible development on the site.

Direction	Relevant?	Consistent?	Comment
3.4 Integrating Land Use and Transport	Yes	Yes	The site is well located close to public transport linkages and employment.

4. LOCAL PLAN MAKING

Direction	Relevant?	Consistent?	Comment
6.1 Approval and Referral Requirements	Yes	Yes	The Planning Proposal does not contain any provisions which require concurrence, consultation or referral to the Minister

5. METROPOLITAN PLANNING

Direction	Relevant?	Consistent?	Comment
7.1 Implementation of <i>A Plan for Growing Sydney</i>	Yes	Yes	The Planning Proposal is consistent with the <i>Greater Sydney Region Plan</i> , and <i>North District Plan</i> released March 2018, as discussed above.

Section C- Environmental, social and economic impact

- 7) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site and adjoining lands have not been identified as containing any areas

of critical habitat or threatened species, populations or ecological communities or habitats.

8) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The following environmental impacts of the proposal and their proposed management are discussed in the Council Detailed Assessment (see **Attachment 2**):

- Consistency with the *Chatswood CBD Planning and Urban Design Strategy 2036*, as endorsed by Council. In this regard the following issues have been addressed:
 - CBD boundary
 - Land use
 - Commercial component
 - Design excellence
 - Building sustainability
 - Voluntary Planning Agreements
 - Public art
 - Floor space ratio
 - Minimum site area
 - Affordable housing
 - Maximum residential tower floor plate size
 - Built form
 - Sun access to key public places
 - Height
 - Links and open space
 - Landscaping
 - Public realm
 - Street frontage heights
 - Setbacks
 - Traffic and transport issues
- Other issues addressed include solar access, privacy and general amenity and heritage.

9) Has the planning proposal adequately addressed any social and economic effects?

It is considered that the Planning Proposal has adequately addressed social and economic effects. It should be noted that the Planning Proposal does include affordable housing provision.

Section D - State and Commonwealth interests

10) Is there adequate public infrastructure for the planning proposal?

The subject site is located within an identified mixed use area under the CBD Strategy, and serviced by existing utilities infrastructure and within walking distance from the Chatswood Railway Station and Transport Interchange.

11) What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has not notified any public authorities. It is expected that any Gateway Determination would establish which government authorities would be required to be included in the public exhibition.

PART 4 – MAPPING

This Planning Proposal as proposed involves amending *Willoughby Local Environmental Plan 2012* maps as follows:

- a) To amend the Land Zoning Map (Sheet LZN_004) for 9 – 11 Nelson Street, Chatswood, to B4 Mixed Use.
- b) To amend the Height of Buildings Map (Sheet HOB_004) for 9 – 11 Nelson Street, Chatswood, to 90 metres.
- c) To amend the Floor Space Ratio Map (Sheet FSR_004) for 9 – 11 Nelson Street, Chatswood, to 6:1 (including affordable housing).
- d) To amend the Special Provisions Area Map (Sheet SPA_004) to show 9 – 11 Nelson Street, Chatswood, as Area 8.
- e) To amend the Active Street Frontages Map (Sheet ASF_004) to include 9 – 11 Nelson Street, Chatswood, to include the Gordon Avenue and Nelson Street frontages.
- f) To amend the Lot Size Map (Sheet LSZ_004) to include 9 – 11 Nelson Street, Chatswood, with a minimum lot size of 4,000 sq metres.

PART 5 – COMMUNITY CONSULTATION

Should Council support the Planning Proposal for public exhibition, it will proceed to the Department of Planning, Infrastructure and Environment 'Gateway' process to seek endorsement for the proposal to be placed on public exhibition. Public exhibition will be in accordance with the Department of Planning, Industry and Environment's Gateway Determination requirements and should include the Draft *Willoughby Local Environmental Plan 2012* Amendment and the site specific *Draft Development Control Plan* provisions. This would involve appropriate notification and receipt of submissions from relevant state agencies and the general community.

PART 6 – PROJECT TIMELINE

Planning Proposal Presented to Council	September 2021
Planning Proposal submitted to Gateway	October 2021
Gateway Determination received by Council	December 2021
Community Consultation (28 days)	February 2022
Outcomes of Community Consultation presented to Council	June 2022
Planning Proposal submitted to Department requesting notification on Government website	August 2022

PROJECT INFORMATION				
9-11 Nelson St, Chatswood				
Site Area	4218 m ²			
Height Control	30			
Allowable FSR	6.0 : 1			
MIX - RESIDENTIAL				
Tower A (Residential: 25 Floors)				
Level	1 Bed	2 Bed	3 Bed	Total
Level 2-20	2	4	0	114
Level 21-26	1	2	2	30
Sub Total	44	88	12	144
	31%	61%	8%	100%
Tower B (Residential: 20 Floors)				
Level	1 Bed	2 Bed	3 Bed	Total
Level 2	3	3	0	6
Level 3-15	2	4	0	75
Level 16-21	1	2	2	30
Sub Total	35	67	12	114
	31%	59%	11%	100%
Tower A+B				
Level	1 Bed	2 Bed	3 Bed	Total
Total	79	155	24	258
	31%	60%	9%	100%
Solar Access				
Tower A				
Level 2-19	90			
Level 20	6			
Level 21-26	30			
Total	126			
	87.5%			
Tower B				
Level 2-15	66			
Level 16-21	16			
Total	74			
	64.9%			
Tower A+B				
Total	200			
	77.5%			
Cross Ventilation				
Tower A (First Nine Floors)				
Level 2-12	36			
Total	36			
Total units	66.7%			
Tower B (First Nine Floors)				
Level 2-12	36			
Total	36			
Total units	66.7%			
Tower A+B (First Nine Floors)				
Total	72			
Total units	100%			
	66.7%			
Area				
Proposed GFA (m²)				
Commercial	4219		1	
Residential	20925		4.96	
Total GFA	25147		5.96	
NSA - RESIDENTIAL				
Tower A+B				
Level	1 Bed	2 Bed	3 Bed	Total
Unit Number	79	155	24	258
NSA (m ²)	55	78	100	
Sub Total NSA (m ²)	4345	12090	2400	18835
Total NSA (m ²)				18835
Height (m)				
Commercial	10			
Residential	3.1*29=77.5			
Lift Overrun	2.5			
Total	90			
RL(M)				
	Tower A	Floor to Floor Height	Tower B	Floor to Floor Height
Basement 3	90.9	3.10	Basement 3	90.9
Basement 2	94.00	5.50	Basement 2	94.00
Basement 1	VOID		Basement 1	97.90
Ground Floor	99.50	6.30	Ground Floor	101.80
Level 1	105.80	3.70	Level 1	105.80
Level 2	109.50	3.10	Level 2	109.50
Level 3	112.60	3.10	Level 3	112.60
Level 4	115.70	3.10	Level 4	115.70
Level 5	118.80	3.10	Level 5	118.80
Level 6	121.90	3.10	Level 6	121.90
Level 7	125.00	3.10	Level 7	125.00
Level 8	128.10	3.10	Level 8	128.10
Level 9	131.20	3.10	Level 9	131.20
Level 10	134.30	3.10	Level 10	134.30
Level 11	137.40	3.10	Level 11	137.40
Level 12	140.50	3.10	Level 12	140.50
Level 13	143.60	3.10	Level 13	143.60
Level 14	146.70	3.10	Level 14	146.70
Level 15	149.80	3.10	Level 15	149.80
Level 16	152.90	3.10	Level 16	152.90
Level 17	156.00	3.10	Level 17	156.00
Level 18	159.10	3.10	Level 18	159.10
Level 19	162.20	3.10	Level 19	162.20
Level 20	165.30	3.10	Level 20	165.30
Level 21	168.40	3.10	Level 21	168.40
Level 22	171.50	3.10	Roof	171.50
Level 23	174.60	3.10	Lift Overrun	174.00
Level 24	177.70	3.10		
Level 25	180.80	3.10		
Level 26	183.90	3.10		
Roof	187.00	2.50		
Lift Overrun	189.50			

GENERAL NOTES

1. ALL INFORMATION IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT.
2. THE INFORMATION IS NOT TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION.
3. THE INFORMATION IS NOT TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION.
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PROJECT

9-11 NELSON ST
CHATSWOOD
NSW 1585

ARCHITECTS

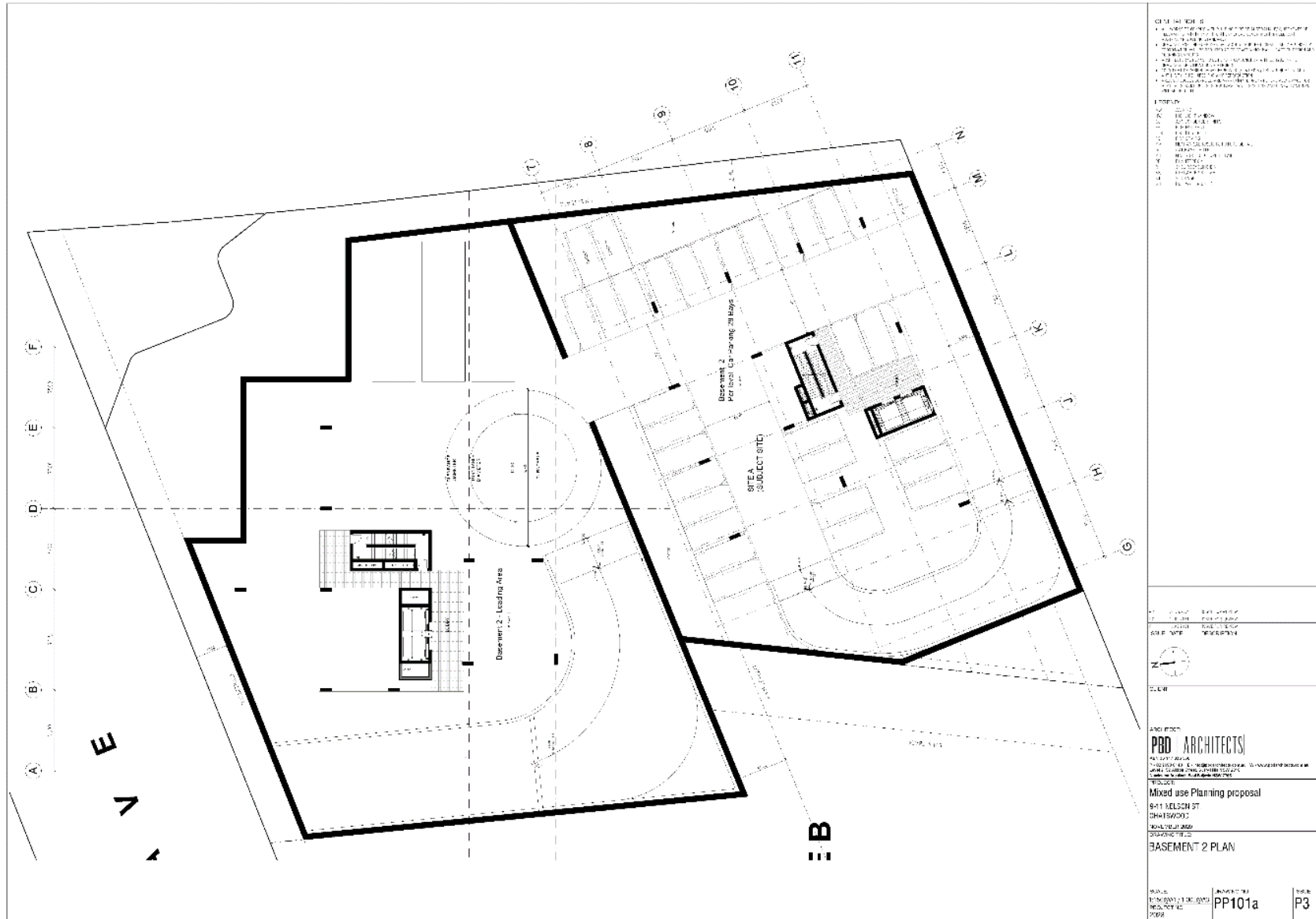
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Mixed use Planning proposal
9-11 NELSON ST
CHATSWOOD
NSW 1585
DRAWN BY: [Name]
CHECKED BY: [Name]

PROJECT SUMMARY

Scale: 1:1000
Date: 11/11/2020
Page: P100 of P3



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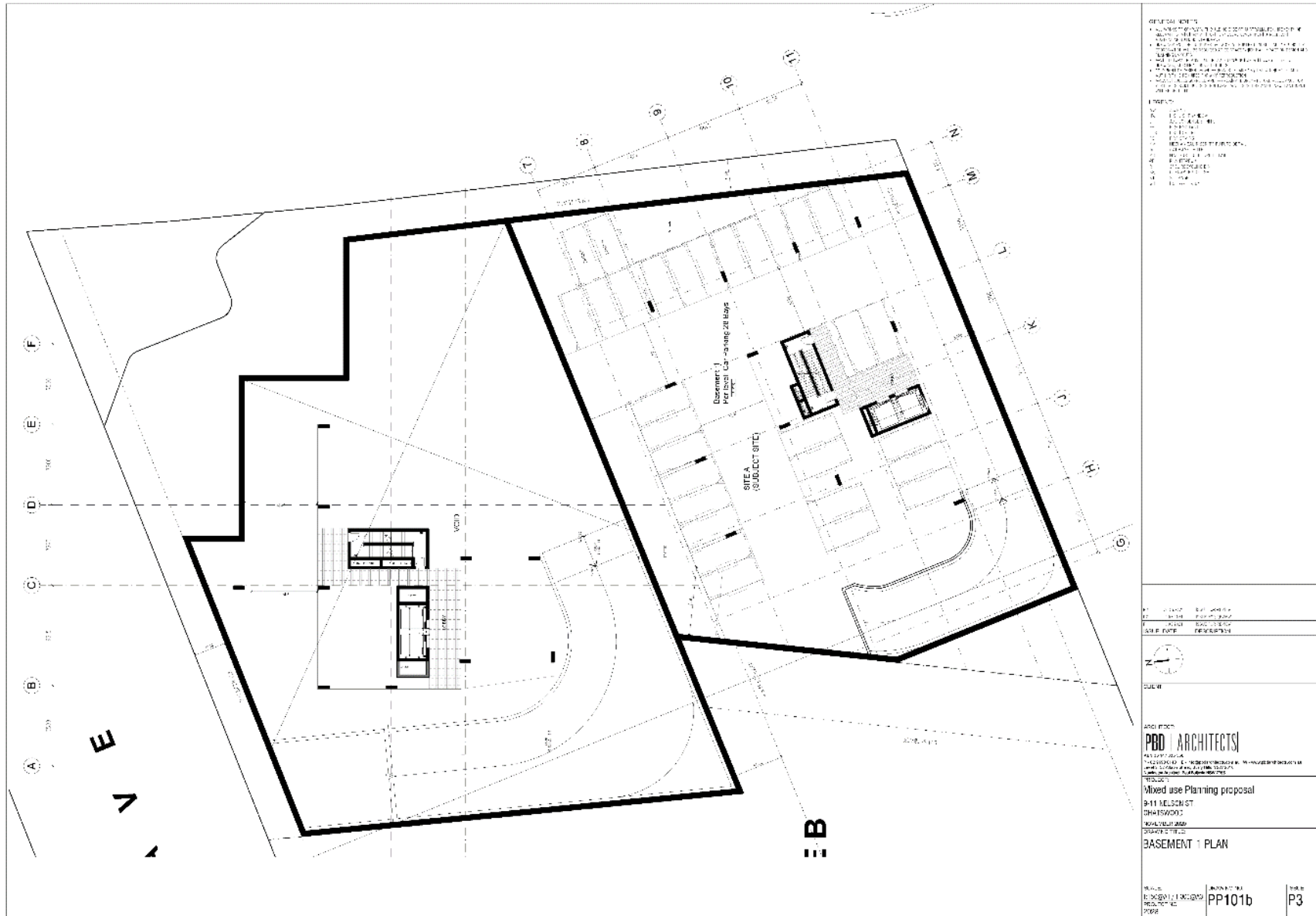
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ARCHITECTS
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Mixed use Planning proposal
 6-11 NELSON ST
 CHATSWOOD
 NSW 1599
 DRAWING TITLE
BASEMENT 2 PLAN

SCALE: 1:1000
 PROJECT NO: PP101a
 SHEET NO: P3



GENERAL NOTES
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LEGEND
 1. SITE BOUNDARY
 2. EXISTING BUILDING FOOTPRINT
 3. EXISTING DRIVEWAY
 4. EXISTING PARKING SPACES
 5. EXISTING VOID
 6. EXISTING WALLS
 7. EXISTING DOORS
 8. EXISTING WINDOWS
 9. EXISTING STAIRS
 10. EXISTING ELEVATORS
 11. EXISTING SERVICES

DATE: 10/09/2021
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 CHECKED BY: PBD ARCHITECTS
 SCALE: AS SHOWN

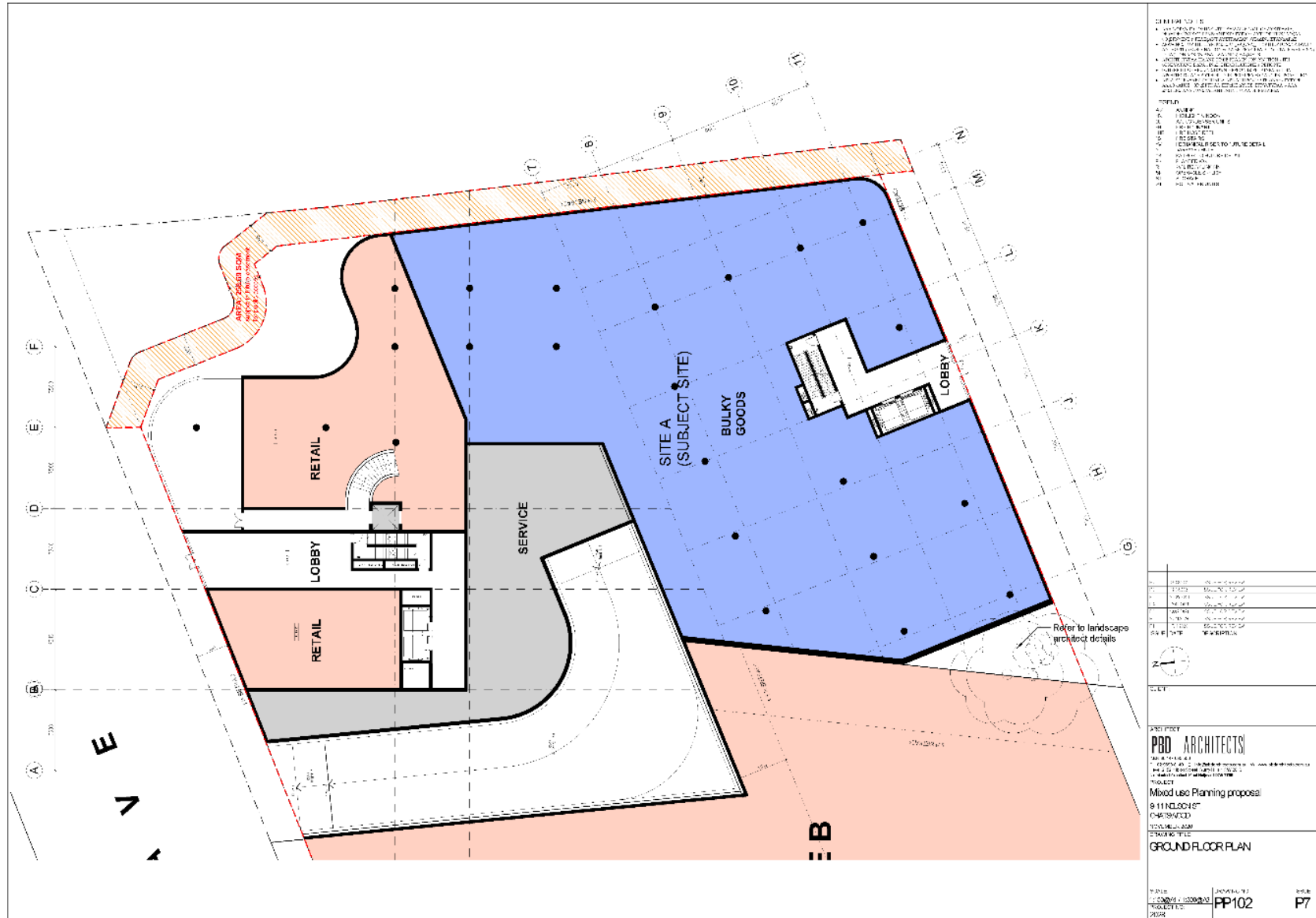


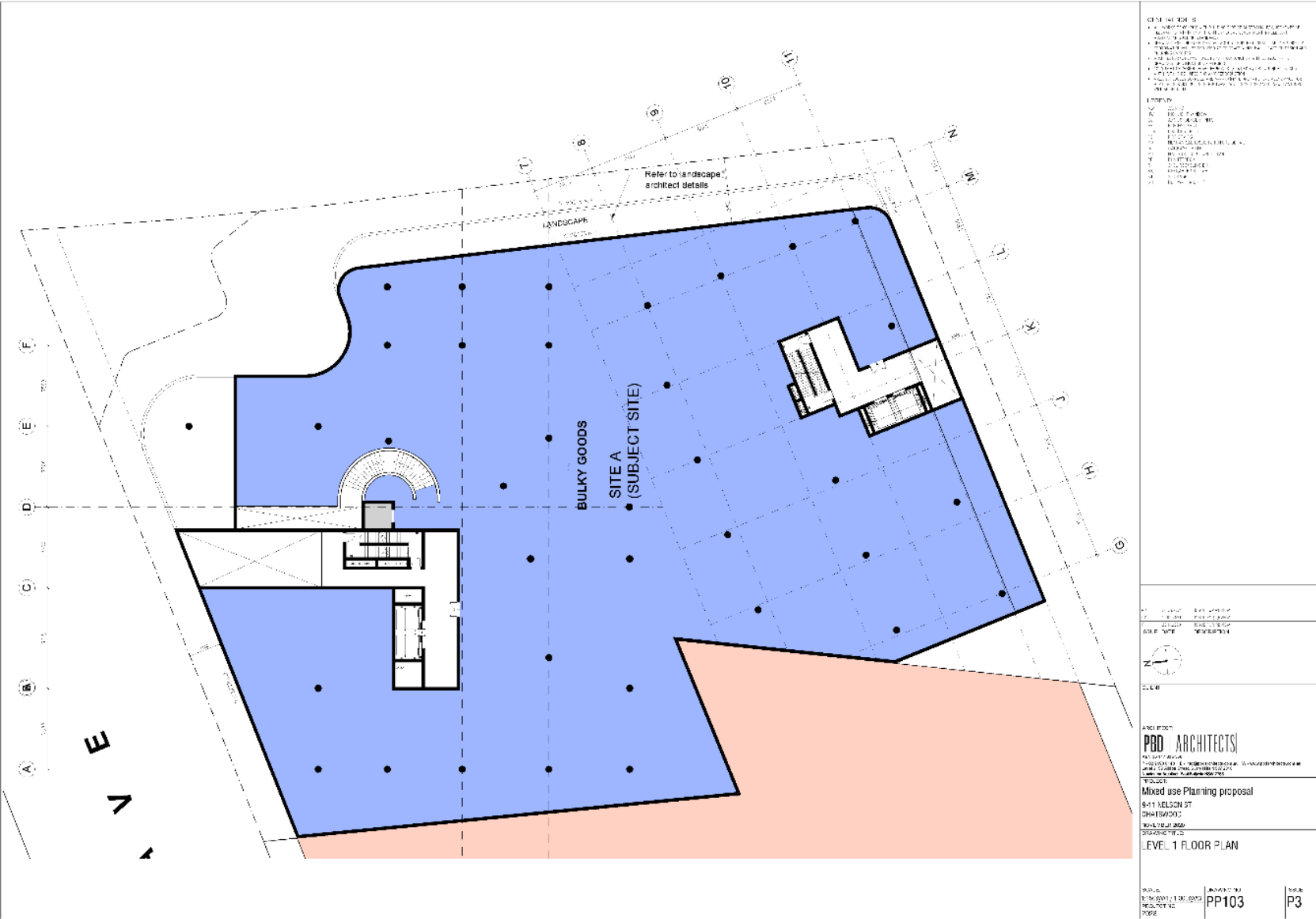
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PROJECT: 9-11 NELSON ST CHATSWOOD
 DRAWING: BASEMENT 1 PLAN

DATE: 10/09/2021
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 CHECKED BY: PBD ARCHITECTS
 SCALE: AS SHOWN

PROJECT: 9-11 NELSON ST CHATSWOOD
 DRAWING: BASEMENT 1 PLAN
 DATE: 10/09/2021
 DRAWN BY: PBD ARCHITECTS
 CHECKED BY: PBD ARCHITECTS
 SCALE: AS SHOWN









DRAFT SITE SPECIFIC DCP

For

9-11 Nelson Street, Chatswood

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1. GENERAL

These controls apply to land currently legally described as SP 65120 at 9-11 Nelson Street, Chatswood.



Figure 1 Site that is subject to this section of the DCP outlined in red

The aims and objectives of this plan are to:

1. Provide guidelines for a mixed use development of the site.
2. Provide a development that ensures the viability of future development of surrounding properties.
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. Achieves architectural and urban design excellence.
7. Maximise activation to Nelson Street, Gordon Avenue and along Frank Channon Walk.

2. BUILT FORM

Performance Criteria

The built form of the new development shall:

1. Achieve a slender tower form on the site.
2. Achieve a site layout that provides a pleasant environment for the occupants and minimises impact on surrounding properties.
3. Ensure visual and acoustic privacy, natural ventilation, sun access and views.
4. Provide suitable areas for communal open spaces, deep soil zones and landscaping.

Controls

1. The maximum tower floor plate that applies to this site for residential towers above podium is 700 m².
2. The width of each side of any tower should be minimised and design elements that contribute to building bulk should be minimised.
3. Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages. Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.
4. The building layout is to be in accordance with *Figure 2*.

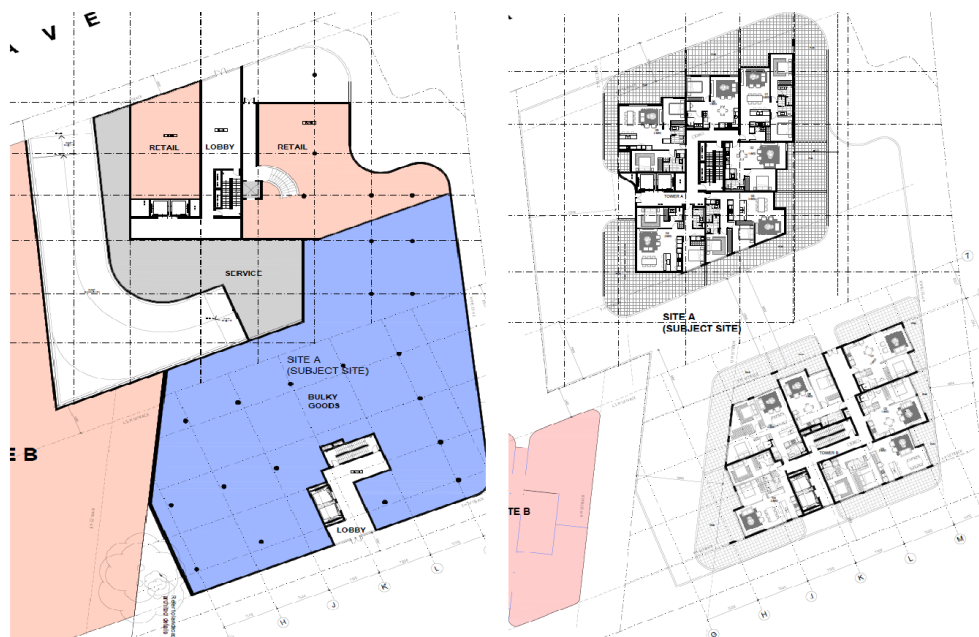


Figure 2 Building Layout

3. BUILDING HEIGHT

Performance Criteria

The built form of the new development shall:

1. Be compatible with the planned scale of surrounding development.
2. Minimise overshadowing of surrounding properties and the adjacent public domain.

Controls

1. The maximum building height is to include all structures located at roof level, including lift over runs and any other architectural features.
2. All structures located at roof level are to be integrated into the overall building form.

4. STREET FRONTAGE HEIGHT AND SETBACKS

Performance Criteria

Setbacks shall:

1. Contribute to deep soil areas, landscaping, and open space at street level.
2. Minimise the effects of adverse wind conditions at street level.
3. To ensure the positioning of new buildings contribute to the existing or proposed streetscape character.

Controls

1. Building setbacks are to be in accordance with Figure 3. The required setbacks are:
 - (a) Gordon Avenue
 - (i) Minimum 3 metre setback at ground level from front boundary.
 - (ii) Maximum 14 metre street wall height.
 - (iii) Minimum 6 metre setback to residential tower.
 - (b) Frank Channon Walk
 - (i) Minimum 3 metre setback at ground level from side boundary.
 - (ii) Maximum 14 metre street wall height.
 - (iii) Minimum 6 metre setback to residential tower.
 - (c) Nelson Street frontage
 - (i) Minimum 3 metre setback at ground level from front boundary.
 - (ii) Maximum 14 metre street wall height.
 - (iii) Minimum 6 metre setback to residential tower.
 - (d) Minimum 1:20 ratio of the setback to building height above the podium (e.g. 4.5m setback for a 90m building).

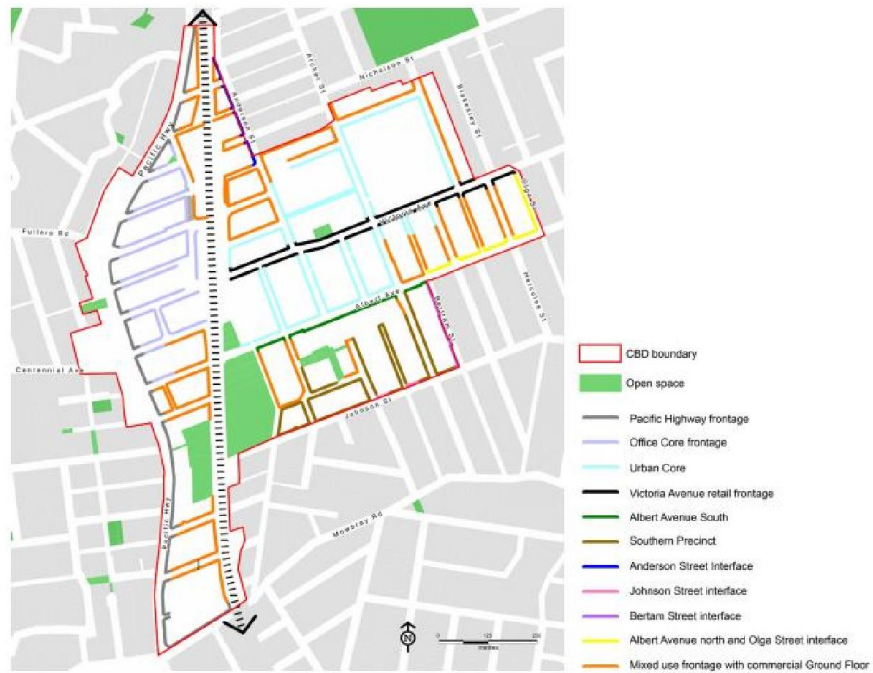


Figure 3 Street frontages and setbacks diagram

5. BUILDING EXTERIOR

Performance Criteria

1. Buildings are to demonstrate a high visual quality when viewed from the public domain and surrounding area.
2. Facade treatment and design is to be used to break down the mass and bulk of buildings.
3. High quality facade materials and finishes are to be used which contribute positively to the built environment.

Controls

1. At street level, facade designs must be sensitive to the pedestrian environment in terms of wall height finishes and setbacks for planting.
2. Extensive blank walls shall be avoided at street level.

6. AMENITY

Performance Criteria

1. To maximise solar access and ventilation to residential units.
2. Ensure visual and acoustic privacy of residential units within the development and developments on 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.

7. LINKS, OPEN SPACE AND LANDSCAPING

Performance Criteria

1. Landscaping is to soften and complement the development.
2. Landscaping at street level shall improve the amenity and appearance of the pedestrian environment.
3. The development shall provide publicly accessible links and open space.
4. Publicly accessible open space is to include green landscaping.
5. Green roof tops and useable rooftop areas shall be provided.

Controls

1. All roofs up to 30 metres from ground are to be green roofs. These are to provide a balance of passive and active green spaces that maximise solar access.
2. A minimum of 2 hours of sun access is to be provided to the public open space on the site.
3. Publicly accessible open space and green landscaping such as street trees will be required by all developments.
4. Communal open space for residents of building is to be incorporated within/ on the building, including seating, recreational areas (e.g. barbeque area) and landscaping.
5. Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.
6. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on ground, podium and roof top levels or as green walls of buildings. Soft landscaping includes planting's on and above structures (e.g. planter boxes).
7. Deep soil planting is to be provided within the setback to Gordon Avenue, part of Nelson Street and the Frank Channon Walk.
8. The development is to incorporate publicly accessible open space adjacent to the Frank Channon Walk and the public park at the north eastern corner of the site.
9. The development is to incorporate publicly accessible open space adjacent to the pedestrian link in accordance with Figure 4 as detailed in the Willoughby Council Chatswood CBD Strategy 2036.
10. All publicly accessible open space and linkages are to be the responsibility of the relevant ownership entity, with formal public access to be created over these areas.

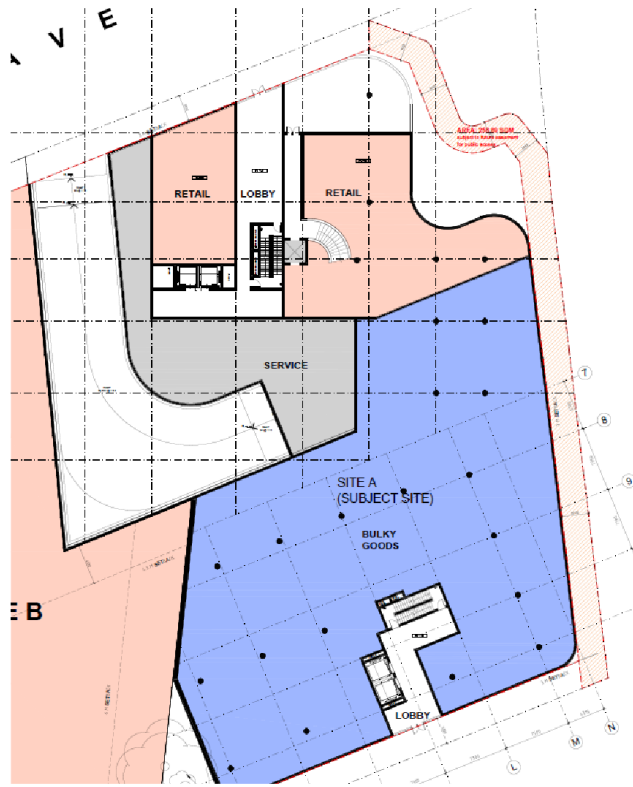


Figure 4 New public space

8. ACTIVE STREET FRONTAGES

Performance Criteria

1. To ensure that uses on the ground level contribute to the activation of the public domain.
2. To ensure that design and location of ground floor uses maximise surveillance of the public domain.

Controls

1. At ground level buildings are to maximise active frontages to Gordon Avenue and Nelson Street.
2. A building has an active street frontage if all premises on the ground floor of the building facing the street(s) are used for the purposes of commercial premises.

9. TRAFFIC AND TRANSPORT

Performance Criteria

1. Development must be designed to provide adequate and safe access to the site.
2. Development on the site is not the cause adverse traffic impacts on the surrounding road system.
3. Minimise the number of vehicular access points to the development.
4. All vehicles are to enter and exit the site in a forward direction.

Controls

1. Vehicular ingress and egress are provided via a single clearly defined ingress/egress driveway to Gordon Street.
2. Vehicle access point is designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create a high quality streetscape.

10. WASTE AND LOADING

Performance Criteria

1. Commercial and residential loading and unloading is required to occur on-site.
2. To ensure that adequate provision is made for waste storage and disposal.

Controls

1. All commercial and residential loading and unloading services are required to occur at basement level on-site.
2. A Waste Management Plan shall be submitted at Development Application Stage.

11. DESIGN EXCELLENCE

Performance Criteria

1. Ensure high quality and varied design through the use of competitive design processes.
2. Implement a rigorous process to support good design outcomes.

Controls

1. All developments that have a height of 35m or more is subject to a competitive design process.
2. The competitive design process must be undertaken in accordance with the Willoughby Design Excellence Policy and Willoughby Design Excellence Guidelines.

12. PUBLIC ART

Performance Criteria

1. All redevelopments in the Chatswood CBD should contribute to public art in accordance with Council's Public Art Policy

Controls

1. Public Art is to be provided in accordance with Council's Public Art Policy.

13. SUSTAINABILITY

Performance Criteria

1. Achievement of design excellence shall include achievement of higher building sustainability standards.

Provisions

2. A minimum 5 star GCB A building rating is expected. A report is to be submitted at Development Application Stage.

ATTACHMENT 6

Proposed Written Amendments to Willoughby Local Environmental Plan 2012

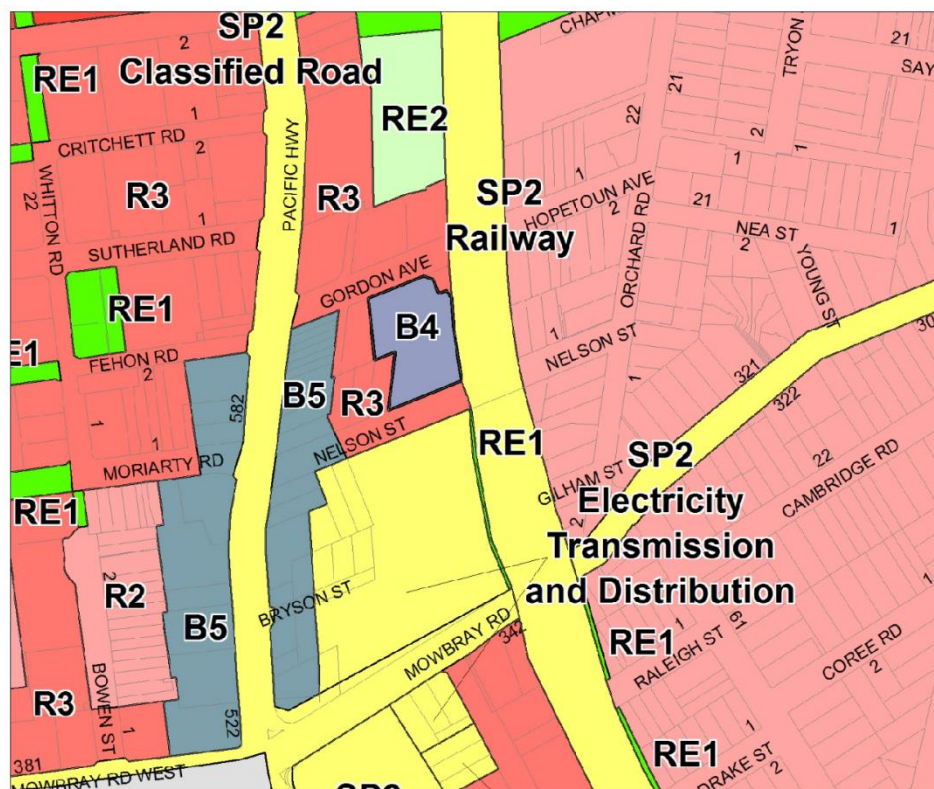
- a) To add Clause 4.4B 'Minimum non-residential floor space in the Mixed Use Zone' as follows:
- "4.4B** Minimum non-residential floor space in the Mixed Use Zone Land zoned B4 Mixed Use is to contain a minimum non-residential floor space component. This is calculated at 17% of FSR as indicated on the Floor Space Ratio Map."
- b) To add Clause 5.6 'Architectural roof features', (2A) as follows:
- "(2A)** Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3."
- c) To amend Clause 6.7 'Active street frontages' as follows:
- "(1)** The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.
- (2)** This clause applies to land identified as "Active Street Frontages" on the Active Street Frontages Map.
- (3)** Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4)** Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—
- (a)** entrances and lobbies (including as part of mixed use development),
- (b)** access for fire services,
- (c)** vehicular access.
- (5)** In this clause, a building has an active street frontage if:
- a)** In the Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.
- b)** In the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purposes of non-residential premises."
- d) To amend Clause 6.8 (2) to include "Area 3 or Area 8 or Area 9" on the Special Provisions Area Map.

- e) To amend Clause 6.23 (2) to include “Area 8” or “Area 12” on the Special Provisions Area Map.
- f) To add Clause 6.25 as follows:
- “6.25 Sun access
- (1) The objective of this clause is to:
- (a) protect certain public space in Chatswood CBD from excessive overshadowing.
 - (b) Protect properties in South Chatswood Conservation Area from a reduction in solar access
- (2) The consent authority must not grant consent to development on land zoned B3 or B4 if the consent authority is satisfied that :
- (a) the development will result in additional overshadowing in mid winter between 12 noon and 2pm, on:
 - Victoria Avenue between the interchange and Archer Street
 - Concourse Open Space
 - Garden of Remembrance
 - Tennis and croquet club
 - (b) the development will reduce solar access to any individual property within the South Chatswood Conservation Area to less than 3 hours between 9.00am and 3.00pm mid winter.
- g) Add to Schedule 1 Additional Permitted Uses:
- “75. Use of certain B4 land in Chatswood
- (1) This clause applies to land zoned B4 in the Chatswood CBD.
- (2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
- (a) the ground level is used for non-residential purposes and
 - (b) A minimum of 17% of the total FSR is provided for non-residential purposes and
 - (c) No residential dwelling is located at the ground floor.”

ATTACHMENT 7

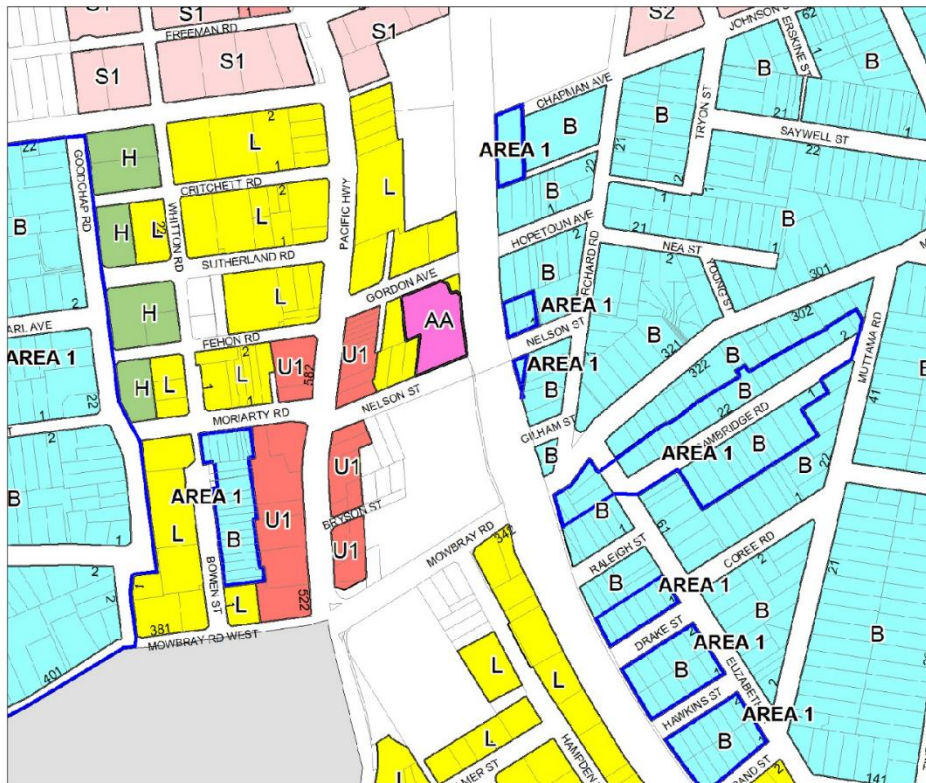
Proposed Land Zoning, Height of Buildings, Floor Space Ratio, Special Provisions Area, Active Street Frontages and Lot Size Maps

Land Zoning Map: 9-11 Nelson Street, Chatswood



Zoning: B4 Mixed Use (colour purple)

Floor Space Ratio Map: 9-11 Nelson Street, Chatswood



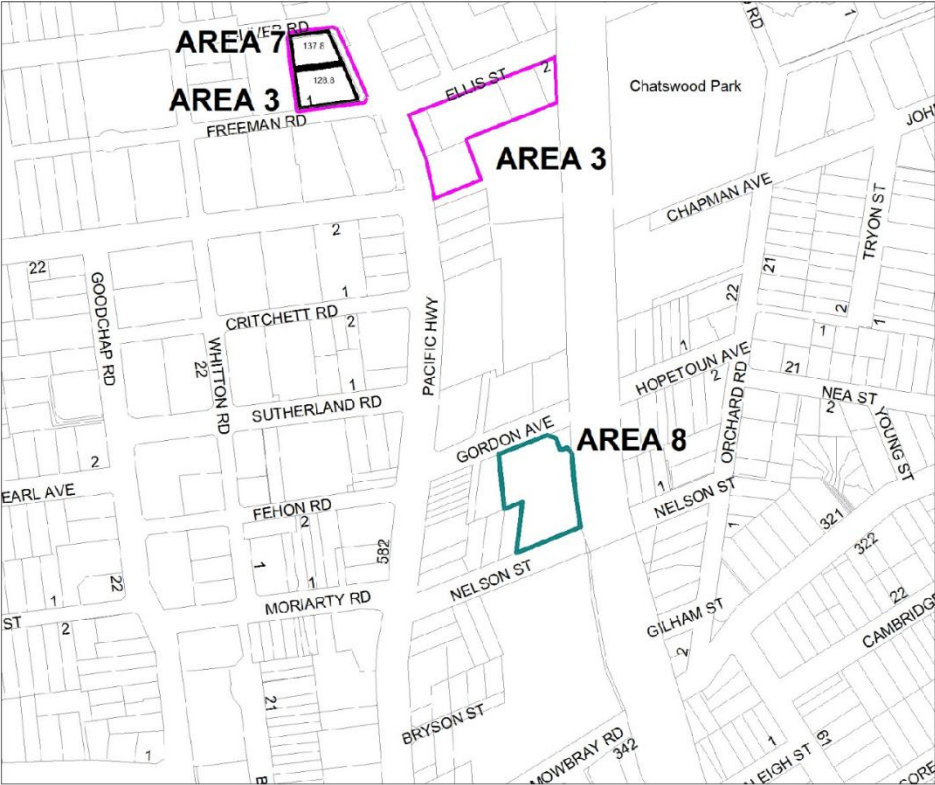
Floor Space Ratio : AA (6:1) – colour pink

Height of Buildings Map: 9-11 Nelson Street, Chatswood



Height of Building: AB2 (90m) – dark pink

Special Provisions Area Map: 9-11 Nelson Street, Chatswood



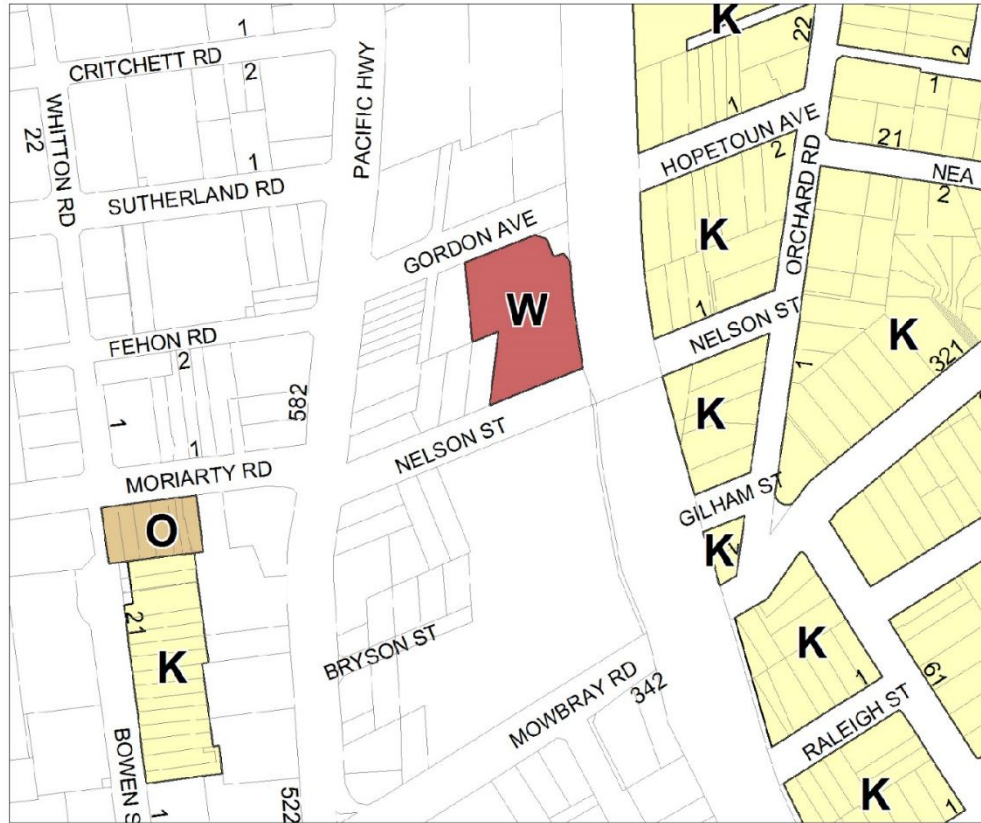
Site identified by dark green line (Area 8): Refer CI 5.6, CI 6.8, CI 6.23

Active Street Frontages Map: 9-11 Nelson Street, Chatswood



Red line: Active Street Frontages for Nelson Street and Gordon Avenue

Lot Size Map: 9-11 Nelson Street, Chatswood



U2 = 4,000m² (colour: dark red)

ATTACHMENT 8



WILLOUGHBY
Local
Planning
Panel

**PLANNING PROPOSAL
RECORD OF ADVICE**

DATE OF ADVICE	17 August 2021
PANEL MEMBERS	Graham Brown (Chair), James Harrison, John McInerney and Linda Tully
DECLARATIONS OF INTEREST	None

Closed meeting held at Willoughby City Council on 17 August 2021.

PLANNING PROPOSAL

The proposal **PP-2020/12** seeks an amendment to the *WLEP 2012* to include site specific special provisions for the subject land, 9-11 Nelson Street, Chatwood NSW 2067, involving zoning, height and FSR to facilitate a mixed use development.

PANEL DISCUSSION


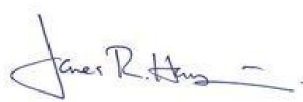

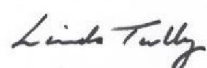
The Panel considered a number of issues including:

- compliance with the strategic framework,
- compliance with the site specific requirements,
- the potential for overshadowing,
- the potential impact on the nearby heritage conservation area,
- the importance of a sustainable design that addresses BASIX 35 as well as the GBCA 5 Star,
- the importance of an integrated public domain strategy for the precinct,
- the adequacy of the percentage of affordable housing to be provided.

Overall, the Panel is satisfied that the planning proposal is worthy of being forwarded to DPIE for a Gateway consideration having demonstrated strategic and site specific merit.

PANEL ADVICE

1. The Panel advises Council to forward the planning proposal to DPIE for a Gateway consideration as set out in the Council officers report.
2. The Panel further advises that additional consideration should be given to:
 - The preparation of an integrated public domain strategy for the precinct,
 - The suitability of "bulky goods retailing" for the commercial areas of the buildings, and
 - The benefits and disbenefits of Council taking ownership of the proposed 3m corridor adjoining Frank Channon Walk.

PANEL MEMBERS	
 GRAHAM BROWN (CHAIR)	 JAMES HARRISON
 JOHN MCINERNEY	 LINDA TULLY



15.7 EXHIBITION OF DRAFT HOUSING STATE ENVIRONMENT PLANNING POLICY

ATTACHMENTS:

- 1. IMPLICATIONS**
- 2. PREVIOUS COUNCIL SUBMISSION SEPTEMBER 2020**
- 3. CURRENT SUBMISSION ON DRAFT HOUSING SEPP – AUGUST 2021**

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

AUTHOR: JANE GIBSON – STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 5.1 DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES

MEETING DATE: 13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To advise Council about the Draft *Housing State Environmental Planning Policy* (Draft Housing SEPP) and provide a summary of the submission made by Council Officers.

2. OFFICER'S RECOMMENDATION

That Council retrospectively endorse the submission to the Department of Planning, Industry and Environment regarding the Draft *Housing State Environmental Planning Policy* which accords with the previous submission on the *Explanation of Intended Effects* for this SEPP.

3. BACKGROUND

In August 2020, the Department of Planning Industry and Environment (DPIE) exhibited an *Explanation of Intended Effects* (EIE) for a new State Environmental Planning Policy (SEPP). The EIE proposed to review and consolidate a number of existing housing provisions contained within various SEPPs. Council Officers made a submission on 8 September 2020 (**Attachment 2**) in response to the EIE which was circulated to Councillors by weekly email on 4 September, 2020. The EIE was used to inform the development of the new *Housing SEPP*.

The proposed new SEPP, called the *Housing SEPP*, was announced on 2 August 2021 with exhibition period closing on 29 August 2021. Council Officers have made a submission regarding the proposed *Housing SEPP* (**Attachment 3**). The submission is consistent with the comprehensive strategic planning work already undertaken by Council officers including the *Willoughby Housing Strategy, 2036* endorsed by Council on 9 December, 2019 and by DPIE on 10 May, 2021. The position taken in the submission is also consistent with the previously lodged submission on the EIE. DPIE intend to finalise the Draft *Housing SEPP* by October 2021.

This report summarises the main changes proposed in the *Housing SEPP*, and outlines the submission made by Council Officers which is consistent with the submission previously made on the EIE.

4. DISCUSSION

4.1 Summary of Draft Housing SEPP

The Draft *Housing SEPP* will consolidate five existing SEPPs:

- *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP)
- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (Seniors SEPP)
- *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)* (SEPP 70)
- *State Environmental Planning Policy No 36 – Manufactured Home Estates* (SEPP 36)
- *State Environmental Planning Policy No 21 – Caravan Parks* (SEPP 21).

A range of measures that were outlined in the 2020 EIE have already been implemented. This includes the commencement in February 2021 of *Build-to-Rent* (BTR) housing provisions which permit BTR in B3 Commercial Core and B4 Mixed Use zones. This was not supported by council officers as it introduces a residential component into Chatswood CBD, which is not consistent with the employment focus of the *Chatswood CBD Planning and Urban Design Strategy 2036* as endorsed by Council.

Councils feedback broadly is categorised around three key themes:

- The changes to Boarding Houses provisions are supported, with removal of the ability to develop in low density R2 zones.
- Co-living is a new housing typology which intensifies development, and provides a density bonus. Council Officers are concerned this may not create affordable housing, and provide an impost on local service provision.
- Changes to the clarity of zonings where Seniors Housing are permissible are supported. However, this clarity includes Seniors Housing being permissible in B7 and B3 zones, which is not supported, as residential is not normally permissible in these zones under the *Willoughby Local Environmental Plan 2012*.

4.2 Detail of Changes

Boarding Houses

The proposed boarding house provisions include:

- rooms to be rented at affordable rates and managed by a registered community housing provider
- Boarding houses will be removed from the R2 – Low Density Residential zone (R2 zone)
- NSW Land and Housing Corporation to self-assess boarding house proposals.

Council officer submission:

Removing the mandatory permissibility of boarding houses in the R2 zone is supported. This has been a controversial land use in low density zones. The submission questions the mechanics of how DPIE intend to remove boarding houses from the R2 zone as this was not clear in the exhibition material. Boarding houses will still be permissible in the R3 Medium Density, R4 High Density, B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use zones.

The management of boarding houses by a community housing provider is supported. However, concerns were raised about the ability of the NSW Land and Housing Corporation to self-assess boarding houses, and how Council will be notified and involved in any such an assessment.

Co-living Housing

Co-living housing is a form of housing that provides small private rooms (which may or may not include private kitchen and bathroom facilities), offset by access to managed communal spaces. Co-living is a new land use that will be introduced, with co-living:

- Being permissible in the R3 Medium Density, R4 High density and B4 Mixed Use zones
- Having a similar layout to a boarding house without the need to demonstrate affordability nor be run by a community housing provider
- Not capable of being subdivided
- Having a density bonus of 10% which will apply to co-living housing until 1 August 2024. This has been offered as part of the State's COVID recovery due to decreased income and increased housing stress

Council officer submission:

Given this type of accommodation will be privately operated, Council's submission questions its ability to assist in providing "affordable" accommodation. Council's ability to support infrastructure to this type of development intensity is also questioned. The submission explains that Council has recently prepared a comprehensive LEP following detailed investigation of appropriate heights and Floor Space Ratio (FSR) controls for centres. This was done with intense community consultation. The submission raises concern that the Housing SEPP proposes to allow an additional 10% FSR over and above the controls already discussed with our communities.

Seniors Housing

Main changes to the Seniors Housing include:

- a change in the age qualifier from 55 to 60
- removal of site compatibility certificate process
- clearly lists the zones which the Seniors SEPP applies to (previously described as "land zoned for primarily urban-purposes")
- provision of floor space ratio bonus for vertical villages
- does not apply in conservation areas until 1 July 2022.

Council officer submission:

With an ageing population, the increase in age from 55 to 60 is welcomed. The removal of the site compatibility certificate process is also welcomed as experience has found it to be a controversial process.

Seniors Housing was previously permissible on *land zoned primarily for urban purposes*, which was considered vague. The *Housing SEPP* introduces specified zones where Seniors Housing is permissible, which is a welcome change.

However, the Council submission does not support the inclusion of Seniors Housing in B3 and B7 zones, as the *Willoughby Local Environmental Plan 2012* does not permit residential development in these zones.

Miscellaneous questions / clarifications

The submission also asks questions in order to seek clarity in the intent and interpretation of a number of controls.

Exhibition timelines

It is noted that submissions were invited up to the end of August 2021 yet implementation commences in October 2021. This short turn around implies a possible low regard for submissions received in terms of influencing amendments. However, it is understood the urgency to finalise the new SEPP is to assist with the State's recovery following the current COVID pandemic.

5. CONCLUSION

Officers have reviewed the Draft *Housing SEPP* and made a submission on behalf of Council within the specified timeframe and this report seeks to obtain Council's retrospective endorsement of this submission. Whilst the submission supports various elements of the SEPP including removal of Boarding Houses from the R2 - Low Density Residential zone, concern has been expressed in respect to floor space bonuses and inclusion of residential uses in certain commercial zones. Further clarification has been requested in respect to Seniors Living and a range of other components.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 Demonstrate Leadership and advocacy for local priorities
Business Plan Objectives, Outcomes / Services	To ensure proposed SEPP changes are in line with the <i>Local Strategic Planning Statement (LSPS)</i> , <i>Willoughby Housing Strategy</i> , <i>A Metropolis of Three Cities</i> and the <i>North District Plan</i> in that it accommodates future growth needs.
Policy	<i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan 2012</i>
Consultation	The draft Housing SEPP was on public exhibition from Saturday 31 July until Saturday 29 August 2021
Resource	No resource issues have been raised as a result of this report.
Risk	Risk of not achieving the objectives of the Willoughby Housing Strategy and Chatswood CBD accommodating future growth requirements.
Legal	The Draft Housing SEPP overrides <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	No budgetary or financial issues have been raised as a result of this report.

ATTACHMENT 2

**PLANNING & INFRASTRUCTURE DEPARTMENT**
Planning Unit

8 September 2020

Department of Planning Industry and Environment
Website submission

Dear Sir/Madam,

Explanation of Intended Effects for Proposed new Housing Diversity SEPP

I am writing with regard to the exhibition of Explanation of Intended Effects (EIE) relating to the proposed new *Housing Diversity SEPP (new SEPP)*.

Given the limited period of exhibition for the EIE, it should be noted that this submission is an officers' response as it has not been possible to report the matter formally to Council.

It is understood that the *new SEPP* will be part of a suite of planning system initiatives to stimulate economic recovery in response to the COVID-19 pandemic.

Willoughby Council has completed its Local Strategic Planning Statement (LSPS) and Local Housing Strategy, and the Department will be aware that based on this strategic foundation, work has commenced on a new comprehensive LEP to accommodate housing growth and diversity.

Consolidation of existing SEPPS

The *Explanation of Intended Effects (EIE)* explains that the *new SEPP* aims to combine:

- *State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)*;
- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP)*; and
- *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70)*.

This consolidation and simplification of SEPPs has the potential to be useful provided the *new SEPP* is not overly long and difficult to navigate for the user. A first comment is in relation to the name of the *new SEPP*, as it is already creating confusion with the recently re-named "*Low Rise Housing Diversity Code*." As such it is suggested the *new SEPP* simply be called the NSW Housing SEPP.

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The Standard Instrument already includes a number of definitions which comprise *residential accommodation*. Adding to and changing definitions can be confusing for the community and other users. It is suggested that DIPE offer a plain English explanation of dwelling types on its web page when the new SEPP is completed.

It is disappointing that the *new SEPP* does not take the opportunity to address the affordable housing crisis in NSW by simplifying processes under SEPP 70 for Councils to apply. SEPP 70 is challenging for councils requiring complex feasibility calculations and justifications for affordable dwelling provision. Willoughby has applied a simple 4% rate contained in the LEP since 1999 (which is to be updated as indicated in Council's CSP and LSPS). A simple, generally applicable, upfront rate like this is clear and transparent and has easily allowed developers to include it in feasibility calculations at the earliest stages of proposals.

New housing types

Build to Rent (BTR)

The *EIE* has provided no evidence to substantiate why the BTR model is a unique and separate typology requiring a different planning response. Apart from being in single ownership, it is a residential flat building and presents no differently to any other such residential building.

This being the case, there can be no justification for it to be mandated in the B3 Commercial Core zone as proposed. Council has undertaken substantial local strategic planning work in line with the *North District Plan* to retain B3 areas as critical for meeting jobs targets in our strategic centres. To now have to accept residential towers in those areas would undo all the strategic work done in recent years and undermine community confidence in the planning system.

Mandating *build to rent* in the B4 zone is also a concern. Currently, the only residential component that can occur in Council's B4 zone is through *shop top housing* which enables delivery of an employment component to the development. *Build to rent* would undermine this and potentially dominate the zone with entirely residential buildings.

The *EIE* suggests that as BTR developments are in single ownership it would be easier for a building to be recycled back to a commercial use at a later date. However, this view is not evidence based and considered highly improbable, with the erosion of current commercial sites an ongoing concern. It is too early to determine the impacts that COVID will have on the office sector and at the very least it is recommended that a precautionary approach be adopted until we are able to assess the impact on our cities. Mandating residential towers in the commercial hearts of our cities is not seen as a prudent way forward to stimulate local economies nor the best use of very expensive new city shaping infrastructure such as the Sydney Metro.

It is proposed to prohibit subdivision of BTR for the first 15 years in the R3, R4 and B4 zones but it is unclear why this is seen as beneficial. Theoretically BTR can currently be

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carried out in these zones and there is nothing to stop a single owner providing this type of accommodation under existing LEP controls for residential flat buildings.

BTR should only be allowed where residential flat buildings are permitted in a council LEP.

The *EIE* states that BTR is generally “*high density development*.” It also states that it will be permitted in the R3 zone where residential flat buildings are permitted. However R3 allows “medium density” residential flat buildings; therefore LEP controls for residential flat buildings should apply. There should not be a new loop hole created that allows high density (R4) in the R3 medium density zone as this again would undermine community confidence in the planning system.

Should BTR proceed as a ‘new development type’, it is recommended that Councils are responsible for assessment of all such development applications in line with our LEP and DCP to manage the issues discussed above in relation to permissibility, site constraints, and to ensure the built form is compatible with surrounding uses.

Student housing

A new definition for *student housing* is welcomed. It is noted that previous proposals for this type of land use has been assessed as “boarding house” accommodation.

The proposal to introduce design guidelines for student accommodation is supported. There is concern in relation to the proposed minimum room size suggested and consideration should be given to increasing this. It is our view that 10m² is too small for everyday living space for student wellbeing and mental health.

The design guidelines should include consideration of loading facilities due to the seasonal arrivals /departures of students. Loading facilities will also be required if the accommodation provides onsite catering for students.

Accessibility to public transport needs to be a prime consideration for student accommodation

Co-living

New generation boarding houses or ‘co living’ again allows a smaller room size resulting in quite high density living. It is recognised that there is a need for this type of dwelling particularly in metropolitan areas with predominantly high rents, and although smaller units should result in improved affordability this may not necessarily eventuate.

The development intensity of this type of accommodation will need to be carefully monitored in order for local councils to be able to supply supporting infrastructure. Local open spaces and public recreational facilities will be necessary for residents of small dwellings with very limited access to private open space.

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The proposed standard of 0.5 car spaces per room would result in a much higher provision of onsite parking than provided currently in a residential flat building in Willoughby and car share and electric vehicle charging stations should be provided. Council would look to provide less parking with proximity to public transport and therefore submit that local controls should prevail.

Once again the need for infrastructure provision to connect footpaths and cycle links with areas of larger open space and recreational facilities will be particularly important to support this more “dense” style of accommodation. The *new SEPP* proposes 25% of site area for communal open space with a reduction where all dwellings have private open space that exceeds the minimum requirements. This is likely to materialise as balcony space which could be vital during pandemic physical distancing. However, it is recommended that communal open space be required without exception at ground level, co-located with deep soil and shade-providing landscaping.

Boarding Houses

It is recognised that this has been a controversial housing type. Its removal from being mandated in the R2 zone will be welcomed as these developments present compatibility issues in well-established low-density neighbourhoods. Whilst it has been unpopular with neighbouring residents, it provides necessary, affordable accommodation in other zones. The reduction of an FSR bonus is also welcomed. The inclusion of management by a community housing provider is supported. It is noted that boarding houses developed by or on behalf of LAHC with a maximum of 12 rooms would still be permitted in the R2 zone, but only on Government owned land. This exemption in favour of LAHC is not supported and the prohibition in the R2 zone should prevail regardless of ownership. By reason of the bulk and scale of a 12 room boarding house these are much more appropriate in the R3 and R4 zones.

Consideration could be given to provide a new name to replace “boarding houses”. This may remove the negativity associated with the name.

The ability for boarding houses to revert to market rates after 10 years continues to be opposed as it undermines the availability of this housing type and jeopardises tenants’ confidence and continuity of tenure.

Loss of existing affordable rental housing Levy

The proposal to remove the reference to 28 January 2000 and replace with 5 years prior to lodgement is supported. The requirement for the applicant to provide evidence that a building did not contain a low-rental dwelling at the relevant time is also supported. It is suggested that the clarification of what is considered to be “acceptable evidence” is included in the *new SEPP*.

Group Homes

Council has experienced difficulties with converting an existing house to a group home. This can be used to provide a type of multi-unit dwelling. The *EIE* does not specify how a

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conversion will be assessed however it is not supported that this be via a complying development route as it requires merit assessment regarding suitability for conversion in relation to neighbouring amenity issues.

Seniors SEPP

It is agreed that a demand for seniors housing will continue to increase with an ageing population. With increases in retirement age, consideration should be given to whether the definition of 'over 55 years' should be increased to a more realistic 'over 65 years'. A general comment is that there is an inconsistency between the floor space definition in the Seniors SEPP and the Standard Instrument LEP. It would be beneficial to apply a consistent definition.

The proposal to allow LEP provisions to prevail with Seniors Housing is also welcomed.

Council has previously requested that the clause within the Seniors SEPP which excludes its application in heritage conservation areas until 1 July 2021 to be an ongoing prohibition. It is therefore recommended the *new SEPP* not apply in heritage conservation areas.

Clarification on the location and access to facilities provisions is welcomed. Consideration should be also be given to including the discounting of mini buses / vans operated by the seniors living provider as delivering the necessary accessibility, as this effectively renders any area of the city "accessible" while adding strata costs for the residents.

Site compatibility certificates (SCCs) are being used to enable more intense rezoning proposals to take place without the Planning Proposal assessments and Gateway Determination processes. This whole concept should be reconsidered as SCCs can result in unsuitable development outcomes.

Development by NSW Land and Housing Corporation (LHAC)

Measures to increase the availability of social housing are welcomed. However the *new SEPP* proposes to increase the level of self-assessment LAHC can carry out for residential accommodation; removing these powers from local councils. Self-assessment includes a mix of social, affordable and private dwellings, and it is recommended that these developments resulting in a proportion of private mix, should be assessed by council against LEP and DCP controls.

The existing Seniors SEPP incorporates a requirement that self-contained dwellings for seniors located on or above the second floor must have lift access however it seems that this would not apply to developments by LAHC. The *new SEPP* proposes an exemption from the lift access requirement for development applications made by, or jointly with a social housing provider. It is considered that the lift requirement should apply *regardless of the provider*. The cost implications are understood, however appropriate accessibility should not be compromised for social housing tenants.

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General comments

It is recommended that regardless of private or public ownership of the various types of housing contained in the *new SEPP*, design guidelines be drafted to include considerations such as:

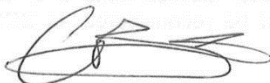
- Cross ventilation
- Solar access
- Private open space
- Public transport accessibility
- Waste collection and on site storage provision
- Loading / unloading
- EV charging, walking and cycling infrastructure

Considerations of these amenity aspects will be particularly important for the housing types with smaller and arguably more cramped living spaces.

Council looks forward to being kept informed about progress and consulted on the wording of the draft SEPP when it has been prepared. As it is a requirement for councils to include draft SEPPs on Planning Certificates, advance notice of the release of the draft SEPP would also be appreciated to allow administrative timing to update planning certificates.

If you have any further enquiries please contact Norma Shankie-Williams on 9777 7671.

Yours sincerely



Chris Binns
PLANNING AND INFRASTRUCTURE DIRECTOR

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SUBMISSION ON REVIEW OF THE DRAFT HOUSING SEPP
<p>FOREWORD</p> <p>Willoughby City Council (WCC) welcomes the opportunity to comment on the release of the Draft new <i>Housing State Environmental Planning Policy</i> (Housing SEPP),</p> <p>The stated aim of the proposed changes is to facilitate the delivery of more diverse and affordable housing types and consolidate a number of housing related State Policies into a single integrated instrument</p> <p><i>Hugh Phemister</i></p> <p>Director Planning and Infrastructure August 2021</p>
<p>GENERAL OBSERVATIONS</p> <p>Given the limited period of exhibition, it should be noted that this submission is an officers response as it has not been possible to report the matter formally to Council before the exhibition closing date.</p> <p>It is noted that the draft Housing SEPP is one element of a suite of planning system initiatives aimed at stimulating economic recovery in response to the COVID-19 pandemic.</p> <p>Willoughby Council has a State endorsed Local Strategic Planning Statement (LSPS) and Local Housing Strategy, and the Department are aware that based on this approved strategic foundation, work has commenced on a new comprehensive LEP to accommodate an appropriate level of housing growth and diversity.</p>

RESPONSE TO SPECIFIC ASPECTS OF THE DRAFT SEPP
1. Consolidation of existing SEPPS
<p>Amendment</p> <p>It is noted that the Housing SEPP consolidates 5 existing housing related SEPPS</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Affordable Rental Housing) 2009, • State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004; • State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes); • State Environmental Planning Policy No 21—Caravan Parks; and • State Environmental Planning Policy No 36—Manufactured Home Estates; <p>Comment</p> <p>The rationale to combine the SEPPs is acknowledged, however, the phasing of combining the first 3 in October and the remaining at the end of the year results in a high level of complexity. The new SEPP will be a large document to navigate.</p> <p>As was mentioned in our previous submission, it is disappointing that the <i>new SEPP</i> does not take the opportunity to address the affordable housing crisis in NSW by simplifying processes under SEPP 70 for Councils to apply. SEPP 70 is challenging for councils requiring complex feasibility calculations and justifications for affordable dwelling provision. Willoughby has applied a reasonable 4% rate contained in the LEP since 1999 (which is to be updated as indicated in Council’s CSP and LSPS). A simple, generally</p>



applicable, upfront rate like this is a clear and transparent approach and has allowed developers to include it in development calculations at the earliest stages of proposals. A State approach of this type in response to the undeniable affordable housing crisis in NSW would have been warmly received.

2. Boarding Houses

Amendment proposed

- a requirement for Boarding House rooms to be rented at affordable rates and managed by a registered community housing provider in perpetuity;
- Boarding houses will no longer be mandated in the R2 – Low Density Residential zone (R2 zone). However, councils can continue to permit the use in R2 zones if they choose to do so.
- A new pathway is being introduced to allow LAHC to self-assess boarding house proposals wherever the use is permitted with consent under the relevant environmental planning instrument.

Comment

The removal of boarding houses from R2 is welcomed as these type of developments have been very controversial presenting compatibility issues in well-established low-density neighbourhoods. Whilst unpopular with neighbouring residents, it is accepted that boarding houses provide necessary, affordable accommodation but should be located in appropriate neighbourhoods. For Willoughby, boarding houses will still be permitted in the R3, R4, B1, B2 and B4 zones.

The explanatory documentation states that boarding houses are no longer permissible in the R2 zone unless a council opts to include them. The Standard Instrument LEP prescribes that boarding houses be permitted in the R2 zone. Is it correct to assume that boarding houses will be removed from WLEP 2012 with the commencement of the Housing SEPP? The draft SEPP includes a number of council LEPs where boarding houses are being added to the R2 zone and it therefore queried whether these councils requested this provision.

The inclusion of management by a community housing provider is also supported. The requirement for the boarding house to be used in perpetuity for affordable housing and the inability to subdivide is also supported. Regarding Clause 25 which requires perpetuity and the management by a community housing provider, the following additional requirements are suggested:

1. A requirement for a covenant to meet the affordable housing criteria;
2. For the boarding house to be registered and written evidence be provided to Council before the issue of an Occupation Certificate;
3. For any change in the operator to be notified to Council
4. Provision of a stated timeframe for how regularly a boarding house must show proof of registration to the Council

The landscaping requirements for boarding houses in clause 23(c) prescribes the minimum landscaping requirements for multi dwelling housing under a "relevant planning instrument". Clarity is sought on the interpretation of "relevant planning instrument". As landscaping controls are currently contained within councils DCP which is not an environmental planning instrument it is assumed Council will need to refer to the Apartment Design Guidelines (ADG). The term "relevant planning instrument" is also referred to regarding setbacks so clarification on this matter before finalisation is important.



<p>It is noted that self assessment can be carried out for development by the Land and Housing Corporation. However, Council seeks the ability to provide input when such proposals arise.</p>
<p>Secondary Dwellings</p>
<p>Amendment A new option to set a maximum size for secondary dwellings in a rural zone and the maximum distance a secondary dwelling in a rural zone can be located from the principal dwelling.</p> <p>Comment Willoughby has no rural zones, therefore this particular change does not apply to this Council area. However, for Willoughby, Clause 5.4 of our LEP limits the size of a secondary dwelling to 60 sqm. Requirements under clause 5.4 currently cannot be varied under Clause 4.6 Exceptions to Development Standards. Earlier this year DPIE exhibited proposed amendments to Clause 4.6. This included a proposal that Clause 5.4 and local provisions nominated by the council will no longer be included in Clause 4.6.</p> <p>The secondary dwelling controls within Clause 5.4 in particular have proven very useful and work well in alignment with the Housing SEPP. Keeping the controls clear and simple across planning instruments is the preferred approach. For that reason, our objection to the Clause 4.6 Variation changes is reiterated in this submission.</p>
<p>Group Homes</p>
<p>Amendment Group homes can be carried out in prescribed zones including R2, R3, R4. Complying development can occur with certain criteria providing they result in no more than 10 bedrooms.</p> <p>Comment It is considered that the complying development route is not the best approach for group homes in the R2 zone. Merit assessment is preferable particularly in relation to dealing with neighbouring amenity issues</p>
<p>Co Living</p>
<p>Amendment New definition for co-living housing is proposed along with development standards.</p> <p>Comment It is noted that co-living can be carried out in zones where residential flat buildings and shop top housing is permitted. It is noted that this type of use cannot occur in the R2 zone and this is welcomed.</p> <p>It is recognised that there is a need for this type of dwelling particularly in metropolitan areas with predominantly high rents, and although smaller units should result in improved affordability this may not necessarily eventuate. The inability to subdivide a co-living development is welcomed.</p> <p>The development intensity of this type of accommodation will need to be carefully monitored in order for local councils to be able to supply supporting infrastructure. Local open spaces and public recreational facilities will be necessary for residents of small dwellings with very limited access to private open space.</p> <p>The proposed standard of 0.5 car spaces per room would result in a much higher provision of onsite parking than provided currently in a residential flat building in Willoughby. It is recommended that car share and</p>



electric vehicle charging stations should be provided. It is further recommended to provide less parking with proximity to good levels of public transport.

The need for infrastructure provision to connect footpaths and cycle links with areas of larger open space and recreational facilities will be particularly important to support this more “dense” style of accommodation. It is recommended that communal open space be required without exception at ground level, co-located with deep soil and shade-providing landscaping.

Council has recently prepared a comprehensive LEP following detailed investigation of appropriate heights and FSR controls for centres through intense community consultation. The Housing SEPP proposes to allow an additional 10% FSR over and above the controls we have discussed with our communities, which is extremely concerning. This has the ability to undermine years of local strategic planning where communities have arrived at a suitable bulk and scale of building in their local areas.

Seniors Housing

Amendment

The Housing SEPP introduces prescribed zones where senior housing will be permissible and the site compatibility certificate process has been removed.

Comment

Age Qualifier
 The seniors age qualifier change from 55 to 60 is welcomed.

Zoning permissibility

The removal of “land zoned primarily for urban purposes” is welcomed as it was too vague and its interpretation was difficult. The replacement with prescribed zones is preferable.

However, the permissibility of seniors housing in a B3 zone is strongly resisted. Council is going forward with a comprehensive LEP to prevent residential in the B3 commercial core zone. It is considered that any residential including seniors housing is not appropriate use for the B3 zone where employment must be the focus.

The SEPP allows seniors housing in a B7 zone. WLEP 2012 does not permit any form of residential in a B7 zone as it adjoins industrial, a zone considered quite unsuitable for residential purposes and it is requested that seniors housing be removed from both the B7 and B3 zones in the SEPP.

A development standard for RE2 and SP1 requires that at least 50% of the site adjoins a residential zone. Putting beyond doubt the definition of “adjoin” would also be useful. Generally, the appropriateness of the SP1 and RE2 zones for this use is also questionable. It is recommended that RE2 be retained for recreation purposes.

It would appear that a residential care facility can be carried out on a R2 zone. Clause 76 states that “..for development on land in Zone R2 Low Density Residential—the development is carried out only for the purposes of a residential care facility...” This is very confusing.

An explanatory note specifying which uses can be carried out in each of the prescribed zones would be helpful. In addition, it is not clear what constitutes a “vertical village”. A definition would assist.

Seniors Housing does not apply to conservation areas until 1 July 2022. It is strongly recommended that this prohibition in conservation areas be continued in perpetuity. Applying the SEPP controls for seniors housing will inevitably detract from the fabric of a conservation area. The prescribed zones allow seniors development in many zones and inclusion of conservation areas is inappropriate and concerning.



The inclusion in the SEPP to provide measures to separate a registered club from the residential areas in order to avoid conflict is welcomed. These conflicting uses has been problematic for Council in the past.

Development Standards

Height

The height control in clause 74(2) (c) is somewhat confusing. It states:

(2) Development consent must not be granted for the development unless—

(a) the site area of the development is at least 1,000m²,

(b) the frontage of the site area of the development is at least 20m measured at the building line,

(c) for development on land in a residential zone where residential flat buildings are not permitted the development will not result in a building—

(i) with a height of more than 9m, or

(ii) exceeding 2 storeys if the building is adjacent to the boundary of the site area

More explanation or rewording is required to clarify what, "...exceeding 2 storeys if the building is adjacent to the boundary of the site area..." means.

Location and access - Independent living units

For independent living units, a private transport service must operate two times a day for residents to access facilities and services is noted. However, we note that this requirement will add to the strata fees and therefore affordability of independent living units.

Design of Infill care housing

Clause 85 applies to the design of in-fill care housing. It states that a consent authority must consider the *Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004*.

However, SEPP 65 also applies to Seniors Living that are more than two storeys, therefore the Assessment Officer has to conduct an assessment for Seniors Living based on the Housing SEPP, SEPP 65, and this document stated in Clause 85. There are many overlapping aspects within this document and SEPP 65. This needs to be simplified to avoid any confusion.

Non-discretionary development standards - Hostels and residential care facilities

Clause 96 provides non-discretionary height controls for hostels and residential care facilities.

The height requirement is prescribed at 9.5m excluding servicing equipment on the roof of a building and 11.5m including servicing equipment on the roof. The FSR is also prescribed at 1:1.

The height and FSR controls are in excess of that found in a R2 zone and will result in buildings out of character in bulk and scale. However, the necessity of such uses is noted.

Non-discretionary development standards – independent living units

For independent living units, it is not specified exactly in which zones these are permissible. The non-discretionary controls would only seem compatible with the R3 zone? A parking requirement for 0.5 spaces per bedroom is too generous and it is recommended that this be reduced.

Development for Vertical villages

It is noted that vertical villages are only granted where development for the purposes of a residential flat building is permitted. The term vertical village has not been defined however, FSR bonuses are provided at:

15% bonus floor space if independent living units

20% bonus for res care facility if only a residential care facility



25% bonus if independent living / residential care facility or both (not clearly worded)
 In addition, vertical villages can exceed the maximum building height by 3.8m

It would seem that the definition is limited to these two uses, being independent living and residential care facility. However, regarding a previous question, it seemed that residential care facilities are restricted only to the R2 zone Which requires clarification.

The 25% FSR bonus along with bonus 3.8m on top of the maximum permissible building height is over generous and again conflicts with community expectations of building bulk and scale arrived at through community engagement undermining local strategic planning in a heavy handed way.

Miscellaneous questions

There are a few aspects it is difficult to understand which require clarification

- Detailed design guidelines are being prepared when the SEPP is finalised. Clarification is needed as to when to refer to those new guidelines and when to refer to SEPP 65.
- Build to rent commenced earlier this year and is included in the existing Affordable Housing SEPP. However, it is not included in the exhibited Draft Housing SEPP which includes incorporation of the Affordable Housing SEPP. Explanatory documentation states that they are not included as a review of these provisions will be undertaken 24 months after the housing SEPP is made. The documentation then states that these provisions will be included in the Housing SEPP when it is finalised. If it is unclear what this means. It is presumed that Seniors Living cannot be undertaken in an E4 zone, however, clarification of this assumption would be appreciated.
- It is suggested the order of the seniors section of the SEPP be re-examined listing all the general requirements first, followed by the specifics for particular uses.

3. Conclusion

It is noted that submissions are invited up to the end of August yet implementation commences in October. This short turn around implies a low regard for submissions received in terms of influencing amendments.

In summary, our main comments included:

- disappointment that the *new SEPP* does not take the opportunity to address the affordable housing crisis in NSW by simplifying processes under SEPP 70 for Councils to apply a simple, upfront and clear approach.
- a welcomed removal of boarding houses from the R2 zone.
- a request to clarify how councils have the ability to provide input to Land and Housing Corporation self-assessment development process
- an objection to any changes to Clause 4.6 Variations to enable variations of secondary dwelling controls within Clause 5.4
- a suggestion that merit assessment and not complying development is the best approach for group homes in the R2 zone.
- concern that FSR bonuses have the ability to undermine years of local strategic planning where communities have arrived at a suitable bulk and scale of building in their local areas



- opposition to the permissibility of seniors housing in a B3 zone
- a recommendation that the prohibition of seniors housing in conservation areas be continued in perpetuity.

Council staff would be happy to discuss any of the points raised in this submission if any clarification is required.

As updates of Planning Certificates can take time, prior notice of the SEPP commencement date needs to be given. This will allow us to update certificates in time for the commencement date.

15.8 24 ENDEAVOUR STREET, CHATSWOOD - FITNESS FIRST LEASE

ATTACHMENTS:	1. IMPLICATIONS 2. 24 ENDEAVOUR STREET, CHATSWOOD – LEISURE AND FITNESS CENTRE
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	TERRY CARROLL – STRATEGIC PROPERTY SPECIALIST
CITY STRATEGY OUTCOME:	3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE 4.4 – DIVERSIFY OUR ECONOMY INCLUDING INNOVATIVE AND CREATIVE INDUSTRIES
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To seek Council's approval to enter into a lease with Fitness First Australia Pty Ltd, for Lots 5, 7 & 9 in DP 1028853 at 24 Endeavour Street, Chatswood.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Enter into a lease with Fitness First Australia Pty Ltd for Lots 5, 7 & 9 in DP 1025583 for a term of ten years commencing 19 December 2021, with an option for a further five-year term.**
- 2. Delegate authority to the Chief Executive Officer to execute the lease agreement and any associated documents including, but not limited to, any future leases, options to renew, assignments and variations related to the occupation of Lots 5, 7 & 9 in DP 1025583.**

3. BACKGROUND

Council owns the premises known as lots 5, 7 & 9 in DP 1025583 at 24 Endeavour Street, Chatswood (the Premises), also known as the Regency Towers. When the building was completed in 2001, Council entered into a 20-year lease with Marnwest Pty Ltd (Marnwest) which expires on 19 December 2021. Marnwest have advised Council they do not wish to enter into a new lease over the Premises. The current tenant, Fitness First, have indicated they wish to enter into a lease directly with Council for the Premises.

The Chief Executive Officer's delegations permit execution of leases up to five years and at market rental. Whilst this lease is considered at market rental, the term of ten years plus a five-year option requires a Council resolution and is the subject of this report

4. DISCUSSION

Council owns the premises known as lots 5, 7 & 9 in DP 1025583 at 24 Endeavour Street, Chatswood (the Premises), also known as the Regency Towers (See Attachment 2 for location). The Premises were provided to Council through a Section 94 contribution by the developer, Walker Corporation, in 2001 under Development Consent 1996/0643. The Premises operates as a leisure and fitness centre.

When the building was completed in 2001, Council entered into a 20-year lease with Marnwest Pty Ltd (Marnwest) which was an entity of Walker Corporation, on 20 December 2001 to operate the premises as a leisure and fitness centre. Most recently, Marnwest have subleased the Premises to Fitness First Australia Pty Ltd (Fitness First) since 2015. Marnwest have indicated that they do not wish to enter into a new lease when the current one expires on 19 December 2021.

Fitness First Australia Pty Ltd are seeking to negotiate a new lease directly with Council. This is considered a good outcome in the current market with respect to financial return and finding a suitable operator to manage this important asset.

Entering into a lease Fitness First is supported as:

- They are the incumbent operator and the current lessee has had no issues with them as a tenant.
- They are a professional leisure and fitness operator, and operate facilities across Australia including many with swimming pools. The proper operation and community use of the pool is a key requirement in the proposed lease agreement.
- They provide a quality lease covenant, which lowers Council's risk of an operator going into liquidation. Two previous operators of this facility have entered into receivership.
- Fitness First is a desirable tenant who would be attractive to other landlords.
- The proposed offer significantly increases Council's rent received from the premises.
- Fitness First are prepared to accept a clause in the lease continuing to allow access to the pool by school groups and use of the facility by community groups. Any new operator may not agree to this or would likely request some concession to accede to such a clause.

The rent has been set through a current market valuation. The non-confidential terms of the proposed lease to Fitness First are:

Term: 10 years, with a 5-year option
Commencement Rent: Market rate - set by valuation
Special conditions: Use of the pool by school groups and access by arrangement for community groups.

5. CONCLUSION

By entering into the proposed lease with Fitness First, Council will secure a world class operator to manage this valuable asset in what are very uncertain times. The annual income from the premises is increased and community access is retained.

It is recommended that Council accept the offer from Fitness First Australia Pty Ltd and delegate authority to the Chief Executive Officer to execute the lease and associated documents including option to renew, assignments and variations related to the occupation of lots 5, 7 & 9 in DP 1025583 at 24 Endeavour Street, Chatswood.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	3.3 – Promote an active and healthy lifestyle 4.5 – Diversify our economy including creative and innovative industries
Business Plan Objectives, Outcomes/ Services	Not applicable to this report.
Policy	<i>Sale or Lease of Council Land – C06-006</i>
Consultation	Within Council Directorates
Resource	Within Council's existing resources
Risk	A bank guarantee equivalent to six month's rent will be provided by the tenant, to mitigate some of the risk to Council
Legal	Council's solicitor to prepare the lease agreement ensuring Council's interests are protected
Legislation	<i>Conveyancing Act 1919</i>
Budget/Financial	Rental income will provide a substantial financial benefit to Council over the term of the lease

ATTACHMENT 2

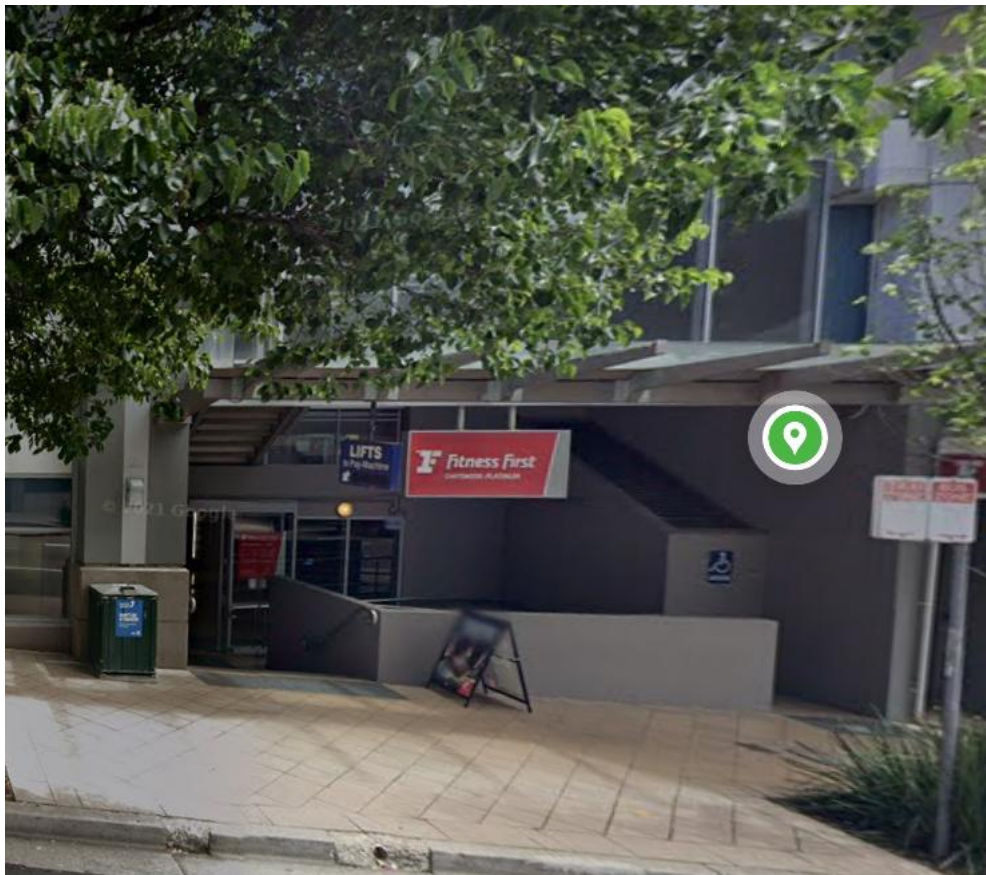
Location of 24 Endeavour Street, Chatswood – Leisure and Fitness Centre



Station

Fitness Centre

The Concourse



15.9 PROPERTY LEASE PORTFOLIO

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	TERENCE CARROLL – PROPERTY LEASING SPECIALIST
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

The purpose of this report is to present a monthly status update of Council's property lease portfolio.

2. OFFICER'S RECOMMENDATION

That Council note the report on Council's property lease portfolio.

3. BACKGROUND

Councillors were provided briefings on tenancies at The Concourse on 1 February 2021 and 1 March 2021, identifying arrears in some of the tenancies and strategies to recover those arrears. This report is now included as monthly report on Council's total property lease portfolio.

This report provides a summary of information on Council's property leases that is not confidential.

4. DISCUSSION

Figure 1 shows rental payment arrears as at the end of June 2021 for Council's tenancies with annual rental payments of more than \$10,000.

Figure 1 – Arrears at 30 June 2021 compared to previous months

Arrears at 31 May 2021	Arrears at 30 June 2021	Arrears at 31 July 2021
\$947,858	\$883,395	\$946,541

Key points to note on the arrears are:

- Approximately 98% of the arrears are accounted for by three tenancies. These tenants have requested rent relief under the *NSW Retail and other Commercial Leases COVID-19 Regulation* (the Regulation). Council officers are working with these three tenants and will initiate further formal action as required to advance the interests of Council and the City of Willoughby.

- Agreement has been reached for support packages under the COVID-19 Regulation with 10 tenants seeking rental relief. There are three tenants with whom negotiations are still ongoing.
- During the month of July, those tenants on rent relief schedules have continued to reduce their arrears through a deferred rent repayment plan as permitted under the Regulation. These arrears are expected to reduce over the next 12 months.
- The current Public Health Order issued by the NSW State Government has impacted on tenancies across the portfolio, and specifically at The Concourse. Tenants have been in contact with Council seeking rent relief due to the impact of the most recent shut down. Council Officers have assured tenants that we will work with them and be guided by the approach outlined by the NSW Government Regulation.

Lease expiries

A total of 17 leases over 18 premises are due to expire in the next 12 months. Negotiations on renewing these leases are now underway. Council officers are liaising with potential replacement tenants for 2 of the properties.

Vacancies

PROPERTY	TYPE	STRATEGY
191 Penshurst Street Willoughby	Single level Early Childhood Health Centre.	A EOI was planned to be issued in July/August 2021. However, in line with the current Public Health Order it is not possible for interested parties to inspect the property. The EOI will be released when the PHO allows property inspections.
13 Eastern Valley Way	Residential house fronting Eastern Valley Way and a former Early Childhood Health Centre building at the rear fronting Northbridge Plaza carpark.	A EOI was planned to be issued in July/August 2021. However, in line with the current Public Health Order it is not possible for interested parties to inspect the property. The EOI will be released when the PHO allows property inspections.
Lot 39/135 Sailors Bay Road Northbridge	Strata title lot previously used by the Aboriginal Heritage Office.	Council staff will develop a lease strategy in September to help determine the future use of this property.

5. CONCLUSION

The financial performance of Council's property lease portfolio was stabilising up until the most recent Public Health Order issued in June 2021. It is likely there will be a considerable income impact arising from rent relief claims from tenants and Council Officers will work closely with impacted tenants. It is not possible to quantify the financial impact of the latest lockdown orders, as this will be driven by the duration of the lock down and the number of tenants seeking rent relief. Council officers will be able to provide a clearer picture of the financial impact in next month's report.

Negotiations will continue with those tenants whose leases fall due over the next 6 months. This will be difficult for both parties given the current uncertainty that is being generated by the recent COVID-19 outbreak. Two of the tenancies at 25 Gibbes Street have advised they will not be renewing their lease. The financial performance of Council's property lease portfolio has continued to stabilise, up until the most recent Public Health Order issued in June 2021. It is likely there will be a considerable income impact arising from rent relief claims from tenants and Council Officers will work closely with impacted tenants. It is not possible to quantify the financial impact of the latest lockdown orders, as this will be driven by the duration of the lock down and the number of tenants seeking rent relief. Council officers will be able to provide a clearer picture of the financial impact in next month's report.

Negotiations will continue with those tenants whose leases fall due over the next 6 months. This will be difficult for both parties given the current uncertainty that is being generated by the recent COVID-19 outbreak. Two of the tenancies at 25 Gibbes Street have advised they will not be renewing their lease.

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 information about individual tenancies. Councillors can access further information pertaining to risks associated with individual tenancies in the accompanying confidential report.
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 2020</i> .
Budget/Financial	Council holds bank guarantees in respect of tenants in arrears and has made provisions for bad debts in respect of tenancies. Consequently, Council's lease portfolio represents an acceptable level of financial risk at this time.

COMMUNITY, CULTURE & LEISURE DIRECTORATE

15.10 LATE REPORT - REVIEW OF DETERMINATION - DA 2021/5 - 1A BURRA ROAD ARTARMON - ARTARMON PAVILION

(To be circulated separately)

**15.11 ENDORSE DISTRIBUTION OF GRANT FUNDING TO LIFESOURCE
COMMUNITY CARE**

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – 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:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

To seek Council's endorsement for the distribution of grant funds to LifeSource Community Care under the 2021/22 Grants for the Community Program.

2. OFFICER'S RECOMMENDATION

That Council endorse the distribution of grant funds (\$7,500) to LifeSource Community Care through the 2021/22 Grants for the Community Program.

3. BACKGROUND

The new Grants for the Community Program was adopted by Council at the 15 June 2021 meeting 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 LGA.

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

This report details the recommended applicant for the Grants for the Community Program and recommends the applicant be endorsed.

4. DISCUSSION

The Grants for the Community Program has an annual budget of \$169,550. Council has endorsed \$119,300 for distribution in the 2021/22 financial year, with \$50,250 of funds remaining.

LifeSource Community Care has requested funds for \$7,500 under the Grants for the Community Program, as detailed in Figure 1. Grant funding is sought for the FoodCare program, which provides emergency food relief to community members - including the Willoughby LGA - who are impacted by the COVID19 pandemic. The FoodCare program has experienced increased demand in recent weeks due to recent Public Health Orders introduced by NSW Health in June 2021. Funding is recommended for the applicant.

Figure 1 – Recommended Applicant

APPLICANT	MEETS CRITERIA	AMOUNT REQUESTED	AMOUNT RECOMMENDED	PROJECT OUTLINE
LifeSource Community Care	Yes	\$7,500	\$7,500	To purchase protein items (i.e., chicken and beef) for the LifeSource FoodCare program. The program is providing pre-packaged food parcels to community members financially impacted by the COVID-19 pandemic, and in particular, recent stay at home orders.

Applications were required to meet the criteria below:

Grants for the Community criteria:

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)

The applicant meets the eligibility criteria and funding requirements of the Grants for the Community Program.

If endorsed, \$42,750 will remain in the Grants for the Community Program for distribution throughout the 2021/22 financial year.

It should be noted that the *Grants and Awards for the Community Policy* (endorsed by Council at the 15 June 2021 meeting) has now come into effect. This report details the first application under the new Grants for the Community Program.

5. CONCLUSION

The recommended project provides emergency food relief to local community members impacted by the COVID19 pandemic, and specifically, the extended stay at home order from NSW Health.

It is recommended that Council endorse the allocation of grant funds (\$7,500) to LifeSource Community Care. If endorsed, \$42,750 will remain in the Grants for the Community Program for distribution in the 2021/22 financial year.

ATTACHMENT 1

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> . The <i>Grants and Awards for the Community Policy</i> was endorsed by Council at the 15 June 2021 meeting and replaces the <i>Community Grants Scheme Policy</i> for the assessment and distribution of future grants.
Consultation	Eligible organisations, businesses and individuals are advised of the funding round.
Resource	Officer time in notifying the community and assessing the applicant is estimated at 1 hours.
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 2021/2022 operational budget.

16 NOTICES OF MOTION**16.1 NOTICE OF MOTION 17/2021 - DEVELOPING ONLINE NOTIFICATION SYSTEM FOR DEVELOPMENT APPLICATIONS**

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

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

2. MOTION

That Council:

- 1. Council staff bring back a report by the October 2021 on the costs of developing a new online notification system for development applications.**
- 2. Such a system should include:**
 - (1) the ability for users on the site to see DAs on a map**
 - (2) have a tick box form of common areas that allows objections/support to be sent for a DA (e.g. Heritage, solar access, bulk and size, overdevelopment of site, etc)**
 - (3) allows users to register for email alerts by particular streets, suburbs and/or wards.**
- 3. Council express strong support for local planning panels to be made a voluntary option for councils rather than imposed by the state government, and that Council write to the Premier, Minister for Planning, Minister for Local Government and their opposition counterparts informing them of our resolution.**

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

It is increasingly obvious that community expectations around local development are out of sync with what is being approved. Local councillors are elected to oversee this process, help develop the controls but have no oversight of their implementation. This has led to frustration amongst councillors across the political spectrum, but also in our local community, that expects that we advocate for their concerns.

The current planning panel system has not worked and the impact has seen poor planning outcomes for our community. But improvements also need to be made by our teams to ensure that local input is central to local decisions, and improving how residents can monitor proposed development is an important step forward.

Further reading: <https://www.smh.com.au/national/how-unelected-faceless-men-and-women-keep-approving-nsw-developments-20210804-p58fvt.html>

4. OFFICER'S RECOMMENDATION

That Council note:

1. **The implementation of Phase 3 of the Connect project will incorporate a range of measures to enhance the customer experience in the DA process, and that this module is forecast to go-live in late 2022. In implementing the new system, the following will be investigated:**
 - (1) **the ability for users on the site to see DAs on a map;**
 - (2) **have a tick box form of common areas that allows objections/support to be sent for a DA (eg. Heritage, solar access, bulk and size, overdevelopment of site, etc).**
 - (3) **allows users to register for email alerts by particular streets, suburbs and/or wards.**
2. **Advice will be provided on Council's website of the availability of the free independent Planning Alerts service.**
3. **The appointment of members to the Willoughby Local Planning Panel through to 29 February, 2024.**

5. OFFICER'S COMMENTS

DA Notification:

A recent review of DA notification processes identified a desire to move towards maximising technology in informing the community of development applications including notification of applications and receipt of submissions. A number of existing services provide the desired information. In addition, Council will also be implementing a new planning module in late 2022 as part of its corporate software upgrades. Information on Planning Alerts has previously been provided to the Federation of Willoughby Progress Associations and can be more broadly promoted through Council's website.

Council's current online application tracker enables users to search for both current applications by address or DA number and includes the ability to search for recently received and recently determined applications. The online tracker provides the ability for users to lodge a submission through the tracker with a free form box for comment.

Council is currently implementing a new software system, Tech 1 – Connect. A number of modules within the system have already been implemented including finance and human resources software. Phase 3 of the system, covering planning and compliance is proposed to be implemented over the coming 12 months.

As Council has committed to the Tech 1 software, being a software package designed and targeted for local government needs it is desirable to utilise the abilities within the Tech 1 software package rather than introduce a second alternate software package or committing further funds to extending the existing DA online tracker.

Tech 1 is consulting with internal user groups to determine software needs which will include maximising the use of technology for notification of development applications. This will enable the planning module of the project to be fully scoped and costed. The ability to include the components requested in the Notice of Motion can be included in the consultation with Tech 1 and in the scoping of the project.

An existing free service, known as Planning Alerts is currently provided by an independent entity enabling people to register for notification of applications within an area (as specified by them) which could include street, suburb or larger. It is undesirable to repeat the service provided. Advice of this service will be provided on Council's website for people to register should they wish.

The State Government ePlanning Portal incorporates an application tracker which enables people to identify on a map applications lodged within their area. The State Government will continue to add additional functions for the ePlanning Portal.

Planning Panels:

Officers note that the Notice of Motion expresses a position for Councillors to consider on current legislation which mandates the creation and operation of local planning panels to consider development applications.

By way of background information, under the *Environmental Planning and Assessment Act, 1979* local planning panels are mandatory for all Sydney councils, Wollongong City Council and Central Coast Council. Planning decisions referred to the panel relates to sensitive or strategically important projects, and provides a transparent and accountable approach. The intent is also to enable the Council elected representatives to focus on planning policy, establishing the ground rules within which development can occur.

In accordance with the State Government direction the Willoughby Local Planning Panel has been in operation since March 2018. In the 2020/21 financial year the Willoughby Local Planning panel determined 53 Development or Modification Applications and provided advice on 11 Planning Proposals. Five Land and Environment Court appeals related to applications refused by the Panel. Of these two were resolved through conciliation, one appeal was dismissed (refused by the Court) and two are yet to be determined.

The Planning Panel incorporates both experts in planning or a related field and community representatives. In determining applications, the Panel is provided with all necessary plans and documentation lodged by the applicant, the Council Officer's assessment report and all submissions received in response to notification of the application. Where 10 or more submissions are received, or where the application is required to be considered at a public meeting correspondents are provided the opportunity to address the Panel.

At its meeting of 15 June 2021 Council resolved to appoint members to the Willoughby Local Planning Panel through until 29 February 2024. The Willoughby Local Planning Panel has operated in an efficient and effective manner in the three and half years since it came into effect.

16.2 NOTICE OF MOTION 18/2021 - CEASE PROPOSAL TO DEVELOP HERBERT STREET PRECINCT

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

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

2. MOTION

That Council write to the Premier, Minister for Health, Minister for Planning, Minister for Education and their respective opposition counterparts, as well as the Minister for Counter Terrorism and Corrections, in his capacity as local member for Lane Cove, emphasising Council’s support of the following:

- 1. The State government cease its proposal to develop the Herbert St Precinct.**
- 2. RNSH lands are preserved for future hospital growth.**
- 3. Seek a commitment that any future development of RNSH land is used for patient related health care by our local hospital.**

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

The NSW government is proposing to redevelop 2.27 hectares of land within the southern campus of the Royal North Shore Hospital (RNSH) along Herbert Street. About 95% of this development would preclude future use of this land for patient related health care by the hospital as it primarily proposes building residential accommodation, a primary school, commercial offices and retail shops. The site of this proposed redevelopment is the most accessible land on the RNSH campus, being adjacent to the St Leonards Train and Bus Interchange. The community requires adequate and easily accessible medical services, both now and for future generations.

Petition: <https://www.parliament.nsw.gov.au/la/Pages/ePetition-details.aspx?q=/HA60luUm3IAw+Fxk++QYg==>

4. OFFICER'S RECOMMENDATION

That Council consider the Notice of Motion.

5. OFFICER'S COMMENTS

In May, 2020 Council became aware, following a media release of a state government proposal to develop an of the Royal North Shore Hospital site fronting Herbert Street to the east and adjoining Reserve Road to the west for a 45 storey mixed use development. The development proposed up to 500 apartments, commercial office, retail, short term accommodation and a new school. Council had not been formally notified of the proposal. An email to all Councillors was sent on 15 May, 2020 advising of the media release and the nature of the concept proposal for the site.

Representatives of the State Government met with the Mayor and Council officers on 11 June 2020 to outline the conceptual proposal for what became known as “the Herbert Street Precinct”. Concern was expressed that Council had not been consulted or advised prior to the media release in May as well as with the height and scale of the proposed development and the nature of the uses proposed. It was indicated at this meeting that further consultation with Council would occur prior to finalising the scheme and that the likely process would involve the submission of a planning proposal to Council.

On 2 December 2020 the Department of Planning, Industry and Environment held a webinar providing a Project Update on the Herbert Street Precinct. Once again Council had not been invited to attend nor advised of the webinar.

A pre-planning proposal meeting was held with Council officers on 4 December 2020 at which Council officers once again expressed concern with the proposed development including:

- The acceptability of the residential Build to Rent component including bulk and scale of the tower (45 storeys).
- Overshadowing and view loss impacts on nearby residential development (eg The Forum) and public open space areas.
- Operational aspects of the proposed Primary school including access to Gore Hill Oval for play
- How the proposal fits within the context of building heights envisaged in the *St Leonards Crows Nest 2036 Plan* and degree of variation with the *2007 RNSH Concept Plan*.
- Heritage impacts on the five original hospital buildings marked as local significant heritage items on the site.

Following this meeting, an email was sent advising Councillors of the meeting and the concerns raised by officers. As at the end of August 2021, no Planning Proposal has been lodged with Council, nor has it been lodged as a State Significant Development (SSD) with the State Government.

16.3 NOTICE OF MOTION 19/2021 - ALLOCATE FUNDING FOR PLANTINGS ALONG VALETTA LANE ARTARMON

ATTACHMENTS:	1. THE WILKES AVENUE ARTARMON - LOCAL CENTRE PUBLIC DOMAIN MASTERPLAN
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GYNT DRINAN – TEAM LEADER PROJECT MANAGEMENT
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

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

2. MOTION

That Council allocates \$5000 from our open spaces funds for plantings along Valetta Lane in Artarmon.

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

Council is spending a lot of money to improve Wilkes Ave, but we seem to have forgotten about Valetta Lane that runs off the side (come down the big hill from Artarmon Train station and it's the lane on your left).

Installing some plants, particularly at the entrance of this lane off Wilkes Ave, will help improve the overall amenity of the upgrade.

4. OFFICER'S RECOMMENDATION

That Council note:

- 1. The proposed planting in Valetta Lane is identified in the Wilkes Avenue Artarmon - Local Centre Public Domain Masterplan, however it is not part of the current Wilkes Avenue streetscape upgrade project.**
- 2. The estimated cost of the work is \$85,000 and no budget allocation has been adopted as part of the 2021/22 Operational Plan.**
- 3. A project and capital works budget submission will be made for Council's consideration of the requested works in the 2022/23 Operational Plan and Budget.**
- 4. An application could be made to Sydney Trains in October 2021 seeking access to their land for landscaping purposes and to relocate fencing on Sydney Trains land in anticipation of future planting as identified in the Wilkes Avenue Artarmon - Local Centre Public Domain Masterplan.**

5. OFFICER'S COMMENTS

The Wilkes Avenue Artarmon - Local Centre Public Domain Masterplan (January 2020) identified planting opportunities along Valetta Lane to provide an attractive link between Valetta Lane and the upgraded Wilkes Avenue precinct (**Attachment 1**). This planting opportunity is not within the agreed scope of work for the current Wilkes Avenue streetscape upgrade project. Given the pressure of revenue losses associated with the pandemic, it is also unlikely that funding will become available through the current financial year.

Sydney Trains owns the land on the western side of Valetta Lane, and there are no opportunities for plantings on Council land. In order to provide adequate planting in the Lane, access to Sydney Trains land would be required and the existing railway property fencing would need to be re-aligned approximately two metres to the west. A similar outcome, where access was required, has been achieved to the south of Valetta Lane at the junction of the railway underpass and the western end of the current work to Wilkes Avenue.

Further consultation will be required with Sydney Trains to seek a formal land access agreement for landscaping purposes. It is noted that execution of the agreement to access the southern portion of land took nearly 12 months. Therefore, an initial approach to Sydney Trains, seeking land access and fencing relocation agreements, could be initiated in October 2021.

Given the likely 12-month approval time-frame, a capital works project proposal for budget allocation could be submitted for Council's consideration in the development of the 2022/23 Operational Plan, pending Sydney Trains execution of an agreement.

Subject to future funding availability, viable quotations and Sydney Trains approval, a proposed planting scheme would include:

- Site clearing, excavation and import of suitable soil mixes and surface mulch
- Semi-mature tree planting in line with Council's Street Tree Masterplan
- Mass planting of native shrubs and ground covers
- Planting maintenance and establishment

Forecast cost estimates for the work includes:

1. Preliminaries (including Authority fees)	\$18,000.00
2. Demolition, excavation	\$ 9,000.00
3. Fencing	\$21,000.00
4. Planting	\$27,500.00
5. Mulching	\$ 4,600.00
6. Plant establishment	<u>\$ 4,900.00</u>

TOTAL **\$85,000.00**

Notes:

1. *Lighting is not included as part of the scope of work.*
2. *No allowance has been made for latent conditions including relocation of services, contaminated soil remediation or excavation in rock.*



Pedestrian Connections

- Improved and safer connections to surrounding destinations and within Five Ways Junction and the upgraded Wilkes Avenue precinct.
- Proposed widening of existing path leading to Wilkes Avenue and Artarmon Train station with additional new planting beds
- Consider path link through Library re-development site to create a more connected hub with Five Ways Junction
- Proposed new raised pedestrian crossing at Wilkes Avenue connecting to shops on Elizabeth Street
- Proposed new pedestrian crossing point with kerb extension linking Artarmon car park

Traffic and Five Ways intersection

Consider improved traffic claiming to create a safer traffic and pedestrian friendly environment as follows:

- Flat top speed humps either end of Elizabeth Street
- Bluestone cobble entry treatment from side streets
- Extended linemarking to existing traffic island
- Re-configured No-stopping and parking areas along Elizabeth Street

Wayfinding, Interpretation & Lighting

- Create a stronger sense of identity and connectivity for Five Ways and Wilkes Avenue through wayfinding signage
- Proposed lighting scheme for Wilkes Avenue to enhance precinct

New Planting

- Create a connected tree canopy with infill planting in Elizabeth Street to match mature tree avenues along Cameron Avenue and Tindale Road, providing additional shade and enhancing street character
- Enhance existing planting beds and consider new groundcover planting along path links and adjacent Library redevelopment site.
- Vegetated rail corridor - consider weed removal and tree pruning
- Opportunity for additional rangardens in proposed planted kerb islands along Elizabeth Street south
- Consider additional groundcover planting areas along the eastern slope of Elizabeth Street for enhanced amenity

Seating & passive recreation

- Improved seating arrangements in Wilkes Avenue
- Consider additional seats along path links and Five Ways intersection
- Potential public space in future Library redevelopment site

Valetta Lane
Planting Plan 23.8.21

Scale: 1:1000
Issue: For review
Date: 30th January 2020



Master Plan
Wilkes Avenue, Artarmon Local Centre - Public Domain Upgrade



philipsmarler

16.4 NOTICE OF MOTION 20/2021 - POSTPONE THE PLANNED UPGRADES OF CASTLE COVE OVAL AND O.H REID RESERVE

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD - OPEN SPACE CO-ORDINATOR
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

Councillor Norton has indicated her intent to move the following Notice of Motion.

2. MOTION

That council postpones the planned upgrades of Castle Cove Oval and O.H Reid Reserve in view of the current community need for accessible places for exercise and recreation.

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

Councillors were advised on Friday 20 August that Castle Cove Oval will be closed for community access from September for period of approximately six months to enable resurfacing and drainage works to be undertaken. Similar works are proposed for O.H Reid Reserve Oval.

The ovals are currently being used extensively by the community for exercise and to enable children to play during the COVID-19 restrictions. To meet the increased needs of the community caused by COVID-19 restrictions council has illuminated Castle Cove Oval at night to further enable resident use. It is understood that the surfaces of both Castle Cove Oval and O.H Reid Oval are not currently in disrepair.

While it is challenging to revise works subsequent to their approval, in view of the changed circumstances since this project was proposed and budgeted, it is requested that the Castle Cove Oval and O.H Reid Oval resurfacing and drainage upgrades planned for September 2021 to April 2022 be postponed until after COVID-19 lockdown restrictions are removed.

4. OFFICER'S RECOMMENDATION

That Council:

1. **Note that the playgrounds and perimeter areas for the Castle Cove and O.H Reid ovals will remain available for use throughout the planned upgrades**
2. **Proceed with the sportsground renovations at Castle Cove Oval and O.H Reid Ovals as per the adopted Operational Plan for 2021/22 in light of the potential financial impacts and legal consequences of deferring the work.**

5. OFFICER'S COMMENTS

In accord with the adopted 2021/22 Operational Plan, sportsground upgrades are due for the 2021/22 Spring / Summer period at:

- Castle Cove Park Oval – new drainage system, new water storage tank, cricket wicket and turf
- O.H Reid Reserve Oval - new drainage and irrigation systems, new water storage tank and turf

Works at the ovals are scheduled to commence in September 2021 so that the new turf can be laid by December 2021 and be established before the start of the Winter sports season in April 2022. Councillors will appreciate that these sports seasons have been heavily disrupted over the last two years due to the COVID-19 pandemic.

For the first six weeks of the works while existing kikuyu grass is removed, community members will be able to access the sportsfields. Once the drainage and irrigation works begin, the sportsfields will be fenced off. At Castle Cove Park Oval, the children's playground, half basketball court, exercise equipment, perimeter path, car park and toilets will remain open during the construction period. At O.H Reid Reserve Oval, the children's playground, car park and toilets will remain open during construction as will access along the southern boundary, linking to the bushtrack.

While COVID restrictions are in place, outdoor recreation plays an important role in helping the community to maintain mental and physical health. Footpaths, parks, playgrounds, walking trails, ovals and sporting areas all provide the community with opportunities for outdoor recreation. Other recreation spaces of note within Castle Cove include the Castle Cove golf course and bushland walking tracks. The nearest alternative dog off leash areas are Wright Reserve, Willoughby Park, Beauchamp Park and Bales Park. Within Chatswood West, alternate recreation spaces include the Chatswood Golf Course, Lowanna Park, Rotary Athletics Field, Mowbray Public School Oval, Ferndale Park and Blue Gum Park and bushland walking tracks. The nearest alternative dog off leash areas are Lowanna Park, and the grassed areas in Ferndale Park and Blue Gum Park.

Figure 1: Aspects of Castle Cove Park and O.H Reid Reserve that will remain open

- Temporary fence
- Areas that will remain open during construction

Financial Implications

The work was let by public tender and has been awarded. The successful tenderer has signed the contract and returned it to Council for execution by the Chief Executive Officer. The value of the tender is \$1,117,265 (exc gst). Under the terms of the contract, the tender price is only valid for 120 calendar days after the closing date of the tender. The tender closed on 24 June 2021 therefore, the tender price is valid to 22 October 2021.

The successful tenderer has indicated that once a decision about the projects has been made by Council, they will discuss the scheduling and pricing implications. If the project is delayed until a 2022 start then their tender price will be subject to the material, product and other price rises incurred as a result of the time lag.

In addition, should the works be delayed past September 2021 the successful tenderer may seek damages and costs to date. The successful tenderer has indicated they have already commenced the planning and programming for the projects with the sourcing and securing of materials as well as programming suppliers and sub-contractors. They have also turned down other work to accommodate the time frame requested in Council's tender.

Advice received has indicated that a delay to the commencement of the contract could result in a claim that requires Council to pay damages. These damages could be in excess of \$65,000 for delays.

The sportsground renewal work is funded by the Infrastructure Levy. Should the project be deferred, the funds would need to be carried over to the 2022/23 financial year or be allocated from that year's Projects and Capital Works program.

Furthermore, as this is part of a renewal program, it contributes to Council achieving the Office of Local Government target for the Renewal Ratio of 100%. Deferring this project may risk Council's capacity to meet the Renewal Ratio in 2021/22. This ratio is already likely to be at risk due to other COVID related delays and deferrals.

Legal Implications

Delaying the works may result in the breaking of a contract with subsequent legal implications. Details of the legal implications are contained within the Confidential report on the Agenda for this Council Meeting.

Reputational Risk

Council undertook the public tender process in early 2021 with a clear intention of commencing the project in September 2021. There is a significant risk of reputational damage to Council as tenderers have responded in good faith with the expectation that the work is approved for implementation.

A reversal of that decision at this late stage could also impact upon Council's future ability to attract tenders for its public works including in this specialised sportsground reconstruction industry.

Operational implications

Deferral of the project until the end of the current COVID lockdown, but within this Financial Year, will jeopardise the growing season for the new turf which has to withstand the high use of the Winter 2022 sport season. The warm summer months allow the new turf to grow deeper roots and develop better resilience.

Similar work delays occurred in 2016/17 with the sportsground renovation at Chatswood Rotary Athletic Field, where the UTS Athletics Club requested the project be delayed until they had held half of their Summer competition season. The delay caused inadequate turf establishment prior to the Winter season, resulting in a further 2 years work to restore the turf at Council's expense.

6. CONCLUSION

While the sentiment to delay upgrade works is appreciated, the timing of the request may result in the breaking of a contract with subsequent legal and financial implications. Delaying the works to later in 2021, could lead to poor quality turf due to an inadequate growing season, resulting in additional costs to restore the turf in future years.

16.5 NOTICE OF MOTION 21/2021 - PUBLIC TOILET STRATEGY

RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	MELISSA SHAKAS – ASSETS OFFICER - BUILDINGS
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

Councillor Fernandez has indicated his intent to move the following Notice of Motion.

2. MOTION

That Council:

1. Prepare a Draft Public Toilet Strategy with the overarching aim of providing the community with the strategic framework for the management and provision of public toilets within the City of Willoughby over the next ten years.
2. The plan is to provide Council with a strategic framework to improve our existing standard of facilities especially in the key areas of accessibility and safety as well as benchmarking tools for future new public toilet facilities.
3. The Strategy will aim to deliver best practice in public toilet design, hygiene, safety and maintenance.
4. The Objectives of the Willoughby Council Public Toilet Strategy is to include:
 - 4.1 Ensuring facilities are safe.
 - 4.2 Ensuring facilities are accessible.
 - 4.3 Ensuring the needs of the public are met.
 - 4.4 Ensuring facilities are environmentally sustainable.
 - 4.5 Addressing community needs (current and future).
 - 4.6 Providing a clear framework to guide decision making to ensure public toilets are well located and equally distributed.
 - 4.7. Ensuring facilities are inclusive and welcoming.
5. The Strategy include a gap analysis and identify areas across the City where there are no public toilets especially near reserves, parks and include change rooms at ovals.
6. The Draft Public Toilet Strategy when ready be brought back to Council and be placed on public exhibition.
7. The Chief Executive Officer to report back to Council at the October Council meeting, providing an update regarding the practical timing and resourcing to prepare the Draft Public Toilet Strategy.

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

A Public Toilet Strategy Plan is an overarching guiding document that informs the design, upgrade and maintenance of existing and new public toilet facilities. The plan reviews the current and future use, development and maintenance of toilet facilities and provides recommendations for upgrades. This ensures facility standards are maintained, community expectations and needs are met. This Strategy Plan has a life cycle of ten years with document reviews occurring every two years.

The provision of public toilet facilities has a significant impact on the accessibility of public places and parks. The average person will need to use a public toilet when they are away from home for more than an hour and people with a range of disabilities require equal access facilities. The City of Willoughby invests significantly in parks and open spaces as well as the public domain. The promotion of healthy spaces and parks and outdoor areas which contain quality infrastructure are key priorities of Council. The provision of appropriate public toilets in locations accessible to the public are a key component in the promotion of such spaces.

A Public Toilet Strategy Plan for the City of Willoughby facilities is required due to a number of current and future demands. Drivers affecting demand for services provided by public amenities include:

- i. Population change.
- ii. Regulations.
- iii. Changes in demographics.
- iv. Seasonal factors.
- v. Consumer preferences and expectations.
- vi. Economic factors.
- vii. Environmental awareness.

The purpose of a Public Toilet Strategy Plan is to deliver best practice in public toilet design, hygiene, safety and maintenance. Public toilets need to be equitably and strategically located to enable the community to conveniently access public toilets, 400m or 4 to 10 minutes walking to open space is generally considered a walkable distance. Whilst it would be enviable to provide a facility every 400m throughout the whole Local Government Area, it is considered preferable to provide clean and well maintained facilities within 400m of Councils high use locations, including local centres and parks.

As the population of the City of Willoughby continues to grow, local centres revitalisation, these areas may require new or additional facilities. Along with Council funded projects, Council should consider partnership with private enterprise, or voluntary planning agreements to provide additional facilities should they be required. Through engagement with diverse stakeholders and application of leading design principles the strategy will address this imbalance and facilitate more equitable, efficient and sustainable outcomes in the provision of facilities.

Objectives of the Public Toilet Strategy Plan are as follows:

- i. Ensure facilities are safe.
- ii. Ensure facilities are accessible.
- iii. Ensure the needs of the public are met.
- iv. Ensure facilities are environmentally sustainable.
- v. Address community needs (current and future).
- vi. Provide a clear framework to guide decision making to ensure public toilets are well located and equally distributed.
- vii. Ensure facilities respond to community needs.
- viii. Ensure facilities are inclusive and welcoming.

The Strategy Plan be structured and address the following:

1. Introduction
2. Design Guidelines
3. Existing Facilities
4. New Facilities
5. Implementation Plan
6. Benchmark Study.

4. OFFICER'S RECOMMENDATION

That Council note a budget bid for a Public Toilet strategy will be presented to Council for its consideration as part of the 2022/23 Budget deliberations.

5. OFFICER'S COMMENTS

Providing clean, accessible, well maintained, and safe public toilet facilities for the community is important today, and will continue to be important as the City's population grows.

Currently, renewal of existing amenities is prioritised on the basis of condition, capacity, and functionality in line with Council's Asset Management Plans.

Preparation of a public toilet strategy with the detail envisaged by the Notice of Motion will involve significant resources not available within the current budget cycle. Property staff are under significant pressure to address the priorities of renewing existing leases and addressing rental rebate eligibility under the *Retail and Other Commercial Leases (COVID-19) Regulation 2020*. As financial and human resources are not currently available, and Council is under financial pressure from lost income due to the COVID pandemic, it is recommended that a budget bid be prepared and prioritised for Council's consideration as part of the 2022/23 Operational Plan and Budget.

16.6 NOTICE OF MOTION 22/2021 - CIRCULAR ECONOMY POLICY AND E-WASTE COLLECTIONS

ATTACHMENTS:	DRAFT CIRCULAR ECONOMY POLICY
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT MANAGER
CITY STRATEGY OUTCOME:	1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

Councillor Fernandez has indicated his intent to move the following Notice of Motion.

2. MOTION

That Council:

- 1. Establish a Circular Economy Policy: To achieve better outcomes for our community, we will guide best practice among waste producers and operators by creating and implementing a Willoughby Circular Economy Policy in partnership with key stakeholders and align with Council's Our Green City Plan 2028.**
- 2. Partnering and Collaboration: Council will lead and work collaboratively with all levels of government and Northern Sydney Regional Organisation of Councils (NSROC) to transform the region's management of waste streams from linear to a circular recycle-reuse-remake solution to achieve an overall reduction of waste going to landfill in NSW.**
- 3. Leverage Circular Economy Industry Opportunities: Council will seek to influence State and Commonwealth waste management strategies and policies and Council will evolve our current and future waste management activities to attract funding to leverage industry development opportunities within the Artarmon and Chatswood Industrial Areas.**
- 4. Drive Industry Best Practice: Council will create and adopt a diverse range of policies and measures to and advocate with other levels of Government to deliver legislative reform, drive industry transformation, and deliver best practice circular economy waste management services on behalf of our community.**
- 5. Make plans to cease collection of e-waste from the quarterly kerb-side collection services and encourage residents and businesses to use the Northern Sydney Community Recycling Centre at Artarmon or alternatively book services through third party suppliers as noted on Council's Website e.g. Planet Ark, ASPIRE, FlipTech Recycling and ZOLO.**

6. To this end Council will provide notice of its intention to cease this service:
 - i. Through its quarterly newsletter at least twice.
 - ii. Through its rates notices.
 - iii. Through public media.
 - iv. Council will support and publish information on the alternate options where e-waste can be disposed of for recycling.
 - v. Ensure that the Northern Sydney Community Recycling Centre at Artarmon re-open as soon as practicable
 - vi. Encourage the use of private commercial disposal services
 - vii. Issue a paper sticker to be placed on kerb-side e-waste products informing householders of alternative options for e-waste to not end up in landfill.
7. Delegate to the Chief Executive Officer the establishment of an internal program with adequate resourcing to develop a corresponding Strategy and Implementation Plan that will deliver outcomes aligned with the Circular Economy Policy. The Strategy must include a community and stakeholder consultation to ensure opportunities for input.
8. Delegate to the Chief Executive Officer to promote the establishment of a joint Circular Economy Transformation Taskforce (CETT) comprised of NSROC member Councils and advocate to the NSW Government and key stakeholders of the opportunities and benefits of transitioning to the Circular Economy. The purpose of CETT is to lead and foster solutions that address negative community impacts (including odour, air and noise quality) and transform the local industry through state government policy and legislative levers. Actions taken by CETT are to align with the intent of Council's Our Green City Plan 2028 and the Draft Circular Economy Policy for Willoughby City.
9. Proactively monitor compliance of waste and resource recovery operations in Willoughby City and expedite enforcement of non-compliant activities, within the power of Council's delegations, to drive industry performance improvements.
10. Place on public exhibition the attached Draft Circular Economy Policy (Attachment 1), uploaded to Council's Have Your Say platform, no later than close of business Wednesday 15 September for 28 days with a report back for the Council meeting dated 3rd November 2021 outlining the community's view and consideration of the adoption of the policy.

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

I ask Willoughby City Council to continue to be a leader on this vital issue and request your support.

Council's domestic waste management services expenditure in 2020/21 was \$14.6 million dollars, which included landfill rubbish collection and any reduction in these costs would be a relief for ratepayers if Council aspires to encourage or create locally based circular economy industries in the employment lands of Artarmon and Chatswood East.

The type of materials, precious metals, rare earth minerals and recyclable products, in e-waste needs to be preserved by becoming part of the circular economy. As resources become more scarce and more costly to extract from the planet it is incumbent on Council to make provision now for the future.

It would bode well for our Council, as a leader in the wider community, to be taking a proactive position and encourage CETT to advocate to the State and Federal Government.

Given the now numerous options of disposal of e-waste products it seems irresponsible to continue to see them go to landfill. As well as public services such as the Northern Sydney Community Recycling Centre, other commercial operators offer services that should be employed and drawn to the attention of our residents and businesses.

Circular Economy Policy - Key Considerations

Economic Impacts

The Draft Circular Economy Policy demonstrates a commitment to economic sustainability by enabling future growth and development, consistent with the NSW Government Circular Economy Policy and Council's Our Green City Plan 2028.

The draft policy supports new business opportunities by stimulating demand for renewable energy capacity and low-carbon materials to enable an orderly transition to a low-carbon economy. The policy supports the attraction and/or creation of jobs in new manufacturing, service and resource recovery sectors associated with recycling, re-use, remanufacturing and increased service offerings.

The draft policy supports development of local markets for high quality post-consumer recycled materials, which keeps materials in use for longer, and reduces dependency on international markets.

Environment

The draft policy demonstrates Council's continued commitment to environmental sustainability, providing a framework to reduce the City's ecological footprint per capita and reduce carbon emissions, making an equitable contribution to managing the impacts of climate change in accordance with *Our Green City Plan 2028*.

The draft policy supports minimisation of household and commercial waste by providing alternative and circular pathways for cycling materials as resources rather than waste.

Community

The Draft Circular Economy Policy is consistent with the NSW Government's Circular Economy Policy to engage with communities and businesses to communicate the benefits of a circular economy and how circular activities can be implemented at the local level.

The draft policy is consistent with the NSW Government Net Zero Plan 2020-2030 to "empower customers and businesses to make sustainable choices".

The draft policy will provide leadership and direction to individuals and groups seeking to reduce consumption of virgin materials and greenhouse gas emissions, consistent with the Council's Our Green City Plan 2028.

Civic Leadership

The Draft Circular Economy Policy is consistent with Council's Our Green City Plan 2028 and demonstrates Council's commitment to responsibly respond and adapt our operations to reduce greenhouse gas emissions and transition to a low-carbon economy.

The draft policy supports our commitment to sustainable governance by promoting effective public, public-private and civil society partnerships which are central to circular economy approaches.

Financial

The Draft Circular Economy Policy will provide the strategic direction for Council, any projects undertaken to achieve the policy outcomes will be included within Council's budgeting processes which will be provided to Council for adoption.

The draft policy extends the lifespan of existing landfills and reduces demand for new landfills, which will reduce capital costs and greenhouse gases emissions.

Infrastructure

The draft policy supports progressive improvement in Council assets and services.

Risk and Insurance

The Draft Circular Economy Policy enhances the resiliency of Council operations and maintains current risk and insurance positions.

Legislative and policy considerations

- NSW Government's Circular Economy Policy Statement
- NSW Government's Waste and Sustainable Materials Strategy 2041
- NSW Government's Net Zero Program
- NSW Government's Climate Change Policy Framework
- Willoughby City Council's Our Green City Plan 2028

SUMMARY

In embarking on this first step, the Draft Circular Economy Policy reflects the aspiration of this Council, our City and our Community and integrates with and reinforces Our Green City Plan 2028. However, to do nothing at all, would be a great disservice to the current and future residents of the City of Willoughby and NSROC.

This Council acknowledges that in order to improve liveability of the city, it must take action on waste industry performance and pursue opportunities to influence change across the sector.

The internal program of work, alongside the establishment of CETT with NSROC in partnership with the State Government, will begin to enable Council to more cohesively address the myriad of complex waste industry and management challenges and opportunities faced by the city today and in the future.

4. OFFICER'S RECOMMENDATION

That Council:

- **note that the NSW Government is currently consulting on the implementation of a waste strategy to drive the circular economy and addresses the intent of the Notice of Motion**
- **note the waste and circular economy initiatives and collaboration currently underway by the City of Willoughby,**
- **note the program for reviewing, integrating and standardising all Council policies with the incoming Council and our Community Strategic Plan**
- **refer the contents of the Notice of Motion to officers to be considered as part of a broader, integrated waste policy and the broader policy review proposed for 2022**
- **continue to promote e-waste recycling through its Community Recycling Centre in Artarmon.**

5. OFFICER'S COMMENTS

Overview

The pursuit of a circular economy is supported, and Council is already playing an active role in advancing this initiative through significant collaborations and partnerships that are already advanced.

To achieve the objectives of a circular economy, at the very least, state-wide coordination is required of:

- councils
- the waste industry and their investment in the required new technologies
- redesign of processes for potential users to incorporate the outputs from the circular use of waste streams
- new supportive legislation
- product stewardship
- new markets, and
- consumer and stakeholder education.

The NSW EPA released its strategy to drive a circular economy, the *NSW Waste and Sustainable Materials Strategy 2041* in June of this year. The EPA has undertaken a significant investment of resources to bring this strategy to fruition.

The EPA has commenced engagement around implementation with key stakeholders and understands the complexity of getting the correct sequencing of separation processes, investment in infrastructure, legislative change, the creation of markets and education to facilitate a circular economy. Given the complexity and resourcing required, it is appropriate the NSW EPA is the lead agency.

The NSW Government has established NSW Circular, which is a new office that has been created to deliver a zero-carbon circular economy through working collaboratively with businesses, government, researchers, and individuals to remove barriers and scale the circular economy.

NSW Circular has established six taskforces focussing on Government, Research, Industry, Precincts and Infrastructure, Finance and Investment and Citizens. NSW Circular is offering \$13million of grant funding this year to help facilitate this outcome.

Council will continue to play an active role, in accord with its capacity to influence and resource, including participation on various committees (e.g. the EPA's Local Government Reference Group), collaborations and in combination with the North Shore Region of Councils and the two other metropolitan ROCs.

The Notice of Motion contains significant details, and the sections below provide some further information.

Circular economy policy

As part of ongoing reform, Council officers are currently reviewing existing Council policies, identifying gaps and overlaps as part of systematic approach which will be workshopped with, and considered by, the next Council as part of good governance and the induction processes. It will also combine related policies to integrate them, make it easier to find the relevant policy and will convert all policies to WCC's standard policy template and language style. Council's policies will be more tightly aligned to its Community Strategic Plan.

Accordingly, it is recommended the circular economy policy is added to this process and be incorporated into a broader waste policy to enable the integration and clear understanding of, and decision making on, waste to landfill, reuse, recycling, waste to energy and other relevant waste concepts.

The first workshop with Councillors will be held by mid-2022, noting the fullness of a new Council induction agenda. This timing also accords with the outcomes of the significant consultation the EPA will undertake on the implementation of the *Waste and Sustainable Materials Strategy 2041*, and will provide further clarity on priorities for Council and avoid policy rework.

It would not be possible for Council officers to prepare a policy, undertake exhibition and report back to Council by 3 November 2021. In accordance with Council's policy framework, the policy would need to be exhibited for minimum of 28 days to ensure appropriate time for the community to provide feedback. This timeframe, when combined with time required to prepare a policy, seek endorsement from Council to publicly exhibit the document, analyse community feedback, prepare a final policy and report back to Council, means it is not possible to provide this report to the November 2021 meeting as envisaged in Point 9 of the Notice of Motion.

Further, the Officer dedicated to policy is currently engaged in meeting a range of other statutory obligations associated with Integrated Planning and Reporting requirements; the Annual Report for 2020/21 along with internal performance monitoring and the review business planning process. A timeline which can be resourced, engages the incoming Council, as well as the broader community and stakeholders, and avoids rework has been indicated above.

E-waste recycling

Council promotes e-waste recycling at the NSROC Community Recycling Centre (CRC) in Artarmon. Although this facility is currently closed due to COVID-19 restrictions, there are many other e-waste recycling solutions available to the public including Officeworks and The Good Guys in Chatswood, Domayne in North Ryde, Kimbriki in Terry Hills and the Suez Transfer Station in Belrose.

Council promotes the recycling of e-waste at the CRC and other retail locations however we will collect these materials when presented for kerbside clean up.

Partnering, Collaboration and Leveraging Opportunities

Willoughby is collaborating and partnering through:

- Willoughby CEO's membership of the NSW EPA's Local Government Reference Group
- Willoughby CEO and NSROC Executive Director meet with counterparts from the two other metropolitan ROCs for joint discussion on waste related initiatives
- NSROC has recently recruited another dedicated waste officer to coordinate northern council waste officers input and analysis of the EPA's circular economy strategy
- In 2020, NSROC councils combined to win a significant grant of \$990,000 which seeks to progress the circular economy in relation to food wastes
- EPA and NSROC councils managing the Community Recycling Centre in Artarmon for household problem waste
- Southern Sydney Regional Organisation of Councils to include recycled glass in bitumen MOU to enable sustainable procurement by Council
- Waste Alliance and Veolia to produce mixed waste organic output for mine site rehabilitation
- iQRenew and Council have started working together on innovative solutions to manage coffee pods and soft plastic

- Collaborating with several ROCs and the Australasian Circular Textiles Association to create a Textiles Action Plan
- Council has endorsed the Willoughby Industrial Lands Strategy to retain and manage our industrial lands for uses such as circular economy industries particularly in Artarmon and have included provisions in the Draft *Local Environment Plan* to carry forward this strategic intent into the new Planning Instrument

ATTACHMENT 1

DRAFT CIRCULAR ECONOMY POLICY**Policy**

The NSW Government has developed a Circular Economy (CE) Policy:

“...to deliver positive economic, social and environmental outcomes. The circular economy is about changing the way we produce, assemble, sell and use products to minimise waste and to reduce our environmental impact. The circular economy can also be great for business; by maximising the use of our valuable resources, and by contributing to innovation, growth and job creation. Moving to a circular economy will provide long-term economic, social, and environmental benefits for NSW. This transition will generate jobs, increase the robustness of the economy, increase the accessibility of goods, maximise the value of resources, and reduce waste...”

There is significant global momentum behind the transition to a Circular Economy with international agreement on three key Circular Economy principles listed below:

1. Design out waste and pollution
2. Keep products and materials in use at their highest possible value
3. Regenerate natural systems.

Scope

Council staff and contractors and consultants working on behalf of Council are required to comply with this policy.

Objectives

This policy's objective is to establish a long-term commitment that results in the embedding of a Circular Economy mindset into Council's strategic and operational practices so that it becomes a business-as-usual within the next 10 years.

Policy Statement

Supporting the transition to a circular economy enables Council to be a sustainable and resilient organisation, responsive to economic and environmental challenges and changing community expectations.

This policy aligns to the state-wide circular economy policy and sets the foundation for a strategic and integrated approach to a circular economy within Council and the City of Willoughby.

We will demonstrate leadership by committing to the development of a Circular Economy Framework to operationalise this policy in alignment with Our Green City Plan 2028 which delivers a whole of Council approach to sustainable policy, infrastructure and services.

We will share responsibility for our performance with all who work for and with us, and regularly report on our progress.

16.7 NOTICE OF MOTION 23/2021 - VACCINATION CLINIC

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

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

2. MOTION

That council officers report back to Council regarding the potential to re-establish a Vaccination/Immunisation Clinic targeting babies and children within the WCC LGA. The report should come back to Council before the end of this council term.

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

Willoughby City Council ran the Willoughby Council Immunisation Clinic successfully over many years, which had been one of the most consistently utilised clinics within the Northern Sydney Local Health District (LHD). The council immunisation clinic targeted babies and children.

In August 2015, councillors received a report from the GM Ms Just, that the council led Immunisation Clinic should be dis-continued. At the time, the Director of the Public Health Unit, Northern Sydney LHD wrote to council and councillors to strongly urge that the Immunisation Clinic be continued. Against the advice of the Public Health Unit, the majority of councillors supported the officers' recommendation and the Willoughby Council Immunisation Clinic closed.

The effectiveness of immunisation in children against infectious diseases is well established. In order for its benefits to be maximised it is essential that timely access to vaccination services is provided to all members of the community so that high levels of vaccination can be maintained. In addition to the personal benefit to the individual vaccinated, immunisation can benefit a community as a whole by achieving so called 'herd immunity'.

In Australia, prior to the pandemic, although the vast majority of immunisation services have been provided by general practitioners, there remains a group who access vaccination services from other sources such as council immunisation clinics. People may make this decision based on factors including accessibility and preference to attend a clinic designed specifically to deliver vaccinations. It is known that council clinics play an important role in maximising vaccination rates by immunising children who may not otherwise present for vaccination. There was concern expressed at the time, that without council led vaccination clinics, that overall immunisation rates in local communities may fall.

The Northern Sydney LHD worked closely with the WCC Immunisation Clinic over many years, and were aware that the WCC Immunisation Clinic provided a valuable health service for the community over many years.

Vaccine Storage and transportation: The storage and transportation of vaccine requirements are addressed in the National Vaccine Storage Guidelines. The guidelines detail information on correct storage and transportation of vaccines for all immunisation service providers. All council immunisation clinics are subject to annual audit from the Public Health Unit to ensure that, among other criteria, that cold chain is adhered to at all times. It was noted at the time, that the WCC Immunisation Clinic had an excellent record of compliance for storage and transportation of vaccines, and demonstrated maintenance of cold chain between 2-8 degrees at all times.

The risk of administering non-viable vaccines to children when the cold chain remains intact was stated by the Director of PHU to be negligible.

The risk of adverse reaction to a vaccine, and severe adverse events immediately following immunisation are extremely rare. The nurses employed to provide immunisation services are authorised nurse immunisers, who have undergone specialist training relating to the provision of immunisation which includes expertise in managing adverse reactions from vaccines. All authorised nurse immunisers are required to undergo annual CPR training and are highly trained in the ability to recognise and act on severe adverse events, which includes provision of adrenalin in the rare case of anaphylaxis (Dr. Staff).

The intent of this motion is to re-establish immunisation services targeting babies and young children for vaccinations for diseases including diphtheria, measles, pertussis, chicken pox etc., not Covid-19 vaccines.

It has been reported that current rates of Covid-19 vaccination among Chatswood residents is lower than vaccination rates in surrounding suburbs. There have been calls from members of the community for council to re-establish a vaccination service. Immunisation clinics targeting babies and young children play an important role, and can help build and strengthen community awareness regarding the importance of vaccines and immunisation programmes generally.

The PHU may provide more information.

4. OFFICER'S RECOMMENDATION

That Council does not re-establish a Vaccination/Immunisation Clinic targeting babies and children within the Willoughby City Council local government area and continues to support public health messaging via Council's community development initiatives.

5. OFFICER'S COMMENTS

Immunisation is an important and effective way of protecting children from serious preventable diseases. It not only helps protect individuals, it also protects the broader community by minimising the spread of disease.

Childhood vaccinations are the responsibility of NSW Health. In addition to the public health system, local medical practitioners and Primary Health Networks provide childhood immunisation free of charge.

Council does not have any legislative responsibility or any formal agreement with NSW Health or the Commonwealth to deliver an immunisation service. Local government has an important role to play with assisting in supporting immunisation locally in the form of providing venues for immunisation at peak times and disseminating public health information to the public and specific communities of need.

Immunisation Rates

Many developed countries in the world report vaccination coverage rates at around 95%. NSW Health reports over 93% of children in NSW are fully vaccinated.

A high immunisation coverage rate can mask geographic areas and population groups that have low coverage. As such, officers have provided the immunisation rates for the Northern Sydney Local Health District in Figure 1.

Figure 1 - Northern Sydney LHD Immunisation % by age Group

Year	12 months	2 years	5 years	Average
2015	92.1	88.3	91.2	90.5
2016	92.6	89.7	91.2	91.2
2017	93.8	88.5	91.2	91.2
2018	93.9	90.2	91.4	91.8
2019	94.4	91.4	93.4	93.6
2020	95.2	92	93.4	95.5
Change	+ 3.1%	+ 3.7%	+ 2.2%	+ 5.0%

Figure 1 demonstrates that Childhood immunisation rates within the Northern Sydney Local Health District have increased by an average of 5% across the 12 months to 5-year age range, between 2015 and 2020. The period of this increase occurred in the period since Council ceased operation of the immunisation clinic at the Dougherty Community Centre.

A contributing factor to the increase in vaccinations locally is an amendment to the *NSW Public Health Act 2010* in 2017 intended to strengthen vaccination enrolment requirements in child care. Since 1 January 2018, children who are unvaccinated can no longer be enrolled in child care. In particular, these changes have:

- disseminated the public health message about the importance of vaccination
- reinforced evidence that vaccination is safe and highly effective in preventing disease
- helped reduce the transmission of disease in certain geographical areas

Risks

In determining to cease offering Council's immunisation service in June 2015, the Council noted the following risks:

- a) the storage and transportation of vaccines (there are strict protocols regarding this as they must be constantly stored between 2-5 degrees Celsius). There were a number of occasions where the cold storage chain could not be guaranteed and the vaccines needed to be disposed of
- b) the work, health & safety of the casual nursing staff administering the vaccines as well as the safety of the patients
- c) the risks that children may have an adverse reaction to a vaccine
- d) the risk of administering non-viable vaccines to children
- e) confidentiality/privacy risks associated with documenting and storing children's names and addresses
- f) financial risk as the cost of immunisation to Council in 2014 was noted as \$20 per child.

Since Willoughby Council ceased providing an immunisation clinic, other north shore Councils, including Mosman and Ku-Ring-Gai, have also ceased operating an immunisation service due to falling demand and associated risk factors.

Conclusion

Immunisation rates in the local area have increased since 2015. Local health infrastructure ensures childhood immunisation is readily accessible and free of charge. As such, Council recommencing an immunisation service would provide negligible community benefit, incur costs to Council whilst providing increasing operational and financial risks to Council.

16.8 NOTICE OF MOTION 24/2021 - 688-692 PACIFIC HIGHWAY, CHATSWOOD

ATTACHMENTS	1. MEMO - ITEM 18.3 - QUESTION ON NOTICE FROM COUNCILLOR COPPOCK 06/2021 - PROPERTIES AT 688-692 AND 629-639 PACIFIC HIGHWAY, CHATSWOOD - CORRESPONDENCE FROM AQUALAND
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	1.1 CREATE AND ENHANCE GREEN SPACES 3.4 CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

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

2. MOTION

In response to the Memo from Director Hugh Phemister to the Mayor and Councillors dated 10 May 2021, which in turn was in response to Questions with Notice from former Councillor Coppock, I move the motion for a Report to Council be prepared for the next meeting of Council to outline the following matters:

- 1. An outline of the likely benefits and impacts for the GFA compensation of all or part of the floor space ratio entitlement of 688-692 Pacific Highway being allocated to 629-639 Pacific Highway, Chatswood for the benefit of both the school community and the recipient site.**
- 2. An outline of the mechanisms available for the GFA compensation /FSR**
- 3. Occasions when Council has permitted such a compensation or transfer or sought to have such a transfer within the CBD Chatswood.**
- 4. What Planning pathways are available for such a transfer?**
- 5. The process by which the proposal could be expeditiously considered by Council in the event a Planning Proposal is lodged by the 629-639 Pacific Owner?**
- 6. An outline of the process for Council, the 629-639 Owner, other relevant agencies /authorities and the school community to work together to further explore the proposal (and realize this opportunity).**

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

On 10 May 2021, the Mayor and Councillors received a Memorandum from Hugh Phemister in response to Questions placed on Notice concerning properties at 688-692 Pacific Highway and 629-639 Pacific Highway, Chatswood.

Both of these properties are owned by Aqualand.

As noted in the Memo from Hugh Phemister what has been proposed by Aqualand is the “*dedication of the site at 688-692 Pacific Highway to the Department of Education /Schools Infrastructure NSW for expansion of the adjoining Chatswood Public School.*”

The Memo also states Council Officers met with ‘*representatives of Aqualand in respect to this proposal in January 2021.*’

The Memo fails to mention that the land proposed to be dedicated (688 Pacific) will be open space available for use by the Department of Education and the public when not in use by the Department.

The Memo makes assumptions about “*slender towers, appropriate setbacks and the reasonable open space and landscaped areas.*” These are general comments as no Planning Proposal has been lodged by Aqualand.

The Memo makes an assumption of what FSR entitlement would be transferred from 688-692 Pacific Highway to 629-639 Pacific Highway. This could be misleading as the exact amount of FSR entitlement to be transferred is not yet been determined by the parties. I understand it is not the full entitlement.

Aqualand has written to Council on 10 May 2021 and no reply has been received by Aqualand which is the reason why no Planning Proposal has been lodged.

There is a precedent or the movement of FSR in Chatswood West CBD.

The Zenith Theatre construction saw Council permit the movement of FSR and for the car park to be constructed under a Council road. As Mayor Reilly frequently stated when a project warranted serious consideration because of the community benefit, there were ‘exceptional circumstances’ present. Council Resolutions of those times were commenced with these words to see the community benefit achieved without setting a precedent.

The community pushed for the Department of Education to purchase the site at 688-692 Pacific Highway in 2020. However, this did not occur due to lack of funding. The opportunity to have the land dedicated for open space (with a restrictive covenant on it to retain this status) is a unique opportunity. It meets the NSW State Government policy for more open space. The proposed open space borders the Kenneth Slessor Park.

A copy of the Memo dated 10 May 2021 is attached for inclusion in the Comments.

4. OFFICER'S RECOMMENDATION

That Council note the responses provided.

5. OFFICER'S COMMENTS

- 1. An outline of the likely benefits and impacts for the GFA compensation of all or part of the floor space ratio entitlement of 688-692 Pacific Highway being allocated to 629-639 Pacific Highway, Chatswood for the benefit of both the school community and the recipient site.**

Comment:

Dedication of 688-692 Pacific Highway for the purpose of open space and school use will provide additional play space for the adjoining Chatswood Public School and potentially additional park recreation space in combination with the adjoining Kenneth Slessor Park outside of school hours. The suggestion however, is that this would only occur on the basis that there would be a transfer of floor space, either in whole or part from the site to property 629 – 639 Pacific Highway.

Both properties are located within the Chatswood CBD as defined in the Council's adopted *Chatswood CBD Planning and Urban Design Strategy 2036* (CBD Strategy). Under the CBD Strategy 629 - 639 Pacific Highway enables a maximum floor space ratio of 6:1 and height of 90 metres consistent with much of the proposed B4 zoned area. It is noted that one block to the south of 629 - 639 Pacific Highway is the Metro Dive Site for which the height and floor space ratio controls were reduced to 4.2:1 and 53 metres in response to further analysis of impacts on the South Chatswood Conservation Area.

The impact of allowing additional floor space and/or height at 629 – 639 Pacific Highway would create development of a bulk and scale in excess of that envisaged by the CBD Strategy. This has the potential to result in greater overshadowing, less open space, bulkier built form contrary to the objectives of achieving slender tower forms, and a precedent for other sites to achieve development above that identified in the CBD Strategy undermining Council's ability to enforce the CBD Strategy objectives and controls.

2. An outline of the mechanisms available for the GFA compensation /FSR

Comment:

To increase the height and floor space at 629 – 639 Pacific Highway would require the lodgement of a site specific Planning Proposal. A Planning Proposal already lodged for the site which has been supported for exhibition by Council already proposes the maximum height and floor space envisaged by the CBD Strategy. To incorporate additional floor space and/ or height would require the lodgement of a new Planning Proposal for assessment. Any Planning Proposal is required to demonstrate both strategic merit and site specific merit. Where a site specific Planning Proposal is in excess of the maximum floor space or height specified in an adopted strategy it is unlikely to be able to demonstrate strategic merit and as such unlikely to gain state government support.

To ensure the additional floors space is only achieved on the basis of the dedication of 688 – 692 Pacific Highway for school and open space purposes a Planning Agreement would need to be entered into prior to the rezoning with additional height and floor space taking effect. It would also be recommended that legal advice be obtained regarding the transfer of development rights from one site to another as it is unclear as to whether this is permissible under the *Environmental Planning and Assessment Act, 1979*.

3. Occasions when Council has permitted such a compensation or transfer or sought to have such a transfer within the CBD Chatswood.

Comment:

Officers are unaware of any previous occasion where floor space rights have been transferred from one site to another within the Willoughby LGA.

4. What Planning pathways are available for such a transfer?

Comment:

As per the response to Question 2 it is unclear as to whether a transfer of development rights is permissible under the *Environmental Planning and Assessment Act, 1979*.

5. The process by which the proposal could be expeditiously considered by Council in the event a Planning Proposal is lodged by the 629-639 Pacific Owner?

Comment:

Should a new planning proposal be lodged the process would require a number of legislated steps which set the timelines required. These include obtaining Local Planning Panel advice, Council and state government support for exhibition, liaising with other state agencies, exhibition for minimum of 28 days, further consideration by Council and then, if approved forwarded to state government for making. This invariably takes significant time which is usually in excess of 12 months.

6. An outline of the process for Council, the 629-639 Owner, other relevant agencies /authorities and the school community to work together to further explore the proposal (and realize this opportunity).

Comment:

Should Council support the Motion, officers will seek to collaborate with all relevant parties to achieve the desired outcomes. A first step would be to receive advice on whether a transfer is possible and the implications for Council in terms of resources and its impact upon its adopted strategies.

ATTACHMENT 1



MEMO

Memo To: Mayor and Councillors
Memo From: Hugh Phemister
CC: Executive Leadership Team
Date: 10 May 2021
Subject: Item 18.3 - Question on Notice from Councillor Coppock 06/2021 - Properties at 688-692 and 629-639 Pacific Highway, Chatswood - Correspondence from Aqualand

A letter from John Carfi, CEO Aqualand has been circulated to Councillors on 10 May 2021 (Attachment 1).

The letter relates to Item 18.3 on the this evenings business paper and Aqualand's interest in entering into a Planning Agreement involving the dedication of the site at 688-692 Pacific Highway to the Department of Education / Schools Infrastructure NSW for expansion of the adjoining Chatswood Public School.

The agreement would be subject to additional floor space being achieved for the site 629-639 Pacific Highway commensurate with that foregone on the dedicated site. The letter concludes by stating that their design and development team would welcome a workshop with Council Officers prior to lodging a Planning Proposal.

Council Officers met with representatives of Aqualand in respect to this proposal in January 2021. Officers expressed concern with the principle of transferring floor space. The *Chatswood CBD Planning and Urban Design Strategy* as adopted by Council established appropriate height and scale for development in the B4 Mixed Use zone with 629-639 Pacific Highway enabling up to 6:1 FSR and 90 metre height. The provision of additional floor space on this site would result in development of a greater bulk and scale contrary to that envisaged by the Strategy.

If the total floor space currently permissible at 688-692 Pacific Highway (3.7:1 FSR) was to be transferred to 629-639 Pacific Highway a total FSR of 9.7:1 would be achievable. Even if provided within the 90 metre height control such development is unlikely to achieve other objectives of the Strategy such as slender towers, appropriate setbacks and reasonable open space and landscaped areas. Even if only a partial amount of floor space was transferred it would still result in development contrary to the Strategic direction.

Should Aqualand wish to pursue a Planning Proposal a formal Pre-Planning Proposal meeting is recommended however, unless significant convincing arguments are provided advice is unlikely to differ from that already provided.

MEMO

ATTACHMENT 1



10 May 2021

The Mayor and Chief Executive Officer
 Willoughby City Council
 Level 4, 31 Victor Street
 CHATSWOOD NSW 2067

Dear Mayor Giles-Gidney and Ms Just

RE: **VOLUNTARY PLANNING AGREEMENT (VPA) OFFER**
629-639 PACIFIC HIGHWAY AND 688-692 PACIFIC HIGHWAY, CHATSWOOD

I refer to our previous discussions in relation to two sites owned by Aqualand Group within the City of Willoughby, being 629-639 Pacific Highway and 688-692 Pacific Highway. These sites provide a unique opportunity to achieve an outcome for the adjoining Chatswood Public School; to increase its land area and improve the future development of the School at no cost to the City of Willoughby or to Schools Infrastructure NSW (SINSW).

I note that this proposal has been discussed with senior representatives of SINSW who support Aqualand discussing our proposal with you.

This letter also seeks to put forward and clarify Aqualand’s position in relation to the Questions With Notice (Item 18.3) in the Ordinary Meeting of Council 10 May 2021 which was brought to our attention last Friday 7 May 2021 by local residents.

This opportunity is summarised in this Planning Agreement letter of offer (the Offer) as detailed below:

PARTIES TO THE AGREEMENT	<ul style="list-style-type: none"> • Willoughby City Council • Schools Infrastructure NSW • Aqualand Group
LAND	<p>Site 1: 688-692 Pacific Hwy, Chatswood (Donor Site) To be dedicated to the Department of Education via agreement with SINSW</p> <p>Site 2: 629-639 Pacific Hwy, Chatswood (Recipient Site) Compensation in GFA commensurate with what was foregone by the dedication of 688-692 Pacific Hwy</p>

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MEMO



<p>RELATED PLANNING PROPOSAL</p>	<p>The Offer will be supported by an amended Planning Proposal on the Recipient Site, proposing a shop-top housing project generally consistent with Willoughby Council’s adopted CBD Strategy by ensuring the proposed development on the Recipient Site is appropriate and achieves design excellence (the Aqualand Planning Proposal).</p>
<p>PUBLIC PURPOSE/ PUBLIC BENEFIT</p>	<p>The concurrent Aqualand Planning Proposal and associated VPA timeframes/process enables transparent and public consideration of this Offer. This involves independent approvals by State and Local Government ensuring due process and public benefits.</p> <p>The Offer provides for:</p> <ul style="list-style-type: none"> • Additional 1,142m² of open space or inclusion within school development for a superior layout and additional play space meeting students needs. • The school layout to be more efficiently redesigned by relocating the proposed School hall onto the 688-692 Pacific Hwy site and thereby facilitating its future use by the community. • Connectivity to 1,600m² + of public park, which (STCA) could be used by the school during their hours, similar to existing arrangements on foot in the LGA with Northbridge, Artarmon and Willoughby Girls schools.

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MEMO



	<ul style="list-style-type: none"> • An opportunity for increased height of the proposed School hall, which may increase flexibility in its use or an opportunity for additional floor space for other educational/community uses within the 18m height limit. • An opportunity for retention of mature trees (which would otherwise be removed to make way for the Proposed School hall in its current location) and additional curtilage to the school’s heritage building. • An opportunity for improved solar access, privacy and amenity within the school grounds. • An opportunity for a quality, safe and generous school pedestrian entrance from the Pacific Highway. • A staging area for development of the school site. • Continuation of the SSD application (SSDA) for the school which proposed community access to the hall. It is envisaged that this arrangement would be maintained under this proposal. • Confirmation that the resultant development at 629-639 Pacific Highway will meet the design excellence requirements of the Willoughby Council’s adopted CBD Strategy. • Confirmation of the timing opportunity based on the school’s redevelopment program. • Removal of a zoning anomaly that will result in a better zoning arrangement where a school abuts a park. • Meets historic community demands for the site to consolidated with the school and this method is financially responsible without burdening the Department of Education and State Government.
<p>GFA COMPENSATION</p>	<p>The compensatory floor space calculation is based on the permissible Floor Space Ratio / Gross Floor Area Calculation pertaining to the Donor site for which Aqualand is proposing to forego by dedicating the Donor site to SINSW.</p> <p>This calculation is as follows:</p> <p style="text-align: center;">Compensatory GFA = Site area x permissible FSR</p> <p style="text-align: center;">= 1,142 m² x 3.7:1</p> <p style="text-align: center;">= 4,225 m² GFA</p> <p>Alternatively, we propose that the land dedication could be in lieu of S7.11 or S7.12 contributions.</p>

The primary aim of this offer is to enable additional land for the school with tangible community benefits.

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MEMO



In this regard, our design and development team including FJMT Architects, Oculus Landscape Architects, Urbis and Elton Consulting would welcome a workshop with Council Officers prior to submitting the Aqualand Planning Proposal at 629-639 Pacific Highway, Chatswood and formalising this offer.

Your faithfully

A handwritten signature in black ink, appearing to read "John Carfi".

John Carfi
CEO Aqualand Group

cc: Ward Councillors:

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BARANGAROO NSW 2000

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16.9 NOTICE OF MOTION 25/2021 - ARTARMON VILLAGE

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CHRIS BINNS - DESIGN, CONSTRUCTION & MAINTENANCE GROUP MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

1. PURPOSE OF REPORT

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

2. MOTION

That Council staff bring back a report addressing the following suggestions from the Artarmon Village.

- 1. How Council can implement and enforce a consistent style, colouring and lighting for the facades of the shops between Jersey Road and Francis Road, that is complementary to the heritage value of this strip. This should include consideration of whether Council could, or should, include this in its planning controls or similar instruments.**
- 2. The viability of the conversion of the Artarmon Green (east side of Hampden Road, north of the railway exit) into an open space that could host music performances, farmers markets, pop-up shops, etc.**
- 3. What steps would need to be taken and if there are significant obstacles to closing Broughton Road at Hampden Road, to link the two blocks of shops. This area could be used to link the two blocks, which anecdotally would improve pedestrian safety as well as creating a space for alfresco dining and similar. The report should also consider whether the street could be closed during particular hours or days, for example outside of peak traffic periods or on weekends.**
- 4. How Council can increase the parking spaces that are available at the Hampden Road shopping strip, and in particular if there are any short-term strategies that might see the placement of the five car parking spaces that were lost in the recent upgrades, while longer-term strategies are investigated.**

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

The Artarmon Village, the local Artarmon chamber of commerce, has raised the above issues and noting the imminent upgrade to the Hampden Road strip. I believe it would be advantageous to the local business, local residents and ultimately Council to investigate these issues as soon as possible.

4. OFFICER'S RECOMMENDATION

That the Notice of Motion and the response by officers be noted.

5. OFFICER'S COMMENTS

The Artarmon Village upgrade is the largest streetscape and business activation project undertaken by Council since the Victoria Street Mall in Chatswood, and Council understands and appreciates how important it is to local businesses and the community of Artarmon.

The extent of consultation and community involvement undertaken to date reflects the important role the local businesses and local community play. The renewal and activation of local centres like Artarmon are key in delivering Council's *Community Strategic Plan: Our Future Willoughby 2028*. Council officers will continue to engage with a range of stakeholders including Artarmon Village Inc. and the Artarmon Progress Association throughout the design and construction phases of each project stage.

Council has allocated \$3.0M to Stages 1 and 2 of the *Artarmon Local Centre Public Domain Masterplan*. Council is also eligible for additional State Government stimulus funding of up to \$4.75M, subject to meeting a range of planning assessment targets set by the NSW Department of Planning, Industry and Environment (DPIE).

Council staff understand we are likely to get confirmation of any available grant funding in early September 2021. If the grant is successful, it will be a significant contribution toward the development of Stage 3 works on the western side of Hampden Road, and may enable an opportunity to revisit the staging of the proposed works. The acceleration of increased pedestrian and outdoor dining areas along the retail frontage would be an ideal early outcome which was otherwise unaffordable.

A number of specific questions are raised in the Notice of Motion. Itemised responses are offered below for Council's consideration.

1. How Council can implement and enforce a consistent style, colouring and lighting for the facades of the shops between Jersey Road and Francis Road, that is complementary to the heritage value of this strip. This should include consideration of whether Council could, or should, include this in its planning controls or similar instruments.

The opportunity to require and enforce painting and lighting to facades could only occur within the context of a development application. The draft Development Control Plan, endorsed by Council for exhibition provides a place based approach for local centre controls including the Artarmon Local Centre based on the Local Centres Strategy work previously undertaken.

These controls, however do not include the level of detail of colour and lighting. Existing and proposed heritage controls within the DCP seek to ensure such detail reflects the heritage character of the area and any development application lodged would include requirements relating to colours and finishes. In the absence of a Development Application changes can only occur with the cooperation of the owners.

A more appropriate approach may be for the business community to work together, with advice and guidance from Council to achieve the desired outcome.

2. The viability of the conversion of the Artarmon Green (east side of Hampden Road, north of the railway exit) into an open space that could host music performances, farmers markets, pop-up shops, etc.

Discussion with Artarmon Village Inc. to date advises the planned 'Village Green' space in the adopted Artarmon Local Centre Public Domain Masterplan will be a versatile and flexible space, suitable for a range of community uses and events or for use as passive open space. It was agreed the space will include three-phase power supply point for markets, performances and alike, and may be integrated within lighting poles.

Any event specific needs, including structures, stalls, stages, audio and lighting should be considered temporary and tailored for each event and would likely be provided by event organisers prior to establishing agreements with Council for use of the space. It is noted that the area is limited in width by the boundary of steep and inaccessible land owned by Sydney Trains.

3. What steps would need to be taken and if there are significant obstacles to closing Broughton Road at Hampden Road, to link the two blocks of shops. This area could be used to link the two blocks, which anecdotally would improve pedestrian safety as well as creating a space for alfresco dining and similar. The report should also consider whether the street could be closed during particular hours or days, for example outside of peak traffic periods or on weekends.

Council's prior consultation and adoption of the *Local Centres Strategy and Artarmon Local Centre Public Domain Masterplan* did not propose or endorse the closure of Broughton Road. Further, negotiations with Transport for NSW on the relocation of the crossing, a new signalled intersection and changes to traffic flows, configurations and facilities did not propose or endorse the closure of Broughton Road.

The *Artarmon Local Centre Public Domain Masterplan* is based on a holistic traffic planning approach, not just for Hampden Road, but for the 'flow-on' effect of all traffic movement in streets surrounding and through the Artarmon Local Centre precinct. The adopted Masterplan drives a reduction in town centre vehicle movements and speed in order to improve pedestrian safety. The precinct-wide approach also installs traffic calming infrastructure and road narrowing necessary for Transport for NSW to enable its designation as a High Pedestrian Activity area with a 40kmh speed limit. This calming of the Artarmon Local Centre will enable a unique village atmosphere with a focus on people rather than cars.

The relatively steep grades of Broughton Road, leading to its intersection with Hampden Road, do not easily lend themselves to conversion into pedestrianised outdoor dining areas. Substantial levelling, terracing, walling and fall prevention compliance would be required. That does not however negate opportunities for considering temporary or timed closures using suitable barriers, decking platforms lighting etc. Traffic Committee consideration of temporary timed closures, including suitable 'pop-up or Parklet' designs and their timing is an option after completion of the proposed streetscape works.

The permanent closure of Broughton Road would require a revisit of all traffic studies and planning strategies developed to date and in doing so seek a new urban design, traffic management and streetscape masterplan for Council's adoption. Traffic design and modelling has framed the adopted *Artarmon Local Centre Public Domain Masterplan* and traffic arrangements which, in principle, have been adopted by Transport for NSW over an extensive period. Any changes would require new approvals and the recommencement of traffic studies, modelling and design work.

Council is currently awaiting and hoping for the possible announcement of up to \$4.75M in State Government funding for further stages of the adopted the *Artarmon Local Centre Public Domain Masterplan*. Any major changes to the direction of the adopted Masterplan would require renegotiation of Council's submission which is based on approved planning controls, traffic management, masterplans and streetscape design work to date. Redesign, new community consultation and revised approvals would jeopardise funding access and make achievement of very tightly mandated grant funding timelines impossible.

4. How Council can increase the parking spaces that are available at the Hampden Road shopping strip, and in particular if there are any short-term strategies that might see the placement of the five car parking spaces that were lost in the recent upgrades, while longer-term strategies are investigated.

Minimising the loss of business related parking in the Artarmon Local Centre has been a focus. Kerb-side parking space in Artarmon however, is limited. Of balanced importance, is a need to reclaim the Artarmon Village as a human domain rather than a vehicular thoroughfare. Council strives to achieve a balance between road based dominance for vehicle access and a destination village where locals and visitors feel comfortable and wish to spend both time and money. Wherever possible Council has sought to balance both needs.

A local village with safe pedestrian access and a community feel is now supported by the traffic infrastructure which will allow its designation as a 40kmh speed limit. It is acknowledged several parking spaces have been lost, but customer attraction to the village has been enhanced, and the proposed design represents a balance of these elements.

The connection of the Artarmon Local Centre into a broader active transport network including new cycling and pedestrian paths offers a healthy alternative mode of transport for visitors to the local centre.

The inclusion of additional 45-degree parking on the eastern side of Hampden Road was requested by Artarmon Village Inc. and investigated by Council officers. 45-degree parking is not viable due to limited carriageway widths, shared path alignments and the loss of established heritage trees and parkland. Parallel parking as proposed will be retained along Hampden Road.

17 CONFIDENTIAL MATTERS**17.1 CONFIDENTIAL - LEGAL MATTERS REPORT - SEPTEMBER 2021**

ATTACHMENTS:	1. IMPLICATIONS 2. LEGAL MATTERS REPORT (CONFIDENTIAL)
RESPONSIBLE OFFICER:	LAURA KENDALL – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

REASON FOR CONFIDENTIALITY

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

This report provides Councillors with information that assists them to understand the status of current legal matters. The release of this information would provide person(s) with whom Council conducts business or parties that are 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 that, if disclosed, would compromise Council's legal prospects.

**17.2 CONFIDENTIAL - PUBLIC EXHIBITION OF PLANNING AGREEMENTS
RELATING TO PLANNING PROPOSALS AT 3-5 HELP STREET AND 58
ANDERSON STREET CHATSWOOD**

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT PLANNING AGREEMENT (3-5 HELP ST) - DATED AUGUST 2021 3. DRAFT PLANNING AGREEMENT (58 ANDERSON ST) - DATED AUGUST 2021
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:	13 SEPTEMBER 2021

REASON FOR CONFIDENTIALITY

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

This report provides Councillors with information of two Planning Agreements that Council has prepared to enter into. Deeds as such are commercial in confidence. On balance, it is not to be made public until Councillors support the content of the legal documents and endorse the public exhibition of the subject Planning Agreements.

**17.3 CONFIDENTIAL - REMNANT PORTION OF SCOTT STREET WILLOUGHBY
(ADJACENT MIRVAC SITE)**

ATTACHMENTS:	1. IMPLICATIONS 2. FIRST VALUATION COLLIERS 18 SEPTEMBER 2020 3. SECOND VALUATION JONES LANG LASALLE 26 FEBRUARY 2021
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CRAIG O'BRIEN – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

REASON FOR CONFIDENTIALITY

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

This report provides Councillors with information that discusses valuations and negotiation regarding the potential sale of the remnant portion of Scott Street, Willoughby. On balance, it is not in the public interest to release information that, if disclosed, would confer a commercial advantage on a person(s) with whom Council is conducting business.

17.4 CONFIDENTIAL - 24 ENDEAVOUR STREET, CHATSWOOD - FITNESS FIRST LEASE

ATTACHMENTS:	1. IMPLICATIONS 2. LOCATION MAP
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	TERENCE CARROLL – STRATEGIC PROPERTY SPECIALIST
CITY STRATEGY OUTCOME:	3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE 4.4 – DIVERSIFY OUR ECONOMY INCLUDING INNOVATIVE AND CREATIVE INDUSTRIES
MEETING DATE:	13 SEPTEMBER 2021

REASON FOR CONFIDENTIALITY

This report is **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 report is confidential as disclosure of information in it could put Council at a commercial disadvantage in its future dealings with Council's tenants and would also make public commercially confidential information pertaining to the tenancies.

17.5 CONFIDENTIAL - PROPERTY LEASE PORTFOLIO

ATTACHMENTS:	1. IMPLICATIONS 2. ARREARS REPORT 3. TENANCIES LOCATION PLANS
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	TERENCE CARROLL – STRATEGIC PROPERTY SPECIALIST
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

REASON FOR CONFIDENTIALITY

This report is **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 report is confidential as disclosure of information in it could put Council at a commercial disadvantage in its future dealings with Council's tenants and would also make public commercially confidential information pertaining to the tenancies.

**17.6 CONFIDENTIAL - NOTICE OF MOTION 20/2021 POSTPONE THE
PLANNED UPGRADES OF CASTLE COVE OVAL AND O.H REID OVAL**

RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD – OPEN SPACE CO-ORDINATOR
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	13 SEPTEMBER 2021

REASON FOR CONFIDENTIALITY

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

The report provides Councillors with information that assist them to understand that there are potentially financial and legal implications to the deferment of the approved sportsground upgrades at O.H Reid Reserve and Castle Cove Park. The release of this information would enable the contractor to understand that it has a potential claim for damages against Council as a result of deferring the contract. On balance it is not in the public interest to disclose information that could prejudice Council's financial and legal position.

18 QUESTIONS WITH NOTICE**18.1 QUESTION WITH NOTICE 14/2021 - IMPROVE AIR QUALITY AND VENTILATION FROM COUNCILLOR SAVILLE**

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

During the pandemic, there is an emerging discussion regarding the importance of building design, cross ventilation, indoor air quality, occupational hygiene, green space etc. Indeed, some of the most rapid COVID transmission episodes have occurred in high-density residential buildings (e.g. Southbank, Docklands, Vic., multi-unit residential in SW Sydney), and in poorly ventilated spaces etc.

QUESTION

- 1. In terms of Council planning where there has been emphasis on increasing density, what is the potential for council to investigate further planning strategies to respond to the pandemic?**

Council's planning strategies, which have been endorsed by Council were prepared prior to the pandemic and form the basis of the draft *Local Environmental Plan* and draft *Development Control Plan* provisions that have also been endorsed by Council for exhibition. There is a general consensus that the longer term planning consequences of the pandemic are, as yet unknown. As further information becomes available planning strategies moving forward will be reviewed accordingly. Exhibition of the draft *Local Environmental Plan* and draft *Development Control Plan* may also raise this issue. All submissions received during exhibition will be collated and assessed and reported back to Council prior to adoption of the final documents.

- 2. With regards to indoor air quality in residential and commercial buildings, can council develop stronger, evidence based guidelines and policies to improve cross ventilation, filtration and indoor air quality generally, including in common areas, lifts etc? (e.g. Belgium has introduced stricter indoor air quality, filtration and ventilation guidelines since the pandemic).**

Australia does not currently have specific controls on indoor air quality. However, the regulation for ventilation of buildings in NSW is controlled by the *Building Code of Australia* (BCA). The BCA provides that buildings intended for residential occupation must have windows and other openings covering at least 10% of the floor space for ventilation purposes. Furthermore, if mechanical ventilation is to be used ventilation systems must comply with *AS 1668.2 Mechanical Ventilation for Acceptable Indoor Air Quality*.

Council adopted revisions to the sustainable section of the *Willoughby Development Control Plan* (WDCP) in May 2020. Whilst Council is not able to impose requirements on residential development which exceed *State Environmental Planning Policy (BASIX)* the WDCP encourages development to achieve higher sustainability standards. This includes seeking to achieve best practice design principles as outlined and, for certain development a four or five star green star rating.

3. Given the increasing demand for local passive and active recreation, and public open space during the pandemic, what is the potential for council to provide more quality, improved open space?

Council's *Local Strategic Planning Statement*, *Our Green City Plan* and draft *Resilience Plan* incorporate objectives and provisions which seek to improve green links and canopy cover throughout the city by the provision of linear parks, increased tree planting and improved pedestrian and cycle networks.

Due to cost of land and limited resources for acquisition, Council's adopted *Open Space and Recreation Plan* seeks to optimise the use of existing open space. Local Infrastructure Contributions and negotiated Planning Agreements contribute to improving the quality of existing open space and recreation facilities and, where possible increase open space provision.

There is no evidence of inadequate access to current open spaces during the pandemic.

4. Could Council consider quantifying:

- i. **Maximum number of dwellings per building?**
- ii. **Maximum number of units/dwellings using the same lift?**
- iii. **Number of restaurants permitted in food courts etc?**
- iv. **Number of public toilets in any given area (e.g shopping centres) and ventilation required?**

The number of dwellings within a building is primarily determined by the permissible floor space. Under the adopted *Chatswood CBD Planning and Urban Design Strategy 2036* a maximum floorplate of 700m² is proposed limiting the number of dwellings achievable per floor. The number of lifts provided in a development is determined by the BCA based on the use/classification of the building and number of storeys.

The scale of shopping centres and other premises and the relevant regulations applying to food premises will determine the number of food premises achievable in any one development. Under the BCA any such premises are required to ensure circulation and exits are provided to satisfy fire egress standards.

The BCA also specifies the minimum number of toilets required to be provided in premises for workers and visitors. Ventilation requirements are as indicated in 2 above.

5. Does council monitor air quality in our public buildings? (Libraries, community meeting rooms etc)? If so, how frequently? Could that be improved if/when permitted to re-open?

Council mechanical services maintenance contractors are required to ensure the systems comply with AS 1668.2 **Mechanical Ventilation for Acceptable Indoor Air Quality**. Air quality monitoring generally relates to the levels of carbon dioxide and carbon monoxide, petro chemicals and ozone in the atmosphere and would not detect airborne viruses.

18.2 QUESTION WITH NOTICE 15/2021 - ARTARMON BOWLING CLUB FROM COUNCILLOR SAVILLE
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RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY, CULTURE & LEISURE DIRECTORATE
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	13 SEPTEMBER 2021

QUESTION

1. **Council has engaged a number of consultants, thus far, what has been the cost of each of the consultant's report?**

The former Artarmon Bowling Club came into Council's ownership in 2015. Council's deliberations regarding the future use of the building has been through a number of community engagement, design, DA and heritage processes in the ensuing 6 years.

Council commissioned a number of consultants reports at each stage of decision making process. These reports were required to undertake due diligence, assist Council to make an informed decision on the future use of the building, to respond to community feedback and to satisfy planning and heritage requirements associated with DA approvals issued for the building in 2019 and 2021.

Due Diligence.

On purchasing the former Clubhouse, a number of due diligence reports were required to establish the condition of the asset and the compliance of the building with the Building Code of Australia (BCA) and access requirements. Council's Property Unit commissioned three due diligence reports in 2016 (Figure 1).

Figure 1 – Post Purchase Due Diligence Reports.

Vendor	Report	Date	Cost (ex GST)
BCA Logic	Building code of Australia and access audit report	23-Jun-16	3,650
Hibbs and Associates	Hazardous Materials Survey - 2016	9-Jun-16	3,060
OPAL Dilapidations	Lifecycle Condition Report - Artarmon Bowling Club	13-Apr-16	5,636
Total - Post Purchase Due Diligence Reports			\$12,346

Reports of the type detailed in Figure 1 are required prior to a purchased property asset becoming operational. These reports assist the Property Unit to ensure WHS and public safety meet the various Codes, to inform strategic asset management, establish building maintenance budgets and satisfy insurance obligations.

On receipt of due diligence reports, Council completed minor works to the building, prior to the building becoming operational, in order to satisfy compliance requirements and improve public safety.

Future use of the clubhouse and grounds

Council ran a number of community consultation processes regarding the future use of the former Clubhouse and surrounding grounds during 2017. In 2017, Council approved the Artarmon Parklands Project to develop the former Bowling Club grounds as parklands and to incorporate the management of the Parklands with Artarmon Reserve. At this point, a decision of the future use of the former Clubhouse was not reached and Council requested further information on the suitability of the location of the Artarmon Bowling Club building as a community facility.

Further reports were provided to Council in 2018 and 2019 relating the suitability of the Clubhouse as a community facility and the availability of other community facilities in Artarmon.

DA-2019/254 – Demolition and redevelopment as a community pavilion

On 24 June 2019, Council endorsed the demolition of the former Clubhouse and the development of the site as a community pavilion. Council also requested at this meeting that a DA process for the community facilities at 139 Artarmon Rd and Artarmon Kids Cottage be instigated with the intention to increase the community facilities available to the Artarmon community. These DA processes were completed in 2020.

The Willoughby Local Planning Panel approved DA 2019/254 for demolition of the former Clubhouse on 29 October 2019. The DA required a number consultant reports prior to lodgement. There were also reports required as a response to the conditions of consent relating to design and heritage considerations (Figure 2).

Figure 2 - Consultants Reports DA-2019/254

Vendor	Report	Date Paid	Cost (ex GST)
DA Reports			
EI Australia	Hazardous Materials Survey - 2019	12-Sep-19	1,980
Artefact Heritage Services Pty Ltd	Heritage Impact Statement - 2019	25-Oct-19	5,895
	Photographic archival recording	20-Feb-20	6,540
	Salvage Schedule	20-Feb-20	5,476
	Attendance at Willoughby Local Planning Panel	20-Feb-20	2,000
Post DA – as a requirement to lodge plans for the new facility			
Artefact Heritage Services Pty Ltd	Heritage interpretive study	20-Feb-20	5,080
	Archaeological assessment	20-Feb-20	1,960
	Comparative analysis & additional historical background	20-Feb-20	5,020
	Heritage advice - Artarmon Bowling Club development	28-May-20	14,098
Gardner Wetherill, Fuse and Sarm Architects	Design Excellence Panel	23-Jul-20	5,400
Total - DA for Demolition			\$53,449

Local Heritage Nomination

In 2020, an application for listing of the former Clubhouse as a local heritage item was received by Council. Consultants' reports were required to assess the application and provide a peer review of previous heritage advice. (Figure 3).

Figure 3 - Consultants Reports Local Heritage Nomination

Vendor	Report	Date Paid	Cost (ex GST)
Architectural Projects	Peer Review – Artefact	3-Dec-20	5,500
	Heritage Interpretation Strategy	29-Mar-21	2,200
Total Local Heritage Nomination			\$7,700

Design for Adaptive re- use of the Clubhouse

Following the DA approval for demolition of the former Clubhouse, Council undertook further community engagement in relation to the design brief for the proposed Pavilion project. As a result of community feedback, Council elected to design the pavilion as an adaptive re-use of the former clubhouse as opposed to demolishing the Clubhouse building and replacing it with a new structure.

On 9 November 2020, The Council granted owners consent for the lodgement of DA 2021/5, based on the adaptive reuse design. The reports associated with DA 2021/5 are provided in Figure 4.

Figure 4 - Consultants Reports DA 2021/5

Vendor	Report	Date Paid	Cost (ex GST)
SJB Architects	DA Drawings (DA 2019.254 & DA 2021/5)	Ongoing	75,370
Craig & Rhodes	Cadastral Survey/3D Modelling/Services Locating	1-Nov-20	14,623
Altus Group	Quantity Surveyor	1-Nov-20	13,500
Joshua Consulting Engineers	Structural Assessment Report	30-Aug-21	4,235
Architectural Projects	Peer Review – DA	1-Jun-21	4,400
	Archival Report (Hazardous Material removal)	28-Aug-21	2,189
	Hazardous Removal Advice	5-Sep-21	1,210
Total DA 2021/5			\$115,527

2. What has been the total expenditure on consultants' reports for the ABC?

The total expenditure on consultants' reports for the former Artarmon Bowling Clubhouse \$189,002 (Figure 5) span the initial due diligence processes, two DA's, post DA requirements and a local heritage nomination.

Figure 5 – Summary of Consultant Reports

Phase	Cost
Post purchase due diligence reports	12,436
DA – Demolition	53,449
Local Heritage Nomination	7,700
DA 2021/5	115,527
Total	\$189,022

3. What has been the cost of building plans and DA's?

The cost of Architectural Services for DA 2021/5 is \$75,370, which is the cost of schematic and DA drawings by SJB Architects. Future design costs will be associated with the completion of construction drawings.

There have been two DA processes associated with this project, with breakdown costs provided in Figure 2 and Figure 4, for a total of \$168,976. This amount is higher than what may be considered typical for a project of this type and scale. The higher costs are attributable to:

- Changes to the design brief which necessitated a second design process (from total demolition and rebuild to adaptive re-use)
- Two DA processes (demolition and rebuild, adaptive re-use)
- The volume of heritage advice that has been requested by the community
- DA conditions including a design review processes and various heritage reports
- Challenges from the community regarding heritage advice, resulting in a number of peer review processes
- Three heritage nominations on the building at the local, state and national level.

4. How many square metres of asbestos sheeting were/are in process of being removed?

165m²

5. What has been the cost for asbestos removal?

The cost of asbestos removal is \$20,700.

6. What has been cost of removal of lead paint?

The cost of the removal of lead paint is \$14,700.

The total engagement fee for hazardous materials removal is \$57,600 (inclusive of the removal of asbestos and lead paint), as well as fencing, scaffolding, site coordination, traffic control, air monitoring and clearance certificate. The costs increased due to the recent Public Health Orders and delaying the commencement of works until Council considered the Notice of Motion tabled at the 2 August 2021 Council meeting.

7. Has council received any grant funding for any of the above costs?

Council submitted a proposal to fund the construction under the Commonwealth Local Road and Community Infrastructure funding in November 2020, however this submission was not successful.

Council has not received any other grant funding relating the above costs.

19 CONCLUSION OF THE MEETING
