



# **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 15 June 2021  
commencing at 7:00pm

The meeting is open to the Public

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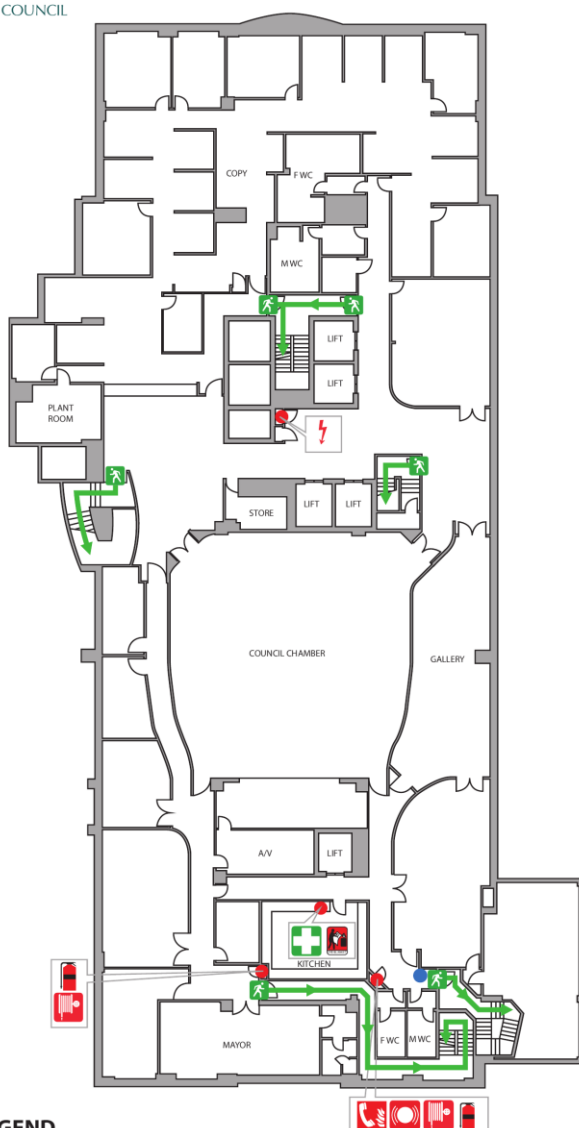
# WILLOUGHBY CITY COUNCIL

## Level 6 Floor Plan



### EVACUATION DIAGRAM

### COUNCIL CHAMBERS



#### 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



**Dial 000 for all emergency services**

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

#### IN THE EVENT OF AN EMERGENCY

**R**emove any person from danger  
**A**lert staff and others  
**C**onfine smoke/fire and close doors  
**E**xtinguish 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.

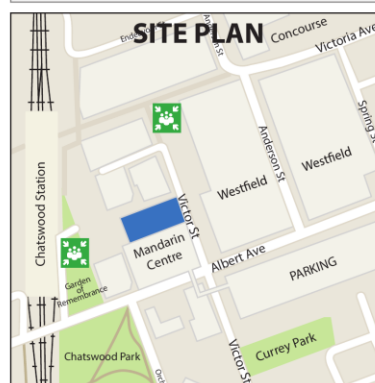
**EVACUATE** WOOP..WOOP..WOOP.

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**



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

NOT DRAWN TO SCALE



# COUNCIL CHAMBERS

GOVERNANCE MEETING ADMINISTRATION OFFICER	GOVERNANCE TEAM LEADER	GOVERNANCE, RISK & CORPORATE PLANNING MANAGER	MAYOR	CHIEF EXECUTIVE OFFICER
P Sheldrake	S Williams	S Charlton	Clr G Giles-Gidney	D Just

Clr S Coppock	N A R E M B U R N	M I D D L E  H A R B O U R	Clr Rozos	Council Staff
Clr C Tuon			Clr W Norton	
Clr N Wright			Clr J Rutherford	
Clr D Fernandez	S A I L O R S  B A Y	W E S T	Clr T Mustaca	
Clr B Zhu			Clr L Saville	
Clr H Eriksson			Clr C Campbell Deputy Mayor	



## 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 10 May 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**

### **5.1 PETITION - THE PLANNING PROPOSAL AT 58 ANDERSON STREET, CHATSWOOD (2018/001)**

<b>RESPONSIBLE OFFICER:</b>	<b>LAURA KENDALL – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SHERRYN WILLIAMS - GOVERNANCE TEAM LEADER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

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#### **1. PURPOSE OF REPORT**

To table the petition regarding the Planning Proposal at 58 Anderson Street, Chatswood (2018/001).

#### **2. OFFICER'S RECOMMENDATION**

**That Council note the petition regarding the Planning Proposal at 58 Anderson Street, Chatswood (2018/001) and refer the matter to the Planning and Infrastructure Director.**

#### **3. BACKGROUND**

The *Petitions Policy* requires petitions received to be presented to the next available Council meeting.

#### **4. DISCUSSION**

The petition of 36 signatories has been submitted by Tony and Anita Mason and Lawrence and Cecilia Lam which is seeking for Council to reject the Planning Proposal at 58 Anderson Street, Chatswood.

A copy of the petition has been distributed to Councillors.

Members of the public may inspect a copy of the petition at Council offices.

#### **5. CONCLUSION**

The petition is presented for noting by Council.

**5.2 PETITION - REAR ACCESS TO HEADLAND ROAD VIA PINDARI AVENUE  
CASTLE COVE**

<b>RESPONSIBLE OFFICER:</b>	<b>LAURA KENDALL – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SHERRYN WILLIAMS - GOVERNANCE TEAM LEADER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

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**1. PURPOSE OF REPORT**

To table the petition regarding the condition of the road surface at the rear access to Headland Road via Pindari Avenue, Castle Cove.

**2. OFFICER'S RECOMMENDATION**

**That Council note the petition regarding the condition of the road surface at the rear access to Headland Road via Pindari Avenue, Castle Cove and refer the matter to the Planning and Infrastructure Director.**

**3. BACKGROUND**

The *Petitions Policy* requires petitions received to be presented to the next available Council meeting.

**4. DISCUSSION**

The petition of 10 signatories has been submitted by Lily and John Wang who are petitioning Council to resurface the private road due to wear and tear caused by traffic using this lane way.

A copy of the petition has been distributed to Councillors.

Members of the public may inspect a copy of the petition at Council offices.

**5. CONCLUSION**

The petition is presented for noting by Council.

**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****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 - NATURAL HERITAGE AND BUSHLAND ADVISORY COMMITTEE MEETING HELD 3 DECEMBER 2020

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – NATURAL HERITAGE AND BUSHLAND ADVISORY COMMITTEE – 3 DECEMBER 2020
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NICHOLAS YU – NATURAL ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	15 JUNE 2021

#### 1. PURPOSE OF REPORT

To present to Council the Minutes of the Natural Heritage and Bushland Advisory Committee (the Committee) meeting held on 3 December 2020.

#### 2. OFFICER'S RECOMMENDATION

**That Council receive and note the minutes of the meeting of the Natural Heritage and Bushland Advisory Committee held on 3 December 2020.**

#### 3. BACKGROUND

The purpose of the Committee is to advise Council on all matters pertaining to the management and sustainability of natural heritage in the City of Willoughby, including the implementation of the *Urban Bushland Plan of Management 2014*. The Committee considers reports and plans from Council Officers and also makes recommendations to Council Officers. The deliberations of the Committee are recorded in the minutes (refer **Attachment 2**).

The minutes held on 3 December 2020, were ratified by the Committee members prior to being received by Council.

#### 4. DISCUSSION

Key elements covered in the minutes of the Committee meeting held on 3 December 2020, included discussion on the Terms of Reference, the Reserve Action Plans for Willis Park and North Arm Reserve, the Urban Bushland Plan of Management, Griffin Reserves Plan of Management, Council's draft Light Pollution Policy, the Superb Lyrebird at Watergate Reserve and the Wildlife Storybook 2020.

#### 5. CONCLUSION

That Council receive and note the minutes of the meeting of the Natural Heritage and Bushland Advisory Committee held on 3 December 2020.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	1.3 – Enhance, protect and respect waterways, bushland, nature, wildlife
<b>Business Plan Objectives, Outcomes/ Services</b>	Assist in the implementation of the Reserve Action Plans as required by the Urban Bushland Plan of Management 2014.
<b>Policy</b>	Urban Bushland Plan of Management 2014.
<b>Consultation</b>	The minutes were endorsed by the Natural Heritage and Bushland Advisory Committee at their meeting of 6 May 2021.
<b>Resource</b>	Works can be undertaken within Council's present staff and contract resourcing.
<b>Risk</b>	No specific risks are generated by the Minutes of the <i>Natural Heritage and Bushland Advisory Committee meeting held on 3 December 2020</i> .
<b>Legal</b>	There are no legal implications arising from the <i>Natural Heritage and Bushland Advisory Committee meeting held on 3 December 2020</i> .
<b>Legislation</b>	Adoption of the <i>Natural Heritage and Bushland Advisory Committee meeting held on 3 December 2020</i> is in accordance with all relevant legislation.
<b>Budget/Financial</b>	There are no additional costs to the recurrent budget or e.restore levy for this work plan.

## ATTACHMENT 2



## MINUTES OF MEETING

**MEETING NAME:** Natural Heritage and Bushland Advisory Committee  
**LOCATION HELD:** WCC Depot, 25-27 Gibbes St, Chatswood  
**MEETING CHAIR:** Councillor Lynne Saville and Councillor Wendy Norton (after Councillor Saville left the meeting at 7.30pm)  
**DATE OF MEETING:** Thursday, 3 December 2020  
**TIME OF MEETING:** 6.00pm

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**1. ACKNOWLEDGEMENT OF COUNTRY****2. PRESENT**

Councillor Lynne Saville (Chair), Councillor Wendy Norton (Chair, when Lynne Saville left prior to meeting close), Kevin Mathers, Ed Coates, Lorraine Cairnes.

**3. APOLOGIES**

Councillor Denis Fernandez, Gay Spies, Ross Wellings, Mayor Gail Giles-Gidney.

**4. OFFICERS IN ATTENDANCE**

Alfred Bernhard – Bushland Team Leader, Nicholas Yu – Natural Assets Officer

**5. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**6. ACCEPTANCE OF THE PREVIOUS MINUTES**

There were no amendments to the Minutes for 6 February 2020. The Minutes for 6 February 2020 were adopted at the meeting held on 3 December 2020 at the Depot.

**7. BUSINESS ARISING FROM THE MINUTES****7.1 New Draft Minutes Format**

Clr Norton informed the committee of a procedure in regards to minutes, as follows:

1. Minutes are drafted and sent to the Chair for approval
2. Minutes are to be amended with any comments / recommendations made by the Chair
3. A memo with the draft minutes is to be prepared and sent to Councillors via the ELT email

4. The draft minutes are to be adopted by the committee at their next meeting
5. The adopted minutes are reported to Council.

**Action:** The committee has agreed to trial this process.

#### **7.2 Reserve Action Plans – Coolaroo**

The Bushland Team Leader informed the committee members that the Coolaroo Reserve Action Plan was adopted by Council. The Bushland Team Leader also informed the committee of the latest upgrades to the Reserve, including the installation of a new sign at the Greenlands Road entrance. Cllr Saville informed the committee of weeds requiring ongoing maintenance. The Bushland Team Leader confirmed that additional regeneration work was scheduled for the area adjacent to the golf course in particular.

**Action:** noted

#### **7.3 Reserve Action Plans – Castlehaven**

The Bushland Team Leader informed the committee members that the Castlehaven Reserve Action Plan was adopted by Council. Cllr Norton and Lorraine Cairnes commented on the process of community land categorisations relating to the Haven Amphitheatre. In a recent community consultation, Council proposed to change existing categories of the Haven Amphitheatre to one category: Area of Cultural Heritage Significance. The committee expressed concern that the Amphitheatre would not be recognised as part of the natural heritage of Castlehaven Reserve, and would require changes in the Griffin Reserves POM.

**Action:** noted

#### **7.4 Terms of Reference**

Lorraine Cairnes enquired about new Terms of Reference. Cllr Saville informed the committee that new generic Terms of Reference for Advisory Committees would be anticipated in the new term of Council.

### **8. GENERAL BUSINESS:**

#### **8.1 Draft Reserve Action Plans – Willis Park**

The Bushland Team Leader informed the committee members on the progress of Council staff and contractor works, including the removal of Giant Reed along Scotts Creek.

**Action:** Noted

#### **8.2 Draft Reserve Action Plan – North Arm Reserve**

The Bushland Team Leader informed the committee members of the progress of Council staff and contractor works, including weed management, bush regeneration, drainage improvements and track upgrades. Photographs documenting those works were screened.

**Action:** noted

#### **8.3 Griffin Reserves Castlecrag Plan of Management**

This Plan of Management was initially produced prior to the *Urban Bushland Plan of Management*.

The renewal of the Plan of Management aims to be consistent with the *Urban Bushland Plan of Management*. The new *Griffin Reserves Castlecrag Plan of Management* (GRCPOM) will be more concise, referring to sections of the *Urban Bushland Plan of Management*. The GRCPOM will go to community consultation in 2021 after the *Urban Bushland Plan of Management*.

The committee will have the opportunity to provide further review of the final draft GRCPOM.

**Action: noted**

**8.4 *Urban Bushland Plan of Management***

The Bushland Team Leader informed the committee members of the status of the current draft. There are currently two processes occurring.

Council engaged its Native Title Manager to provide feedback on the document prior to requesting referral to Crown Lands Department of Planning, Industry and Environment (Crown Lands).

The draft UBPOM was sent to Crown Lands for comment prior to future public consultation. Crown Lands have sent feedback which Council is incorporating.

Council's Natural Assets Officer will provide a final draft of the UBPOM to the committee for review.

**Action: noted**

**9. OTHER BUSINESS:**

**9.2 *Light Pollution Policy***

The committee commented positively on the draft and congratulated the authors on their work. It was noted by the committee that the draft policy only applies to Council properties and that to maximise its effectiveness, could also apply to residential and commercial areas, which is a source of much of light pollution.

Lorraine Cairnes informed the committee that the Department of Planning, Industry and Environment has provisions that include a Light Pollution clause for Local Environmental Plans which could be incorporated in Willoughby's LEP. A copy of this clause was circulated for information. The policy remains in draft and will be subject to internal consultation and approval processes.

**Action: Lorraine Cairnes to email copy of the above clause to Council's Wildlife Officer.**

**9.3 *Superb Lyrebird***

The Natural Assets Officer showed footage of a Male Superb Lyrebird performing a courtship dance at Watgate Reserve. The return of this and other species to Willoughby's bushland is an example of the tangible benefits resulting from many years of bushland restoration and pro-active management.

**Action: Noted**

**9.4 *Wildlife Story Book***

Copies of the recently published Wildlife Story Book were circulated. Committee members commented favourably on the benefits of this project and congratulated staff.

## 10. NEXT MEETING:

<i><b>Date</b></i>	<i><b>Location</b></i>	<i><b>Time</b></i>	<i><b>Meet</b></i>
4 Feb	Site Visit – Castle Cove Park, Castle Cove	9.30am- 11.30am	Holly Street Carpark, Castle Cove

## 11. MEETING CLOSE:

7:45pm

**12.2 MINUTES - BICENTENNIAL RESERVE & FLAT ROCK GULLY ADVISORY COMMITTEE MEETING HELD 1 DECEMBER 2020**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. MINUTES HELD 1 DECEMBER 2020</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD- OPEN SPACE CO-ORDINATOR</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.5 – MAKE IT EASY FOR CITIZENS TO PARTICIPATE IN DECISION MAKING</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

**1. PURPOSE OF REPORT**

To provide Council with the Minutes of the Bicentennial Reserve and Flat Rock Gully Advisory Committee (the Committee) meeting held 1 December 2020.

**2. OFFICER'S RECOMMENDATION**

**That Council receive and note the minutes of the Bicentennial Reserve and Flat Rock Gully Advisory Committee held 1 December 2020.**

**3. BACKGROUND**

The Committee meets twice a year with meetings on 4 May and 2 November 2021.

**4. DISCUSSION**

The Committee has a maximum of 10 committee members including 2 Councillors and 8 community members. The committee provides guidance on the current Plan of Management for the reserve and advises on aspects of the use, control and management of the reserve.

Members provide agenda items, discussion and technical input to the Committee.

Items discussed at the meeting were:

- Updates on the developments for the Flat Rock baseball diamond floodlights- a trial of extended hours of use; and the Willoughby Leisure Centre Pool Hall upgrade.
- Group members' submissions to the Bicentennial Reserve draft Plan of Management.
- Impacts of the Western Harbour EIS and Beaches link; landfill site management.
- Review of the Committee's Terms of Reference.

**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 Bicentennial Reserve and Flat Rock Gully Advisory Committee held 1 December 2020.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.5 – Make it easy for citizens to participate in decision making
<b>Business Plan Objectives, Outcomes/ Services</b>	Working with the community, we create diverse, active and vibrant places, contributing to an inclusive, connected and resilient Willoughby.
<b>Policy</b>	The contents of this report and the provided attachments comply with Council's <i>Advisory Committees Policy</i> .
<b>Consultation</b>	The minutes of the meeting held 1 December 2020 were endorsed by the <i>Bicentennial and Flat Rock Gully Advisory Committee</i> on 4 May 2021.
<b>Resource</b>	Officer time in attendance at meetings and associated tasks amounting to three hours per Advisory Committee meeting.
<b>Risk</b>	The level of risk associated with the contents of this report is low, with insignificant consequences under Council's <i>Risk Management Framework</i> .
<b>Legal</b>	There are no legal implications arising from the <i>Bicentennial and Flat Rock Gully Advisory Committee</i> meeting on 1 December 2020.
<b>Legislation</b>	Adoption of the <i>Bicentennial and Flat Rock Gully Advisory Committee</i> meeting held on 1 December 2020 is in accordance with all relevant legislation.
<b>Budget/Financial</b>	This is within approved operational budget of \$426,427 for the Open Space Unit.



**MINUTES OF MEETING**

**MEETING NAME:** Bicentennial Reserve and Flat Rock Gully Advisory Committee

**LOCATION HELD:** via ZOOM

**MEETING CHAIR:** Mayor Gail Giles-Gidney

**DATE OF MEETING:** Tuesday 1 December 2020

**TIME OF MEETING:** 6.30pm

- 
- 1. PRESENT:**  
Mayor Gail Giles-Gidney (Chair); Neil Giordano (representing Baseball); Toni Field, Matt Johnson; Roger Promnitz; Linda Tully, Heidi Key & Larissa Penn.
  - 2. APOLOGIES:**  
Cr Hugh Eriksson; Andrew Stone; Jenny Roxburgh.
  - 3. OFFICERS IN ATTENDANCE:**  
Chris Binns, Planning & Infrastructure Director, Angela Casey Manager Culture and Leisure; Julie Whitfield Open Space Coordinator
  - 4. DECLARATIONS OF INTEREST:**  
Nil
  - 5. ACCEPTANCE OF THE PREVIOUS MINUTES (30 October 2019):**  
Moved: Larissa Penn  
Seconded: Linda Tully
  - 6. MATTERS ARISING FROM MINUTES:**
    - 6.1 DA 2007/581/A Bicentennial Baseball Diamond: approval 12 month trial of floodlight use.**
      - DA approved by Willoughby Local Planning Panel for extension of use of existing floodlights for a 12-month trial. Lights will be on up to 9pm Friday & Saturday nights.
      - Acoustic consultant engaged for a noise test/ management plan during summer baseball; further DA to be lodged prior to August 2021.
    - 6.2 Willoughby Leisure Centre – Pool Hall Upgrade**
      - A webinar was held with over 60 registrations and 12 submissions. A more finalised design can be viewed on 'Have Your Say'. Council endorsed the lodgement of the DA for the pool hall upgrade on 9 November with the intention for the public to have the opportunity to make comment / feedback before the end 2020.
      - Car parking solutions are currently being reviewed.
- ACTION:** that community feedback period would be extended due to the holiday season.

**7. NEW BUSINESS:****7.1 Bicentennial Reserve Draft Plan of Management (BRPOM): update**

- Exhibited from 1 October to 12 November: 4 replies and 5 submissions received, and 9 registrations for the on-line public hearing.
- The independent chair is completing the public hearing report which will be available on the website and tabled at Council meeting early 2021 including all submissions.

**7.2 WEPA submission draft BRPOM: Heidi Key**

- Request for the Plan of Management to encompass Bicentennial Reserve and Flat Rock Gully as a whole.

**7.3 Naremburn Progress Association (NPA) submission draft BRPOM: Larissa Penn**

- Request for a level of management & detail for Bicentennial Reserve & Flat Rock Gully capturing the aboriginal heritage, fauna, water management across the gully, bushland and usage by many sporting groups & children.

**7.4 Flat Rock landfill site management: L Penn**

- Concerns were raised regarding the landfill during future building works and potential floods due to subsidence. Query about access to EPA records by the public.

**7.5 Impacts of Western Harbour EIS and Beaches Link: L Penn**

- Exhibition for the Beaches Link will be 8 or more weeks in duration. Council has highlighted their concern with the exhibition period over Christmas.
- Request that Willoughby Council discuss with North Sydney Council the logistics of their air quality monitor along Warringah Expressway.

**7.6 Northside Storage (sewage) Tunnel: L Penn**

- The recent sewer overflow into Flat Rock Creek caused direct overland flow into the creek. Council tests all creeks on a monthly basis. Sewage spills are Sydney Water's responsibility for rectification.

**8. GENERAL BUSINESS:****8.1. Review of Committee's Terms of Reference (ToR) : L Penn**

- Requested changes to the ToR to provide guidance on the current plan of management for both Bicentennial Reserve & Flat Rock Gully, to clarify procedures for meetings and for notifications.

**8.2 Netball: T Field**

- Concerned that the 257 bus route from Mosman via Crows Nest has been cancelled for netball players coming from Mosman.
  - Mayor Gail has discussed with Transport NSW and is awaiting their response.
- During COVID restrictions Nettas games were moved to Sunday mornings and ran very smoothly.

**9. NEXT MEETING:** 2 meetings in 2021: 4 May and 2 November.**10. MEETING CLOSE:** Meeting declared closed at 7.40pm.

**12.3 MINUTES - MULTICULTURAL SERVICES ADVISORY COMMITTEE  
MEETING HELD 2 DECEMBER 2020**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. MINUTES – MULTICULTURAL SERVICES ADVISORY COMMITTEE MEETING HELD 2 DECEMBER 2020</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANGELA CASEY – MANAGER, CULTURE &amp; LEISURE</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

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**1. PURPOSE OF REPORT**

To provide Council with the minutes of the Multicultural Services Advisory Committee meeting held 2 December 2020.

**2. OFFICER'S RECOMMENDATION**

**That Council receive and note the minutes of the Multicultural Services Advisory Committee held 2 December 2020.**

**3. BACKGROUND**

The Committee meets no more than four times a year with a current schedule of meetings held in March, June and September.

**4. DISCUSSION**

The Multicultural Services Advisory Committee currently consists of nine community members from a range of cultural backgrounds. The Committee provides input on the strategic planning of quality, appropriate, affordable and accessible services for people from a culturally and linguistically diverse background.

At the meeting on 2 December 2020, members discussed the effects of COVID-19 on the community, including mental health impacts. The Committee recommended that Council's Multicultural Services Officers continue work to improve Culturally and Linguistically Diverse (CALD) communities access to health information.

## 5. CONCLUSION

It is recommended that Council note the minutes of the Multicultural Services Advisory Committee meeting held 2 December 2020.

The recommendation does not commit Council to any additional resource commitment.

It is recommended that Council adopt the recommendation of the Multicultural Services Advisory Committee.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.3 – Celebrate and encourage our diversity
Business Plan Objectives, Outcomes/ Services	The Multicultural Services Advisory Committee seeks to respond to the community's desire for vibrant, active, healthy, creative and safe places by providing input on the strategic planning for services for people from a culturally and linguistically diverse background.
Policy	The content of this report and the provided attachments comply with Council's <i>Advisory Committees Policy</i> .
Consultation	The minutes are endorsed by the <i>Multicultural Services Advisory Committee</i> .
Resource	Officer time in attendance at meetings and associated tasks amounting to seven hours per Advisory Committee meeting.
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 arising from the <i>Multicultural Services Advisory Committee</i> .
Legislation	Adoption of the <i>Multicultural Services Advisory Committee</i> is in accordance with all relevant legislation.
Budget/Financial	Funding of the committee is within the operational budget for 2020/21.



## ATTACHMENT 2

**MINUTES OF MEETING**

**MEETING NAME:** Multicultural Services Advisory Committee

**LOCATION HELD:** Online via Zoom

**MEETING CHAIR:** Councillor Wendy Norton

**DATE OF MEETING:** 2 December 2020

**TIME OF MEETING:** 3:00pm

**1. PRESENT:**

Councillor Wendy Norton (Chair), Ms Grace Lee, Mrs Kazuko Chalker, Ms Marina Avagyan, Mrs Marie Yan, Dr Sabah Shabli and Ms Olya Roohizadegan

**2. APOLOGIES:**

Councillor Judith Rutherford AM, Councillor Christine Tuon, Mr Johan Zaid Crouch, Mrs Marianna La Grassa and Mr Matt Ridley

**3. OFFICERS IN ATTENDANCE:**

Rita Leung (Multicultural Services Team Leader) and Sun-Hae Kim (MOSAIC Centre Supervisor)

**4. DECLARATIONS OF INTEREST:**

Nil

**5. ACCEPTANCE OF THE PREVIOUS MINUTES:**

**That:**

1. The Minutes of the Multicultural Services Advisory Committee Meeting held on 25 September 2019, copies of which have been circulated to members of the committee, be confirmed.
2. The Committee minutes of 25 September 2019 were noted at the 9 December 2019 Council meeting.

**Moved:** Olya Roohizadegan

**Seconded:** Councillor Wendy Norton

**Recommendation:** Carried unanimously

**6. BUSINESS ARISING FROM THE MINUTES (INCLUDE ACTION):****New committee member**

The 9 December 2019, Council endorsed Dr Sabah Shabli as a member of the Multicultural Services Advisory Committee for the current term until September 2020.

Due to the revised Council election schedule, the advisory committee's term end in August 2021.

**Water Safety Initiatives**

In February 2020 Willoughby Leisure Centre organised aquatic training programmes for community members from a culturally & linguistically diverse background to become swim teachers and pool lifeguards.

**7. COMMITTEE MEMBERSHIP**

In March 2020, Ms Irena Husaric resigned from the Committee due to retiring from the NSW Police resulting in four vacancies on the Multicultural Services Advisory Committee.

**Action:**

1. Council's Multicultural Services Team Leader to send a letter to Ms Irena Husaric thanking her for her service and contribution to the Committee.
2. Council's Multicultural Services Team Leader to invite interested community members to future committee meetings as observers.

**8. REPORT FROM MULTICULTURAL SERVICES:**

Rita Leung and Sun-Hae Kim presented the *Multicultural Services Report* dated January – December 2020 to the Committee.

Members congratulated MOSAIC volunteers who successfully delivered online classes.

**9. DISCUSSION OF ISSUES/ CONCERNS:**

Committee members shared their knowledge on the impacts of COVID-19 on their respective communities.

Members raised mental health concerns resulting from reduced social/ physical contacts.

**Action:**

1. Multicultural Services to continue liaising with Sydney North Health Network to keep improving Culturally and Linguistically Diverse (CALD) communities access to health information.

**10. GENERAL BUSINESS:**

Nil

**11. MEETING DATES IN 2021:**

24 March and 23 June 2021

**12. MEETING CLOSE:**

Meeting closed at 4.28pm



## 13 DEFERRED MATTERS

### 13.1 TALUS STREET RESERVE PARKING PETITION (DEFERRED FROM COUNCIL MEETING 10 MAY 2021)

ATTACHMENTS:	1. IMPLICATIONS 2. DEED OF AGREEMENT 2018
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	15 JUNE 2021

#### 1. PURPOSE OF REPORT

To provide Council with further information regarding the request from petitioners to amend parking signage at Talus Street Reserve.

#### 2. OFFICER'S RECOMMENDATION

**That Council retain the existing four-hour restricted parking signage at Talus Street Reserve.**

#### 3. BACKGROUND

At the Council meeting of 12 October 2020, a petition was presented to Council containing 789 signatures petitioning Council to return Talus Street Reserve parking area to recreational users.

The resolution from that meeting requested that Council:

1. *Receive and note the petition from residents that Council return Talus Reserve parking area Naremburn to recreational users.*
2. *Refer the petitions to the Acting Director Infrastructure and Planning for consideration.*

A further report was presented to Council at the Council Meeting of 12 April 2021. At that meeting, Council resolved in part that:

*A further report be provided on the issues in relation to restricting parking for recreational use of Talus Street Reserve.*

This report was presented to Council on 10 May 2021. Councillors requested deferral as they had received an email from the Head Petitioners shortly before the commencement of the meeting and did not have time to review the contents.

This report seeks to provide further information regarding restricting parking for recreational use of Talus Street Reserve.

#### 4. DISCUSSION

In considering the request from the petitioners, factors to be weighed up include:

- Perception that such a change is not consistent with the spirit of the 2018 Agreed Orders (to settle the 2013 Talus Reserve court proceedings against Council) as outlined in **Attachment 2**.
- Definition of a reserve user
- Enforcement difficulties

##### 15 September 2020 Petition

On 15 September 2020, Council received a petition containing 789 signatures seeking a change to signage in the Talus Reserve car park, to 'restricted parking for recreational users of Talus Reserve'. The petitioner's interests were largely related to difficulties parking for tennis players. The Prayer for this petition is as follows.

***Petition:***

***Willoughby City Council, return the Talus Reserve car park in Naremburn to recreational users of the reserve as required under the Crown Land Management Act 2016, by changing the car park signage now, to reflect that parking is only available for users of the reserve, and work to develop appropriate ways to enforce this.***

A subsequent meeting was held with representatives of the petitioners, Johanna Tams and Taleen Keshishian-Marcarian. The outcome of the meeting was that Officers would investigate the feasibility of changing the signage to 'Restricted Parking for Talus Reserve Users Only'.

##### Legal Advice

As previously advised to Council, the proposed signage would not be in breach of the agreed Orders. The restricted signage in place at the time of Justice Brereton's decision purported to restrict use of the carpark to patrons of the NSTA. The orders did not purport to deal with parking restrictions more broadly. Nor is there any inconsistency with the reasoning or the spirit of the orders. The concern with the parking signs was that they purported to limit the use of the reserve to the narrower purposes of the Tennis Club and its members.

The signs restricting parking to Northern Suburbs Tennis Association (NSTA) patrons were removed in 2018 and replaced with four-hour timed parking signage.

The current proposal is quite different and needs to be considered in light of both Orders 1 and 3. Under Order 1, Council agreed that it would:

***"Take all practical steps to cause the Reserve to be and remain available for public recreation including to ensure that access to the tennis courts on the reserve is open to all members of the public and is not dependent on membership of any club"***

Under Order 3 Council Agreed that it would:

*“Take all reasonable steps to remove the “Restricted Parking” signs that currently appear at the entrance to the Reserve.”*

The proposed signage to restrict parking to Reserve Users only, when considered in conjunction with Council's compliance with Order 1 could not be considered to be in breach of Order 3 because the Reserve is, and remains available for public recreation and access to the tennis courts on the reserve which is open to all members of the public. It is not dependent on membership of any club.

The legal advice focussed on the question of permissible signage in light of the Court orders but didn't consider the practical problems associated with distinguishing between reserve users who park and remain on the reserve and others who only “use” the reserve incidentally for parking i.e.: someone who parks and walks through the reserve to somewhere else.

### **Model Litigant Obligations**

When the matter was discussed at the 12 April 2021 meeting, concerns were expressed that this approach would be seen as contrary to Council's obligation as a model litigant, in particular that Council would be seen as relying on a “technical defence”.

Local Councils are not bound by the NSW Government's *Model Litigant Policy*. However, whilst there may be no direct application, similar guiding principles are imposed on Councils under section 8A of the *Local Government Act 1993*.

The section 8A principles include (amongst other things) carrying out its functions in a way that provides the best value for residents, acting fairly, ethically and without bias in the interest of the local community.

Under the *Model Litigant Policy* “technical defences” are defined as:

*“a defence that lacks substantive merit and is supported only on a narrow or literal interpretation and is at odds from clear reality”*

Whilst there is no basis upon which Council could be said to be relying on a technical defence if it determined to change the signage, questions might arise as to whether the petitioners are using a “technical solution” to achieve greater ease of parking largely for tennis players.

### **Enforcement Issues**

Council officers have explored a number of options to address the concerns raised by petitioners in a way which could be reasonably enforced within the resources available. These include:

- Reducing the time limit from 4 to 3 hours. This was not supported by NSTA nor was it seen as a viable solution to the head petitioners
- Extending the 4 hour timed parking to 10pm.
- Splitting the parking into two sections:
  - Upper car park – 2 hours timed parking
  - Western car park – 4 hours timed parking
- During peak times, drop off zones could be marked

However, given the limited occurrence of the peak problem and the lack of appetite from the representatives of the petitioners, these options have not been pursued.

### **Balancing general community and Talus Reserve users interests.**

There are clearly competing interests and priorities which Council is required to balance and determine for this matter to be resolved.

Even though the petitioners' proposed change to signage would be lawful and not offend the agreed Court Orders, there are a number of compelling reasons why, on balance, it is not considered in the overall public interest for Council to change the signage to limit parking to those using the reserve at this time. These are:

- The Enforcement issues discussed above, including the difficulty in defining a reserve user.
- Whilst there may be times where parking is difficult, the outcome of Council's survey did not support that the Reserve was being used by non-reserve users for the majority of the time.
- It is likely that the available parking is not adequate at peak times for all those using the reserve including the tennis facilities but there is no capacity to cater for peak parking on-site
- NSTA is currently continuing under a 'tenancy at will' arrangement and whilst Council seeks to ensure that the reserve is being managed as a reserve available to the public generally, reversion to restrictive signage could be perceived as a special arrangement for tennis players affiliated with NSTA. This could lead to more widespread community concern regarding Council's management of Talus and reserves more generally and potential further litigation.
- The Reserve is currently subject to an Aboriginal Land Claim, and, pending the determination of that claim by the responsible Minister.
- The proposed signage could lead to a further legal challenge to Council's actions which, even if unsuccessful, would result in a significant diversion of resources away from its core responsibilities and business.

Officers will continue to encourage tennis patrons and the petitioners to explore the use of other arrangements, such as drop off zones, to cater for peak times.

## 5. CONCLUSION

On balance, given the request to change the signage largely relates to peak usage times by tennis players, the difficulty of enforcement and the pending Aboriginal Land Claim decision, it is recommended that the current signage for parking at Talus Street Reserve be retained as outlined in this report.

<b>IMPLICATIONS</b>	<b>COMMENT</b>
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	There are no implications applicable to this report.
<b>Policy</b>	There are no implications applicable to this report.
<b>Consultation</b>	Consultation was undertaken with Council's Traffic and Parking Engineers as well as Council's in-house Counsel.
<b>Resource</b>	There are no implications applicable to this report.
<b>Risk</b>	The risks associated with the recommendations of this report, are low when matrixed against Council's Risk Management Framework.
<b>Legal</b>	Council's legal position has been carefully considered as part of the preparation of this report and the recommended action is consistent with that position.
<b>Legislation</b>	There are no implications applicable to this report.
<b>Budget/Financial</b>	This is within the approved budget for 2020/21.

## ATTACHMENT 2

Form 43  
UCPR 38.11



Issued: 20 February 2018 11:59 AM

**JUDGMENT/ORDER****COURT DETAILS**

Court	Supreme Court of NSW
Division	Equity
List	Equity General
Registry	Supreme Court Sydney
Case number	2013/00299553

**TITLE OF PROCEEDINGS**

First Plaintiff	Jaque Morschel Owens
Second Plaintiff	Michael Scott Berneschi
Number of Plaintiff(s)	5

First Defendant	Willoughby City Council
Second Defendant	Talus Street (R73306) Reserve Trust
Number of Defendants	6

Refer to Party Details at rear for full list of parties

**DATE OF JUDGMENT/ORDER**

Date made or given	15 February 2018
Date entered	19 February 2018

**TERMS OF JUDGMENT/ORDER****VERDICT, ORDER OR DIRECTION**

(in chambers)

By consent, his Honour makes orders in accordance with the Short Minutes of Order, which are initialled, dated and placed with the Court papers.

Short Minutes of Order copied below:

1. The first and second defendants take all practical steps to cause the Reserve to be and remain available for public recreation, including to ensure that access to tennis courts on the Reserve is open to all members of the public and is not dependent on membership of any club.
2. The first and second defendants take all reasonable steps to ensure that any net profit derived by the Talus Trustee in leasing or licencing the Reserve is applied to the reserved purpose of public recreation of the Reserve.
3. The first and second defendants take all reasonable steps to remove the "Restricted Parking" signs that currently appear at the entrances to the Reserve.
4. All previous costs orders are vacated.
5. These proceedings are discontinued between the first and second defendants with no order as to costs and it is noted that all costs issues between the plaintiffs and the first and second defendants are agreed.

By consent, his Honour makes orders in accordance with the Short Minutes of Order, which are initialled, dated and placed with the Court papers.

MS0024042006

Page 1 of 2

Short Minutes of Order copied below:

Amend Order 1 of the orders made on 6 February 2018 to read:

1. These proceedings are discontinued against the third, fifth and sixth defendants with no order as to costs with the intent that each party will bear his or her own costs of the proceedings.
2. All previous cost orders are vacated

**SEAL AND SIGNATURE**



Signature M. Ha (L.S.)  
Capacity Chief Clerk  
Date 20 February 2018

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

**PARTY DETAILS**  
**PARTIES TO THE PROCEEDINGS**

**First Claim**

**Plaintiff(s)**

First Plaintiff	Jaque Morschel Owens
Second Plaintiff	Michael Scott Berneschi
Third Plaintiff	Harriet Ingrid Owens
Fourth Plaintiff	Madeleine Rose Owens
Fifth Plaintiff	Desley Jeanne Creedy

**Defendant(s)**

First Defendant	Willoughby City Council
Second Defendant	Talus Street (R73306) Reserve Trust
Third Defendant	Northern Suburbs Tennis Association Incorporated
Fourth Defendant	Love 'n Deuce Pty Limited
Fifth Defendant	Attorney General of NSW
Sixth Defendant	State of New South Wales

MS0024042006

Page 2 of 2

JACQUE MORSCHER OWENS, MICHAEL SCOTT BERNESCHI, HARRIET INGRID  
OWENS, MADELEINE ROSE OWENS, DESLEY JEANNE CREEDY

and

WILLOUGHBY CITY COUNCIL AND TALUS STREET (R73306) RESERVE TRUST

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DEED

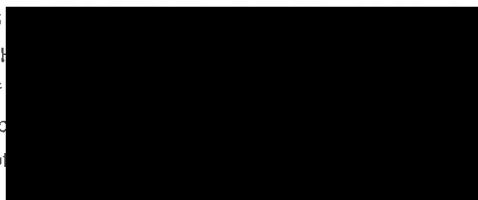
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THIS DEED is made on the                      day of                      2018

BETWEEN

JAQUE MORSCHER OWENS  
MICHAEL SCOTT BERNESCH  
HARRIET INGRID OWENS of  
MADELEINE ROSE OWENS of  
DESLEY JEANNE CREEDEY of  
"Plaintiffs")



AND

WILLOUGHBY CITY COUNCIL C/- Pikes & Verekers Lawyers of Level 2, 50 King Street,  
Sydney (the First Defendant)

TALUS STREET (R73306) RESERVE TRUST C/- Pikes & Verekers Lawyers of Level 2, 50  
King Street, Sydney (the Second Defendant)

(the Plaintiffs and the First and Second Defendants together referred to in this Deed as the  
Parties).

#### RECITALS

- A. On 4 October 2013, the Plaintiffs filed a Statement of Claim in the Supreme Court of New South Wales (Proceedings No. 2013/299553). An Amended Statement of Claim was filed on 1 November 2013, a Further Amended Statement of Claim was filed on 29 May 2014 and a Second Further Amended Statement of Claim was filed on 7 July 2017 (the Proceedings).
- B. The First and Second Defendants are two of six defendants in the Proceedings (the Defendants).
- C. The Proceedings concern the use of and access to Crown land situated in the Parish of Willoughby, New South Wales as described in the Schedule to the Second Further Amended Statement of Claim (the Talus Reserve).
- D. In the Proceedings, the Plaintiffs allege various breaches of the *Crown Lands Act* 1989 (NSW) by the six Defendants arising from:

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- a. the lease of the Talus Reserve by the Second Defendant to the Third Defendant as described in paragraphs 14 to 18 of the Second Further Amended Statement of Claim; and
- b. various agreements made between the Third and the Fourth Defendants regarding the management by the Fourth Defendant of the Talus Reserve as described in paragraphs 22 and 23 of the Second Further Amended Statement of Claim.

## AGREEMENT

### Interpretation

1. The following apply in the interpretation of this Deed, unless the context requires otherwise:
  - a. A reference to this agreement, this Deed, this document or a similar term means either the agreement set out in this document or the document itself, as the context requires.
  - b. A reference to this Deed or any other document is a reference to this document or that other document as varied, novated or replaced in any way.
  - c. A reference to any statute, regulation, rule or similar instrument includes any consolidations, amendments or re-enactments of it, any replacements of it, and any regulation or other statutory instrument issued under it.
  - d. A reference to the singular includes the plural and vice versa.
  - e. A reference to a party means a person who is named as a party to this Deed.
  - f. A reference to a person includes a firm, corporation, body corporate, unincorporated association and governmental authority.
  - g. An agreement on the part of, or in favour of 2 or more persons binds or is for the benefit of them jointly and severally.
  - h. Where a word or expression has a defined meaning, its other grammatical forms have a corresponding meaning.
  - i. A reference to doing something includes an omission, statement or undertaking (whether or not in writing) and executing a document.
  - j. A reference to a clause, schedule or annexure is a reference to a clause of, or a schedule or an annexure to this Deed.
  - k. A reference to dollars or \$ is to Australian currency.
  - l. A heading is for reference only. It does not affect the meaning or interpretation of this Deed.

**Settlement**

2. The Parties agree to settle the Proceedings on the following terms:
- the First and Second Defendants pay \$20,000 in legal costs to the Plaintiffs (the **Settlement Sum**);
  - the First and Second Defendants agree to the consent orders in the form annexed to this Deed and marked "B" (the **Consent Orders**); and
  - the Plaintiffs discontinue the Proceedings against the First and Second Defendants.

**Payment**

3. The First and Second Defendants agree to pay the Settlement Sum to the Plaintiffs within 14 days of receiving the original of this Deed duly executed by the Plaintiffs, with payment being made by electronic funds transfer to the following accounts:

\$11,500 to the following account:	Account name: Public Interest Advocacy Centre Limited [REDACTED]
\$8,500 to the following account:	Account name: Harriet Owens [REDACTED]

**Interest**

4. Interest is payable on the Settlement Sum if the Settlement Sum is not paid within 14 days of the date referred to in clause 3 above.

**Obligations of the First and Second Defendants**

5. Upon payment of the Settlement Sum, the First and Second Defendants will forthwith deliver to the Plaintiffs duly executed copies of:
- this Deed;
  - a notice of discontinuance in the form annexed to this Deed and marked "A" (**Notice of Discontinuance**);
  - a notice of discontinuance which discontinues the Proceedings against Love 'n Deuce Pty Limited in the form agreed by the Plaintiffs and the Defendants (**Fourth Defendant's Notice of Discontinuance**); and
  - the Consent Orders.

**Discontinuance**

6. Within 7 days of receipt by the Plaintiffs of the last of:

Handwritten signatures and initials: *no*, *HG*, *so*, *no*

- a. this Deed duly executed by the First and Second Defendants;
  - b. the Settlement Sum;
  - c. all deeds duly executed by the other Defendants;
  - d. the cleared settlement monies owed by any other Defendants as part of settlement of these Proceedings; and
  - e. copies of all notices of discontinuance and all consent orders duly executed by all of the Defendants,
- the Plaintiffs will:
- f. first, file the Fourth Defendant's Notice of Discontinuance and the consent orders between the Plaintiffs and Love 'n Deuce Pty Ltd with the Court; and
  - g. once orders have been made by the Court in respect of paragraph f. above, then file the Notice of Discontinuance, the Consent Orders and the consent orders in respect of the Northern Suburbs Tennis Association Inc, the Attorney General and the State of New South Wales with the Court.

**Further Assurance**

7. Each Party must execute any document and perform any action necessary to give full effect to this document, whether before or after performance of this document.

**Entire Agreement**

8. The Parties acknowledge that this Deed constitutes the entire agreement between them.
9. If the Parties have not executed this Deed, or have executed counterpart Deeds, then this Deed and the executed counterparts form the one Deed between the Parties.

**Variation**

10. This Deed may not be varied except in writing signed by the Parties.

**Waivers**

11. Any failure by any party to exercise any right under this document does not operate as a waiver and the single or partial exercise of any right by that party does not preclude any other or further exercise of that or any other right by that party.

**Governing Law**

12. This document is governed by the laws of New South Wales.
13. The Parties submit to the jurisdiction of the courts of New South Wales for any proceedings in connection with this document.

**Severability**

14. If any provision of this Deed is invalid or of no force or effect under any statute then this Deed is to be construed as if that provision is not in this Deed but the remainder of this instrument is to retain its full force and effect.

**Costs**

15. Each party to this Deed will bear their own costs relating to:
- the preparation and execution of this Deed and the performance of its terms; and
  - the settlement negotiations made prior to this Deed.



## EXECUTED AS A DEED

Signed, sealed and delivered by

Jaque Morschel Owens

In the presence of:



Signature of witness:

*Sonja van Hammel*

Name of witness (printed)



Address of witness



Jaque Morschel Owens

Signed, sealed and delivered by

Michael Scott Berneschi

In the presence of:



Signature of witness:

*MARYLIN LEGEAY*

Name of witness (printed)



Address of witness



Michael Scott Berneschi

Signed, sealed and delivered by

Harriet Ingrid Owens

In the presence of:



Signature of witness:

*Madeline Roberts*

Name of witness (printed)



Address of witness



Harriet Ingrid Owens



Signed, sealed and delivered by

Madeleine Rose Owens

in the presence of:

[Redacted]

[Redacted]

Signature of witness:

Madeleine Rose Owens

DOMINIC E. HILLIS

Name of witness (printed)

[Redacted]

Address of witness

Signed, sealed and delivered by

Desley Jeanne Creedy

in the presence of:

[Redacted]

[Redacted]

Signature of witness:

Desley Jeanne Creedy

PAARA MUÑOZ

Name of witness (printed)

[Redacted]

Address of witness

Executed by Willoughby City Council  
ABN 47 974 826 099 by its General  
Manager, Debra Just pursuant to Section  
377 of the Local Government Act 1993 (NSW)  
in the presence of:

Witness

Debra Just, General Manager

LARA JOYNSON

Name of witness (printed)

31 YILTOLE ST, WILLOUGHBY

Address of witness


HO NO

Executed by Talus Street (R73306) Reserve Trust  
by its Reserve Trust Manager  
Willoughby City Council  
ABN 47 974 826 099 by its General  
Manager, Debra Just pursuant to Section  
377 of the *Local Government Act 1993* (NSW)  
in the presence of:

  
.....  
Witness

LAURA JOYNSON  
.....  
Name of witness (printed)

31 VICTORIA ST WILLoughBY.  
.....  
Address of witness

  
.....  
Debra Just, General Manager

  
mb 14/6/21



Form 33 (version 2)  
UCPR 12.1

"A"

## NOTICE OF DISCONTINUANCE

### COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity
List	General
Registry	Sydney
Case number	No. 2013/299553

### TITLE OF PROCEEDINGS

First plaintiff	Jaque Mörschel Owens
Second plaintiff (of five)	Michael Scott Berneschi
First defendant	Willoughby City Council
Second defendant (of six)	Talus Street (R73306) Reserve Trust

### FILING DETAILS

Filed for	The Plaintiffs Jaque Mörschel Owens Michael Scott Berneschi Harriet Ingrid Owens Madeleine Rose Owens Desley Jeanne Creedy
Filed in relation to	Case No. 2013/299553
Legal representative	Laura Lombardo, Public Interest Advocacy Centre
Legal representative reference	C17/108
Contact name and telephone	Mary Flanagan
Contact email	mflanagan@piac.asn.au

### NOTICE DETAILS

- 1 The Plaintiffs discontinue the whole of these proceedings against the first, second, third, fifth and sixth defendants.
- 2 The Plaintiffs do not represent any other person.
- 3 Each active party consents to each discontinuance.

**SIGNATURE**

Signature of legal representative

Capacity

Date of signature

**TERMS OF DISCONTINUANCE**Terms of discontinuance between the plaintiffs, and the first and second defendants:

1. Consent to the proceedings being discontinued against the first and second defendants is given on the following terms:
  - a. The first and second defendants take all practical steps to cause the Reserve to be and remain available for public recreation, including to ensure that access to the tennis courts on the Reserve is open to all members of the public and is not dependent on membership of any club.
  - b. The first and second defendants take all reasonable steps to ensure that any net profit derived by the Talus Trustee in leasing or licencing the Reserve is applied to the reserved purpose of public recreation of the Reserve.
  - c. The first and second defendants take all reasonable steps to remove the "Restricted Parking" signs that currently appear at the entrances to the Reserve.
  - d. Costs as agreed.

Terms of discontinuance between the plaintiffs, and the third, fifth and sixth defendants:

2. Consent to the proceedings being discontinued against the third, fifth and sixth defendants.
3. All previous cost orders are vacated
4. There be no order as to costs.

Notation: Term 1 has no bearing on the terms of discontinuance between the plaintiffs, and the third, fifth and sixth defendants.

**NOTICE OF CONSENT**

Jaque Morschel Owens, First Plaintiff

Signature of legal representative

Capacity

Date of signature

**Michael Scott Berneschi, Second Plaintiff**

Signature of legal representative

Capacity

Date of signature

**Harriet Ingrid Owens, Third Plaintiff**

Signature of legal representative

Capacity

Date of signature

**Madeleine Rose Owens, Fourth Plaintiff**

Signature of legal representative

Capacity

Date of signature

**Desley Jeanne Creedy, Fifth Plaintiff**

Signature of legal representative

Capacity

Date of signature

**Willoughby City Council, First Defendant**

Signature of legal representative

Capacity

Date of signature

**Talus Street (R73306) Reserve Trust, Second Defendant**

Signature of legal representative

Capacity

Date of signature

**Northern Suburbs Tennis Association Inc., Third Defendant**

Signature of legal representative

Capacity


Date of signature

**Attorney General of New South Wales, Fifth Defendant**

Signature of legal representative

Capacity

Date of signature



State of New South Wales, Sixth Defendant

Signature of legal representative

Capacity

Date of signature



Form 44 (version 3)  
UCPR 36.1A

"B"

## CONSENT ORDER

### COURT DETAILS

Court	Supreme Court
Division	Equity
List	General
Registry	Sydney
Case number	2013/299553

### TITLE OF PROCEEDINGS

First plaintiff	Jaquie Morschel Owens
Second plaintiff (of five)	Michael Scott Berneschi (refer to Party Details on page 4 for full list of parties)

First defendant	Willoughby City Council
Second defendant (of seven)	Talus Street (R73306) Reserve Trust (refer to Party Details on Page 4 for full list of parties)

### PREPARATION DETAILS

Prepared for	The five Plaintiffs
Legal representative	Laura Lombardo, Public Interest Advocacy Centre
Legal representative reference	C17/108
Contact name and telephone	Mary Flanagan
Contact email	<a href="mailto:mflanagan@piae.org.au">mflanagan@piae.org.au</a>

### TERMS OF ORDER MADE BY THE COURT BY CONSENT

#### THE COURT ORDERS THAT:

1. The first and second defendants take all practical steps to cause the Reserve to be and remain available for public recreation, including to ensure that access to the tennis courts on the Reserve is open to all members of the public and is not dependent on membership of any club.
2. The first and second defendants take all reasonable steps to ensure that any net profit derived by the Talus Trustee in leasing or licencing the Reserve is applied to the reserved purpose of public recreation of the Reserve

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3. The first and second defendants take all reasonable steps to remove the "Restricted Parking" signs that currently appear at the entrances to the Reserve.
4. All previous cost orders are vacated.
5. These proceedings are discontinued against the first and second defendants with costs as agreed.

**SIGNATURES****PLAINTIFFS**

Jaquie Morschel Owens, First Plaintiff consents

Signature of legal representative

Date of signature

Michael Scott Berneschi, Second Plaintiff consents

Signature of legal representative

Date of signature

Harriet Ingrid Owens, Third Plaintiff consents.

Signature of legal representative

Date of signature

Madeleine Rose Owens, Fourth Plaintiff consents

Signature of legal representative

Date of signature

Desley Jeanne Creedy, Fifth Plaintiff consents

Signature of legal representative

Date of signature

**DEFENDANTS**

Willoughby City Council, First Defendant consents.

Signature of legal representative

Date of signature



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3

Talus Street (R73306) Reserve Trust, Second Defendant consents.

Signature of legal representative

Date of signature

**SEAL AND SIGNATURE**

Court seal

Signature

Capacity

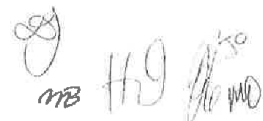
Date made or given

Date entered

**NOTICE**

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.

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**PARTY DETAILS****Plaintiffs**

Jaqu  Morschel Owens, First Plaintiff

Michael Scott Berneschi, Second Plaintiff

Harriet Ingrid Owens, Third Plaintiff

Madeleine Rose Owens, Fourth Plaintiff

Desley Jeanne Creedy, Fifth Plaintiff

**Defendants**

Willoughby City Council, First Defendant

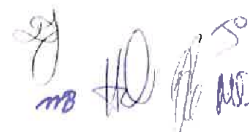
Talus Street (R73306) Reserve Trust,  
Second DefendantNorthern Suburbs Tennis Association Inc,  
Third Defendant

Love 'n Dauce Pty Limited, Fourth Defendant

Attorney General of New South Wales, Fifth  
Defendant

State of New South Wales, Sixth Defendant

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**13.2 NOTICE OF MOTION 08/2021 - COUNCIL AND NSW TO GO 100% RENEWABLE (DEFERRED FROM COUNCIL MEETING 10 MAY 2021)**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DAVID ROBERTS – ENVIRONMENT MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>1.5 – REDUCE CARBON AND GREENHOUSE GAS EMISSIONS</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

**1. PURPOSE OF REPORT**

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

**2. MOTION**

**That Council brings back a report detailing how Willoughby City Council can escalate its targets to 100% renewable energy by 2030 and zero emission by 2040.**

**3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION**

Willoughby City Council along with more than 100 councils in Australia has declared Climate Emergency. Further over 30 councils in Australia have committed to reach 100% renewable energy by 2030. WCC has a Green Plan to reduce emissions.

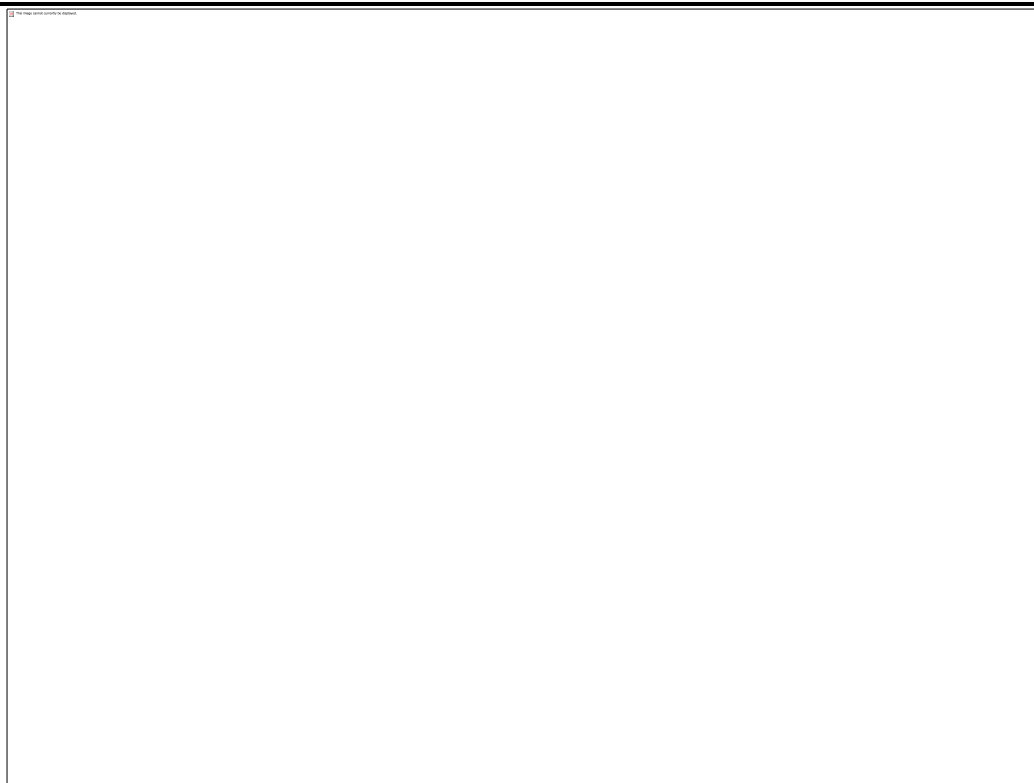
Given the global acceleration of extreme weather due to GHG emissions and global warming, there are calls for stronger action to mitigate causes and effect from climate change.

The City of Sydney is leading many initiatives to reach 100% renewable energy by 2030.

More information can be found at: <https://climateemergencydeclaration.org/sign/>

Therefore, stronger actions are required for councils to reach 100% Renewable energy ASAP at least by 2030.

The graphs below demonstrate the need to take much stronger action to achieve net zero emissions by 2040 and go 100% renewable electricity by 2030.



<https://www.climatelevels.org/?pid=2degreesinstitute&theme=grid-light#>

- *The United Nation's IPCC reported that "to provide a 93% mid-value probability of not exceeding [a dangerous post-industrial increase of] 2°C, the concentration (of atmospheric greenhouse gases) would need to be stabilised at, or below, 350 ppm CO<sub>2</sub>equivalent, that is, below current levels, which means no carbon budget left for 2°C."*

#### 4. OFFICER'S RECOMMENDATION

**That Council be provided with a briefing prior to any report being prepared to look at options and likely costs.**

#### 5. OFFICER'S COMMENTS

Emissions associated with electricity comprise over half of Council's total emissions. The procurement of a large proportion of renewable energy is a cornerstone of our emissions reduction strategy. *Our Green City Plan 2028* provides a strategic framework to achieve climate change outcomes for the community and includes the following targets:

- by 2020 we will emit at least 20 per cent less GHG emissions from our operations compared with 2008/09 (this was achieved)
- by 2028 we will emit at least 50 per cent less GHG emissions from our operations compared with 2008/09
- our operations will achieve net zero emissions by 2050 or sooner if viable
- 20 per cent renewable energy target by 2020 for Council operations (this was achieved).
- 50 per cent renewable energy target by 2028 for Council operations.

In August 2018, as a result of participating in an SSROC's program, the CEO signed a fixed-price 10-year renewable energy contract for 20% of Council's electricity demand (below coal fired power prices). Together with 8% of electricity sourced from onsite solar generation, Council has exceeded its 2020 renewable energy target.

On 17 October 2019, Council voted to recognise and declare that we are in a state of [climate emergency](#) that requires immediate action by all levels of government. Following this declaration Council has been working with SSROC on the options to increase its renewable energy supply using a mix of wind and solar.

A briefing has been booked for 19 July 2021 and will provide an opportunity to discuss a range of options and implication for Council, as well as provide an opportunity to outline the commercial framework for which these will occur.

## **14 CORRESPONDENCE**

NIL

## 15 REPORTS FROM THE OFFICERS

### CUSTOMER & CORPORATE DIRECTORATE

#### 15.1 INVESTMENT REPORT FOR MONTH OF MAY 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:	15 JUNE 2021

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#### 1. PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 31 May 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 May 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 May 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 May 2021 include:

Combined Bank Balance	\$15.5M
Investment Holdings	\$170.1M
Total Cash and Investments	<b>\$185.6M</b>
Return on Investments	1.02%, (0.97% above benchmark of 0.05%) (Refer to <b>Attachment 3</b> – Figure 1).
Actual Interest Return (Month)	\$146K (\$3K better than \$143K budget) (Refer to <b>Attachment 3</b> – Figure 2).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of \$2.05M is \$50K favourable to Year to Date budget of \$2.00M.

### Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 31 May 2021 was \$185.6m. Of this amount, \$171.1m, or 92% is restricted to be spent on specific purposes. This leaves \$14.5m or 8% 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 May 2021**

Restriction Category	Total cash and investments as at 31 May 2021 (\$'m)	Percentage of Total Portfolio %
Internally Restricted	\$68.0M	37
Externally Restricted	\$103.1M	55
Unrestricted	\$14.5M	8
<b>Total</b>	<b>\$185.6M</b>	100

## 5. CONCLUSION

Council's investment holdings at 31 May 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.

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	There were no consultation requirements applicable to this report.
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 May 2021 were \$185.6M and Interest returns are on track to exceed the annual budget of \$2.132M.</p>

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	59
A+ / A	A1	70	4
A- / BBB+ / BBB	A2	50	34
BBB-	A3	10	0
Unrated	Unrated	10	3

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	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 May 2021**

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio	1.02%
Benchmark – Bloomberg AUSBond Bank Bill Index	<u>0.05%</u>
Above Benchmark Return	<u>0.97%</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 0.97%.

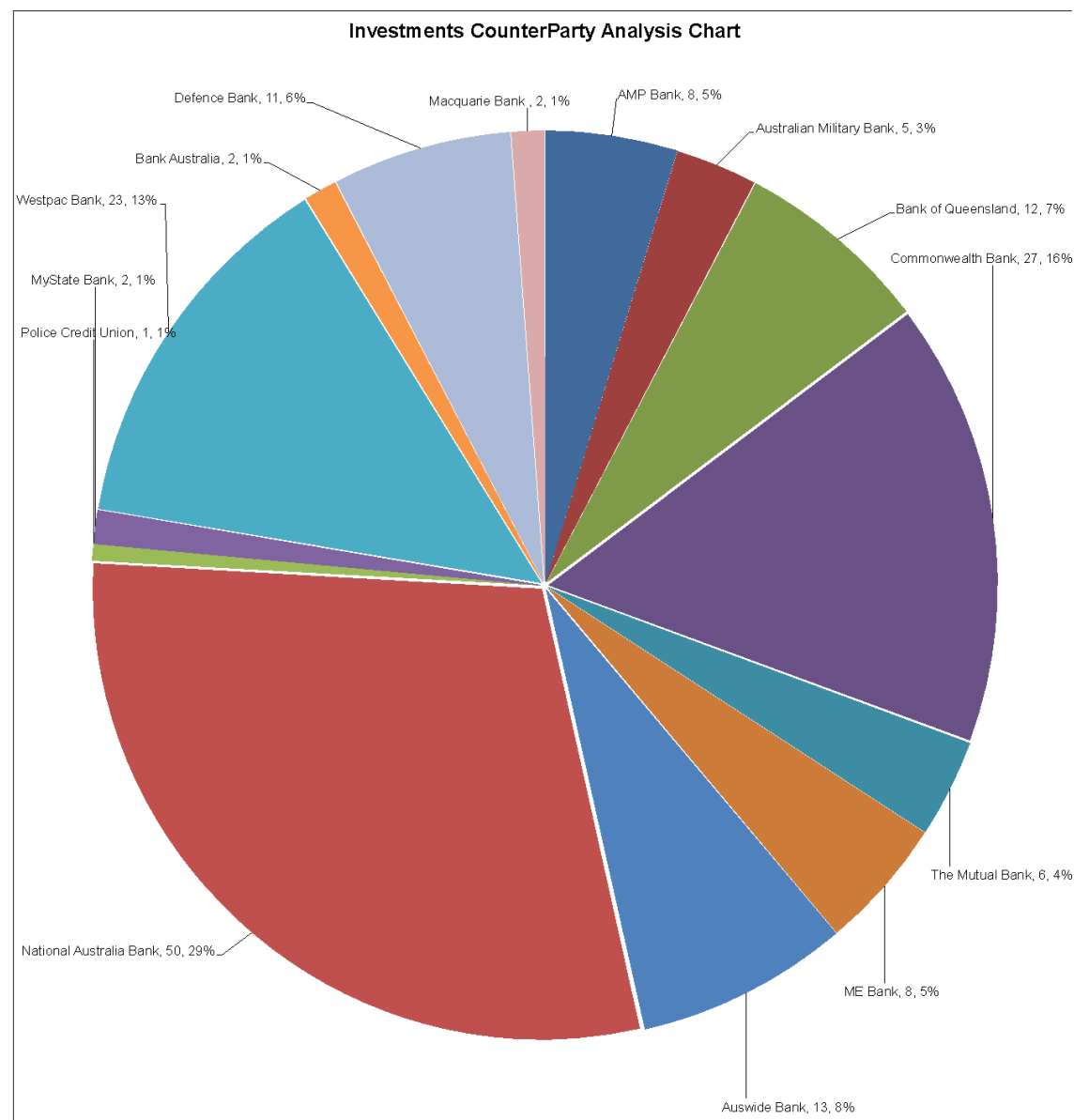
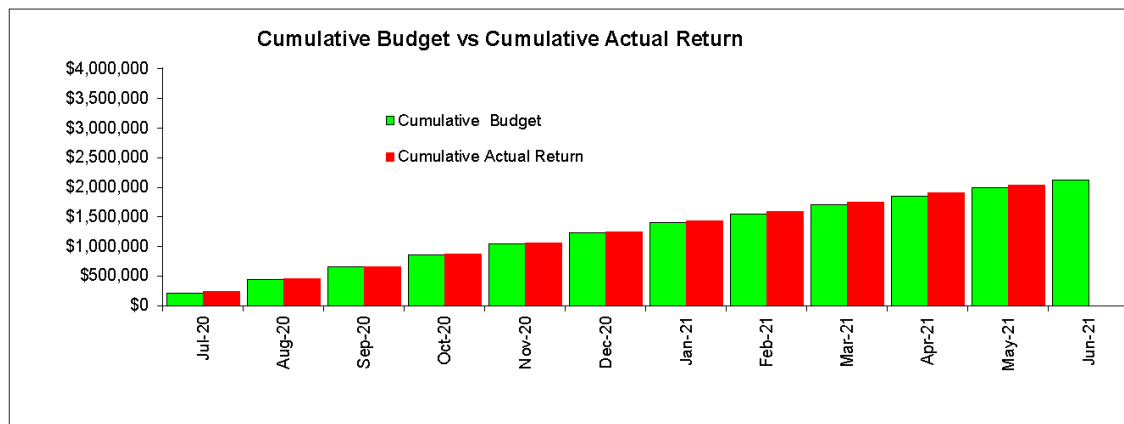
**Figure 4 – Investment Return for 31 May 2021**

<u>Description</u>	<u>Interest Achieved (\$K: \$000's)</u>
Council Actual Interest Return	\$146K
Budgeted Return	<u>\$143K</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:								
Defence Bank (39246) (Reg)	A2	TD	2,000,000	2.45%	688	2/05/2019	6/05/2021	Matured
Macquarie Bank ( 290121)	A1	TD	3,000,000	1.30%	534	7/05/2020	6/05/2021	Matured
Bank of QLD (257331)	A2	TD	2,000,000	1.40%	921	7/05/2020	13/05/2021	Matured
Bank of QLD (257368)	A2	TD	3,000,000	1.40%	1,381	7/05/2020	13/05/2021	Matured
Macquarie Bank (200521)	A1	TD	3,000,000	1.25%	1,878	14/05/2020	20/05/2021	Matured
Current Investments:								
National Australia Bank ( 449720470)	A1+	TD	2,000,000	1.00%	1,699	4/06/2020	10/06/2021	0-3 mths
Westpac Bank (7790016)	A1+	TD	2,000,000	2.00%	3,397	13/06/2019	17/06/2021	0-3 mths
AMP Bank (933190886)	A-	TD	2,000,000	2.20%	3,737	21/06/2019	17/06/2021	0-3 mths
National Australia Bank ( 900007996)	A1+	TD	1,000,000	1.00%	849	18/06/2020	17/06/2021	0-3 mths
AMP Bank (649688512)	A-	TD	1,000,000	2.20%	1,868	20/06/2019	24/06/2021	0-3 mths
National Australia Bank ( 47724)	A1+	TD	1,000,000	0.90%	764	23/07/2020	8/07/2021	0-3 mths
National Australia Bank (46613)	AA-	TD	2,000,000	1.00%	1,699	28/05/2020	15/07/2021	0-3 mths
National Australia Bank (46489)	AA-	TD	2,000,000	1.01%	1,716	21/05/2020	22/07/2021	0-3 mths
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%	2,633	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	4 mths
ME Bank ( 41352)	BBB+	TD	2,000,000	1.55%	2,633	29/08/2019	3/09/2021	4 mths
Auswide Bank (41540)	BBB+	TD	2,000,000	1.80%	3,058	5/09/2019	9/09/2021	4 mths
Westpac Bank (8000620) (REG)	AA-	TD	2,000,000	1.67%	2,837	13/09/2019	16/09/2021	4 mths
Auswide Bank (41697)	BBB+	TD	2,000,000	1.75%	2,973	12/09/2019	16/09/2021	4 mths
Australian Military Bank ( 41849)	BBB+	TD	2,000,000	1.80%	3,058	19/09/2019	23/09/2021	4 mths
Auswide Bank (42057)	BBB+	TD	3,000,000	1.70%	4,332	3/10/2019	7/10/2021	5 mths
Westpac Bank ( 8601107)	AA-	TD	2,000,000	1.00%	1,699	11/06/2020	14/10/2021	5 mths
Commonwealth Bank (2018)	A1+	TD	3,000,000	0.63%	1,605	15/10/2020	14/10/2021	5 mths
Commonwealth Bank (2019)	A1+	TD	3,000,000	0.63%	1,605	15/10/2020	14/10/2021	5 mths
National Australia Bank (10726716)	A1+	TD	1,000,000	0.64%	544	15/10/2020	21/10/2021	5 mths
Commonwealth Bank (2020)	A1+	TD	3,000,000	0.63%	1,605	15/10/2020	21/10/2021	5 mths
National Australia Bank (48866)	A1+	TD	1,000,000	0.63%	535	8/10/2020	28/10/2021	5 mths
Westpac Bank ( 8775277)	AA-	TD	3,000,000	0.80%	2,038	27/08/2020	4/11/2021	6 mths
National Australia Bank ( 10719202)	AA-	TD	2,000,000	0.82%	1,393	27/08/2020	4/11/2021	6 mths
National Australia Bank (48236)	AA-	TD	3,000,000	0.82%	2,089	27/08/2020	11/11/2021	6 mths
Westpac Bank ( 8119978)	AA-	TD	2,000,000	1.62%	2,752	8/11/2019	11/11/2021	6 mths
Westpac Bank ( 8758031)	AA-	TD	4,000,000	0.82%	2,786	20/08/2020	18/11/2021	6 mths
AMP Bank ( 653244327) (REG)	A-	TD	1,050,963	1.55%	1,384	14/05/2020	18/11/2021	6 mths
National Australia Bank ( 10730270)	A1+	TD	2,000,000	0.58%	985	12/11/2020	25/11/2021	6 mths
Commwealth Bank ( 2025)	A1+	TD	2,000,000	0.54%	917	12/11/2020	25/11/2021	6 mths
Commwealth Bank ( 2028)	A1+	TD	1,000,000	0.55%	467	26/11/2020	25/11/2021	6 mths
Commwealth Bank (2031)	A1+	TD	2,000,000	0.55%	934	3/12/2020	2/12/2021	7 mths
Westpac Bank (8804859)	AA-	TD	2,000,000	0.75%	1,274	10/09/2020	9/12/2021	7 mths
The Mutual Bank (48415)	Unrated	TD	2,000,000	0.95%	1,614	10/09/2020	9/12/2021	7 mths
MyState Bank (48416)	BBB+	TD	2,000,000	0.80%	1,359	10/09/2020	9/12/2021	7 mths
National Australia Bank (48344)	AA-	TD	3,000,000	0.80%	2,038	3/09/2020	16/12/2021	7 mths
Macquarie Bank (257847582)	A+	TD	1,000,000	0.74%	628	15/01/2021	13/01/2022	8 mths
National Australia Bank (10738486)	A1+	TD	1,000,000	0.45%	382	21/01/2021	20/01/2022	8 mths
Auswide Bank (44222)	BBB+	TD	2,000,000	1.70%	2,888	6/02/2020	3/02/2022	9 mths
National Australia Bank (10741025)	A1+	TD	2,000,000	0.43%	730	4/02/2021	3/02/2022	9 mths
The Mutual Bank (50608)	Unrated	TD	2,000,000	0.55%	934	4/02/2021	3/02/2022	9 mths
Auswide Bank (197597)	BBB+	TD	2,000,000	1.75%	2,973	13/02/2020	17/02/2022	9 mths
Bank of QLD (227914)	A2	TD	2,000,000	1.60%	2,718	20/02/2020	17/02/2022	9 mths
Commonwealth Bank ( 2041)	A1+	TD	2,000,000	0.50%	849	4/03/2021	3/03/2022	10 mths
Auswide Bank (44840)	A2	TD	2,000,000	1.65%	2,803	5/03/2020	10/03/2022	10 mths
Macquarie Bank ( 51134)	A1	TD	1,000,000	0.45%	382	11/03/2021	10/03/2022	10 mths
Defence Bank ( 51133)	A2	TD	2,000,000	0.47%	798	11/03/2021	17/03/2022	10 mths
Police Credit Union SA (180321)	Unrated	TD	1,000,000	0.50%	425	18/03/2021	17/03/2022	10 mths
Bank of QLD ( 267625)	BBB+	TD	2,000,000	1.25%	2,123	4/06/2020	7/04/2022	11 mths
National Australia Bank (48537)	AA-	TD	4,000,000	0.77%	2,616	17/09/2020	14/04/2022	11 mths
National Australia Bank (48536)	AA-	TD	3,000,000	0.77%	1,962	17/09/2020	14/04/2022	11 mths
National Australia Bank (6295247)	AA-	TD	2,000,000	0.77%	1,308	17/09/2020	21/04/2022	11 mths
Defence Bank ( 48617)	BBB+	TD	2,000,000	1.20%	2,038	28/05/2020	2/06/2022	>12 mths
The Mutual Bank (47111)	Unrated	TD	2,000,000	1.30%	2,208	18/06/2020	16/06/2022	>12 mths
AMP Bank (415527977)	BBB+	TD	1,000,000	0.75%	637	17/12/2020	16/06/2022	>12 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 (314092)	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	0.65%	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
Australia Military Bank (49893)	BBB+	TD	2,000,000	0.60%	1,019	10/12/2020	8/12/2022	>12 mths
National Australia Bank ( 10733880)	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
CBA 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
Westpac Bank - Green Tailored Deposit (75532)	AA-	TD	1,000,000	1.04%	888	28/02/2019	1/03/2024	>12 mths
Current Investments - "New and Rollover" made during the month:								
Defence Bank (52215)	A2	TD	2,000,000	0.50%	712	6/05/2021	5/05/2022	12 mths
ME Bank (52216)	A2	TD	1,000,000	0.50%	356	6/05/2021	5/05/2022	12 mths
ME Bank (52311)	A2	TD	2,000,000	0.50%	521	13/05/2021	12/05/2022	12 mths
Bank of QLD ( 382470)	A2	TD	3,000,000	0.50%	781	13/05/2021	18/05/2023	24 mths
ME Bank ( 52393)	A2	TD	3,000,000	0.50%	493	20/05/2021	19/05/2022	12 mths
Total Current Investments, Monthly Interest and Weighted Return		Inv	170,050,963	1.02%	144,295			
Other Cash and Monthly Interest (11am STMM)		Cash	15,500,239		1,326			
Total Cash & Investments			185,551,202		145,621			
Benchmark: Bloomberg AUSBond Bank Bill Index				0.05%				
Investments Margin above Benchmark				0.97%				
Investments Maturity Period								
	0-3 Months		4-12 Months		> 12 Months		Total \$	chk s/be 0
Amount	28,000,000		99,050,963		43,000,000		170,050,963	0
% of Total	16.5%		58.2%		25.3%		100%	
Cash & Investments Return:								
	Budget \$		Actual \$		Var. \$			
Current Month	142,505		145,621		3,116			
Year to Date	1,999,790		2,050,133		50,343			

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 SUPPLEMENTARY QUARTERLY REPORTING - MARCH 2021 – QUARTER 3

ATTACHMENTS:	<ol style="list-style-type: none"><li>1. IMPLICATIONS</li><li>2. LEGAL EXPENSES</li><li>3. THE CONCOURSE FINANCIAL PERFORMANCE</li><li>4. CROWN RESERVES</li><li>5. CY PRES SCHEME RESERVES</li><li>6. DEVELOPER CONTRIBUTIONS</li></ol>
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:	15 JUNE 2021

### 1. PURPOSE OF REPORT

To provide Council with specific extra quarterly reporting over and above regulatory requirements for the quarterly budget review.

### 2. OFFICER'S RECOMMENDATION

**That Council note the supplementary quarterly reports for the quarter ended 31 March 2021 (Quarter 3).**

### 3. BACKGROUND

The Quarterly Budget Review Statement required under legislation was approved by the Council on 10 May 2021.

This report provides Council with supplementary quarterly reports on areas of specific interest to Councillors. These supplementary reports were historically included in one consolidated quarterly report with the quarterly budget review. The supplementary reporting is now included in a separate report to ensure it receives appropriate focus, to ensure there is clarity between the legislated budget review and the supplementary information and to enable better scheduling of staff resources.

### 4. DISCUSSION

Key items from the supplementary information for the third quarter (March) of the 2020/21 financial year include:

- Legal expenses for the year to date 31 March 2021 are \$623K compared to the year-to-date budget of \$698K (refer **Attachment 2**).

- The underlying performance of The Concourse is better than forecast. This is evident as the year to date operating result before library, depreciation and interest is a surplus of \$1.7M compared with a year to date budget surplus of \$1.5M. This results in a positive variance of \$141K (refer **Attachment 3** – item 3.2).
- A strong balance sheet for The Concourse with total equity of \$311.5M after taking into account all liabilities including debt of \$37.8M at fair value (refer **Attachment 3** – item 3.1).
- Council's expenditure on Crown Reserves for the 9 months to 31 March 2021 has exceeded revenues from these Crown Reserves by \$1.4M (refer **Attachment 4**).
- The combined closing balance of the two Cy Pres Scheme Reserves at 31 March 2021 is \$2.4M (refer **Attachment 5**). These reserves are allocated to future projects in the 2021/22 Operational Plan and Budget and in the Long Term Financial Plan.
- The balance of Developer Contributions (S7.11/ S7.12/ S94/ S94A/ VPA) Reserves at 31 March 2021 is \$61.3M (refer **Attachment 6.1**).

## 5. CONCLUSION

Council should note the supplementary reporting detailed in the relevant attachments.

## ATTACHMENT 1

<b>IMPLICATIONS</b>	<b>COMMENT</b>
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	To monitor and improve all aspects of Council's financial performance and ensure that all legislative requirements are met.
<b>Policy</b>	There are no policy considerations applicable to this report.
<b>Consultation</b>	There are no consultation considerations applicable to this report.
<b>Resource</b>	The quarterly financials and reports are prepared using existing operational resources within the Finance Strategy and Planning Units. The compilation, construction and review of these reports consumes approximately 62 hours of staff time.
<b>Risk</b>	Financial risk is mitigated through this supplementary reporting as any negative trends or issues can be identified and resolved in a timely manner.
<b>Legal</b>	There are no legal considerations applicable to this report.
<b>Legislation</b>	There are no legislative implications applicable to this report.
<b>Budget/Financial</b>	This report and attachments were prepared by internal resources which are part of the 2020/21 budget.

## QUARTERLY BUDGET REVIEW 2020/2021 - MARCH QUARTER

## Legal Expenses

ATTACHMENT 2

Property/Counter Party/Matter	Status	Law Firm/ Counsel Engaged	Fees Pd Prv Yrs	Fees Paid Jul 20- Jun 21	Total Costs to date
<b>LAND AND ENVIRONMENT COURT</b>					
12 & 19 Amaro Ave LEC 2020/00270766 WCC ats Thirdi Castle Cove Pty Ltd - Class 1 proceedings. Refusal of Development Consent proposing seniors housing facility comprising 15 independent living units, assoicated parking and landscaping.	Statement of Facts & Contentions filed. Conciliation conference listed for 1 April 2021. Relisted 30 April 2021. Ongoing.	HWLE	\$0	\$6,784	\$6,784
56 Beaconsfield Rd LEC Class 5 WCC -v- Natalie Cunneen and Robert Luck. Prosecution for unlawful heritage trees removal -	Potential prosecution for unlawful removal of trees. Matter Closed	HWLE	\$13,153	\$14,978	\$28,131
78 Chandos St WCC ats Owners Corporation SP91045 Class 4 - Enforcement of Order 3160 (replacing all the building's external aluminium composite panels with acceptable aluminium panels) which has not been complied with.	Civil enforcement proceedings halted as correspondence with the Owners Corporation indicated that rectification works are commencing.	Maddocks	\$0	\$11,421	\$11,421
8 Dowel Street Class 1 Appeal DA 2019/22	Appeal Upheld. Development consent is granted subject to conditions.	HWLE	\$9,760	\$58,020	\$67,780
82-86 Eastern Valley Way LEC 2020/160587 Class 1 - Land and Environment Court proceedings against Luxeco Property Pty Ltd DA 2019/253 - Demolition of the existing dwellings and structures on the site, construction of a new multi dwelling housing development comprising eleven dwellings and associated common access driveway, parking, landscaping and associated works. Refused by WLPP	Awaiting decision from Commissioner.	MC	\$0	\$7,167	\$7,167
233 Edinburgh Road LEC 2019/00260878 Class 1 Appeal -WCC ats D Litkouhi & H Bezanekhtak DA 2019/185 - New dwelling, swimming pool, landscaping and associated works.	Appeal is upheld. Deferred commencement consent is granted subject to conditions. Judgment made on 23 Dec 2020. Matter finalised.	HWLE	\$0	\$35,795	\$35,795
15A Hart Street Class 1 LEC 2020/142239 DA for strata subdivision of an existing dual occupancy development is refused.	Judgment handed down on 28 September 20. Appeal dismissed, judgment made on 30 September 20. Matter finalised.	McCabe	\$0	\$10,280	\$10,280
19 Hampden Road LEC 2018/391545 Class 1 - WCC ats Kon Vourtozoumis -Deemed refusal of 19 room boarding House in Artarmon. DA 2018/189	Appeal Upheld. Development Consent is granted subject to conditions. Matter complete. 04/10/2019	HWLE	\$20,406	\$1,011	\$21,417
84A Hampden Road LEC 2017/3203 Council ats Feng, 84A Hampden Rd, Artarmon DA 2020/66	Appeal dismissed. DA is determined by refusal on 05 May 2021. Matter finalised.	Lindsay Taylor Lawyers	\$0	\$37,025	\$37,025

## QUARTERLY BUDGET REVIEW 2020/2021 - MARCH QUARTER

## Legal Expenses

ATTACHMENT 2

Property/Counter Party/Matter	Status	Law Firm/ Counsel Engaged	Fees Pd Prv Yrs	Fees Paid Jul 20- Jun 21	Total Costs to date
4 Hollywood Crescent Enforcement advice re alleged unlawful works and failure to comply with development control order re Roof tiles in Heritage Conservation area.	Advice provided 11 May 2020. Note: related to Class 1 appeal below. Enforcement will not occur whilst pending outcome of the Class 1 appeal.	HWLE	\$0	\$3,691	\$3,691
4 Hollywood Crescent WMC ats Laurent Champion and Stephanie Seeto LEC 2020/00123138 - Class 1 appeal against Council's issue of Development Control Order. DA 2018/229.	Appeal Upheld in part. Matter Ongoing.	HWLE	\$10,623	\$40,398	\$51,021
302/72 Laurel St, Willoughby LEC 2020/327199 Counter Party- JGCO Pty Ltd Appeal against Development Control Order requiring demolition of unauthorised works and compliance with approved Development Consent plans	S.34 held 13 May 2021. Matter ongoing.	HWLE		\$8,810	\$8,810
302/72 Laurel St, Willoughby LEC 2020/327200 Counter Party- JGCO Pty Ltd BIC Appeal	S.34 held 13 May 2021. Matter ongoing.	HWLE		\$2,256	\$2,256
150 Mowbray Road LEC 2019/00234535 - Under Appeal : Class 1 : Appeal/Modify condition 18 to allow the gymnasium to operate 24 hours on a permanent basis - DA 2017/240/A	Judgment made on 04 Sept 2020. Appeal Upheld. Modification DA is approved subject to conditions. Matter Closed.	HWLE	\$38,202	\$14,746	\$52,948
47 Neerim Road Willoughby V Castle Cove Holdings; Non-compliance of Swimming Pool. Council have recently identified places and structures not permitted within the enclosed pool area, including a cabana and change room which includes a shower and toilet.	Compliance has been achieved and proceedings are no longer required. Matter closed.	MC	\$1,593	\$1,608	\$3,201
14-16 Penshurst St Willoughby LEC 2021/19527 WCC ats Architecture Urbaneia Pty Ltd DA-2020/113 - Demolition of existing structures and construction of multi dwelling housing containing 8 townhouses with basement parking and roof top terrace.	S.34 Agreement Filed. Awaiting orders.	Lindsay Taylor Lawyers		\$2,939	\$2,939
1-4/3 The Postern LEC 2020/155414 Willoughby City Council ats Bridgelane Property 16 Pty Ltd - DA 2020/85	S34 Agreement filed on 4 December 2020. Decision to be published on 15 December 2020. Matter finalised.	Maddocks	\$0	\$43,110	\$43,110
24 Raeburn Ave LEC2020/00247753 Class 1 appeal against Council order issued in relation to part built decking around pool without consent.	Matter listed for conciliation conference on 13 November 2020. Conciliated agreement reached acceptable to Council and orders made for remedial works and landscaping.	HWLE	\$0	\$18,944	\$18,944
34 Strafford Road LEC 2020/00016928 - DA 2019/101	Judgment handed down on 6 August 2020 in accordance with Section 34 Agreement. Matter closed. Upheld with amended conditions.	McCabe Curwood	\$5,754	\$7,402	\$13,156



## QUARTERLY BUDGET REVIEW 2020/2021 - MARCH QUARTER

## Legal Expenses

ATTACHMENT 2

Property/Counter Party/Matter	Status	Law Firm/ Counsel Engaged	Fees Pd Prv Yrs	Fees Paid Jul 20- Jun 21	Total Costs to date
6 View Street, Chatswood LEC 2021/23645 WCC ats Kei Ng DA 2019/57 - Change of Use to a Boarding house.	S34 Matter listed for conciliation conference 23 June 2021.	McCabe	\$0	\$587	\$587
161 Victoria Ave LEC 2020/00227729 Class 1 appeal against Council order issued in relation to internal layout changes and increased staffing to brothel not in accordance with development consent. - Appeal against WCC's refusal of BIC	Applicant has appealed against refusal of a Building Information Certificate, deemed refusal of a Development Application and also the issue of a Development Control Order. Statement of Facts and Contentions in these matters are due to be lodged with the Court on 18 February 2021	HWLE	\$0	\$8,123	\$8,123
161 Victoria Ave LEC 2020/00340984 WCC ats Linda Cameron Watson	Listed for Orders Appeal 26 May 2021.	HWLE		\$861	\$861
161 Victoria Ave LEC 2021/19964 WCC ats Plaze Solutions P/L	Matter Complete.	Lindsay Taylor Lawyers		\$740	\$740
282-284 Victoria Ave Class 1 LEC 2019/86793 WCC ats UT 282 Victoria Pty Ltd	Section 34 Judgment made upholding appeal made on 21 August 2020. Application amended to satisfy Council and its consultants and costs thrown away ordered. Applicant response seeking reconsideration of costs - response to make counter offer instead. Matter finalised other than resolving costs thrown away.	HWLE	\$86,358	\$24,247	\$110,604
16 Warners Av LEC 2018/00243687. DA 2018/191. Class 1 proceedings - deemed refusal of boarding house.	Judgement in favour of Council 28 Jan 2020; appeal dismissed. Letter seeking agreement on costs sent 24/2/2020. Email response on 7 March 2020 seeking breakdown of costs claimed. \$30,000 costs thrown away received.	HWLE	\$125,821	\$891	\$126,712
678 Willoughby Rd LEC 2019/112220 WCC ats Edward Doueihy (now northrose) Class 1 Appeal against refusal of 80 place Childcare centre -DA 2019/12	Written submissions have been filed. Awaiting any submissions in reply from the applicant. (Estimated hearing for 3 days : \$50,000)	HWLE	\$51,828	\$61,198	\$113,026
LEC Class 4 2017/15679 JBA Planning Consultants	Ch. 9	Pikes and Verekers		\$4,515	\$4,515
Chatswood RSL Class 4 Appeal for SNPP decision	Applicant has filed the Notice of Discontinuance 3/03/2021	Maddock s		\$9,505	\$9,505
11 Lone Pine Avenue, Chatswood WCC v Tony Tran Penalty Notice No. 3192784742		WWSB		\$1,892	\$1,892
<b>Total - Land and Environment Court</b>			<b>\$363,498</b>	<b>\$438,941</b>	<b>\$802,438</b>

## QUARTERLY BUDGET REVIEW 2020/2021 - MARCH QUARTER

## Legal Expenses

ATTACHMENT 2

Property/Counter Party/Matter	Status	Law Firm/ Counsel Engaged	Fees Pd Prv Yrs	Fees Paid Jul 20- Jun 21	Total Costs to date
<b>LOCAL COURT</b>					
WCC ats Peter Lewis Batchem re Companion Animals Control Order	Matter listed for mention on 23 November 2020 at the Downing Centre Local Court. Sentence delivered on same date, defendant ordered to pay Council legal fees. Matter closed.	Lindsay Taylor Lawyers	\$0	\$6,064	\$6,064
WCC ats Canley Enterprises Pty - Breach of Heavy Vehicles Law	The Magistrate dismissed this matter at a Hearing on 9 December 2020. The matter involves a complex legal framework and some ambiguity. Council may appeal the court's determination but it has been decided not to pursue the matter. The matter is now closed.	Lindsay Taylor	\$2,130	\$9,532	\$11,662
58 Minnimurra Road Northbridge Council's Powers of Entry into Private Property	Advice provided on 12 August 2020. Matter Closed.	Lindsay Taylor	\$0	\$2,867	\$2,867
WCC ats Fortune Place Chinese Restaurant PL	The defendant was convicted and sentenced on 15 October, 2020. Court ordered the defendant to pay five (5) Fines and \$2,000 toward Council's legal costs. Matter is now closed.	WWSB	\$0	\$5,116	\$5,116
56 Kameruka Rd WCC ats Mishra - Failure to demolish building	Matter Ongoing.	WWSB	\$0	\$1,119	\$1,119
WCC ats Michael Learmont (Learmont Constructions) Offence, Polluting water, under S120 of the Protection of Environment Op Act -	Council prosecuted the matter on 5 November, 2020 and the court ordered the defendant to pay two (2) Fines and contribute \$2,500 toward Council's legal costs. Matter is now closed.	WWSB	\$0	\$4,960	\$4,960
WCC ats Lancelot Pty Ltd - Breach of Condition 12 of Development Consent	Matter Closed	WWSB	\$0	\$1,602	\$1,602
WCC ats Povident Super Strategies Pty Ltd. Breach of use of Mobility Parking Scheme Card	Matter Closed	Chatswood Law	\$0	\$3,636	\$3,636
WCC v Alan Tai - Breach of Development Consent		Lindsay Taylor	\$0	\$3,448	\$3,448
WCC ats Steven Matthew Benyamin, 24 Longmedow Parkway, Box Hill	Matter Ongoing.	WWSB	\$0	\$1,106	\$1,106
WCC ats Ronald Peter Hayes, Brown Street Transport Waste to Unlawful Waste Facility; Penalty Infringement 3192856417	Matter closed.	WWSB	\$0	\$2,232	\$2,232
<b>Total - Local Court</b>			<b>\$2,130</b>	<b>\$41,682</b>	<b>\$43,812</b>
<b>MISCELLANEOUS LEGAL SERVICES</b>					
Client File		HWLE		\$32	\$32
Company extract Pasargad Cuisine		Illion		\$33	\$33
Business Verification report - Strata Plan 43919		Illion		\$12	\$12
Company searches		Illion		\$214	\$214

## QUARTERLY BUDGET REVIEW 2020/2021 - MARCH QUARTER

## Legal Expenses

ATTACHMENT 2

Property/Counter Party/Matter	Status	Law Firm/ Counsel Engaged	Fees Pd Prv Yrs	Fees Paid Jul 20- Jun 21	Total Costs to date
<b>Total - Miscellaneous Legal Services</b>			<b>\$0</b>	<b>\$291</b>	<b>\$291</b>
<b>ADVICE</b>					
27 Strathallen Ave Advice regarding rear lane (driveway)	DA 2020/96 - Determined - application approved subject to conditions.	HWLE	\$0	\$2,123	\$2,123
Channel Nine Site Review and Advice on Planning Agreement		MC	\$0	\$954	\$954
211 Pacific Highway - Gore Hill park Advice re draft Deed of Agreement		HWLE	\$0	\$1,636	\$1,636
Gore Hill Park - Proposer to carry out Works upon the Public Carpark in Gore Hill park for International Chinese School -	Deed for Construction Works executed by the parties	HWLE	\$0	\$19,829	\$19,829
Gore Hill Technology Park Advice regarding costs provided to Council 12 March 2020. Further advice provided on 18 June 2020. Awaiting any further instructions.	Council to Finalise statement of evidence. Ongoing case management	Lindsay Lawyers	\$81,904	\$2,053	\$83,957
2-6 Kooringa Road Advice and assistance in the interpretation of conditions of consent requiring registration of easements over adjoining land		HWLE	\$0	\$1,510	\$1,510
142 Deepwater Advice regarding potential Class 4 - WCC ats Korosh and Soussan Imani - Site currently has a third occupancy without Development Consent. Applications lodged to regularise the works but were refused by Council.	Documents being reviewed and legal advice is being prepared. The legal advice is due to be provided to Council in February, 2021.	HWLE	\$0	\$869	\$869
7 Westbourne Street St Leonards Review of Public Positive Covenant	Matter Ongoing.	Lindsay Lawyers	\$0	\$1,650	\$1,650
<b>Total - Advice</b>			<b>\$81,904</b>	<b>\$30,623</b>	<b>\$112,526</b>

## QUARTERLY BUDGET REVIEW 2020/2021 - MARCH QUARTER

## Legal Expenses

ATTACHMENT 2

Property/Counter Party/Matter	Status	Law Firm/ Counsel Engaged	Fees Pd Prv Yrs	Fees Paid Jul 20- Jun 21	Total Costs to date
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Total - Land and Environment Court	Prv Yrs*	Actual	Bud Ytd	Bud Tot
Total - Local Court	\$0	\$438,941		
Total - Miscellaneous Legal Services	\$0	\$41,682		
Total - Advice	\$0	\$291		
<b>July 2020 to March 2021 Total Expenditure</b>	<b>\$0</b>	<b>\$511,535</b>		
Other Corporate Legal Expense				
<b>Total - ALL Expenditure</b>		<b>\$111,011</b>		
		<b>\$622,546</b>	<b>\$697,541</b>	<b>\$893,331</b>
<u>Other Corporate Legal Expenses</u>				
Mayor & Council		-		
Governance & Policy Admin		83,456		
The Concourse - Venue Management		8,711		
Property Services		12,074		
Culture & Leisure		-		
People & Culture		6,120		
Open Space		651		
Rates and Revenue Collection		-		
<b>Total</b>		<b>\$111,011</b>		

\* Note: The figures only include the total legal costs of previous years for the listed cases of this report

QUARTERLY BUDGET REVIEW 2020/2021 - MARCH QUARTER

ATTACHMENT 3.1

## THE CONCOURSE FINANCIALS

Income Statement for the period 1 July 2020 to 31 March 2021				Statement of Financial Position as at 31 March 2021		
	2020/2021	2019/2020	YTD Comparison		2020/2021	2019/2020
	31-Mar-21	31-Mar-20	FY 2021 vs FY 2020		31-Mar-21	31-Mar-20
	Actual \$	Actual \$	Increase / (Decrease)		Actual \$	Actual \$
<u>Income from Continuing Operations</u>				<u>Current Assets</u>		
Rates & annual charges	750,000	1,350,000	(600,000)	Investment securities	15,328,227	17,529,325
Users charges & fees	357,414	832,633	(475,219)	Receivables	1,115,811	192,764
Interest on Investments	122,954	235,785	(112,831)	Other Assets	-	7,359
Other revenues	2,640,480	2,716,555	(76,075)	Total Current Assets	16,444,038	17,729,447
Grants & contributions - non capital purpose:	274,685	254,606	20,079			
Total Income from Continuing Operations	4,145,533	5,389,579	(1,244,046)	<u>Non-Current Assets</u>		
<u>Expenses from Continuing Operations</u>				Property, Plant & Equipment	280,410,537	269,190,003
Employee Costs	1,942,954	2,319,824	(376,870)	Investment Properties	53,532,850	49,902,854
Materials & Contracts	247,005	439,143	(192,139)	Total Non-Current Assets	333,943,387	319,092,857
Borrowing Costs	1,129,206	1,585,488	(456,283)			
Depreciation & Amortisation	2,733,417	2,646,084	87,333	TOTAL ASSETS	350,387,426	336,822,304
Other Operating Expenses	2,912,498	3,032,896	(120,398)			
Total Expenses from Continuing Operations	8,965,080	10,023,435	(1,058,356)	<u>Current Liabilities</u>		
				Payables	142,614	491,176
Surplus (deficit) from Ordinary Activities before Revenue for Capital Purposes	(4,819,547)	(4,633,857)	(185,690)	Interest bearing liabilities*	1,108,139	1,066,164
				Provisions	950,850	1,041,126
Grants & contributions - capital purposes	-	-	-	Total Current Liabilities	2,201,602	2,598,467
Surplus (deficit) from Ordinary Activities	(4,819,547)	(4,633,857)	(185,690)			
				<u>Non-Current Liabilities</u>		
				Interest bearing liabilities*	36,683,885	37,698,591
				Provisions	15,956	14,935
				Total Non-Current Liabilities	36,699,841	37,713,527
				TOTAL LIABILITIES	38,901,443	40,311,993
				NET ASSETS	311,485,982	296,510,311
				<u>EQUITY</u>		
				Retained Earnings	238,073,542	241,719,408
				Revaluation Reserve	43,364,753	28,748,529
				Council Subsidy	30,047,687	26,042,373
				TOTAL EQUITY	311,485,982	296,510,311

\*Note: Interest bearing liabilities include the amortised cost on the \$30M Dexia borrowing. The Dexia payout figure calculated at 31 Mar 2021 was \$46.7M which reflects the additional cost that would be incurred should the loan be terminated early.

QUARTERLY BUDGET REVIEW 2020/2021 - MARCH QUARTER

ATTACHMENT 3.2

## THE CONCOURSE BUDGET COMPARISON

Income Statement for the period 1 July 2020 to 31 March 2021

	Original Budget 2020-2021 Net Result Surplus / (Deficit)	Original Budget YTD 31 Mar 2021 Surplus / (Deficit)	Actuals YTD 31 Mar 2021 Surplus / (Deficit)	Comparison Difference Surplus / (Deficit)
The Concourse - Venue Management	(944,240)	(708,180)	(621,344)	86,836
The Concourse - Facility Management	(113,446)	(85,085)	(74,792)	10,293
The Concourse - Precinct Management	(128,682)	(96,512)	(43,313)	53,199
The Concourse - Carpark Management	(67,356)	(50,517)	(72,900)	(22,383)
The Concourse - Retail	3,267,337	2,450,503	2,489,556	39,053
The Concourse - Urban Screen	(10,200)	(7,650)	(9,988)	(2,338)
The Concourse - Art Space	17,649	13,237	(10,087)	(23,324)
Century Venues*	-	-	-	-
Net Surplus/(Deficit)	2,021,062	1,515,797	1,657,133	141,337
<b>The Concourse Sub Total - Surplus/(Deficit)</b>				
<b>Before Interest, Depreciation and Overhead Costs</b>	<b>2,021,062</b>	<b>1,515,797</b>	<b>1,657,133</b>	<b>141,337</b>
<u>Interest</u>				
Interest on Loans	(1,533,995)	(1,150,496)	(1,102,077)	48,419
Interest on Loan (Amortised Cost)	(725,000)	(543,750)	(27,128)	516,622
<b>The Concourse Surplus/(Deficit) After Interest</b>	<b>(237,933)</b>	<b>(178,450)</b>	<b>527,928</b>	<b>706,377</b>
<u>Surplus (deficit) from Ordinary Activities before Revenue for Capital Purposes</u>				
Depreciation (excl Library)	(2,610,448)	(1,957,836)	(1,957,481)	-
Overhead Costs (excl Library)	(435,393)	(326,545)	(305,677)	20,867
<u>Other Income</u>				
CBD Rates and Compliance	1,000,000	750,000	750,000	-
Fair Value on Investment Properties	1,000,000	-	-	-
Interest on Investments	247,102	185,327	122,954	(62,373)
<b>The Concourse Sub Total - Surplus/(Deficit) before Capital Contributions</b>	<b>(1,036,672)</b>	<b>(1,527,504)</b>	<b>(862,277)</b>	<b>665,227</b>
Other Capital Contributions	-	-	-	-
<b>The Concourse Sub Total - Surplus/(Deficit) after Capital Contributions</b>	<b>(1,036,672)</b>	<b>(1,527,504)</b>	<b>(862,277)</b>	<b>665,227</b>
<u>Library Services</u>				
Library Services	(3,986,982)	(2,990,237)	(2,624,035)	366,201
Depreciation	(1,034,581)	(775,936)	(775,936)	(0)
Overhead Costs	(864,061)	(648,046)	(557,299)	90,747
<b>The Concourse Surplus/(Deficit) Including Library</b>	<b>(6,922,296)</b>	<b>(5,941,722)</b>	<b>(4,819,547)</b>	<b>1,122,175</b>

\* Century Venues The Concourse financial information has been excluded as Council does not subsidise the operations of Century Venues.

2 of 2

**Crown Reserves - Income and Expenditure**

Actual \$'s for the period 1 July 2020 to 31 March 2021

The format below complies with legislative reporting requirements for Crown Lands.  
Note that, the Trust Fund receives all of the Income shown but does not necessarily incur all of the expenses shown, as some may be borne directly by Council.

	Income	Expenditure	Surplus (Deficit)
<u>Crown Reserve Name:</u>			
Artarmon Reserve	\$ 15,358	\$ 179,991	\$ (164,633)
Beauchamp Park	\$ 15,046	\$ 311,810	\$ (296,763)
Chatswood Park	\$ 22,469	\$ 416,723	\$ (394,254)
Chatswood Rotary Athletics	\$ -	\$ 765	\$ (765)
Cleland Park	\$ 49,470	\$ 16,405	\$ 33,065
Clive Park	\$ 798	\$ 6,632	\$ (5,833)
Elizabeth Park	\$ -	\$ 75	\$ (75)
Explosives Reserve	\$ -	\$ 16,906	\$ (16,906)
Gore Hill Park	\$ 621,703	\$ 542,300	\$ 79,403
Naremburn Park	\$ 16,120	\$ 244,379	\$ (228,259)
Northbridge Park	\$ 41,455	\$ 135,564	\$ (94,109)
O.H Reid Reserve	\$ -	\$ 3,750	\$ (3,750)
Sailors Bay Park	\$ 7,480	\$ 2,505	\$ 4,976
Talus Street Reserve	\$ 29,498	\$ 24,571	\$ 4,928
Warners Park	\$ -	\$ 750	\$ (750)
Warrane Reserve	\$ -	\$ 3,750	\$ (3,750)
Willoughby Park	\$ 135,278	\$ 470,626	\$ (335,348)
<b>Total Crown Reserves</b>	<b>\$ 954,676</b>	<b>\$ 2,377,500</b>	<b>\$ (1,422,824)</b>

QUARTERLY BUDGET REVIEW 2020/21 - MARCH QUARTER

ATTACHMENT 5

**CY Pres Scheme Reserves as at 31 March 2021**

The combined closing balance of the two Cy Pres Scheme Reserves at 31 March 2021 is \$2.4M.

The CY Pres Scheme reserves are externally restricted and were created from compensation received from Roads and Maritime Services for the compulsory acquisition of open space land for construction of Gore Hill Freeway and Lane Cove Tunnel.

Scheme 1 (26 February 1959) is to be used for the purposes of public park, public reserve or public recreation areas.

Scheme 2 (9 August 1960) is to be used for the purposes of public park, public reserve or public recreation areas.

<u>Financial Summary: Cy Pres Scheme Reserve</u>	<u>Scheme 1</u>	<u>Scheme 2</u>	<u>Total \$</u>
Opening Balance – 1 July 2020	2,765,293	1,005,799	3,771,092
Income - Interest Earned	25,317	9,208	34,525
Expenditure - Legal Expenses	0	0	0
Project Expenditure	(1,426,460)	-	(1,426,460)
Closing Balance – 31 March 2021	<u>\$1,364,150</u>	<u>\$1,015,007</u>	<u>\$2,379,157</u>



## QUARTERLY BUDGET REVIEW 2020/2021 - MARCH QUARTER

## ATTACHMENT 6.1

## Developer Contributions as at 31 March 2021

Financial Summary: Developer Contributions

Opening Balance – 1 July 2020		60,620,036
Income: Interest Eamt	486,978	
Walter Street VPA	1,000,000	
Income: Developer Contributions		
CBD (S94A)	-	
Non CBD (S94A)	593,043	
Open Space Recreation (S7.11)	3,450	
Community Facilities (S7.11)	64,887	
Recreation Facilities (S7.11)	337,397	
Active Transport & Public Domain (S7.11)	19,211	
Plan Administration (S7.11)	6,361	
CBD (S7.12)	1,760	
Non CBD (S7.12)	<u>1,212,256</u>	3,725,343
Expenditure		(3,076,750)
Closing Balance – 31 March 2021		61,268,629

Reserve Balances as at 31 March 2021:

S94	7,125,524
S94A	17,602,769
S7.11	443,034
S7.12	2,026,685
Gore Hill	29,964,836
Thomas	2,865,674
Frederick	240,107
Walter Street	1,000,000
Total Reserve I	61,268,629

## Comments:

The balance of Developer Contributions (S7.11/ S7.12/ VPA) Reserves at 31st March is \$61.3M. The financial summary shows the opening balance for the year together with income and expenditure for the quarter as well as the closing balance.

Analysis of developer contributions for the quarter by location as well as a list of contributions over \$10,000 is provided below.

QUARTERLY BUDGET REVIEW 2020/2021 - MARCH QUARTER

ATTACHMENT 6.2

YTD Developer Contributions by Location									
Location	S94A CBD	S94 Non/CBD	Open Space Recreation	Community Facilities	Recreation Facilities	Active Transport & Public	Plan Administration	S7.12 CBD	S7.12 Non/CBD
Artamon	-	40,209	-	-	-	-	-	-	96,781
Castle Cove	-	25,267	160	3,015	15,676	853	296	-	58,640
Castlecrag	-	60,828	-	-	-	-	-	-	59,815
Chatswood	-	224,522	658	12,375	64,344	3,501	1,213	1,760	170,264
Lane Cove	-	3,245	177	3,330	17,315	942	326	-	10,386
Middle Cove	-	-	-	-	-	-	-	-	23,584
Naremburn	-	71,248	1,852	34,828	181,097	9,854	3,415	-	31,509
North Willoughby	-	8,415	177	3,330	17,315	942	326	-	34,839
Northbridge	-	40,001	89	1,665	8,658	471	163	-	229,223
Roseville	-	957	89	1,665	8,658	471	163	-	69,535
St Leonards	-	74,562	-	-	-	-	-	-	65,204
Willoughby	-	43,789	249	4,680	24,334	2,177	459	-	362,475
YTD Contributions	-	593,043	3,450	64,887	337,397	19,211	6,361	1,760	1,212,256

Developer Contributions over \$10,000 during the March Quarter		
Development Application Number	Address	Suburbs
APP/343/2019	37 Garland Road	Naremburn
DA-2017/182	17 Smith Street	Chatswood
APP/128/2020	Artamon Road	Willoughby
APP/328/2020	207 Pacific Highway	St Leonards
DA-2017/429	7 & 9 Warners Avenue	Willoughby
APP/127/2020	15 Richmond Avenue	Willoughby
APP/391/2019	11 Minnamurra Road	Northbridge
APP/300/2019	83 Neerim Road	Castle Cove
DA-2018/266	16 The Battlement	Castlecrag
CC/76/2021	26 Kendall Road	Castle Cove
CC/64/2021	41 Wood Street	Chatswood
APP/358/2019	81 Minimbah Road	Northbridge
DA-2019/53	21 Deepwater Road	Castle Cove

**15.3 WILLOUGHBY CITY OPERATIONAL PLAN AND BUDGET 2021-22 AND SCHEDULE OF FEES AND CHARGES 2021-22**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. OPERATIONAL PLAN 2021/22 3. SCHEDULE OF FEES AND CHARGES 2021/22 4. SUMMARY OF SUBMISSIONS ON DRAFT OPERATIONAL PLAN 2021/22 AND DRAFT SCHEDULE OF FEES AND CHARGES 2021/22 5. SUBMISSIONS ON DRAFT OPERATIONAL PLAN 2021/22 AND DRAFT SCHEDULE OF FEES AND CHARGES 2021/22 (ATTACHMENTS 2 – 5 INCLUDED IN ATTACHMENT BOOKLET)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LAURA KENDALL – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>STEPHEN NAVEN – CHIEF FINANCIAL OFFICER KATRINA FURJANIC – CORPORATE STRATEGIC PLANNER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

**1. PURPOSE OF REPORT**

To consider submissions received in response to public exhibition and to adopt the draft *Willoughby City Council Operational Plan 2021/22* encompassing the Budget and Revenue Policy and draft *Willoughby City Council Schedule of Fees and Charges 2021/22*.

**2. OFFICER'S RECOMMENDATION**

That Council:

- 1. Adopt the *Willoughby City Council Operational Plan 2021/22* and *Willoughby City Council Schedule of Fees and Charges 2021/22*.**
- 2. Resolve to make a Domestic Waste Management Charge of \$545.00 per annum per service on all properties categorised as Residential for the 2021/22 rating year, pursuant to Section 496 and 535 of the *Local Government Act 1993*.**
- 3. Resolve to make a Domestic Waste Management Charge for eligible Pensioners and qualifying Self-Funded Retirees of \$415.00 per service on all properties categorised as Residential for the 2021/22 rating year, pursuant to Sections 496 and 535 of the *Local Government Act 1993*.**
- 4. Resolve to allow the aggregation of the values of certain parcels of land subject to minimum rates in accordance with Section 548A of the *Local Government Act 1993*.**

5. Resolve to make the following Stormwater Management Service Charges for the 2021/22 rating year, pursuant to Sections 496A and 535 of the *Local Government Act 1993*:
- \$25.00 per rateable residential property
  - \$12.50 per rateable strata titled property
  - \$25.00 per 350 square metres for business related properties (minimum charge of \$5.00).
6. Resolve to make the following ordinary rates for the 2021/22 rating and financial year where such rates consist on an ad valorem amount and subject to a minimum amount, pursuant to Sections 492-294, 497-498, 533-535, 543 and 548 (inclusive) of the *Local Government Act 1993*:

Ordinary Rate Category Section 493	Ordinary Rate Sub Category Section 529	Ad Valorem Amount (cents in the \$)	Minimum Rate Amount	Yield
Residential	-	.00086802	\$896.40	\$31.80m
Business	-	.00471265	\$1,280.15	\$12.77m
Business	Chatswood Town Centre (CTC)	.00685895	\$1,361.55	\$7.35m
Business	Chatswood Major Retail – Chatswood Chase	.016491	\$1,141.10	\$0.94m
Business	Chatswood Major Retail Centre – Westfield	.0153425	\$1,141.10	\$1.20m
Business	Strata Storage Facility	.0068305	\$865.50	\$0.09m
<b>Total</b>				<b>\$54.17m</b>

7. Resolve to apply land valuations with a base date 1 July 2019, for rating purposes in the 2021/22 rating and financial year.
8. Resolve that the interest rate applicable on overdue rates and charges is 6.0% per annum for amounts overdue between 1 July 2021 to 30 June 2022. These charges for the 2021/22 rating year are pursuant to Section 566 of the *Local Government Act 1993*.
9. Note Council will allocate \$63K of grant funds to the implementation of The Haven Amphitheatre Landscape Plan, in addition to the projects and capital works included in the *Willoughby City Council Operational Plan 2021/22*.
10. Delegate authority to the Chief Executive Officer to make minor and administrative amendments to the *Willoughby City Council Operational Plan 2021/22* and *Willoughby City Council Schedule of Fees and Charges 2021/22* which do not alter the intent.

### 3. BACKGROUND

In accord with legislative requirements, Council is required to adopt its Operational Plan (including Budget and Revenue Policy) and to make and fix rates and charges annually.

Councillors were provided a briefing on the draft *Willoughby City Council Operational Plan* (the Plan) including draft Budget for 2021/22 on 6 April 2021. A report was then considered at the Council Meeting of the 12 April 2021 with Council resolving to place the draft *Willoughby City Council Operational Plan 2021/22* and draft *Willoughby City Council Schedule of Fees and Charges 2021/22* (Fees and Charges) on public exhibition.

This report seeks adoption of the draft *Willoughby City Council Operational Plan 2020/21* encompassing the Budget and Revenue Policy and draft *Willoughby City Council Schedule of Fees and Charges 2020/21*.

#### 4. DISCUSSION

This report presents the draft *Willoughby City Council Operational Plan 2021/22* and draft *Willoughby City Council Schedule of Fees and Charges 2021/22* for adoption following their exhibition.

##### Consultation and Submissions Received

The draft Plan and Schedule of Fees and Charges were publicly exhibited for 28 days from Thursday 15 April to Thursday 13 May 2021.

The draft *Willoughby City Council Operational Plan 2021/22* and draft *Willoughby City Council Schedule of Fees and Charges 2021/22* were made available online on Council's Have Your Say website ([www.haveyoursaywilloughby.com.au](http://www.haveyoursaywilloughby.com.au)).

Seven submissions were received on the Plan and Fees and Charges. Five submissions proposed changes to the Plan or Fees and Charges. Two submissions indicated a lack of clarity on the Plan. Two submissions on the Plan are supported. Key themes from the submissions are summarised in **Figure 1**, with a more outline of submissions and Council's responses in **Attachment 4**. Copies of the full submissions are included in **Attachment 5**.

**Figure 1 – Key themes – submissions on draft Plan and Fees and Charges**

Key theme	Council response (abridged – refer to Attachment 4 for more information)
Seeking inclusion in the Plan of a resident parking scheme in Edward and Penkivil Streets, Willoughby	Plan amended at page 28 to include a Parking Study at Edward and Penkivil Streets, Willoughby. This request was assessed against and met Council's prioritisation criteria for inclusion in the Plan.
Seeking clarification regarding various elements of the Plan	Several minor amendments to the Plan proposed to enhance clarity (refer <b>Attachment 4</b> )
Objection to an increase to and existence of the \$2.55 library item reservation fee	<p>No change to Fees and Charges proposed.</p> <p>The existing fee of \$2.50 is proposed to increase by 5 cents.</p> <p>The fee incentivises members to collect reserved items, or cancel reservations if no longer required. This helps reduce delays in making items available for others who would like to borrow them.</p> <p>The fee also partly offsets the cost of staff time and transportation of reserved items to relevant branches.</p>

Key theme	Council response (abridged – refer to Attachment 4 for more information)
	<p>Fee only charged to adult members, and can be waived if a member is experiencing financial hardship.</p> <p>The majority of respondents to a recent survey of library users did not express concern about this fee.</p>
Objection to an increase in charges for car sharing spaces	<p>No change to Fees and Charges proposed.</p> <p>Charges for car sharing spaces aim to recover set-up costs, and to offset the revenue lost through these spaces not being paid parking bays.</p>
Querying why no funds appear to be allocated in the budget to the rebuilding of the Haven Amphitheatre	<p>No change to Plan proposed.</p> <p>However, Council has received a Heritage Near Me grant in the amount of \$63,000 that will be utilised for (partial) implementation of works in the <i>Haven Amphitheatre Landscape Plan 2020</i></p>

**Figure 2** provides a summary of other minor changes to the exhibited *Willoughby City Council Operational Plan 2021/22*. These changes are not considered significant enough to warrant re-exhibition.

**Figure 2 – Minor changes to Operational Plan 2021/22**

Change Description	Page reference
Amend graph of proposed projects and capital works funding 2021/22 to reflect amendments to funding outlined below for project 301948 Software fees and monitoring and project 302044 Northbridge Oval, Northbridge – Traffic and parking study	18
Amend project 301965 The Concourse cladding upgrade to “The Concourse cladding replacement” to better reflect project	21
Amend project 301818 Affordable housing development – 258 Sailors Bay Road Northbridge – design to “Affordable housing development – 258 Sailors Bay Road Northbridge – design and construction” to better reflect project	21
Amend project 301960 Sailors Bay/Strathallen/Eastern Valley Northbridge streetscape – construction to “Sailors Bay/Strathallen/Eastern Valley Northbridge streetscape – stage 1 construction” ie insert “stage 1” to better reflect project	24
Amend project 301983 Naremburn local centre streetscape – construction to “Naremburn local centre streetscape – design” ie replace construction with design, to better reflect project	24
Amend funding for project 301948 Software fees and monitoring from \$20,000 to \$11,000. The reduced funding reflects opportunities for operating efficiencies	28

Change Description	Page reference
Amend project 302022 Stormwater investigation at Scotts Creek, Artarmon to "Scotts Creek Flood Study and Risk Management Plan" to better reflect project	28
Amend project 301930 Bus stop construction to "Bus stop access upgrade - construction" to better reflect project	28
Amend project 301931 Bus stop design to "Bus stop access upgrade – design" to better reflect project	28
Amend project 301939 Improvements for pedestrians and cyclists, Penkivil Street to Artarmon Road, Artarmon to "Improvements for pedestrians and cyclists in Edward Street between Penkivil Street to Artarmon Road, Artarmon – design"	28
Include new project 302343 – Parking Study at Edward and Penkivil Streets, Willoughby for the amount of \$5,000 in response to parking concerns raised by a resident, noting that the request has been assessed using Council's prioritisation process, and met the criteria	28
Include new project 302044 - Northbridge Oval, Northbridge - Traffic and parking study for the amount of \$4,000 in response to traffic congestion and safety concerns raised by residents, noting that the request has been assessed using Council's prioritisation process, and met the criteria	28
<p>To provide clarity, maps have been included that show where each rate category and sub-category included in the <i>Operational Plan</i> applies.</p> <p><b>"9. Definition of business sub categories</b></p> <p>The maps on the following pages show those areas to which each category and sub-category of rates included in the Plan applies."</p> <p>Under section 405(4) of the <i>Local Government Act 1993</i>: "During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies." Council has the maps available for inspection upon request.</p> <p>Subsequent pages renumbered.</p>	44-45

It is noted that Council endorsed *The Haven Amphitheatre Landscape Plan* at the May 2021 Ordinary Council meeting. Expenditure of \$63,000 of external grant funds will be allocated for partial implementation of *The Haven Amphitheatre Landscape Plan* in 2021/22, in addition to the projects and capital works in the *Willoughby City Council Operational Plan 2021/22*.

The *Willoughby City Council Operational Plan 2021/22* forms **Attachment 2** to this report.

Council is required to adopt the final *Operational Plan 2021/22* and *Schedule of Fees and Charges 2020-21* **Attachment 3** by 30 June 2021.

## 5. CONCLUSION

It is recommended the *Willoughby City Council Operational Plan 2021/22* and *Willoughby City Council Schedule of Fees and Charges 2021/22* be adopted by Council as required by the *Local Government Act 1993*, including amendments following public exhibition of these documents, as outlined in the Discussion section of this report.



## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	This report is part of the <i>Integrated Planning and Reporting Framework</i> as described in the Integrated Planning and Reporting Guidelines for local government and complies with the requirements of the <i>Local Government Act 1993</i> .
<b>Policy</b>	Consultation on the draft Plan and Schedule of Fees and Charges complied with Council's Community Engagement Policy.
<b>Consultation</b>	The draft Plan and Schedule of Fees and Charges were publicly exhibited for 28 days from Thursday 15 April to Thursday 13 May. Submissions received during this period are addressed in the report.
<b>Resource</b>	Council officers' time was used in the preparation of the Operational Plan.
<b>Risk</b>	Council is required to undertake this process by the <i>Local Government Act 1993</i> . The risk to council of not meeting these legislative requirements is not meeting community expectations.
<b>Legal</b>	There are no legal implications applicable to this report.
<b>Legislation</b>	Section 405 of the <i>Local Government Act 1993</i> – Council must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken in that year, as part of the Delivery Program.  Section 535 of the <i>Local Government Act 1993</i> – a rate of charge must be made by a resolution of council.
<b>Budget/Financial</b>	Preparation of, and community consultation on the draft Plan and Schedule of Fees and Charges were within the existing budget allocation and resources.

**15.4 ANNUAL FEE FOR MAYOR AND COUNCILLORS - 2021 - 2022**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LAURA KENDALL – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SHERRYN WILLIAMS – TEAM LEADER GOVERNANCE</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

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**1. PURPOSE OF REPORT**

To fix the annual fee to be paid to the Mayor and Councillors for the period 1 July 2021 to 30 June 2022.

**2. OFFICER'S RECOMMENDATION**

That Council, pursuant to section 248 and 249 of the *Local Government Act 1993*, fixes the annual fee at the maximum level for Metropolitan Medium category based on the 2021 determination of the Local Government Remuneration Tribunal, for the period 1 July 2021 to 30 June 2022 as follows:

1. Councillors annual fee of \$26,310.
2. Mayor additional annual fee of \$69,900.

**3. BACKGROUND**

Council last gave consideration to this matter on 27 July 2020, resolving for the period 1 July 2020 to 30 June 2021 to fix the annual fee as follows:

*“...at the maximum level for Metropolitan Medium category based on the 2020 determination of the Local Government Remuneration Tribunal, for the period 1 July 2020 to 30 June 2021 as follows:*

1. *Councillors annual fee of \$25,790.*
2. *Mayor additional fee of \$68,530.”*

This report seeks to fix the annual fee to be paid to the Mayor and Councillors for the period 1 July 2021 to 30 June 2022.

**4. DISCUSSION**

The Local Government Remuneration Tribunal (the Tribunal) must annually determine prior to May 1 the annual fee payable to a Mayor and Councillor under section 241 of the *Local Government Act 1993* (the Act). Based on the Tribunal's determination Council must then fix and pay an annual fee to the Mayor and Councillors for the following financial year.

The Tribunal has determined an increase of 2% to Mayoral and Councillor fees for the 2021/22 financial year.

Council is required under sections 248 and 249 of the Act to fix and pay the annual fee based on the Tribunal's determination. Willoughby City Council is classified as a metropolitan medium council, the minimum and maximum remuneration for this category is shown in **Figure 1**.

**Figure 1: Maximum and minimum fees for Metropolitan Medium councils for 2021/22**

	Metropolitan Medium Category	
	Minimum	Maximum
Councillor Annual Fee	\$14,100	\$26,310
Mayor Additional Fee	\$29,950	\$69,900

Within this fee range, Council has previously adopted the maximum fee for both the Mayor and Councillors. Given the significant duties of these offices and the complexity, scale and breadth of the council, maximum fees are also proposed for 2021/2022 financial year. As required by section 249 of the *Local Government Act 1993*, the Mayor receives both the Councillor annual fee and the Mayoral additional fee.

Full details of the Tribunal's determination is publicly available at <https://www.remtribunals.nsw.gov.au>

## 5. CONCLUSION

It is recommended Council fix the annual fees for the Mayor and Councillors for the period 1 July 2021 to 30 June 2022, on the basis of the determination of the Local Government Remuneration Tribunal.

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	The Governance team provides support in administering Councillors' fees.
<b>Policy</b>	The annual fee range for Mayor and Councillors is determined by the Local Government Remuneration Tribunal.
<b>Consultation</b>	This process is facilitated by the Local Government Remuneration Tribunal (the Tribunal). Council made a submission to the Remuneration Tribunal in January 2020 in relation to amending the Category from "Metropolitan Small" to "Metropolitan Medium" which was endorsed. No submission was made in 2021.
<b>Resource</b>	The fees for the payment of Mayor and Councillors have been provided for in the draft 2021-2022 budget.
<b>Risk</b>	There are no significant risks associated with this report recommendation.
<b>Legal</b>	There are no legal implications of Council failing to fix the annual fee. Council is determining the annual fee for the Mayor and Councillors as stipulated under the Local Government Act 1993 (the Act).
<b>Legislation</b>	The Local Government Act 1993 (the Act) guides the payment of fees to Councillors and Mayor:  A council must pay each councillor an annual fee (s 248(1)). and: (1) A council must pay the mayor an annual fee. (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor (s 249).  The fact that the Mayor is also a Councillor is covered in the Act: A mayor elected for an area is one of the councillors of the council for the area (s 282 (3)).  The Act's Dictionary defines a councillor as "a person elected or appointed to civic office, and includes a mayor".  Finally, the Act provides that:  A Council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal (s 248 (2)).
<b>Budget/Financial</b>	This is within approved budget.

**15.5 LEGAL MATTERS REPORT - JUNE 2021**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. LEGAL SERVICES REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LAURA KENDALL – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CHARLTON – GOVERNANCE, RISK &amp; CORPORATE PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

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**1. PURPOSE OF REPORT**

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

**2. OFFICER'S RECOMMENDATION**

**That Council receive the legal services report for June 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
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	The provision of a monthly report is related to the work undertaken by the Legal Counsel and the Governance, Risk and Corporate Planning Unit.
<b>Policy</b>	This report is produced pursuant to a resolution of Council.
<b>Consultation</b>	Internal consultation is undertaken to produce the report.
<b>Resource</b>	Provided from within existing staff resources and from reports provided by external legal providers.
<b>Risk</b>	Due to the identified risks association 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.
<b>Legal</b>	The purpose of this report is to inform Council on current legal proceedings.
<b>Legislation</b>	<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>
<b>Budget/Financial</b>	Proceedings undertaken are financed through approved budgets.

## ATTACHMENT 2

## Current Litigation and Claims Report June 2021

## Open Report

## 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 2020/00004227	John Hooper	Review of GIPA determination regarding fees and the extent of material to be provided.	Advice has been received that a decision is likely to be made available in May 2021.	No change.	LTL Lawyers	A decision is expected in May 2021.	Council's legal representatives are seeking advice from the Tribunal.
NSW Civil and Administrative Tribunal 2020/00070133	Stuart Coppock	Review of GIPA determination regarding the extent of material to be provided.	The Tribunal has advised that it expects a determination will be published on 6 April 2021, but as at 7 April 2021, the decision had not been published.	Advice has been received that the decision will be made available on the 4 June 2021.	LTL Lawyers	Council is awaiting the Tribunal's decision.	No change.

NOTE: Text in bold shows information not in the public report. Coloured text shows new information not in the previous month's report.

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 2019/00096207	John Hooper	Defamation Proceedings	On 22 April 2021, the Court rejected Mr Hooper's very broad document discovery request. Mr Hooper must provide his discovered documents to Council by 29 April 2021. The Council has objected to Mr Hooper's reply to its defence. The matter is back before the Court on 13 May 2021, for further directions.	The matter is listed before the Court on 8 July 2021.	RGS Lawyers appointed by Council's insurers.	StateWide Mutual	At the time of writing, Council's lawyers are awaiting Mr Hooper's discovered documents which are due on 29 April 2021.	On the 8 July 2021, the Court will hear argument regarding the scope of Mr Hooper's reply to Council's defence in the matter.

NOTE: Text in bold shows information not in the public report. Coloured text shows new information not in the previous month's report.



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
N/A	BAMM Medical Centres Pty Ltd - BAMM Group	Lease dispute with tenant.	Council Officers are negotiating in 'good faith' with BAMM as required to reach an agreement.	<b>Council officers are continuing negotiations with BAMM.</b>	Pikes & Verekers	N/A	Negotiations are continuing with BAMM towards formalising an agreement that will be in line with the guidelines of the NSW Government COVID-19 Regulation. Council staff are also conducting these negotiations with the aim of protecting the interests of Council and the community.	<b>BAMM has recently provided appropriate documentation to assess BAMM's claim for COVID relief. This is being assessed in line with COVID regulations.</b>
Federal Court NSD215/2019	Lead Plaintiffs The Owners – Strata Plan No 87231 v 3A Composites GmbH & Halifax Vogel Group Pty Ltd, Federal Court of	Council is participating as a Funded Group Member in the Alucobond Combustible Cladding Class Action in relation to Alucobond installed at The	Council has been working with William Roberts Lawyers and OMNI to ensure that evidence is preserved as the Concourse cladding is replaced.	<b>No change.</b>	William Roberts Lawyers instructed by litigation funders Omni Bridgeway (Previously IMF Bentham).	N/A	The evidence preservation work has commenced.	<b>No change.</b>

NOTE: Text in bold shows information not in the public report. Coloured text shows new information not in the previous month's report.

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
	Australia, Proceeding number NSD215/2019 ("Alucobond Combustible Cladding Class Action")	Concourse.						
Federal Court Circuit STG35/2021	Mark Barrett	General protections claim under the Fair Work Act		Mediation has been listed for the 15 July 2021.	HWL Ebsworth	CivicRisk – discussions are underway with CivicRisk to determine the extent of cover.		

NOTE: Text in bold shows information not in the public report. Coloured text shows new information not in the previous month's report.

## 3. Compliance actions and prosecutions

Court / 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 2020/00123138	Champion & Seeto	Class 1 appeal 4 Hollywood Crescent, North Willoughby.	The Land and Environment Court agreed to the modified Development Control order.	<b>The respondents have now effected compliance under the court conciliation agreement to comply with Council's order.</b>	HWL Ebsworth	The respondents in this matter sought a one-month extension by Council due to limited contractor availability and adverse weather conditions during February and March 2021. Council agreed to the extension for the modified order until 18 May 2021.	<b>This matter is now finalised.</b>

NOTE: Text in bold shows information not in the public report. Coloured text shows new information not in the previous month's report.

## 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 2020/00173203	Yi Feng	Class 1 appeal deemed refusal at 84A Hampden Road, Artarmon.	The matter was heard on 30 and 31 March 2021. Council is yet to receive the judgment.	<b>The appeal was dismissed and the application refused.</b>	LTL Lawyers	The matter was heard on 30 and 31 March 2021. Council is yet to receive the judgment.	<b>This matter is now finalised.</b>
Land & Environment Court – 2020/160587	Luxeco Property Pty Ltd	Class 1 appeal deemed refusal for townhouse development at 82-86 Eastern Valley Way, Willoughby.	The appeal was heard on 2 and 3 March 2021. Council is yet to receive the judgment.	<b>No change.</b>	McCabe Curwood	The matter proceeded to a hearing with Council yet to receive the judgment.	<b>No change.</b>
Land & Environment Court 2019/112220	Edward Doueihy	Class 1 appeal against refusal of 80 place Childcare centre at 678 Willoughby Road, Willoughby.	The matter was heard on 23, 24 and 25 March 2021. Council is yet to receive the judgment.	<b>No change.</b>	HWL Ebsworth	The matter was heard on 23, 24 and 25 March 2021. Council is yet to receive the judgment.	<b>No change.</b>

NOTE: Text in bold shows information not in the public report. Coloured text shows new information not in the previous month's report.

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 2020/00270766	Thirdi Group Castle Cove Pty Ltd	Class 1 appeal against refusal of seniors living development at 12 and 19 Amaroo Crescent, Castle Cove.	The commissioner instructed the applicant to provide amended plans by 19 April 2021. Once received, Council is to provide a response within two weeks.	<b>A court conciliation agreement was reached with all contentions sufficiently addressed regarding privacy, landscaping and access issues.</b>	HWL Ebsworth	Amended plans have been received and Council intends to provide a response by 30 April 2021.	<b>The matter was finalised by the Court on 26 May 2021 through the issuing of the conciliation approval.</b>
Land & Environment Court Class 4 Enforcement of Order 3160	Owners Corporation SP 91045	Class 4 Enforcement of Order 3160 – replacement of external aluminium composite panels. 78 Chandos Street.		Civil enforcement proceedings have ceased, as correspondence with the Owners Corporation indicated that rectification works are commencing.	Maddocks		As proceedings have ceased and the Owners Corporation have indicated they will undertake rectification works, the matter is considered closed.
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		<b>A court conciliation conference commenced 13 May 2021, with discussions continuing, as an outcome that satisfies both parties has not yet been reached.</b>	HWL Ebsworth		<b>The conciliation process will continue until an agreement can be reached on the terms of a decision that is acceptable to both parties, or the conciliation is discontinued and the matter proceeds to a full hearing.</b>

NOTE: Text in bold shows information not in the public report. Coloured text shows new information not in the previous month's report.

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 2021/23645 – 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	*****	The matter is listed for a court conciliation conference on 23 June 2021.	McCabe Curwood	*****	No update can be provided on the status of the matter until the conciliation process commences.
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	*****	The applicant has addressed the issues in regards to the Development Application which has now been approved by the Willoughby Local Planning Panel.  The matter is not finalised and is pending the determination of the Building Certificate.	HWL Ebsworth	*****	The outcome of this matter is dependent on the determination of the Building Certificate.
Land & Environment Court 2021/19527 – Class 1 appeal against townhouse development	Architecture Urbaneia Pty Ltd	Class 1 appeal against townhouse development 14-16 Penshurst Street Willoughby	*****	A court conciliated agreement has been reached and filed with the Court. All contentions have been sufficiently addressed including height, privacy, overshadowing and setbacks.	LTL Lawyers	*****	As an agreement has been reached and filed, both parties are now awaiting the Court to issue the conciliated consent.

NOTE: Text in bold shows information not in the public report. Coloured text shows new information not in the previous month's report.

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		A court conciliation conference commenced 24 May 2021, with discussions continuing, as an outcome that satisfies both parties has not yet been reached.	Maddocks		The conciliation process will continue until an agreement can be reached on the terms of a decision that is acceptable to both parties. If agreement is not reached the matter will proceed to a full court hearing.

NOTE: Text in bold shows information not in the public report. Coloured text shows new information not in the previous month's report.

**PLANNING & INFRASTRUCTURE DIRECTORATE****15.6 APPOINTMENT OF PANEL MEMBERS TO THE SYDNEY NORTH PLANNING PANEL AND THE WILLOUGHBY LOCAL PLANNING PANEL**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. FUNCTIONS OF SYDNEY NORTH PLANNING PANEL AND WILLOUGHBY LOCAL PLANNING PANEL</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

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**1. PURPOSE OF REPORT**

To seek Council endorsement for the appointment of panel members to the Sydney North Planning Panel and the Willoughby Local Planning Panel for the period 1 July 2021 to 29 February 2024.

**2. OFFICER'S RECOMMENDATION**

That Council:

1. Endorse the appointment of the following Council representatives to the Sydney North Planning Panel for the period 1 July 2021 to 29 February 2024:
  - a) The elected Mayor.
  - b) James Harrison (at a mutually agreeable rate) as a person with expertise in planning or a related field.
2. Endorse the appointment of the following Council representatives to the Sydney North Planning Panel as alternatives to the elected Mayor and James Harrison:
  - a) The current Councillor who most recently held the role of Deputy Mayor (and is not the current Deputy Mayor) to act as the alternate representative to the Mayor. Should alternate to the Mayor be unavailable, conflicted or is no longer a current Councillor, Philippa Hayes and Kara Krason to act as further alternates at mutually agreeable rates.
  - b) Philippa Hayes and Kara Krason to act as alternate representatives to James Harrison at mutually agreeable rates as persons with expertise in planning or a related field.
3. Endorse the continuation of existing Council representatives on the Sydney North Planning Panel for any matters where they have attended Panel meetings on the matter and the matter has not concluded.



4. Endorse the appointment of the following Chairs to the Willoughby Local Planning Panel for the period 1 July 2021 to 29 February 2024:
  - a) Abigail Goldberg as Head Chair
  - b) Jacqueline Townsend as Alternate Chair
  - c) Graham Brown as Alternate Chair
5. Endorse the appointment of the following expert members to a panel of experts for the Willoughby Local Planning Panel with two appointed for each meeting for the period 1 July 2021 to 29 February 2024:
  - a) Trevor Bly
  - b) James Harrison
  - c) Kara Krason
  - d) Deborah Laidlaw
  - e) John McInerney
  - f) Julie Savet Ward
  - g) Gary Shiels
6. Endorse the appointment of the following community representatives to the Willoughby Local Planning Panel with one appointed for each meeting for the period 1 July 2021 to 29 February 2024:
  - a) Philippa Hayes
  - b) Robert Freestone
  - c) Linda Tully
7. Delegate authority to the Chief Executive Officer to complete the process of appointment of Panel Chairs and members.

### 3. BACKGROUND

The functions of the Sydney North Planning Panel and the Willoughby Local Planning Panel are outlined in **Attachment 2**.

#### 3.1 Sydney North Planning Panel

Each meeting of the Sydney North Planning Panel (SNPP) is made up of:

- One Chair (Peter Debnam) appointed by the Department of Planning, Industry and Environment (DPIE),
- Two experts (Brian Kirk and Julie Savet Ward) appointed by DPIE, and
- Two Council representatives appointed by Council, one of which is required to have expertise in planning or a related field.

Alternate representatives can be nominated when appointed representatives have a conflict of interest or are unable to attend.

Traditionally Council has been represented by the Mayor, and as an alternate the Deputy Mayor. This convention is ratified in reports to Council on Councillors' representations on Committees, Boards and External Organisations, the most recent being at the meeting of 14 September 2020.

Council at its meeting of 22 February 2016 resolved to engage Linda McClure as the second representative on the Panel and, as an alternate in Ms McClure's absence, Norma Shankie-Williams. Council at its meeting of 8 February 2021 resolved to retain these representatives on the Sydney North Planning Panel through to June 2021.

At its meeting of 8 March 2021, Council resolved to appoint James Harrison as a second alternate Council representative on the SNPP as both Linda McClure and Norma Shankie-Williams had a conflict of interest in a matter being consider.

### **3.2 Willoughby Local Planning Panel**

The Willoughby Local Planning Panel (WLPP) came into effect in March 2018. Each meeting of the WLPP is made up of:

- One Chair nominated by DPIE and appointed by Council,
- Two experts selected and appointed by Council from a panel of experts provided by DPIE, and
- One community representative selected and appointed by Council.

Alternates can be appointed and utilised on a rotational or similar basis.

At its meeting of 12 February 2018, Council ratified the appointment of the following to the Willoughby Local Planning Panel:

- Abigail Goldberg as Chair with Garry West and Penny Holloway as Alternate Chairs,
- Philippa Hayes, Robert Wilson, Robert Freestone and Emma Booth as Community Representatives.

Emma Booth was subsequently denied secondary employment and as such declined the offer.

At this same meeting Council delegated authority to the General Manager (now Chief Executive Officer) to complete the process of selection and appointment of expert members and alternate members with advice from the selection committee consisting of the Mayor, the Planning and Infrastructure Director and the Planning Manager.

On 2 March, 2018, Councillors were informed by email of the expert appointments being Trevor Bly, James Harrison, John McInerney, Julie Savet Ward, Gary Shiels, Deborah Laidlaw, Kara Krasen and Annelise Tuor. The letter of appointment to the nominated panel members was for an initial period of twelve months.

By email to all Councillors dated 10 January 2019, feedback was sought as to whether there was any objection to the reappointment of panel members for a further two-year period with the exception of Annelise Tuor who indicated she was unable to remain on the panel due to other commitments. No objections were raised and panel members were reappointed on this basis.

Council, at its meeting of 8 February 2021, resolved to retain the current appointed members of the Willoughby Local Planning Panel through to June 2021, and to receive a report for determination of appointment of panel members to take effect after June 2021. Advice was to be sought from the selection committee being made up of the Mayor, the Planning and Infrastructure Director and the Planning Manager.

This report provides recommendations and seeks Council endorsement for the appointment of chairs and panel members for the Willoughby Local Planning Panel and for Council representatives on the Sydney North Planning Panel.

## **4. DISCUSSION**

### **4.1 Sydney North Planning Panel**

Council has the ability to appoint two representatives to the Sydney North Planning Panel (SNPP) one of which is required to have expertise in one or more of 'planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism'. For each of the two representatives, alternates can be appointed to attend when the nominated representative is unavailable.

Council has traditionally appointed the Mayor with the alternate to the Mayor being the Deputy Mayor as one of its two representatives. This has resulted in both the Mayor and Deputy Mayor having to vacate the Chamber at Council meetings when matters with potential to come before the SNPP are being debated. As it is the role of the Deputy Mayor to chair the Council meeting when the Mayor is unavailable, it is undesirable to have both out of the Chamber at the same time. As such it is recommended that for Council's first representative the Mayor be appointed with the alternate to the Mayor being the current Councillor who most recently held the role of Deputy Mayor (and is not the current Deputy Mayor). Should both the Mayor and alternate to the Mayor be unavailable or conflicted it is recommended that one of the alternates for the second representative (Philippa Hayes or Kara Krason) be appointed.

As the second representative is required to have expertise in planning or a related field, an advertisement was placed in the North Shore Times and on Council's website seeking expressions of interest for representing Council on the SNPP. Three applications were received, two of which were from current expert members of the Willoughby Local Planning Panel (WLPP), being James Harrison and Kara Krason, and the third from one of Council's community representatives on the WLPP, Philippa Hayes. Philippa has the required expertise for the role being both a qualified architect and planner.

All three have provided a valuable contribution to the WLPP and James, more recently in his role as a representative for Council on the SNPP. With the selection committee having considered the applicants it is recommended that Council appoint James Harrison as Council's second representative on the SNPP with Kara Krason and Philippa Hayes both acting as alternates to James should he be unavailable.

It is also recommended that where existing Council representatives have attended Panel meetings on a particular matter and the matter has not concluded, they be retained until the conclusion of the matter.

#### **4.2 Willoughby Local Planning Panel**

The Willoughby Local Planning Panel (WLPP) has been operating for the past three years with one Chair and two alternate chairs rotating through the role, seven experts with two attending at each meeting (selection based on rotation and availability) and three community representatives with one at each meeting (selection based on rotation and availability). Advice received from the Department of Planning, Industry and Environment (DPIE) by email dated 7 May 2021, indicates that appointments should be made by 1 July 2021 for a period through to 29 February 2024 to ensure:

- compliance with six-year maximum term limits for continuing members
- the expiry date of the Minister's approval of chairs and experts.

##### **4.2.1 Panel Chairs**

DPIE provide each Council with an approved chair and alternate chairs for Council to appoint. For Willoughby the approved chair is Abigail Goldberg and the alternate chairs are Jacqueline Townsend and Graham Brown. Abigail has been an excellent Lead Chair of the WLPP for the past three years managing meetings appropriately and working well with Council officers. Garry West, a previous alternate chair is no longer continuing in this capacity and Penny Holloway is not one of those approved by DPIE for Willoughby for the upcoming period.

Having consulted with the selection committee, it is agreed that it be recommended that the DPIE approved chair (Abigail Goldberg) and alternate chairs (Jacqueline Townsend and Graham Brown) be appointed to the WLPP through to 29 February 2024.

#### **4.2.2 Panel Experts**

All 7 expert panel members of the WLPP are again on the DPIE approved list from which councils can appoint. All have shown expertise and professionalism in their deliberations conducting themselves in a respectful and considered manner. The selection committee agree that it is desirable to retain continuity for the maximum period permissible under legislation (six years) and as such it is recommended that all seven be reappointed as expert members of the WLPP through to 29 February 2024. At the end of the maximum six-year term new expert panel members will be required to be appointed.

#### **4.2.3 Community Representatives**

An advertisement was placed in the North Shore Times and on Council's website seeking expressions of interest to be a community representative on the Willoughby Local Planning Panel. Three applications were received, two being from existing community representatives, Philippa Hayes and Robert Freestone, and the third being Linda Tully. Robert Wilson, who has been one of the three community representatives over the past three years, has indicated he did not intend to reapply for the upcoming period.

Philippa Hayes has been a long term resident of Castlecrag and has both architecture and planning qualifications. She has made a valuable contribution on the WLPP over the past three years and her continued involvement is supported.

Robert Freestone has been a resident of Naremburn for over 30 years. He is a Professor of Planning at the University of NSW. Like Philippa, Robert has made a valuable contribution to the panel bringing both local and professional knowledge.

Linda Tully lives in Willoughby and has been involved in local planning matters in recent years primarily through the Willoughby South Progress Association. Linda has indicated that she is willing to resign her position on the Progress Association should this present a conflict of interest. Linda brings a strong knowledge of local planning matters and it is considered her representation of Council on the panel would prove beneficial.

The selection committee have considered all three applications for community representative on the WLPP and recommend that all three be appointed with attendance at meetings being determined based on a rotational and availability basis.

### **5. CONCLUSION**

The Willoughby Local Planning Panel (WLPP) has been in operation since March 2018 and it is now necessary to appoint members for the upcoming period through to February 2024. The existing panel members have ensured the successful operation of the panel to date and where possible the reappointment of existing members is recommended. Both alternate chairs approved by the Department of Planning, Industry and Environment (DPIE) for Council to appoint were not previously on the WLPP however are appropriate for appointment.

All existing expert panel members on WLPP are available for reappointment and it is recommended that this occur. Two of the three applicants for the community representative have also served in this capacity over the previous three years and are recommended to be reappointed. A new appointment, Linda Tully is also recommended to replace Robert Wilson who has decided not to reapply.

To align the timing of panel appointments it is proposed that Council also determine representation on the Sydney North Planning Panel through to February 2024. It is recommended that Council appoint the Mayor with the alternate being the most recent past Deputy Mayor that is currently on Council and not being the current Deputy Mayor to avoid both the Mayor and current Deputy Mayor needing to leave the Chamber at the same time. Should both the Mayor and alternate to the Mayor be unavailable or conflicted it is recommended that one of the alternates for the second representative (Philippa Hayes or Kara Krason) be appointed.

The second Council representative is required to have experience in planning or a related field. It is recommended that James Harrison be appointed to this role with Kara Krason and Philippa Hayes as Mr Harrison's alternates, all three of whom have been members of the WLPP. It is also recommended where existing Council representatives have attended Panel meetings on a particular matter and the matter has not concluded, they be retained until the conclusion of the matter.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	This is a requirement of the <i>Environmental Planning and Assessment Act 1979</i> .
<b>Policy</b>	There are no policy implications applicable to this report.
<b>Consultation</b>	Internal selection committee consisting of the Mayor, Planning and Infrastructure Director and the Planning Manager, were consulted in respect to recommendations for appointment.
<b>Resource</b>	Both the Sydney North Planning Panel and The Willoughby Local Planning Panel are mandatory requirements for determining Development Applications and providing other planning advice. Annual costs for running the WLPP and community representatives on the SNPP is approximately \$150,000.
<b>Risk</b>	The operation of the panel over the past 3 years has enabled risks to be satisfactorily addressed. Should panel appointments not be in place by 1 July 2021 determination of Development Applications may be delayed.
<b>Legal</b>	This is a legal requirement applicable to all councils.
<b>Legislation</b>	Requirement established by the <i>Environmental Planning and Assessment Act 1979</i> .
<b>Budget/Financial</b>	The projected costs have been budgeted for the 2021/22 financial year and will need to be applied in future operational budgets.

## Functions of the Sydney North Planning Panel and the Willoughby Local Planning Panel

### Sydney North Planning Panel

The Sydney North Planning Panel:

- makes decisions on regionally significant development applications (DA's),
- can be appointed as the relevant planning authority by the Minister for the purposes of rezoning, and
- can provide advice to the Minister or the Secretary of the Department of Planning, Industry and Environment if requested.

Development is defined as Regionally Significant Development if it falls within Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* and includes:

- General development over \$30million,
- Council related development over \$5million,
- Crown development over \$5million,
- Private infrastructure and community facilities over \$5million,
- Eco-tourist facilities over \$5million,
- Particular designated development,
- Coastal subdivision,
- Certain coastal protection works,
- Development subject to delays in determination, and
- Development in council areas where development assessment unsatisfactory.

### Willoughby Local Planning Panel

Local Planning Panels are the determining authority for:

- Development for which there is an existing or perceived conflict of interest being where the applicant or owner is (or is a relative of) the council, a councillor, a member of Parliament or a council employee,
- Contentious development being where an application has received ten or more unique submissions by way of objection,
- Where a proposal contravenes a development standard by more than 10%, and
- Sensitive development which includes demolition of a heritage item, certain residential flat development, licenced premises, designated development, brothels and development where the developer has offered to enter into a planning agreement.

Local Planning Panels also provide advice to Council on Planning Proposals.

**15.7 REVIEW OF WILLOUGHBY DEVELOPMENT CONTROL PLAN**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2 DRAFT WILLOUGHBY DEVELOPMENT CONTROL PLAN (INCLUDED IN ATTACHMENT BOOKLET)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ARTHUR TSEMBIS – DEVELOPMENT ASSESSMENT OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES 3.4 - CREATE DESIRABLE PLACES TO BE AND ENJOY 5.1 - BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

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**1. PURPOSE OF REPORT**

To seek Council's endorsement to exhibit the *draft Willoughby Development Control Plan 2021*.

**2. OFFICER'S RECOMMENDATION**

That Council:

- 1. Endorse for public exhibition the *draft Willoughby Development Control Plan 2021* which will occur at the same time as exhibition of the *draft Willoughby Local Environmental Plan 2020*.**
- 2. Be provided with a further report following exhibition and consideration of any submissions, prior to finalising the *draft Willoughby Development Control Plan 2021*.**
- 3. Delegate authority to the Chief Executive Officer to make any minor amendments to *draft Willoughby Development Control Plan 2021* which do not alter the policy intent.**

**3. BACKGROUND**

Several components of the *Willoughby Development Control Plan* (WDCP) have been reviewed incrementally over the last two years and adopted by Council. This includes amendments to Part C5 – Water Management, Part C9 – Vegetation Management and Part C3 – Building Sustainability. The notification process under Part B.4 of WDCP was repealed in November 2019 and included in the *Community Participation Plan* (CPP).



In December 2020 Council at its ordinary meeting resolved, inter alia, to forward the Planning Proposal for the draft *Willoughby Local Environmental Plan 2020* (draft WLEP 2020) to the Department of Planning, Industry and Environment (DPI&E) for a Gateway Determination, and upon receipt of approval, proceed to exhibition. The Draft WLEP 2020 has been forwarded to DPIE and it is anticipated that a Gateway determination (with requirements to satisfy before exhibition) will be received in June 2021. It is intended to exhibit the *draft WDCP 2021* in tandem with the draft WLEP 2020 which is expected to be for 12 weeks from August.

This report outlines the new draft WDCP 2020 including how this differs from the existing WDCP and seeks Council endorsement for exhibition.

#### 4. DISCUSSION

In line with requirements of the State Government and the Greater Sydney Commission for all Metropolitan Councils to align their Local Environmental Plans and Development Control Plans with relevant District Plans, a complete review of the *Willoughby Development Control Plan* (WDCP) was undertaken during 2020. The intent of the review was to provide more contemporary and up to date development standards, and deliver the outcomes sought in the *North District Plan*. The new draft *Willoughby Development Control Plan 2021* (draft WDCP 2021) is the culmination of this review, and aims to provide a more succinct 'user-friendly' document.

The current WDCP came into force on 21 August 2006 and extends to over 1,000 pages. The new draft Plan (draft WDCP 2021) has been restructured to consolidate the various components of the current WDCP and update provisions to reflect current good practices.

The following table indicates the proposed structure of the draft WDCP 2021, how it relates to the existing WDCP structure and where the main changes to content have occurred. This is intended to highlight where the most significant change to content and controls have occurred. The draft WDCP contains 12 parts, being Part A to Part L. The table indicates only three sections contain significant changes, being Part B, Part F and Part L.

It should not be read that where noted as 'no significant', 'minor' or 'minimal' changes that no changes have occurred, however the changes are generally to clarify and improve readability and in some cases may include some additional provisions.

Table 1 – Draft WDCP 2021 Structure

Draft WDCP 2021 Structure	Relationship to existing WDCP Structure	Extent of Content Change
Part A – Overview of Draft WDCP 2021	Existing Parts A and B combined and rationalised	No significant changes.
Part B – Residential Development	Existing Parts D1 and D2 combined. E4 Environmental Living separated into new Part C. Shop Top Housing provisions incorporated from existing Part E. Various general provisions (Existing Part C) incorporated.	<b>Significant changes to controls.</b>
Part C – Development in E4 Environmental Living Zones	Existing Part D1.16.	Minor changes.

<b>Draft WDCP 2021 Structure</b>	<b>Relationship to existing WDCP Structure</b>	<b>Extent of Content Change</b>
Part D – Commercial Development	Existing Part E. Shop Top Housing provisions transferred to new Part B. Various general provisions (Existing Part C) and Specific Development provisions (Existing Part G) incorporated.	Minimal change.
Part E – Industrial Development	Existing Part E. Various general provisions (Existing Part C) and Specific Development provisions (Existing Part G) incorporated	Minimal change.
Part F – Transport and Parking Management	Existing Part C4.	<b>Significant changes to controls.</b>
Part G – Vegetation Management	Existing Part C9.	Minimal change.
Part H – Heritage and Heritage Conservation Areas	Existing Part H.	Minimal change with some additional provisions.
Part I – Water Management	Existing Part C5.	Minimal change.
Part J – Building Sustainability	Existing Part C3.	No significant changes.
Part K – Development near Lane Cove Tunnel Ventilation Stacks	Existing Part C16.	No significant changes.
<b>Part L – Place Based Plans</b>	New.	<b>Significant change by inclusion of new section.</b>

Since the current WDCP came into effect, the *Department of Planning, Industry and Environment* (DPIE) introduced *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

The exempt provisions allow certain structures, business and identification signs, and change of uses to be constructed and carried out without development consent.

The Codes SEPP includes several Codes which allow certain works, including the construction of new dwellings and alterations and additions to be carried out as complying development. However, if a proposal does not satisfy all the criteria under the Codes, a development application (DA) is required. This has highlighted very significant differences between the controls for similar developments under the Codes SEPPs and the current WDCP.

Whilst there are some exceptions, the proposed changes to the WDCP will better align Council's controls with the requirements under the various Codes within the Codes SEPP, and other State plans, policies, and guidelines. It is considered that this approach will provide equity and speed up the development assessment process, without compromising development outcomes.

Several components of the current WDCP such as Part C.13 (Contaminated Land) and Part C.14 (Development near Railway Corridors or Busy Roads), have been deleted as redundant because they are now covered by other legislation.

Many other issue specific components of the current WDCP, such as Part C.6 (Access, Mobility and Adaptability), Part C.10 (Foreshore Building Line), Part C.11 (Safety by Design), Part C.17 (Fencing) and Part C.17 (Awnings, Public Road Encroachments and Use of Public Footways), have been relocated in the draft WDCP 2021. It is more appropriate to bring together all controls relating to a particular development type, such as residential or commercial rather than present them scattered throughout the plan based on particular issues.

The current WDCP includes a significant amount of background and educational information which can be sourced from other places, including Council's web site. In order to improve readability, the draft WDCP 2021 has minimised such information and concentrated on providing performance criteria and numerical controls. At the same time, the draft WDCP 2021 provides a link to access any background and educational information that may assist in the preparation of a development application.

A synopsis of the 12 components of the draft WDCP 2021 is provided below.

**Part A - Overview of Draft Willoughby Development Control Plan (WDCP) 2021:**

The current WDCP includes Parts A - Introduction and Part B - Application Process. These two parts have been consolidated into a new draft Part A. This Part provides an outline of the draft WDCP 2021 and includes a link to Council's web site to access information relating to the development application process. This new Part also provides a brief description and relationship to other relevant State and local plans, policies, and guidelines.

**Part B – Residential Development**

The current WDCP includes Part D1 – Dwelling Houses, Dual Occupancies and Secondary Dwellings, and Part D2 – Attached Dwellings, Multi Dwelling Housing and Residential Flat Buildings.

The specific aim of the new draft Part B is to provide a consistent and equitable approach to development outcomes by incorporating the provisions of relevant State Planning Policies and Guidelines and include current good practice provisions into Council's local planning controls.

The new draft Part B brings together controls for development in the residential zones. It comprises 'minor' developments and 'major' developments. Minor developments include single dwellings, secondary dwellings, and attached and detached dual occupancies. Major developments include multi dwelling housing, residential flat buildings and the residential components of shop top housing and mixed-use developments.

Part B of the draft WDCP 2021 also includes a number of controls presently covered by the current Part C – General Development Guidelines. This includes adaptable housing (Part C.6); Waste Management (Part C.8); Fencing (Part C.12); and undergrounding of services (Part C.15).

Part B of the draft WDCP 2021 includes controls for boarding houses which are presently covered by the current Part G – Controls for Specific Development Types. This section also includes a reference to 'build-to-rent' housing which is permissible with consent under the provisions of the *SEPP (Affordable Rental Housing) 2009*.

A new provision has been included to advise proponents that Council has a Natural Heritage Register listing identified significant trees and vegetation items of natural heritage, including items on private properties. Proponents are advised to access the register to determine if a subject property comprises any items that should be preserved and protected from any proposed development.

With respect to dwellings and other 'minor' developments, it is proposed to generally align the controls in the R2 zone (excluding the heritage conservation areas) with those of the Code requirements under the provisions of the Codes SEPP. Unless otherwise stated, the controls of the various Codes under the Codes SEPP apply to the draft WDCP 2021. The most notable exception is the landscaped area requirements.

The landscaped area requirements under the Codes SEPP are considerably less than the landscaped area requirements under the current WDCP. To retain the current minimum landscaped area controls, the landscaped area controls for dwellings and dual occupancies have been strengthened by including them in the draft WLEP 2020.

Another major change to the planning controls is to align the maximum gross floor area (GFA) controls under the Codes SEPP with the maximum GFA for dwellings and dual occupancies (excluding heritage conservation areas) under the draft WLEP 2020.

Attachment 1 of the draft Part B is a compliance checklist for residential development in the R2 zone (excluding heritage conservation areas). Attachment 2 is a compliance checklist for manor houses, attached dwellings and multi dwelling housing in the R3 zone. Any variation of the controls is required to be justified, having regard to the performance criteria under Section 2.1 of the draft Part B.

All 'major' residential developments comprising three or more storeys and four or more dwellings must be consistent with the requirements under the provisions of the *Apartment Design Guide* (ADG). However, certain additional controls, which are not inconsistent with the ADG, are included to ensure all major developments achieve a high standard, and satisfy the objectives of the draft Part B. This includes good residential amenity in respect to solar access, privacy, views, tree retention and open space; maximising thermal comfort and minimising urban heat impacts. Also important is enhancing a healthy built environment by boosting walkability through greening and improvements to the streetscape character of individual localities.

Attachment 3 of the draft Part B is a compliance checklist for major residential developments in the R3 and R4 zones. Any variation of these controls is required to be justified, having regard to the performance criteria under Section 2.1 of the draft Part B and the relevant provisions under the *Apartment Design Guide* (ADG).

### **Part C – Development in E4 Environmental Living Zone**

The E4 zone contains properties with special qualities and attributes such as natural bushland and foreshore areas. The specific Aim of the draft Part C is to ensure residential and other permitted land uses will result in low impact developments in environmentally sensitive locations. As such, this Part includes additional performance criteria and controls to prevent overdevelopment of a site.

Part C of the draft WDCP 2021 includes specific controls presently covered by the current Part C.10 – Foreshore Building Line. The new Part includes advice that an archaeological report may be required for properties adjacent to identified or potential Aboriginal objects or Aboriginal places of heritage significance. It also provides advice that a flora and fauna assessment report may be required for properties containing and/or adjacent to significant areas of bushland.

The specific controls for certain land within the E4 zones, which are presently included in Part D.1 of the WDCP, have been retained. This land includes the Innisfallen Castle Estate, properties adjoining Tower Reserve and Linden Way Reserve, as well as land adjoining the Chatswood Golf Club.

**Attachment 1** of the draft Part C includes a description of the unique characteristics of certain localities within the E4 zone (Castle Cove/Middle Cove, Castlecrag, Northbridge, and Chatswood West).

Attachment 2 of the draft Part C is a compliance checklist for residential development in the E4 zone. Any variation of these controls is required to be justified, having regard to the performance criteria under Section 2.1 of the draft Part B and the additional performance criteria under Section 2.1 of the draft Part C.

#### **Part D – Commercial Development**

The current Part E – Specific Controls for Commercial and Shop Top Housing Development, includes the controls for development in the commercial zones. The new Part D includes the controls for the commercial components of shop top housing and mixed-use developments. The controls for the residential components of these types of developments are provided in the new draft Part B (Residential Development) of draft WDCP 2021 (see above).

For the most part, the same controls in the existing WDCP have been retained. However, some additional controls presently covered by other Parts of the current WDCP relating to commercial development have been incorporated into the new draft Part D. This includes controls relating to; waste and recycling (C.8); safety by design (C.11); undergrounding of services (C.15); awnings and outdoor dining area (C.17), sex service premises (G.1); signage (G.5); and child care centres (G.8).

#### **Part E – Industrial Development**

In 2020 Council endorsed the *Willoughby Industrial Lands Strategy 2036* (WILS). This Part of the draft WDCP 2021 is aligned with the WILS, and the proposed changes under the draft WLEP 2020 to retain all industrial lands, and prepare them for future prosperity.

For the most part the other controls under the existing WDCP have been retained. Some additional controls presently covered by other Parts of the current WDCP relating to industrial development have been incorporated into the new draft Part E. This includes controls relating to; waste and recycling (C.8); safety by design (C.11); fences (C.12); undergrounding of services (C.15); sex service premises (G.1); and signage (G.5).

#### **Part F – Transport and Parking Management**

In August 2020 Council resolved to adopt the *Willoughby Integrated Transport Strategy* (WITS) 2036. This Part of draft WDCP 2021 is aligned with the principles and intent of the WITS.

To ensure draft Part F includes the most up to date information and good practice controls, consultants were engaged to review the current parking rates, including bicycle parking and end of trip facilities.

The *Review of Parking Rates in Willoughby DCP* report recommended that maximum car parking rates should apply to the Chatswood CBD, the St Leonards precinct and the Artarmon railway precinct. In all other areas it was recommended that target rates should be retained. It was also suggested that the required number of car spaces could be reduced for developments along *Major Public Transport Routes* (MPTR) (a copy of the Report is available on Council's website).

Some of the more notable changes include:

- Maximum rates for new developments in the Artarmon railway precinct, Chatswood CBD and the St Leonards precinct.
- An increase in the number and type of bicycle parking and end of trip facilities.

- New and/or additional provisions relating to: accessible car parking for people with a disability; the provision of dedicated electric car charging areas/spaces; internet access to car parking areas to support autonomous vehicles; and, dedicated car share spaces.

Draft Part F encourages alternative and sustainable transport strategies to reduce the use and reliance on motor vehicles, including incorporating a Travel Demand Management Plan (TDMP) in the business operation. The intent of a TDMP, often described as a 'Green Travel Plan', is to modify travel decisions from the beginning of the occupation of a building so that alternate modes of transport can be used.

### **Part G – Vegetation Management**

Amended Part C.9 Vegetation Management of the current WDCP was adopted by Council on 10 February 2020.

It was necessary to amend this component of the WDCP to ensure it was consistent with the relevant provisions of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP). This component of the WDCP is supported by the *Vegetation Management Guidelines* which can be viewed on Council's web site.

The *Vegetation Management Guidelines* includes a provision that allows an offset planting scheme where replacement planting is not possible. To ensure applicants are aware of this provision, the following amendment has been included under Section 6 – Replacement Planting:

*If tree replacement is not possible, the applicant may be able to enter into a deed of agreement with Council for offset planting of trees on public land. The offset planting will require payment of a fee for each tree not replanted on the subject site.*

*The fee payable to Council is listed in its publication 'Fees and Charges'.*

### **Part H – Heritage and Heritage Conservation Areas**

The provisions under the current Part H of WDCP were reviewed by Council's Heritage Officer. For the most part, the current controls have been retained as being useful, and valuable. In addition, the new Part H includes requirements to protect archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.

Some controls have been strengthened to ensure the heritage values of the conservation areas are protected and enhanced. In particular, the new Part H clarifies that approval for demolition of a building or removal of any significant elements is not supported. However, approval may be granted in exceptional circumstances, such as the building or some structures being unsafe due to the extent of dilapidation.

The new Part H also includes new design controls for proposed alterations and additions to semi-detached dwellings.

### **Part I – Water Management**

Amended Part C.5 - Water Management was adopted by Council on 17 October 2019. This Part was identified as requiring prompt attention for review as there had been difficulties with implementation and relevance to current best practice.

Changes were made to reduce the amount of 'red tape'. This included an amendment to allow minor developments to install rainwater reuse tanks without the need for a Positive Covenant and a Restriction on Use of the Land.

The new Part I includes an amendment to Table 1 to clarify the requirements for the size of rainwater reuse tanks for properties that can discharge via gravity directly into the stormwater system, and those properties that require a charged system and/or additional on-site management systems. The amended table is in keeping with the flowchart provided in Section 2.4 of Part I of the new draft WDCP 2021.

The new Part I includes relevant technical standards as attachments with advice that proponents must satisfy the requirements relating to the design of stormwater management systems, floodplain management, and soil and sediment erosion control.

### **Part J – Building Sustainability**

Amendment to Part C.3 – Building Sustainability of the current WDCP was adopted by Council on 11 May 2020.

This Part was amended to include the most up to date information and best practice controls to achieve energy efficient and environmentally sustainable buildings. This component of WDCP has been retained as Part J of the draft WDCP 2021. No additional changes are proposed to the new Part J.

### **Part K – Development near Lane Cove Tunnel Ventilation Stacks**

Part C.16 of the current WDCP includes information and requirements to address the impact of vehicle emissions/air quality on any development within an 800m radius of the ventilation stacks in Sirius Road, Lane Cove and Marden Street, Artarmon.

This component of the WDCP is a very technical document that requires a suitably qualified person to undertake an air quality assessment to ensure new buildings are not exposed to excessive air pollution, and any new development does not reduce the effectiveness of the ventilation stacks.

Except for the format and emphasising the need for a detailed assessment to be carried out by a suitably qualified person, this component of the current WDCP has been retained as Part K of draft WDCP 2021.

### **Part L – Place based plans**

Council has undertaken a number of studies and prepared several strategies and plans to set the direction for future commercial and residential development in key locations within the Willoughby LGA.

Council at its meeting in June 2017 resolved to adopt the *Chatswood CBD Planning and Urban Design Strategy to 2036* (Chatswood CBD Strategy). The *Willoughby Local Centres Strategy* (WLCS) 2036 was adopted by Council at its meeting in December 2019.

The intent of this Part of the draft WDCP 2021 is to give effect to the recommendations, and apply controls to achieve the future character in accordance with the strategies.

Amendments have been made to the draft WLEP 2020 to increase the FSR and height of buildings to allow higher residential densities and create additional commercial floor space in appropriate locations.

This Part of the draft WDCP 2021 includes a character statement for each locality, and includes specific performance criteria and additional controls to achieve orderly and economically viable development of the respective localities.

It should be noted that the performance criteria and controls provided in new Part B (Residential Development) and new Part D (Commercial Development) apply to any proposal for residential and/or commercial development within each locality. However, for any inconsistencies between those controls and new Part L, the provisions and controls under Part L prevail.

## 5. CONCLUSION

The new *draft Willoughby Development Control Plan 2021* (draft WDCP 2021) is designed to provide a more succinct user-friendly document for use by the community and those undertaking development in Willoughby. It reflects changes in practice and awareness of issues around sustainability and the changing climate, and organises controls according to the type of development being proposed.

With Council endorsement, the draft WDCP 2021 will be placed on exhibition. It is intended this will be undertaken concurrently with the exhibition of Council's new *draft Willoughby Local Environmental Plan 2020*. This will provide the community with an opportunity to submit comments on both documents before they are reported back to Council. This may result in further changes before the draft WDCP 2021 is reported back to Council for adoption.



## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>Community Strategic Plan Priority</b>	1.2 – Promote sustainable lifestyles and practices 3.4 - Create desirable places to be and enjoy 5.1 - Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes/ Services</b>	Clear and defensible planning controls to provide framework for future planning and development decisions.
<b>Policy</b>	<i>Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan</i>
<b>Consultation</b>	Internal consultation, including Planning Manager and Strategic Planning Team Leader, and external consultant for draft Part F (Transport and Parking Management).
<b>Resource</b>	Council staff and Consultant's services.
<b>Risk</b>	Poor planning outcomes in the future. Reputation of not delivering on aims and objectives of <i>Willoughby Local Environmental Plan 2012</i> and the <i>North District Plan</i> .
<b>Legal Legislation</b>	There are no legal considerations/implications applicable to this report <i>Environmental Planning and Assessment Act 1979</i>
<b>Budget/Financial</b>	Consultant's fee: \$30,756 (including GST)

## 15.8 ENDORSEMENT FOR EXHIBITION - DRAFT RESILIENT WILLOUGHBY STRATEGY AND ACTION PLAN

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT RESILIENT WILLOUGHBY STRATEGY AND ACTION PLAN (INCLUDED IN ATTACHMENT BOOKLET)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTOR
AUTHOR:	NICK CHAPMAN – RESILIENCE SPECIALIST
CITY STRATEGY OUTCOME:	1.1 – CREATE AND ENHANCE GREEN SPACES 1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES 2.5 – CREATE FAMILY FRIENDLY NEIGHBOURHOODS THAT CONNECT PEOPLE 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS 3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE 5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	15 JUNE 2021

### 1. PURPOSE OF REPORT

To seek Council's endorsement of the draft *Resilient Willoughby Strategy and Action Plan* (the Plan) for public exhibition.

### 2. OFFICER'S RECOMMENDATION

That Council:

1. Endorse the *draft Resilient Willoughby Strategy and Action Plan* for public exhibition.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the *draft Resilient Willoughby Strategy and Action Plan* which does not alter the intent.

### 3. BACKGROUND

A Councillor briefing outlining a proposed approach to the development of the Plan was provided on 7 December 2020. The briefing focussed on the acute shocks and chronic stresses most likely to impact Willoughby's communities and Council's role in helping the community overcome them.

This report presents the attached draft Plan (Attachment 2) for Council's endorsement for community consultation.

## 4. DISCUSSION

### Broad Resilience Context

In 2013 the Rockefeller Foundation established the 100 Resilient Cities Program to support efforts by cities around the world to build community resilience in the face of the economic, environmental and social challenges of the 21<sup>st</sup> century. City of Sydney joined in 2014 and established the Resilient Sydney office to lead a collaboration of metropolitan councils, state agencies, business and community groups. Willoughby City Council's first Resilience Ambassador was nominated in 2016.

Resilient Sydney's Deputy Chief Resilience Officer presented at a Community Information Seminar on 23 September 2019.

The Willoughby City Council CEO was appointed to the Resilient Sydney Steering Committee in 2020.

### Local Resilience Context

In the past 15 months, the Willoughby community has been impacted by acute shocks such as chronic smoke pollution from the Black Summer bushfires, two significant storm events, record-breaking heat, drought and the COVID-19 pandemic. On-going chronic stresses on the community include expensive housing, traffic congestion and climate change.

The impacts of shocks and stresses are not distributed equally across the population. Everyone can be affected by universal shocks and stresses like COVID-19 or chronic traffic congestion. Other shocks, such as bushfires or floods, primarily affect people living in a particular location. People already affected by chronic stresses such as ill health, social isolation or housing stress have less capacity to overcome acute shocks such as COVID-19 or extreme heat.

Willoughby City Council has responded to these challenges in a number of ways:

- Collaboration with Resilient Sydney, NSROC, emergency response agencies and other resilience stakeholders
- Declaration of a *State of Climate Emergency* on 17 October 2019
- Incorporation of resilience building objectives in the City's *Local Strategic Planning Statement 2020*
- A comprehensive COVID-19 emergency response and support program
- Appointment of Resilience Ambassadors since 2016 and a Resilience Specialist in 2020
- On-going community engagement activities about various aspects of resilience, including a Community Information Seminar on emergency planning held on 24 February 2020.

High levels of community resilience can lessen the impacts of acute shocks and chronic stresses on people and the environment and help minimise social, economic and environmental costs over the short to long term. These costs may include death and disability, damage to property and social infrastructure, mental and physical health problems and grievous impacts on the natural environment and its capacity to nurture ecosystems and support life over time.

Taking action to manage the impact of shocks and stresses and to build resilience across the Willoughby community will pay dividends now and in the future.

Development and public exhibition of the Plan (Attachment 2) represents Council's next important step in its efforts to address the resilience challenges referred to above.

### Draft Plan Development

Preparation of the draft Plan was informed by an analysis of risks to the community and risks to Council assets and services.

The draft Plan represents Council's response to these risks and has been informed by consultation with external stakeholders, including response agencies such as SES, Resilient Sydney, Greater Sydney Commission and others.

The draft Plan also draws on existing and new social research. In a *Community Perception Survey* of 604 residents conducted by Council in November 2020, the community were asked about the resilience challenges of most concern to them.

In priority order, the greatest community concerns are shown in Figure 1:

Figure 1: Greatest community concerns

	Shocks of greatest concern	Stresses of greatest concern
1	'Black Summer' bushfires in NSW	Climate change
2	COVID-19 Pandemic	Cost of housing
3	Current state of Australia's economy	Work/life balance
4	Last summer's storms & floods in NSW	Transport stresses in Willoughby LGA
5	Excessively hot days and/or nights	Employment opportunities & job security

### Draft Plan Actions

The risk analysis identified potential disruptions or threats to the Willoughby community and Council and identified over 100 actions to address them, many of which are currently being implemented by Council.

Eighteen new, prioritised actions have been generated to address resilience gaps and create additional economic, social and environmental benefits.

Examples of new, high priority actions in the draft Plan are shown in Figure 2:

Figure 2: New, high priority actions in the draft Plan

Resilience Outcome	Action
<b>People</b> Our diverse community is healthy, adaptable, connected, inclusive and self reliant	<ul style="list-style-type: none"> <li>Targeted support to enhance resilience amongst vulnerable youth</li> <li>Establishment of <i>Climate-Wise Communities Program</i> in vulnerable areas</li> <li>Establishment of <i>Schools Active Travel Pilot Program</i> in two local schools</li> </ul>
<b>Buildings</b> Our buildings are safe, well-designed, affordable and sustainable	<ul style="list-style-type: none"> <li>Establishment of <i>Mind Your Budget Program</i> targeted at vulnerable residents to develop financial resilience and reduce housing stress</li> <li>Extension of the <i>Beat the Heat</i> community education program, including a <i>Cooler Schools</i> and a <i>Cooler Homes</i> program to enhance thermal comfort in existing buildings</li> </ul>

Resilience Outcome	Action
<b>Places</b> Our places can withstand the challenge of climate change, sustain biodiversity and support vibrant, connected communities	<ul style="list-style-type: none"> <li>• Deliver <i>Don't Dry Out</i> awareness program to help people prepare for and overcome drought and poor air quality (ie) dust and bushfire smoke</li> <li>• Launch <i>Gardening Willoughby</i> to encourage residents to get involved in community gardening eg in high-rise buildings</li> <li>• Initiate two <i>Urban Greenways</i> to better connect our green open spaces and enhance opportunities for walking, cycling and the enjoyment of nature</li> </ul>
<b>Governance</b> Our public agencies and institutions are trusted, efficient and responsive to community needs.	<ul style="list-style-type: none"> <li>• Initiate <i>Cyber Safe Willoughby</i> program to raise community awareness of scams and cyber-attack eg through <i>Tech Savvy Seniors</i></li> <li>• Develop <i>Willoughby Collective Impact Model</i> to address gaps and facilitate a more coordinated approach to community services provision</li> </ul>

Detailed project bids will be developed for each of the high priority actions and resources allocated in accordance with Council's annual project bid prioritisation, Operational Plan and budget processes.

The Plan will be reviewed annually to take account of progress made and any changes in community concerns and needs.

The new and existing actions in the Plan are aligned with recovery activities implemented by Council under the auspices of its COVID-19 Community and Economic Recovery plans, as outlined in the Community and Economic Recovery Plans report prepared for Council's 15 June 2021 meeting. Implementation of the draft *Resilient Willoughby Strategy and Action Plan* provides the opportunity to address the actions outlined in the above recovery plans and continue to address challenges such as social isolation and youth wellbeing.

### Consultation and exhibition

A Consultation Plan will be developed to guide public exhibition of the draft Plan in June/July 2021, including:

- Presentation of the draft Plan and attachments on Council's website
- An interactive response opportunity through Council's 'Have Your Say' platform
- Social media posts raising awareness of the exhibition
- Briefings to Willoughby's Progress Associations on request
- An open webinar with Q&A and live 'chat room' capabilities
- Briefings for other interested community groups and NGO's

Following exhibition, a briefing and report will be presented to Council summarising outcomes of the exhibition process with a recommended course of action for adoption of the final Plan.

## 5. CONCLUSION

High levels of community resilience can lessen the impacts of acute shocks and chronic stresses on people and the environment and help minimise their social, economic and environmental cost.

The draft *Resilient Willoughby Strategy and Action Plan* outlines a series of new prioritised actions to complement the many ongoing projects currently being delivered by Council.

Implementation of the actions will help minimise impacts from acute shocks and chronic stresses, reduce costs and whenever possible, strengthen the capacity for the community, Council and its resilience partners to adapt and thrive in the 21<sup>st</sup> century.

Council's endorsement of the draft Plan for public exhibition is the next step in establishing a more resilient and self-reliant Willoughby community.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	<p>1.1 – Create and enhance green spaces</p> <p>1.2 – Promote sustainable lifestyles and practices</p> <p>2.5 – Create family friendly neighbourhoods that connect people</p> <p>3.1 – Foster feelings of safety, security and cleanliness</p> <p>3.3 – Promote an active and healthy lifestyle</p> <p>5.2 – Demonstrate leadership and advocacy for local priorities</p>
<b>Business Plan Objectives, Outcomes / Services</b>	Once adopted, the <i>Resilient Willoughby Strategy and Action Plan</i> will inform business planning for all units within Council from 2022/23 onwards.
<b>Policy</b>	<p>The Plan gives expression to many State, Regional and Local Government policies, strategies and plans, including:</p> <ul style="list-style-type: none"> <li>• Greater Sydney Region Plan, Greater Sydney Commission, 2018</li> <li>• Northern City District Plan, Greater Sydney Commission, 2018</li> <li>• A Strategy for City Resilience, Resilient Sydney 2018</li> <li>• Our Future Willoughby 2028, 10 Year Community Strategic Plan, WCC</li> <li>• Our Green City Plan 2028 – sustainability action plan, WCC</li> <li>• Willoughby Integrated Transport Strategy, WCC, 2020</li> <li>• Willoughby Local Strategic Planning Statement, WCC, 2020</li> <li>• Willoughby Council LEP, DCP and various guidelines</li> <li>• Draft Lane Cove and Willoughby Emergency Management Plan, 2021</li> <li>• COVID19 Economic and Community Recovery Plans, WCC, 2021</li> </ul>
<b>Consultation</b>	<p>Key internal staff and external stakeholders have been consulted throughout the development of the draft Plan. This included a telephone survey of 604 residents conducted as part of Council's Community Perception Survey in November 2020.</p> <p>A consultation plan will be prepared outlining consultation activities to be undertaken during the formal public exhibition period.</p>
<b>Resource</b>	The draft Plan was developed using staff resources.
<b>Risk</b>	<p>Development of the draft Plan has been informed by a risk analysis of the impacts of acute shocks and chronic stresses on the community and on council's assets and services.</p> <p>The actions in the plan are designed to ameliorate these risks in a sustainable, cost effective way over the short to long term</p>
<b>Legal</b>	There are no legal implications arising from this report.
<b>Budget/Financial</b>	The draft Resilient Willoughby Plan has been developed within approved budget allocations using internal operational resources.

**15.9 PLANNING PROPOSAL - 3 ELLIS STREET, CHATSWOOD**

<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. IMPLICATIONS</li><li>2. COUNCIL DETAILED ASSESSMENT</li><li>3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S "A GUIDE TO PREPARING PLANNING PROPOSALS"</li><li>4. PLANNING PROPOSAL CONCEPT PLANS</li><li>5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS</li><li>6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012</li><li>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</li><li>8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 27 MAY 2021</li></ol>
<b>RESPONSIBLE OFFICER:</b>	IAN ARNOTT – PLANNING MANAGER
<b>AUTHOR:</b>	CRAIG O'BRIEN – STRATEGIC PLANNER
<b>CITY STRATEGY OUTCOME:</b>	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
<b>MEETING DATE:</b>	15 JUNE 2021

**1. PURPOSE OF REPORT**

The purpose of this report is to seek endorsement for the forwarding of Planning Proposal 2020/007 for 3 Ellis 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 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*:



- 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 3 Ellis Street, Chatswood, to B4 Mixed Use.
- i) To amend the Height of Buildings Map (Sheet HOB\_004) for 3 Ellis Street, Chatswood, to 44 metres.
- j) To amend the Floor Space Ratio Map (Sheet FSR\_004) for 3 Ellis Street, Chatswood, to 4.5:1 (including affordable housing).
- k) To amend the Special Provisions Area Map (Sheet SPA\_004) to show 3 Ellis Street, Chatswood, as Area 8.
- l) To amend the Active Street Frontages Map (Sheet ASF\_004) to include 3 Ellis Street, Chatswood, to include the Ellis Street frontage.
- m) To amend the Lot Size Map (Sheet LSZ\_004) to include 3 Ellis Street, Chatswood, with a minimum lot size of 800 sq metres.

2. Subject to 1. above, endorse for public exhibition the Planning Proposal as amended.
3. Endorse for public exhibition the Planning Proposal, with the accompanying draft site specific Development Control Plan provisions, subject to the following amendments:
  - a) Section 4 'Street Frontage Heights and Setbacks'
    - i. Add Performance Criteria 4 as follows:  
"Adequate building separation to neighbouring properties must be provided."
    - ii. Add Control 2 as follows:  
"Building separation to neighbouring properties is to be consistent with the Apartment Design Guidelines."
  - b) Section 5 'Building Exterior'
    - i. Amend Performance Criteria 1 to read:  
"Buildings are to demonstrate a high visual quality of development when viewed from the public domain and the surrounding area, including the Frank Channon Walk."
    - ii. Amend Controls 1 to read:  
"Façade designs must be sensitive to the pedestrian environment in terms of wall height finishes and setbacks from planting."
    - iii. Amend Controls 2 to read:  
"Extensive blank walls will not be supported."
  - c) Section 6 'Amenity'
    - i. Amend Control 3 to read:  
"Residential amenity is to be in accordance with the Apartment Design Guidelines."
  - d) Section 9 'Traffic and Transport'
    - i. Add Control 4:  
"Two car share spaces are to be provided in Basement Level 2 close to lifts. Public access to be detailed at development application stage."
  - e) Section 11 'Design Excellence and Building Sustainability'
    - i. Amend heading to read:  
"Design Excellence"
  - f) Add Section 15 'Sustainability'
    - i. Add Performance Criteria  
"Achievement of design excellence shall include achievement of higher building sustainability standards."
    - ii. Add Control:  
"A minimum 5 star GCBA building rating is expected. A report is to be submitted at development application stage."
4. Subject to 1, 2 and 3 above, prior to public exhibition, concept plans are to be provided that clearly show that at no point the proposed mixed use building encroaches on the sun access protection plane determining height on this site.

5. **Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:**
  - a) **To proceed as recommended.**
  - b) **To not proceed with the Planning Proposal.**
6. **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.**
7. **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 existing Chatswood CBD boundary which has been extended in the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy).

The CBD Strategy was 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 site has been recommended to be B4 Mixed Use, with a maximum height of 44m determined by sun access protection (which changes as the site slopes gradually up from Ellis Street to the rear boundary, with the middle of the site being RL 140m), and a Floor Space Ratio of 2.5:1. This is subject to the satisfaction of other CBD Strategy requirements.

A larger, non-compliant Planning Proposal on this site was previously considered by Council on 11 February 2019 involving retention of the R4 High Density Residential zone, FSR of 5.1:1 and height of 49m. It was resolved:

*“That Council:*

- 1) *Not forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, as the Planning Proposal:*
  - i. *Is a departure from the current planning controls on the site which limits height to 34 metres and the floor space ratio to 1.7:1.*
  - ii. *Is inconsistent with the Council endorsed Chatswood CBD Planning and Urban Design Strategy regarding the proposed land use, height, floor space ratio, minimum lot size, street frontage height and setbacks, ground floor use and street activation.*

- iii. *Is inconsistent with the strategic objectives of the Greater Sydney Region Plan and the North District Plan which encourages employment within the Chatswood CBD."*

A Rezoning Review was subsequently lodged by the proponent, with the Sydney North Planning Panel supporting Council's view and determining on 5 November 2019 that the Planning Proposal should not proceed to a Gateway Determination because the proposal had not demonstrated strategic merit.

#### **4. DISCUSSION**

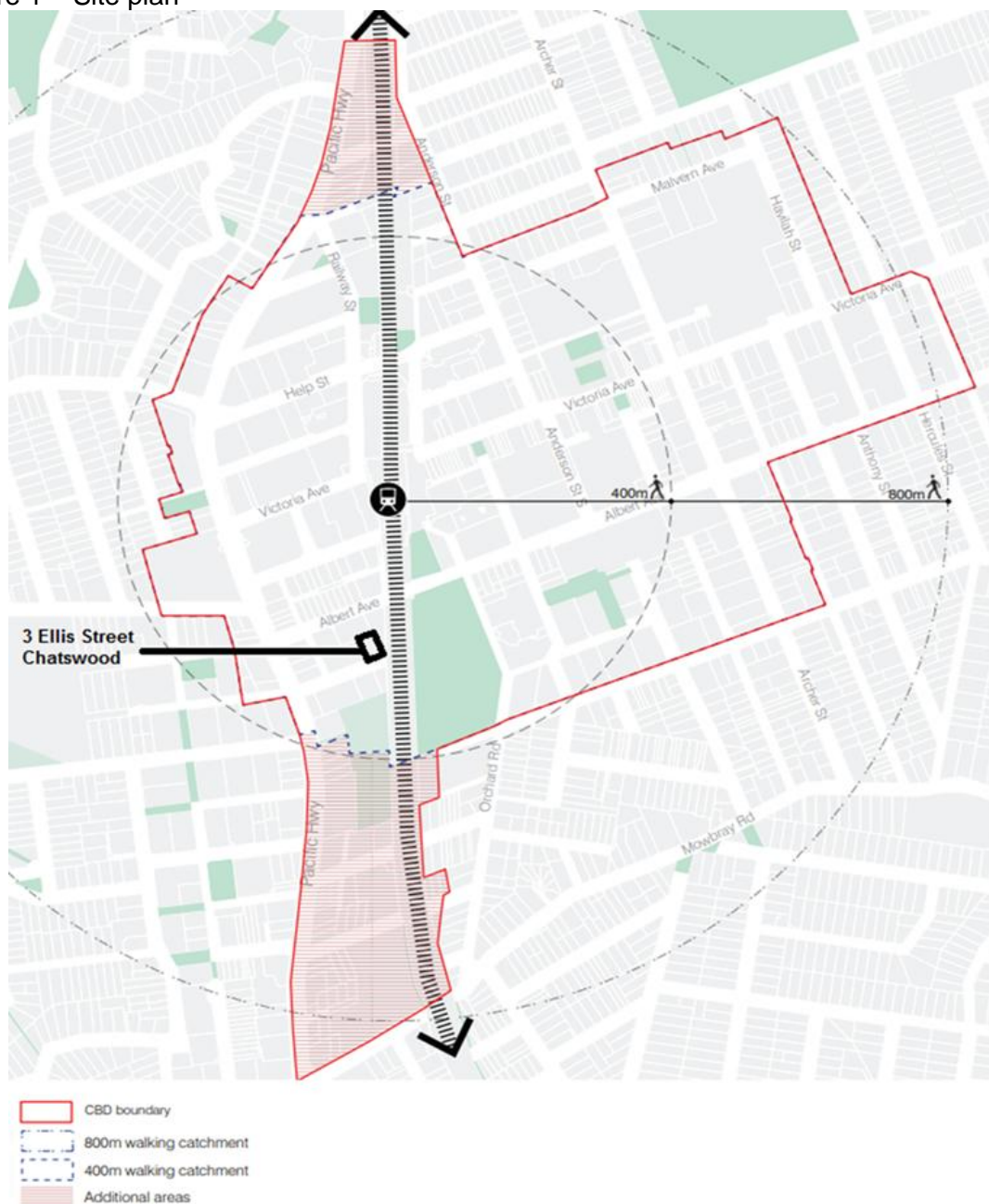
The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* (WLEP) at 3 Ellis Street Chatswood as follows:

- Change the land use zone from R4 High Density Residential to B4 Mixed Use.
- Increase the height on the site from 34m to 44m.
- Increase the Floor Space Ratio on the site from 1.7:1 to 4.5:1.

Note the Planning Proposal contains two options and it is Option 1, as amended, containing a proposed FSR of 4.5:1, that is supported in this report.

The site contains SP 2715 and is bounded by Ellis Street to the south, 88 Albert Avenue to the north, 84-86 Albert Avenue to the east and 7-13 Ellis Street to the west.

Figure 1 – Site plan



The Planning Proposal seeks variations to the CBD Strategy with regards to maximum floor space ratio and minimum lot size. Otherwise, the Planning Proposal for a commercial podium and residential tower development is generally consistent with the recommendations of the CBD Strategy as endorsed by Council.

The CBD Strategy requires an FSR of 2.5:1 whereas 4.5:1 is proposed. This variation is able to be considered because the proponent has established that there is no overshadowing to key public spaces. In addition, the density is considered appropriate for this site located within the Chatswood CBD.

A variation is requested to the minimum lot size of 1,200m<sup>2</sup>, with 3 Ellis Street being 808.6m<sup>2</sup> (a reduction of 391.4m<sup>2</sup>). The variation is able to be considered in this instance due to the location of this site and the specific difficulty in amalgamating with neighbouring properties, while consistency with other aspects of the CBD Strategy is demonstrated.

The requested abovementioned variations, the objectives behind the FSR and minimum lot size requirements under the CBD Strategy and the reasons for consideration are discussed in the Detailed Assessment at **Attachment 2**. Consistency with other aspects of the CBD Strategy, including height, and the differences between this Planning Proposal and the Planning Proposal that was previously not supported by Council and the Sydney North Planning Panel in 2019 are also discussed in the Detailed Assessment.

The Planning Proposal has been assessed against the criteria contained in the Department of Planning, Industry and Environment's '*A Guide to Preparing Planning Proposals*' and is generally satisfactory (Refer to **Attachment 3**).

The proponent's documentation supporting the Planning Proposal, including:

- Concept plans showing a possible redevelopment plan for the site (Refer to **Attachment 4**)
- Site specific Draft *Development Control Plan* provisions (Refer to **Attachment 5**) are fully considered in the Attachments to this report.

The site specific *Development Control Plan* provisions are satisfactory. 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.

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 to **Attachments 6 and 7**).

Although an offer to enter a voluntary planning agreement (VPA) has been made, detailed discussions regarding an agreement have not been held with Council officers. Once such discussions have occurred, this matter will be separately reported to Council.

The Willoughby Local Planning Panel has provided Advice on this matter dated 27 May 2021, where it was concluded that the Planning Proposal is worthy of being forwarded to the DPIE for a Gateway consideration having demonstrated strategic and site specific merit (Refer to **Attachment 8**).

## 5. CONCLUSION

With the exception of FSR and minimum lot size, the Planning Proposal for a commercial podium and residential tower development is generally consistent with the recommendations of the CBD Strategy as endorsed by Council, the strategic objectives of the *Greater Sydney Region Plan*, the *North District Plan* and Councils' *Local Strategic Planning Statement* (LSPS).

The variations requested may be considered in the circumstances of this case, which are discussed in **Attachment 2**.

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.

It should be noted that following exhibition and further assessment, 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
<b>City Strategy Link:</b>	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
<b>Business Plan Objectives, Outcomes/ Services</b>	To ensure this Planning Proposal generally consistent with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> to accommodate future growth needs.
<b>Policy</b>	This Planning Proposal is generally consistent 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> .
<b>Consultation</b>	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.  This Planning Proposal would also be publicly exhibited following Gateway Determination.
<b>Resource</b>	No additional operating resources used to prepare this report beyond budget.
<b>Risk</b>	Risk of not achieving the endorsed <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> objectives and accommodating future growth requirements. It is considered that any variation to the CBD Strategy in this instance, with particular regard to floor space ratio and minimum lot size, is satisfactory based on the circumstances of the case and the Planning Proposal put forward. It is not considered to set a precedent for other sites.
<b>Legal</b>	The Planning Proposal should be consistent with the endorsed <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> . Any variation is based on the circumstances of the case and the Planning Proposal put forward.  Amendments are proposed to the <i>Willoughby Local Environmental Plan 2012</i> , which would provide the basis for future development application assessment. In addition <i>Development Control Plan</i> provisions are proposed to further guide future development application assessment.  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.
<b>Legislation</b>	Under <i>Environmental Planning and Assessment Act 1979</i> provisions.
<b>Budget/Financial</b>	No budget or financial issues arise as a result of this report.

## ATTACHMENT 2

## DETAILED ASSESSMENT

## The Site

The site which is the subject of this Planning Proposal involves 3 Ellis Street, Chatswood.

The site is 808.6m<sup>2</sup>, contains Strata Plan 2715 and is bounded by Ellis Street to the south, 88 Albert Avenue to the north, 84-86 Albert Avenue to the east and 7-13 Ellis Street to the west. Refer below to Figure A – Site Plan.

Figure A – Site Plan



The site currently contains a three storey residential flat building, comprising 9 flats located above a ground level undercroft parking area.

Under *Willoughby Local Environmental Plan 2012*, the site is zoned R4 High Density Residential, with a maximum height of 34m and floor space ratio of 1.7:1. The site is not affected by road widening.

The Planning Proposal has been lodged by MPG AU Pty Ltd.

### The Locality

The locality around the site on the western side of the North Shore Railway Line, extending west to the Pacific Highway is high density residential in character.

The site is adjoined to the east and northeast by an eight storey residential apartment building, located at 84-86 Albert Avenue. Directly to the east is the driveway access to 84-86 Albert Avenue, then the Frank Channon Walkway and the North Shore Rail Line. On the other side of the rail line is Chatswood Oval and Park.

To the south of the site, on the southern side of Ellis Street, is a single storey Scout building at 2 Ellis Street, adjoining the Frank Channon Walkway. To the southwest is a four storey apartment building at 4-6 Ellis Street and at 8 Ellis Street, an eight storey 1970's apartment building. Further to the south and southwest of the site is the Chatswood Croquet Club, comprising croquet greens and tennis courts.

To the west of the site is a 1970's eight storey apartment building at 7-13 Ellis Street and an associated private car park on the southwest corner of Ellis Street and Crispe Lane.

To the north of the site, at 88 Albert Avenue is a 1970's nine storey apartment building. Further to the north, on the northern side of Albert Avenue is the large Meriton high rise apartment building, located above a public car park. To the northwest of the site, at 96-100 Albert Avenue, is a 1970's eight storey apartment building located on the northeast corner of Albert Avenue and Crispe Lane.

### 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. 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 determined by sun access protection and floor space ratio of 2.5:1 subject to the satisfaction of other CBD Strategy requirements.

It should be noted that a larger, non-compliant Planning Proposal has been previously considered by Council on this site (lodged in 2018), proposing to:

- Retail R4 High Density Residential zoning.
- Increase the height to 49 metres.
- Increase the floor space ratio to 5.1:1.
- Provide no commercial component.

Following assessment, the Council did not support the Planning Proposal at the Council Meeting on 11 February 2019 and resolved:



*"That Council:*

- 1) *Not forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, as the Planning Proposal:*
  - i. *Is a departure from the current planning controls on the site which limits height to 34 metres and the floor space ratio to 1.7:1.*
  - ii. *Is inconsistent with the Council endorsed Chatswood CBD Planning and Urban Design Strategy regarding the proposed land use, height, floor space ratio, minimum lot size, street frontage height and setbacks, ground floor use and street activation.*
  - iii. *Is inconsistent with the strategic objectives of the Greater Sydney Region Plan and the North District Plan which encourages employment within the Chatswood CBD."*

A Rezoning Review was subsequently lodged by the proponent, with the Sydney North Planning Panel concurring with Council's view and determining on 5 November 2019 that the Planning Proposal should not proceed to a Gateway Determination because the proposal had not demonstrated strategic merit.

A comparison between the previous proposal and the subject proposal is provided in the discussion section of this report.

### **Planning Proposal**

The current Planning Proposal as amended seeks to:

- Change the zoning from R4 to B4 Mixed Use.
- Increase the height on the site to 44 metres.
- Increase the Floor Space Ratio on the site to 4.5:1.

The proposed amendments to *Willoughby Local Environmental Plan 2012* (WLEP 2012) are detailed in Table 1 below. It should be noted that the Planning Proposal contains two options for Council consideration and it is Option 1, as amended, that is recommended be supported and is the subject of this report. Option 2, with a floor space ratio of 4.8:1 and the supporting concept plans, is not recommended for support.

Table 1 – Summary of Planning Proposal Amendments

	3 Ellis Street	Compliance
<b>Zoning</b>		
Current WLEP 2012	R4 Medium Density	
Chatswood CBD Strategy	B4 Mixed Use	
Proposed in Planning Proposal	B4 Mixed Use	<b>Yes</b>
<b>Height</b>		
Current WLEP 2012	34 m	
Chatswood CBD Strategy	Solar Access Protection	
Proposed in Planning Proposal	44 m subject to solar access protection	<b>Yes</b>
<b>Floor Space Ratio</b>		
Current WLEP 2012	1.7:1	
Chatswood CBD Strategy	2.5:1	
Proposed in Planning Proposal	4.5:1	<b>No Variation supported</b>
<b>Minimum Lot Size</b>		
Current WLEP 2012		
Chatswood CBD Strategy	1,200m <sup>2</sup>	
Proposed in Planning Proposal	800m <sup>2</sup>	<b>No Variation supported</b>

Concept plans show the potential redevelopment of the site as follows (referred to in the Planning report as Option 1):

- Total height of 14 storeys (43.5m, RL 139.5m), containing:
  - Podium - 2 storeys non-residential.
  - Tower - 12 storeys of residential

- Total FSR of 4.5:1 (3,641m<sup>2</sup> GFA), containing:
  - 3.98:1 residential (3,221m<sup>2</sup> GFA) including affordable housing
  - 0.52:1 non-residential (420m<sup>2</sup> GFA)
- Total number of residential apartments: 30
- Residential unit mix:
  - One bedroom unit: 1
  - Two bedroom units: 18
  - Three bedroom units: 10
  - Four bedroom unit: 1
- Residential floor plates:
  - Level 2: 309m<sup>2</sup> GFA
  - Level 3 - 9: 299m<sup>2</sup> GFA
  - Level 10: 256m<sup>2</sup> GFA
  - Level 11: 230m<sup>2</sup> GFA
  - Level 12: 205m<sup>2</sup> GFA
  - Level 13: 65m<sup>2</sup> GFA
- Ground Level Setbacks
  - 2m setback to Ellis Street boundary (southern boundary).
  - 4.06m setback to rear boundary (northern boundary).
  - 0m setback to 84-86 Albert Avenue (eastern boundary).
  - 3m setback to 7-13 Ellis Street (western boundary).
- Tower setback above Podium
  - Additional 1m setback to southern boundary (Ellis Street)  
Total tower setback 3m.
  - Level 1 (Podium) to Level 9 - Additional 5m setback to rear boundary (northern boundary).  
Total tower setback 9.06m.  
From Level 10 to Loft Level – 9.06m setback increased to 12.06m (for enclosed building).
  - Additional setback between 2.7m at front of building as it faces Ellis St and 0.9m at rear (level 2) – facing eastern boundary.  
From Level 10 to Loft Level – 0.9m setback increased to 1.6m (for enclosed building).
  - No additional setback to 7-13 Ellis Street (western boundary)  
Total tower setback 3m.
- Street wall height
  - Podium is 7.6m high facing Ellis Street.

Other Concept plan details:

- All vehicle access to site via one driveway from Ellis Street.
- All loading and garbage services at basement level (basement 1), utilising a vehicle turntable, with loading vehicles access / egress in a forward direction.
- Approximately 39 car spaces, located within 3 basement levels (making total of 4 basement levels).
  - Being 3 commercial, 31 residential, 3 visitors, 2 car share.
- Landscaping provided on part of Ellis St front boundary, rear boundary and western boundary with 7-13 Ellis Street.
- Landscaping provided at Podium level, and roof top.

- Deep soil planting provided along Ellis Street frontage and along western boundary with 7-13 Ellis Street.

The Concept Plans are at **Attachment 4**. Accompanying the Planning Proposal are Draft *Development Control Plan* provisions (Refer to **Attachment 5**).

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.
- Public art contribution in accordance with Council's Public Art Policy.
- Improvements to the public domain adjoining the site (Ellis Street).

Dedication of 4% affordable housing is also proposed in accordance with WLEP 2012.

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 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 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

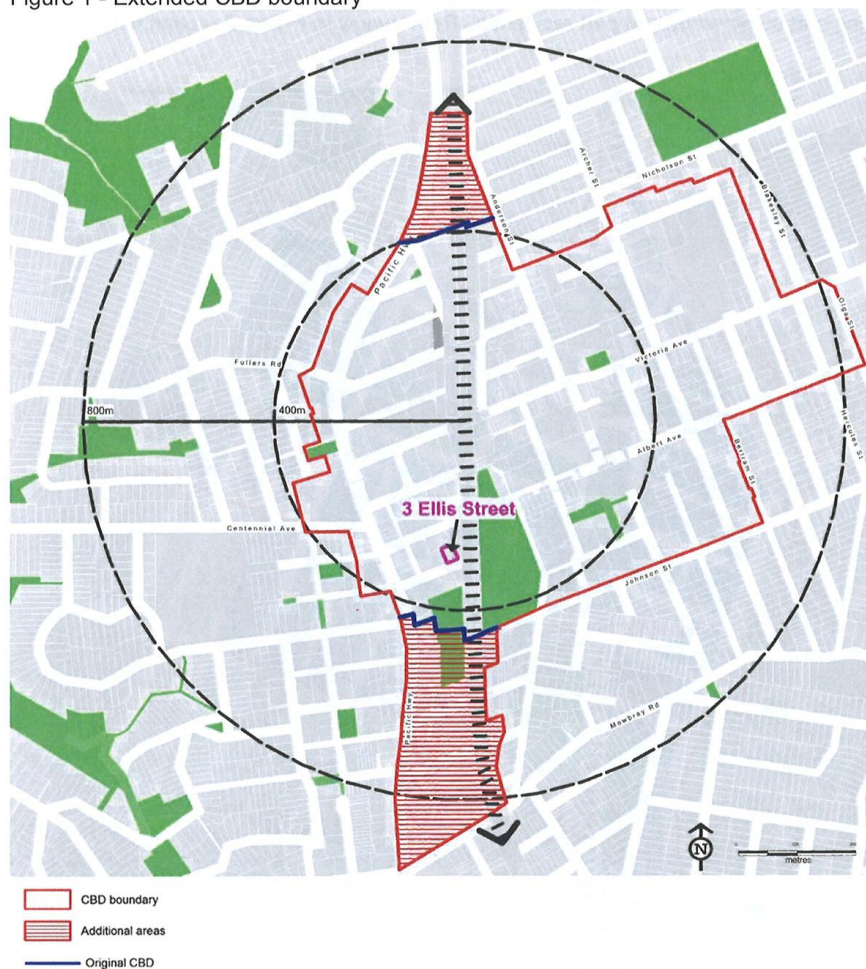
**Key Element 1.**      **The Chatswood CBD boundary is expanded to the north and south as per Figure 1 to accommodate future growth of the centre.**

#### Comment

The subject site is located within the existing and the expanded Chatswood CBD boundary proposed in the CBD Strategy, as shown below in Figure 1.



Figure 1 - Extended CBD boundary



### Land Use

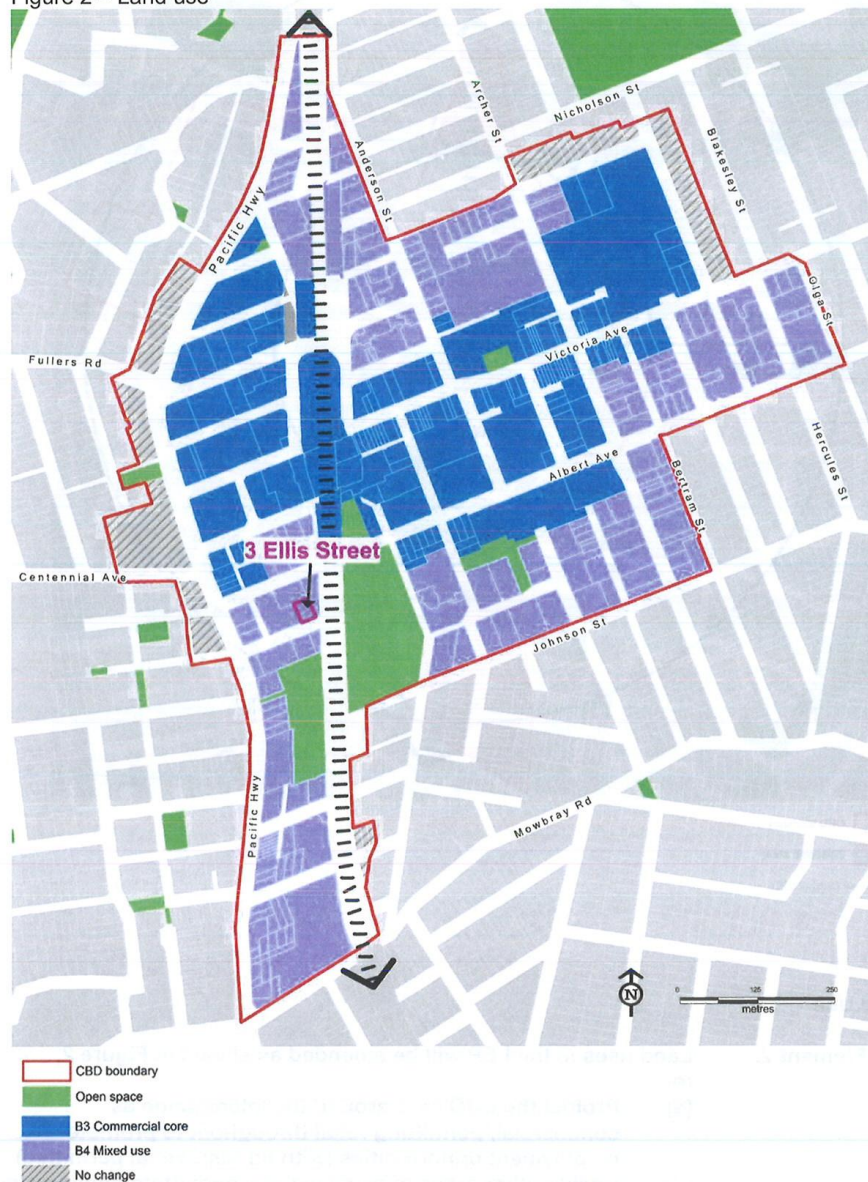
- Key Element 2.** Land uses in the LEP will be amended as shown in Figure 2, to:
- (a) Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).
  - (b) Enable other areas to be mixed use permitting commercial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

Comment  
Consistent.



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

Figure 2 – Land use



The proponent has proposed the zoning for the site be changed from R4 High 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 and residential above. The commercial component is discussed further under Key Element 15 below.

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

**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 agreed to a contributions scheme based on increased residential floor space, in addition to requirements under Section 7.12 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.

The proponent has agreed to a process in accordance with Council's Design Excellence Policy.

**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 draft *Development Control Plan* provisions have been amended to include a requirement that a minimum 5 star GBCA building rating is expected. An assessment report is to be submitted 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  
Consistent.

The proponent has advised:

*"The architect for the design excellence process will be retained for the development application process, with the final form of the design prepared in consultation with Council and not adopted until endorsement by the Design Panel."*

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 an existing maximum floor space ratio of 1.7:1 as shown below in Figure 3 – Existing FSR under WLEP 2012.

The Planning proposal seeks to increase this to 4.5:1, 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

Not consistent but considered satisfactory in the circumstances of this case which are discussed below.

The subject site is 808.6m<sup>2</sup> and is significantly below the 1200m<sup>2</sup> for mixed use development involving residential land use. The request to vary this requirement is a major consideration in the assessment of this Planning Proposal.

Council expects under the CBD Strategy that sites are to be amalgamated to achieve the 1,200m<sup>2</sup> minimum lot size. The objective is to ensure a sufficient lot size to satisfactorily address the other Key Elements and facilitate redevelopment in an optimum manner as expected under the CBD Strategy which is intended to guide planning for the Chatswood CBD to 2036.

The proponent has put forward the following justification in regards why amalgamation would be difficult to achieve:

- Adjoining sites have been developed with 8 to 9 storey apartment buildings with FSR's ranging from 1.5:1 (No. 88), 1.6:1 (No. 96-100) and 1.7:1 (No. 84-86) and are effectively built to or close to the development capacity of those sites under the current maximum FSR (1.7:1).
- The Planning Proposal includes evidence that it has not been possible to consolidate the site with an adjoining site, in whole or in part, to achieve a development site area of at least 1,200m<sup>2</sup>.
- It should be noted that adjoining sites all have an area of at least 1,200m<sup>2</sup>. Accordingly, development of the site, as proposed, would not create any isolated development sites.

Council has requested that the proponent investigate the potential to share a single driveway access between the neighbouring site to the east at 84 Albert Avenue. The proponent has advised:

*"Due to level differences and existing stormwater drainage infrastructure, including detention tanks, it is not possible to obtain access from a future basement at 3 Ellis Street to the existing driveway off Ellis Street, servicing the basement of 84-86 Albert Ave."*

In response to Council officer concern with lot size, the proponent has put forward the following measures in regards the possible future removal of driveways at No. 84-86 and No. 88 Albert Avenue:

- The Planning Proposal includes breakout walls in the eastern and northern walls of the basement, with a right-of way in favour of No. 84-86 and No. 88 Albert Avenue,



providing legal access from Ellis Street along the driveway to the proposed breakout walls in the northeast corner of the uppermost basement.

- If 84-86, or 88 Albert Avenue are redeveloped, these properties will be able to obtain access through the basement of the future building on 3 Ellis Street, allowing removal of the driveway off Ellis Street that currently provides vehicular access to 84 Albert Avenue. Such an outcome not only facilitates a single shared vehicular access, but would significantly increase the extent of landscaped area that can be provided to the Ellis Street frontage of 84-86 Albert Avenue.

The above has been addressed in the draft DCP provisions.

The proponent concludes:

*"Having regard to the circumstances of the case, it is considered reasonable to allow a variation to the CBD Strategy 1,200m<sup>2</sup> minimum development area requirement. A better planning outcome is achieved, and the proposal includes provision for future shared vehicular access, should adjoining sites be redeveloped in the longer term.*

*Precluding redevelopment of 3 Ellis Street would entrench an existing outdated low rise apartment building which presents poorly to Ellis Street and Frank Channon Walk and detracts from the desired future character of the Chatswood CBD, as envisaged in the CBD Strategy."*

It is considered that supporting this Planning Proposal, with the lot size involved, is satisfactory in the circumstances of the case as follows:

- Height proposed (substantially less than the standard 90m proposed in the B4 Mixed Use zone under the CBD Strategy).
- Floor Space Ratio proposed (substantially less than the standard 6:1 proposed in the B4 Mixed Use zone under the CBD Strategy).
- Surrounding existing development.
- Evidence provided of attempts at negotiations with surrounding properties.
- Deep soil planting as per CBD Strategy.
- Greening at ground and upper levels as per CBD Strategy.
- Embellishment to public realm through the right-of-way proposed for the 2m front setback, and 3m wide setback along western boundary providing potential for a through block link in the future redevelopment of 88 Albert Avenue.
- Loading and garbage provision in Basement as per CBD Strategy.
- Breakout walls in the eastern and northern walls of the basement, with a right-of way in favour of No. 84-86 and No. 88 Albert Avenue.

On this basis support for this Planning Proposal does not set a precedent within the Chatswood CBD.

In draft Willoughby Local Environmental Plan 2020, the minimum lot size requirement is proposed to be 1,200m<sup>2</sup> in accordance with the CBD Strategy. However in response to the subject Planning Proposal and the site involved, it is proposed to introduce a site specific lot size requirement of 800m<sup>2</sup> on the Lot Size Map. On this particular site, therefore, the 800m<sup>2</sup> lot size requirement would apply.

**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

Not consistent but considered satisfactory in the circumstances of this case which are discussed below.

The subject site is in a location with a proposed FSR of 2.5:1, as shown below in Figure 4 - Maximum Floor Space Ratio. The site is located in a particular area of the CBD that has a lower FSR and height due to potential impacts on sun access protection to key public space within close proximity to the south (being the Chatswood Croquet Club greens and grass tennis courts, as well as Chatswood Oval). Any Planning Proposal within this FSR area of 2.5:1 is required to either propose 2.5:1 or if a higher FSR is proposed, clearly establish that no increase in shadows to sun protected areas, as well as no other adverse impacts, will occur. It is noted that within close proximity further to the north and on the western side of Crispe Lane, FSR is 6:1.

The proponent has argued:

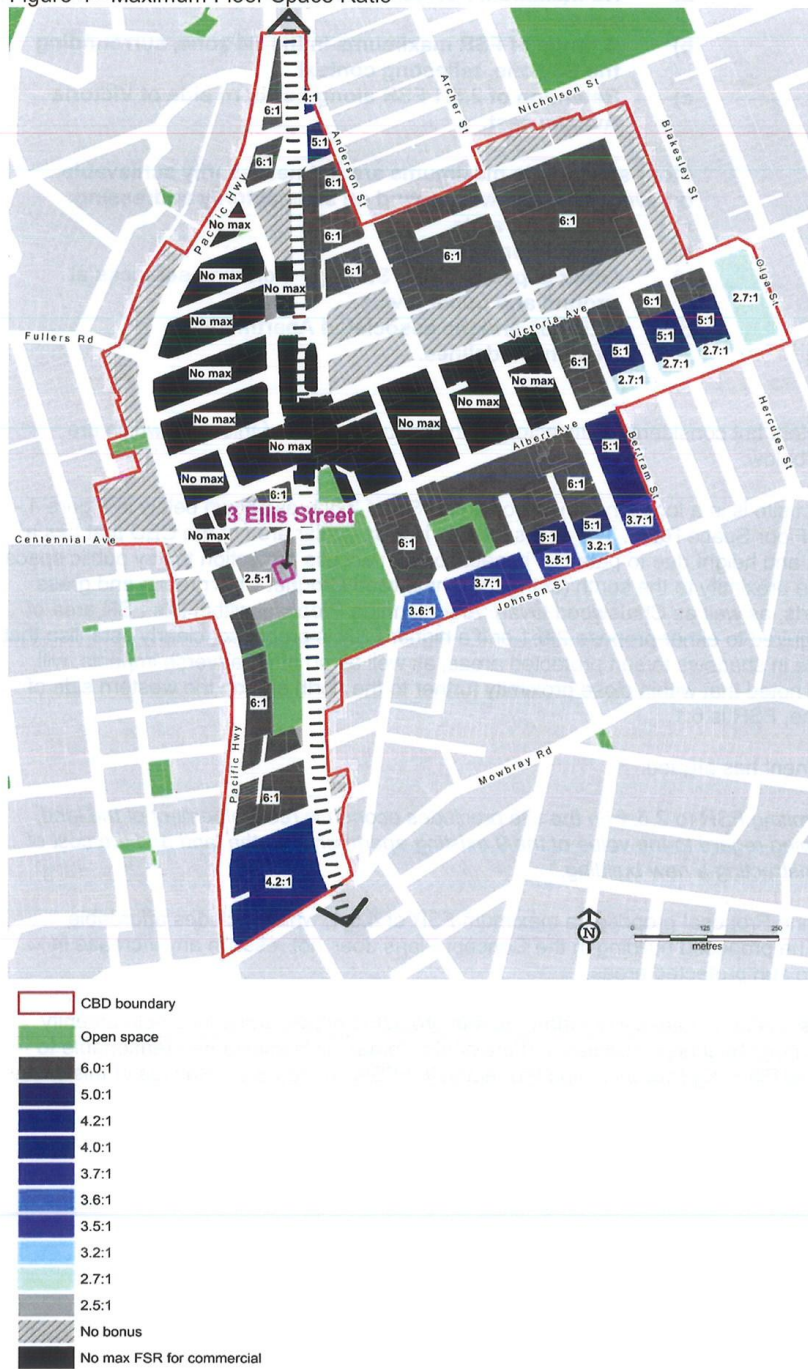
*"Limiting FSR to 2.5:1 on the site precludes economic redevelopment of the land, having regard to the value of the 9 existing apartments on the land and the cost of constructing a new building."*

The Planning Proposal proposes a maximum FSR of 4.5:1, which includes affordable housing. The proposed building in the Concept Plans does not result in any increase in shadows to sun protected areas.

On the basis of no increase in shadows to sun protected areas, and acceptable amenity impacts to neighbouring properties and the public domain, it is considered reasonable to consider the Planning Proposal, and the requested FSR, in the circumstances of this case.



Figure 4 - Maximum 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 4.5:1 proposed in the Planning Proposal includes affordable housing, 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 subject land is proposed to be zoned B4 Mixed Use with an FSR of 4.5:1.

The proponent has indicated that a non-residential component of 0.52:1 will be provided within the podium, moderated on the overall FSR proposed, and has shown this in the concept plans provided.

The proponent has also provided the following justification:

*"A commercial FSR of 0.52:1 is appropriate given the location of the site on a cul-de-sac within a wholly residential area (currently zoned R4 – High Density Residential) and the desirability of providing a western side setback to minimize podium encroachment into the tree canopy of the existing large trees located close to the side boundary, on the neighbouring land to the west."*

Where the FSR proposed is less than 6:1 the required proportion of non-residential floor space can be reduced in accordance with that proportion. An amendment is proposed to WLEP 2012 to this effect. This issue would be further considered at development application stage.

#### **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.

17

Comment  
Consistent.

The tower above the podium shown in the Concept Plans contains a floor plate Gross Floor Area between 248m<sup>2</sup> and 310m<sup>2</sup>, which is below the identified Gross Floor Area maximum of 700m<sup>2</sup>.

**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 residential tower form is broadly square in shape, although not bulky, with maximum dimensions of between 20m and 21m, with generally three units per level. 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.

**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 one residential tower on the site.

#### 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).
- f) In addition, 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 south western part of the Chatswood CBD, just to the north of key public open spaces identified within the Chatswood CBD Strategy as requiring sun access protection, as shown below in Figure 5 - Sun Access Protection (being the Chatswood Croquet Club greens and grass tennis courts, as well as Chatswood Oval).

The Chatswood Croquet Club land is sun access protected between 12 noon and 2pm. Shadows from the proposal do not impact on land within the Chatswood Croquet Club until 12noon, with no impact after 1.45pm. The extent of shadow is confined to a small area in the north-east corner of the property. However, all the shadows cast by the proposal over the Croquet Club land are within the shadows cast by existing buildings located to the north and north-west of the Croquet Club land.

The Chatswood Oval land is sun access protected between 11am and 2pm. Shadows from the proposal begin to impact on Chatswood Oval from 2.15pm and by 3pm, shadows are cast over a limited area in the southwest portion of the Oval. These shadows occur after the sun protected hours of 11am to 2pm and all the shadows cast by the proposal over Chatswood Oval are entirely within the shadows cast by the existing high-rise towers located on the northern side of Albert Avenue.

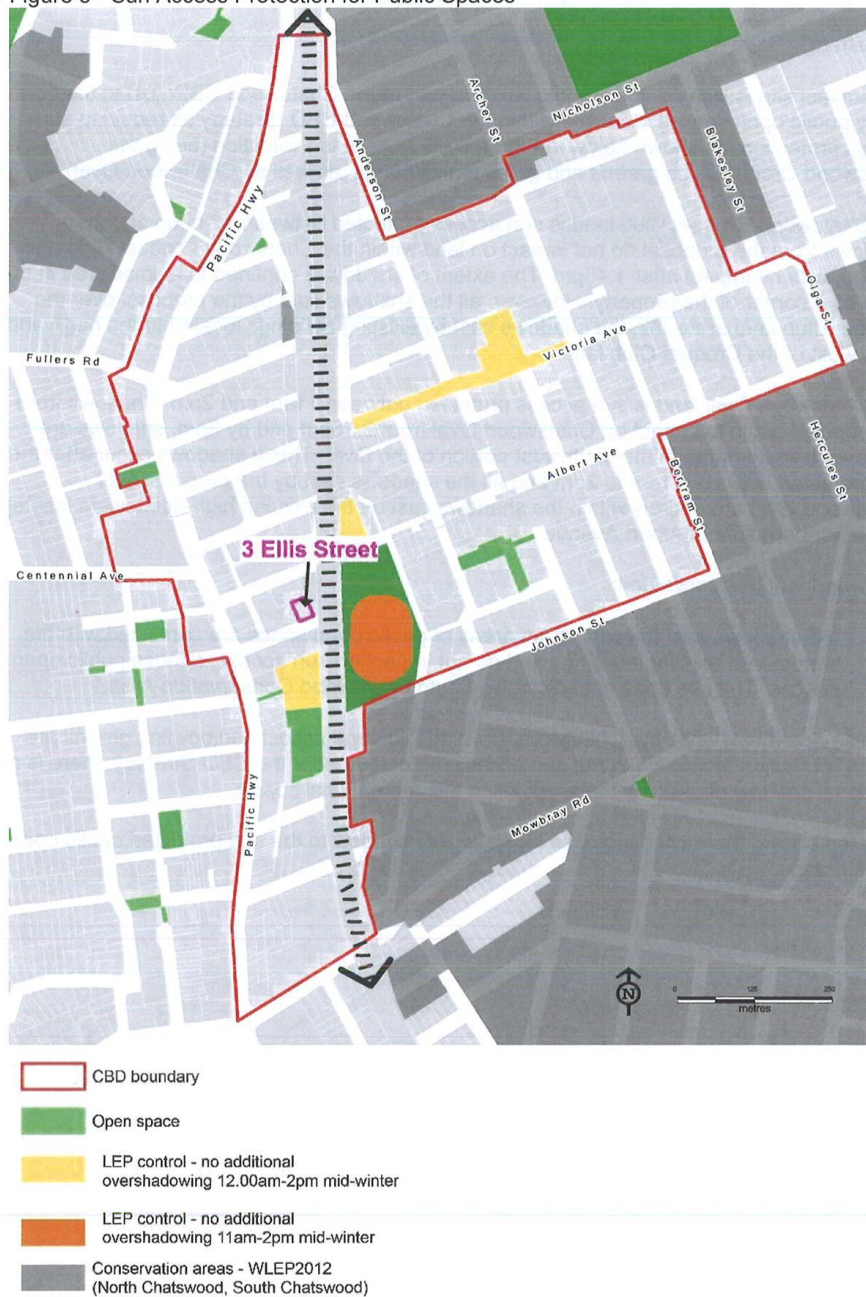
The proponent has concluded:

“All shadows cast towards these areas of public open space are contained with the shadows of existing buildings and do not impact on sun access to those public open spaces. The site does not adjoin the South Chatswood Conservation Area.”

It is also noted that while the Chatswood Bowling Club and associated bowling greens are private recreation facilities and not sun access protected under the CBD Strategy, there is no additional shadow created by the proposal to this recreational space.

As noted above, there is no increase in mid-winter shadow to the sun protected public open space areas.

Figure 5 - Sun Access Protection for Public Spaces



Height is discussed further below.

**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 below 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 (above).

The subject site has varying RL height controls, between RL 125.4m and RL 132.8m along the Ellis Street frontage and between RL 141.8m and RL 149.4m along the rear boundary of the site, with approximately RL 140 in the middle of the site. RL 120m is located approximately in the middle of Ellis Street.

The RLs proposed are RL 134m (38.6m) at the south west highest corner of the building, with an increase to RL 136.3m (40.9m) at the south east highest corner of the building.

The RLs proposed are RL 136.3m (40.9m) at the north west highest corner of the building, with an increase to RL 139.5m (44m) at the north east highest corner of the building. The highest level of the proposed building, being the loft level, is located in the mid section, eastern side, of the site.

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

The objective behind solar access protection determining height of this site is to ensure there is no additional overshadowing to key public spaces to the south. In addition the height proposed has acceptable amenity impacts to neighbouring properties and the public domain.

The draft DCP provisions include the following:

*“The maximum height of the building at the site is to be based on Figure 3 “Maximum building height”, to ensure no additional overshadowing and solar protection in mid-winter for key public spaces (being the tennis and croquet club between 12pm and 2pm, and Chatswood Oval between 11am and 2pm) as identified in Figure 4 ‘Sun access protection for public spaces’, and neighbouring properties.”*

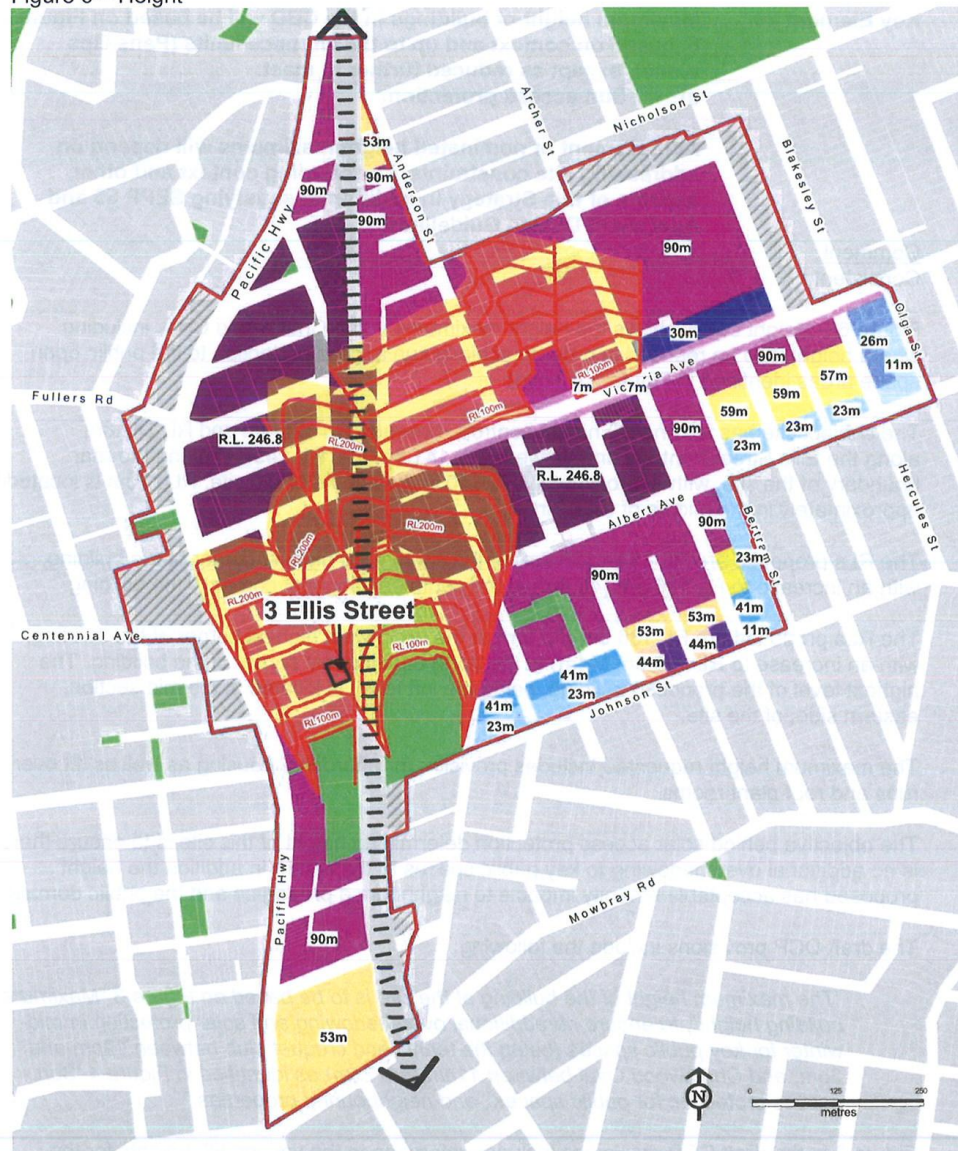
Figure 3 in the draft DCP provisions includes reference to the varying RL heights for the building proposed in the concept plans.

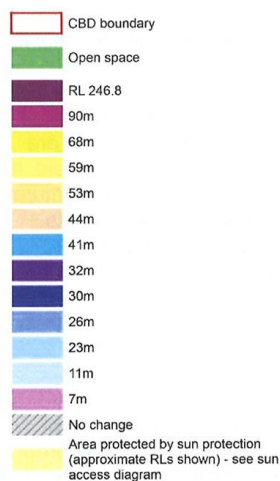
The height proposed of 44m subject solar access protection is satisfactory, having regard to the draft DCP provisions accompanying this Planning Proposal. In addition, prior to any public exhibition, concept plans are required to be provided that clearly show that at no point



the proposed mixed use building encroaches on the sun access protection plane determining height on this site.

### Figure 6 – Height





**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 44 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 the CBD Strategy.

To address the provision of roof features within the maximum height, it is proposed to add Clause 5.6 'Architectural roof features', (2A) to WLEP 2012 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."*

#### 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.



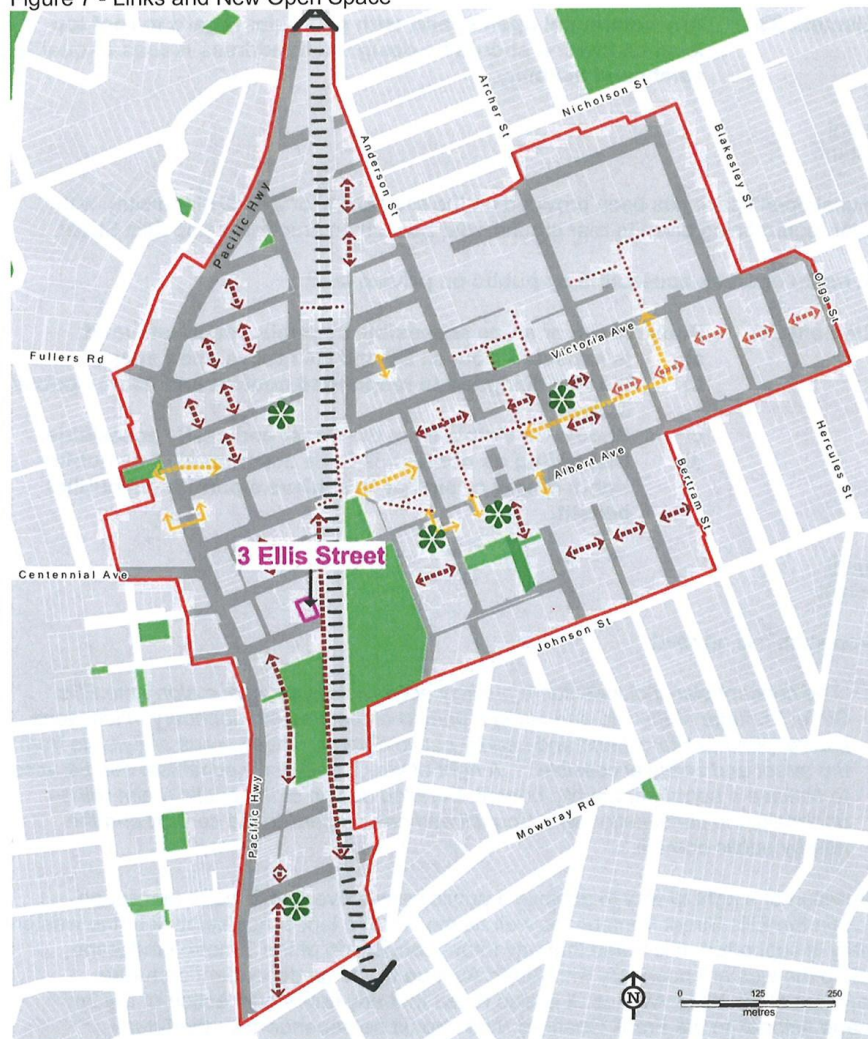
The subject land is not identified in Figure 7 of the CBD Strategy. It is also noted the site is located close to Frank Channon Walk, which includes a cycleway.

At the same time, new linkages may be sought where these are considered to be of public benefit. The 3m setback along the western boundary, as well as the 2m Ellis frontage are proposed as available for future public access and are considered to be of public benefit. It is noted the 3m setback, and future link through to Albert Avenue, will be reliant on the future redevelopment of 88 Albert Avenue. The 2m setback on Ellis Street has the potential to combine with a future setback when 84-86 Albert Avenue (Ellis Street frontage) is redeveloped to widen the public domain through to the Frank Channon Walk. These are addressed in the draft DCP provisions as follows:

*"A public right of way is to be provided on the 3m setback along the western boundary, and the 2m Ellis's frontage."*

This public access over the site, contributing to the provision of a future new mid block pedestrian link, and the future widened access to the Frank Channon Walk, is considered consistent with the objective of improved access in the Chatswood CBD and is an important reason behind Council supporting this Planning Proposal.

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

**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 (220m<sup>2</sup> or 27.4% of the site), with particular regard being given to rear ground, rear podium and rooftop facing Ellis Street.

**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 proponent has advised:

*"The concept plan includes some publicly accessible open space along the Ellis Street frontage of the site and along a portion of the western boundary in locations that respond to site context and nearby public domain. These areas are visible from the street and easily accessible ... A right of way, or similar mechanism can be used to achieve a permanent public benefit. Detailed design of the public realm will be undertaken in consultation with Council and have regard to the context and the nearby public domain."*

The provision of a right of way to achieve a public benefit over the 2 metre landscape setback on the Ellis Street frontage, as well as the 3 metre landscape setback to the western boundary is supported. It is noted that any future connection of the 3 metre landscape setback to the western boundary with Albert Avenue would be dependent on future development of 88 Albert Avenue. It is also noted that any future connection of the 2m landscape setback to the Frank Channon Walk would be dependent on the future redevelopment of 84-86 Albert Avenue.

The provision of two public right of ways is addressed in the draft DCP provisions.

The draft DCP provisions are also amended as follows:

- Buildings are to demonstrate a high visual quality of development when viewed from the public domain and the surrounding area, including the Frank Channon Walk
- Façade designs must be sensitive to the pedestrian environment in terms of wall height finishes and setbacks from planting.

The Planning Proposal has satisfactorily addressed this Key Element.



### Landscaping

**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:

- Level 1 - presenting to part Ellis Street, eastern (side) and northern (rear) boundaries.
- Level 2 (Podium Level) - presenting to Ellis Street boundary.
- Level 10 and 11 - presenting to the north (rear).
- Loft (top floor) - presenting to Ellis Street.

It is noted that the Ellis Street frontage and eastern (side) boundary will be visible to the Frank Channon walk at different points. This is an important consideration for Council as it results in a green contribution on the proposed building visible from public spaces.

**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.

It is also noted that 13% of the site area has been provided as deep soil planting – being the 2m frontage to Ellis Street and the 3m setback to the western boundary with 7-13 Ellis Street.

### 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.

Ground level setbacks are as follows:

- 2m setback to Ellis Street boundary (southern boundary).
- 4.06m setback to rear boundary (northern boundary).
- 0m setback to 84-86 Albert Avenue (eastern boundary).
- 3m setback to 7-13 Ellis Street (western boundary).

Ground level setbacks greater than the requirements in the Mixed Use frontage with Commercial Ground Floor Precinct have been provided and are encouraged on this site. Ground level setbacks greater than the requirements in the Mixed Use frontage with Commercial Ground Floor Precinct have been provided and are encouraged on this site. It is noted that in accordance with setbacks of 3m or more, deep soil planting has been provided. This has created a greater setback to the boundary with the existing residential flat building at 7-13 Ellis Street, the potential for a new pedestrian link, the opportunity for ground level landscaping and the minimizing of any impacts of the two large trees within the 7-13 Ellis Street site (along the boundary).

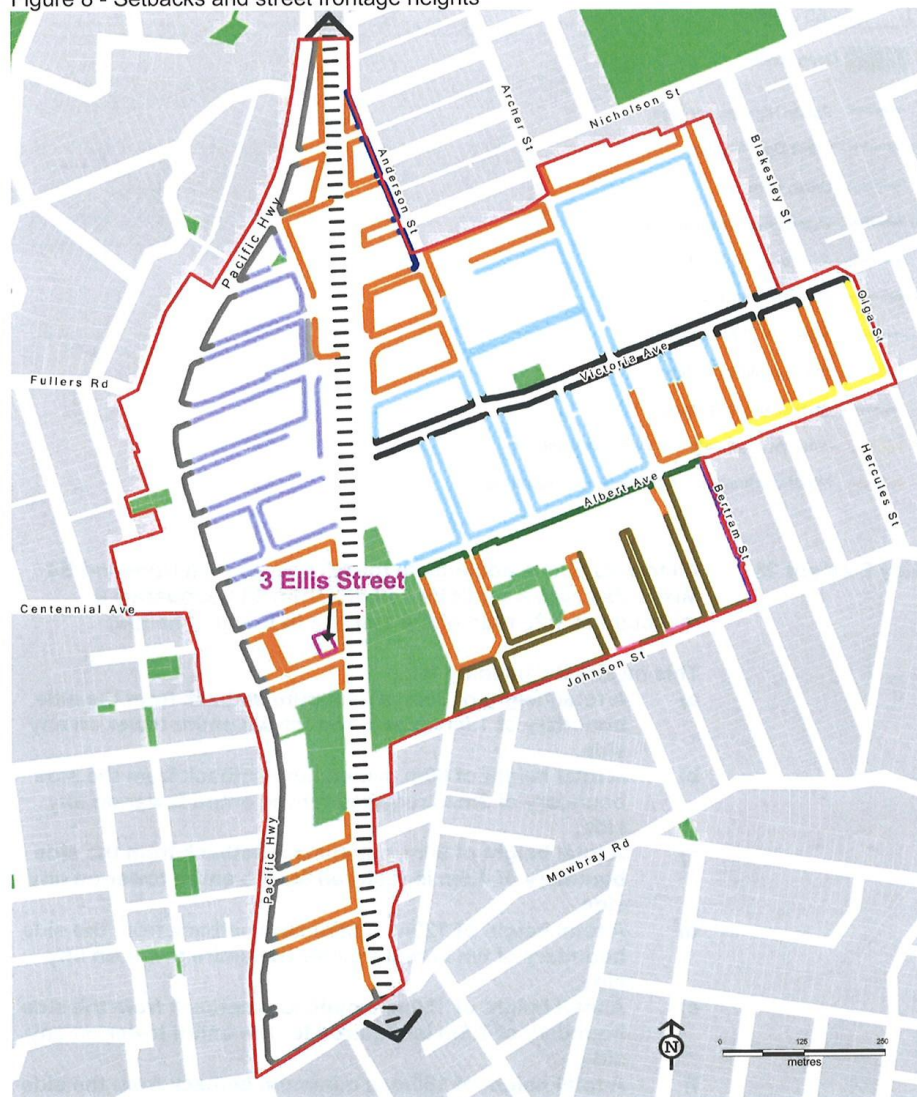
Tower setbacks above Podium are as follows:

- Additional 1m setback to southern boundary (Ellis Street)  
Total tower setback 3m.
- Additional 5m setback to rear boundary (northern boundary).  
Total tower setback 9.06m, rising to 12m above Level 9.
- Additional setback between 2.7m at front of building as it faces Ellis St and 0.6m at rear.
- No additional setback to 7-13 Ellis Street (western boundary)  
Total tower setback 3m.

Podium street wall height is 7.6m facing Ellis Street, well below the 14m maximum.

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

Figure 8 - Setbacks and street frontage heights





**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

Generally consistent – refer to discussion below.



Key Element 28 is a general requirement for all new development within the Chatswood CBD. The proposed height of 44 metres requires a minimum 2.2 metre building setback from all boundaries for all towers above podiums.

The proponent has addressed this issue as follows:

*"The proposed tower setback is readily compliant with the 1:20 setback ratio for the western side, northern rear and southern front boundaries of the site. Option 1 provides an average eastern side setback equating to a 1:20 ratio, with the northern portion of the tower slightly less than 1:20 and the southern portion of the tower slightly more than 1:20 to provide for articulation to the building, where it is readily seen from Frank Channon Walk."*

This key Element is consistent with all tower setbacks. It should be noted that this is achieved on the eastern side setback by an 'average' approach, with the greater setback provided towards the street and western boundary. This is considered satisfactory in the circumstances of this case – being:

- The greater setbacks provided elsewhere on the site having positive outcomes.
- The adjacent property 84-86 Albert Avenue having an unusual shape, which has determined the existing development layout, with a driveway access located on the Ellis Street frontage and the residential flat building located on the more substantial part of the site being towards Albert Avenue.

**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

An Apartment Design Guide (ADG) compliance table has been provided.

There are variations identified regarding building separation, however the supporting Planning Report concludes:

*"The concept plan has been prepared having regard to the SEPP 65 Apartment Design Guide (ADG) and achieves general compliance with this Guide and full compliance with the primary design standards.  
Adequate tower building separation is provided to adjoining and adjacent sites.*

*While the PP seeks concessions to numerical building separation controls to the eastern and western side boundaries, due to the relative narrowness of the site, the objectives of these numerical controls are achieved with respect to privacy, solar access, views and urban design."*

It is considered that the Planning Proposal is satisfactory at this stage in the process for forwarding to DPIE for a Gateway Determination – however it should be noted that an amendment has been included in the draft DCP provisions by Council requiring:

- Adequate building separation to neighbouring properties.
- Building separation to neighbouring properties to be consistent with the Apartment Design Guidelines.



The Planning Proposal in regards *State Planning and Environmental Policy 65 Apartment Design Guidelines* will be further assessed following any exhibition of this Planning Proposal and at design excellence and development application stages.

#### 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 an active street frontage to Ellis Street.

It is also noted that the building is close to, and will be visually prominent from Frank Channon Walk. The importance of any development on this site to the Frank Channon Walk has been emphasised to the proponent, who states in regards the design in the Concept Plans:

*"The podium and tower have been designed to address both Ellis Street and Frank Channon Walk. A substantial area of glazing orientated to Ellis Street and Frank Channon Walk to present an active frontage. The entry to the basement has been recessed to minimize visual impact and landscaping, building articulation and architectural treatments designed to enhance the appearance of the building and create visual interest, as viewed from Ellis Street and Frank Channon Walk"*

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.

The proponent states:

*"Development of the site would not create any isolated development sites. Adjoining sites all have a site area of at least 1,200m<sup>2</sup>. The site itself has been created as an isolated site.*

*Opportunities to share a single driveway access between the neighbouring site to the east at 84 Albert Avenue have been investigated. Due to level differences and existing stormwater drainage infrastructure, including detention tanks, it is not possible to obtain access from a future basement at 3 Ellis Street to the existing driveway off Ellis Street, servicing the basement of 84 Albert Avenue.*

*The PP includes breakout walls in the eastern and northern walls of the basement, with a right-of-way in favour of adjoining properties proposed to provide legal access*

*from Ellis Street along the driveway to a proposed breakout walls in the northeast corner of the uppermost basement. If 84 Albert Avenue is redeveloped, this property will be able to obtain access through the basement of the future building on 3 Ellis Street, allowing removal of the driveway off Ellis Street that currently provides vehicular access to 84-86 Albert Avenue. Such an outcome not only facilitates a single shared vehicular access, but significantly increases the extent of landscaped area that can be provided to the Ellis Street frontage of 84-86 Albert Avenue."*

The above has been addressed in the subject of draft DCP provisions.

The Planning Proposal provides the capacity for the redevelopment of the subject site to be linked with the future redevelopment of neighbouring sites – both in regards issues of future vehicle access as well as through site links. It is considered that this Key Element has been given due consideration at Planning Proposal stage and will undergo further review at development application stage.

**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.

Apart from the lift/stairs/services core and a plant room, all floor space at ground floor level is lettable commercial floor space, or the residential lobby. Garbage storage and the majority of plant room requirements and the like are located within the basement, which is provided with a driveway of complying gradient and sufficient basement height clearance and driveway width to accommodate vehicles up to a medium size truck (8.8m length).

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.

A small screened ground level substation kiosk is proposed fronting the fire stairs

The proponent has advised:

*"Consultation with the electricity authority indicates it is not feasible to provide a substation in the basement ... The electricity authority has also indicated it would not agree to placement of a substation behind the front setback adjoining the driveway."*

This matter will be further considered at exhibition stage, with consultation involving Ausgrid.

- 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 Traffic and parking Assessment, prepared by Transport and Traffic Planning Associates, 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.
- One vehicle entry / exit point via Ellis Street is proposed.
- All loading and car parking is accommodated off street.
- 2 car share spaces are proposed.

The draft DCP provisions have been amended to include reference to car share provision.

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

**Comparison with Planning Proposal refused by Council on 11 February 2019 and Sydney North Planning Panel on 5/11/2019**

Please refer to the Table below.

	<b>Previous Planning Proposal (Not supported by Council 11/2/2019 and Sydney North Planning Panel on 5/11/2019)</b>	<b>CBD Strategy Compliance</b>	<b>Current Planning Proposal</b>	<b>CBD Strategy Compliance</b>
<b>Zoning</b>	Retain R4 High Density Residential	<b>No</b>	B4 Mixed use	<b>Yes</b>
<b>Height</b>	49m	<b>No</b>	44m (in accordance with solar access protection)	<b>Yes</b>
<b>FSR</b>	5.1:1	<b>No</b>	4.5:1	<b>No but satisfactory in the circumstances</b>
<b>Residential units</b>	39		30	
<b>Commercial Component</b>	0	<b>No</b>	0.52:1	<b>Yes</b>
<b>Minimum lot size</b>	808.6m <sup>2</sup>	<b>No</b>	808.6m <sup>2</sup>	<b>No but satisfactory in the circumstances</b>
<b>Setbacks</b>		<b>No</b>		<b>Yes</b>
Ellis St (south) Ground L2-L14	0 3m		2m 3m	
Rear (north) Up to L9 L9-L15	9m 12m		9m 12m	
Side (east) L2-L9 L10-L15	Average 2.24m Average 2.29m		Average 1.7m Average 2.15m	
Side (west)	Average 1.97m		3m	



<b>Street wall Height</b>	Approximately 15m at Ellis Street boundary	<b>No</b>	2m setback then 7.6m	<b>Yes</b>
<b>Deep soil Planting</b>	None provided	<b>No</b>	Yes – 2m fronting Ellis St and 3m setback on western boundary	<b>Yes</b>
<b>Public realm and potential new link</b>	No public access or potential new link provided	<b>No</b>	Yes – 2m fronting Ellis St and 3m setback on western boundary	<b>Yes</b>
<b>Ground level floor space</b>	None provided (all allocated to loading, vehicle movement, garbage and services)	<b>No</b>	Yes	<b>Yes</b>
<b>Loading</b>	Ground level	<b>No</b>	Basement Level	<b>Yes</b>
<b>Car spaces</b>	50		39	<b>Rates under review by Council</b>
<b>Active street frontage</b>	None provided	<b>No</b>	Ellis Street	<b>Yes</b>

Having regard to the table, it is considered that the subject Planning Proposal provides an outcome generally consistent with the objectives of the CBD Strategy - notwithstanding FSR, height and minimum lot size which is discussed above in the report. This was not the case with the previous proposal presented to Council.

#### 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*, noting Design Excellence requirements will be applied at development application stage.

#### **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, part of 745 Pacific Highway and 8-14 Ellis Street are affected by overshadowing.
- At 10am and 11am, part of 8-14 Ellis Street and 4-6 Ellis Street are affected by overshadowing.
- At 12pm, part of 4-6 Ellis Street and 2 Ellis Street are affected by overshadowing.
- At 1pm, part of 2 Ellis Street and the Frank Channon Walk are affected by overshadowing.
- At 2pm, part of 2 Ellis Street, the Frank Channon Walk and the North Shore Rail Line are affected by overshadowing.
- At 3pm, part of 2 Ellis Street, the Frank Channon Walk, the North Shore Rail Line and Chatswood Park (Oval) are affected by overshadowing.

The proponent concludes:

*“The proposal mitigates the impact of overshadowing through tower setbacks and tower form.”*

Solar access in regards key public spaces has been discussed earlier in this report.

It is considered that the overshadowing from this Planning Proposal has been minimised through design and 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 area requiring sun access protection in the CBD Strategy, or the South Chatswood Conservation Area.

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

#### **Privacy and general amenity**

With regard to privacy impacts to neighbouring properties, it is noted:

- Satisfactory building separation distance is provided to apartment buildings to the south, northeast and north of the site.

- While reduced building separation in the order of 9m to 10.5m is provided to the apartment building to the west, the western elevation of the concept residential tower has no windows to habitable rooms or balconies in this elevation, to address privacy impacts to No. 7-13 Ellis Street.
- Proposed boundary fencing and landscaping precludes overlooking to the west from the ground floor level commercial tenancy. The western first floor commercial tenancy has north facing glazing. Any potential west facing glazing could be designed with high sills and/or translucent glazing to prevent overlooking to the west.

With regard to view and visual impact, the proponent has submitted that:

- The proposed increase in density and building height does not materially impact on any existing significant views or outlook, compared to a building that has a height compliant with the existing 34m maximum building height control.
- Views impacted are primarily towards the backdrop of existing high-rise buildings to the north and north east.
- The upper 4 storeys of the east facing apartments at 7-13 Ellis Street currently enjoy easterly views towards Chatswood Oval across the western side boundary of the development site, over the existing 4 storey building on the site. These views are across a side boundary and the same level of view obstruction would occur if a height compliant building (i.e. 34m high) was developed on the site.
- The upper 4 storeys of the south and west facing apartments of 84-86 Albert Avenue currently enjoy south-westerly views towards Chatswood Croquet Club and Chatswood Bowling Club across the development site, also over the existing 4 storey building on the site. The same level of view obstruction would occur if a height compliant building (i.e. 34m high) was developed on the site.
- The overall level of view impact arising from the proposed increase in building height is considered acceptable within the high-rise CBD context of the locality.
- Visual impact arising from the increase in building height and density, within the building envelopes proposed, is acceptable having regard to the site's CBD context, the comparative view impacts associated with a new building under the current height control and having regard to proposed future planning controls for the locality.

The draft DCP provisions have been amended to require residential amenity to be in accordance with the Apartment Design Guidelines.

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 nor is it part of a heritage conservation area.

The Planning Proposal has been referred to the Heritage Section of Council who have concluded:

- The nearest heritage items are located north of Albert Avenue, being the Chatswood Public School and the former fire station building at 767 Pacific Highway, Chatswood. The subject land is outside the visual catchment of these heritage items and the proposed development will have minimal, if any impact on the heritage values of these structures or view lines to and from those buildings.
- The South Chatswood Heritage Conservation Area is located on the other side of the North Shore Rail Line, with the closest part of this conservation area to the subject site being Chatswood Park – and in particular the back of the two grand stands.



- It is considered that the proposal will have minimal impact on Chatswood Park.

#### Other Internal Referrals

The Planning Proposal has also been referred to the Urban Design, Traffic, Engineering and Open Space 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 for Gateway.

#### Development Control Plan provisions

The proponent has submitted site specific *Development Control Plan* provisions. The site specific *Development Control Plan* provisions have been assessed as satisfactory for this stage in the process, subject to the following amendments:

- a) Section 4 'Street Frontage Heights and Setbacks'
  - i. Add Performance Criteria 4 as follows:  
"Adequate building separation to neighbouring properties must be provided."
  - ii. Add Control 2 as follows:  
"Building separation to neighbouring properties is to be consistent with the Apartment Design Guidelines."
- b) Section 5 'Building Exterior'
  - i. Amend Performance Criteria 1 to read:  
"Buildings are to demonstrate a high visual quality of development when viewed from the public domain and the surrounding area, including the Frank Channon Walk."
  - ii. Amend Controls 1 to read:  
"Façade designs must be sensitive to the pedestrian environment in terms of wall height finishes and setbacks from planting."
  - iii. Amend Controls 2 to read:  
"Extensive blank walls shall be avoided."
- c) Section 6 'Amenity'
  - i. Amend Control 3 to read:  
"Residential amenity is to be in accordance with the Apartment Design Guidelines."
- d) Section 9 'Traffic and Transport'
  - i. Add Control 4:  
"Two car share spaces are to be provided in Basement Level 2 close to lifts. Public access to be detailed at development application stage."
- e) Section 11 'Design Excellence and Building Sustainability'
  - i. Amend heading to read:  
"Design Excellence"
- f) Add Section 15 'Sustainability'
  - i. Add Performance Criteria  
"Achievement of design excellence shall include achievement of higher building sustainability standards."
  - ii. Add Control:  
"A minimum 5 star GCBA building rating is expected. A report is to be submitted at development application stage."

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. It is also considered that this Planning Proposal is satisfactory in the circumstances of this case regarding FSR and minimum lot size variations to the CBD Strategy.

The proponent has submitted site specific Development Control Plan provisions. The site specific Development Control Plan provisions have been assessed as satisfactory for this stage in the process, subject to 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 submitted by the proponent in support of the Planning Proposal to amend *Willoughby Local Environmental Plan 2012* (referred to as WLEP 2012) are as follows:

- "(a) Provide a floor space and building height yield that is commensurate with the site's location adjacent to the CBD Core and close to the Chatswood CBD and transport interchange and in a manner consistent with the desired future character for the Chatswood CBD.*
- (b) Provide an increased floor space and building height that enables a viable redevelopment of the site.*
- (c) Facilitate removal of an existing outdated apartment building on an underdeveloped site and its replacement with a prestige high-rise mixed-use building that provides for improved urban design and development outcomes, including an active street frontage and enhanced presentation to Frank Channon Walk.*
- (d) Ensure that environmental and amenity impacts associated with increased development yield are not unreasonably increased having regard to the desired future character of the locality and likely future redevelopment of neighbouring properties in accordance with the CBD Strategy.*
- (e) Enable more economic and efficient use of land in a location that is highly accessible to retail, public transport and other services.*
- (f) Provide affordable housing on a site that currently is not required to provide affordable housing.*
- (g) Provide for developer levies, in addition to Council's Section 7.12 levies, to assist with funding of infrastructure and community facilities and services required to meet demand for such infrastructure, facilities and services, arising from proposed increased development density in and near the Chatswood CBD.*
- (h) Maintain existing mid-winter solar access to sun-protected public open space areas.*
- (i) Maintain reasonable neighbour amenity with respect to privacy, solar access and Views commensurate with community standards in a high-density area."*

**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 'Sun Access' 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 3 Ellis Street, Chatswood, to B4 Mixed Use.
- i) To amend the Height of Buildings Map (Sheet HOB\_004) for 3 Ellis Street, Chatswood, to 44 metres.
- j) To amend the Floor Space Ratio Map (Sheet FSR\_004) for 3 Ellis Street, Chatswood, to 4.5:1 (including affordable housing).
- k) To amend the Special Provisions Area Map (Sheet SPA\_004) to show 3 Ellis Street, Chatswood, as Area 8.
- l) To amend the Active Street Frontages Map (Sheet ASF\_004) to include 3 Ellis Street, Chatswood, to include the Ellis Street frontage.
- m) To amend the Lot Size Map (Sheet LSZ\_004) to include 3 Ellis Street, Chatswood, with a minimum lot size of 800 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. Amendments are required.

**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 existing and proposed CBD boundary and is identified as mixed use, with an increase in maximum building height in accordance with sun access protection requirements and increase in floor space ratio up to 2.5:1 subject to satisfaction of other CBD Strategy requirements. The Planning proposal proposes variations to floor space and the minimum lot size of 1,200m<sup>2</sup> and these are discussed in Attachment 2.

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 generally 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. Any Chatswood CBD variations have been satisfactorily addressed for the purposes of this report and stage in the process.

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 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 ?:

- Does 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.

- Is it 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, part endorsed by the DPIE on 9 August 2019 and fully endorsed 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 generally consistent with the CBD Strategy and its DPIE endorsement – subject to variations to FSR and minimum lot size. This is discussed in the Council Detailed Assessment (Attachment 2).

- Does it respond 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 CBD Strategy and the envisaged future development for the locality which is 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
<b>SEPP (BASIX) 2004</b>	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.
<b>SEPP (Exempt and Complying Codes) 2008</b>	The Planning Proposal does not contain provisions that contradict the application of the SEPP.
<b>SEPP 65 – Design Quality of Residential Flat Development</b>	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> (ADG) and achieves general compliance with this Code.  Detailed assessment of compliance with SEPP 65 and Apartment Design Guidelines would occur at DA stage.
<b>SEPP (Affordable Rental Housing) 2009</b>	The Planning Proposal provides for affordable housing and is consistent with the SEPP.
<b>SEPP (Infrastructure) 2007</b>	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
<b>1.1 Business and Industrial Zones</b>	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	No	N/A	The site does not contain a Local Heritage Item or is part of a heritage conservation area. On the other side of the North Shore Rail Line, the site is opposite Chatswood Park which is within the South Chatswood Heritage Conservation Area (in particular the back of two grandstands). The Planning Proposal has been reviewed by Council's Heritage Section who have not raised any concerns.

## 3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent	Comment
3.1 Residential Zones	Yes	Yes	The site is within a R4 High Density Residential zone proposed to be B4 Mixed Use. The proposal is consistent with the recommended rezoning within the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> and involves residential uplift to the existing controls.

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 A Plan for Growing Sydney	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 including comparison with a previous Planning Proposal not supported on this site by Council and the Sydney North Planning Panel in 2019, solar access, privacy and general amenity.

**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 3 Ellis Street, Chatswood, to B4 Mixed Use.
- b) To amend the Height of Buildings Map (Sheet HOB\_004) for 3 Ellis Street, Chatswood, to 44 metres.
- c) To amend the Floor Space Ratio Map (Sheet FSR\_004) for 3 Ellis Street, Chatswood, to 4.7:1 (including affordable housing).
- d) To amend the Special Provisions Area Map (Sheet SPA\_004) to show 3 Ellis Street, Chatswood, as Area 8.
- e) To amend the Active Street Frontages Map (Sheet ASF\_004) to include 3 Ellis Street, Chatswood, to include the Ellis Street frontage.
- f) To amend the Lot Size Map (Sheet LSZ\_004) to include 3 Ellis Street, Chatswood, with a minimum lot size of 800 sq metres.

**PART 5 – COMMUNITY CONSULTATION**

Should Council support the Planning Proposal for public exhibition, it will proceed to the Planning and Infrastructure '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 (mapping) 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	June 2021
Planning Proposal submitted to Gateway	July 2021
Gateway Determination received by Council	November 2021
Community Consultation (28 days)	February 2022
Outcomes of Community Consultation presented to Council	May 2022
Planning Proposal submitted to Department requesting notification on Government website	June 2022

CAR PARK SCHEDULE / TABLE:  
PROPOSED / TARGETED CAR SPACES NUMBER:  
COMMERCIAL:  $1 \text{ CS} / 200\text{m}^2 \times 420 = 2.1 \text{ CS (3 CS)}$

RESIDENTIAL:

1-BED APT: 0.5 CS / UNIT	X 1 = 0.5 CS
2-BED APT: 1 CS / UNIT	X 18 = 18 CS
3-BED APT: 1 CS / UNIT	X 10 = 10 CS
4-BED APT: 2 CS / UNIT	X 1 = 2 CS
VISITORS: 0.1 CS / UNIT	X 30 = 3 CS

TOTAL NO. of CAR SPACE REQUIRED: 34 CS

PROVIDED CAR SHARE SPACES: 2 CS

TOTAL NO. of CAR SPACE PROPOSED: 39 CS

ALLOCATION: COMMERCIAL: 3  
RESIDENTIAL: 31  
VISITORS: 3  
CAR SHARE: 2

BASEMENT CAR PARK PROVISION:			
Level:	no. of car space	incl no. of WCA space	incl no. of adaptable
B2	12	2	2
B3	12	2	2
B4	15	-	3
total	39	4	7



SK101-3: B4 FLOOR PLAN

0 1 2 3 4 5 10

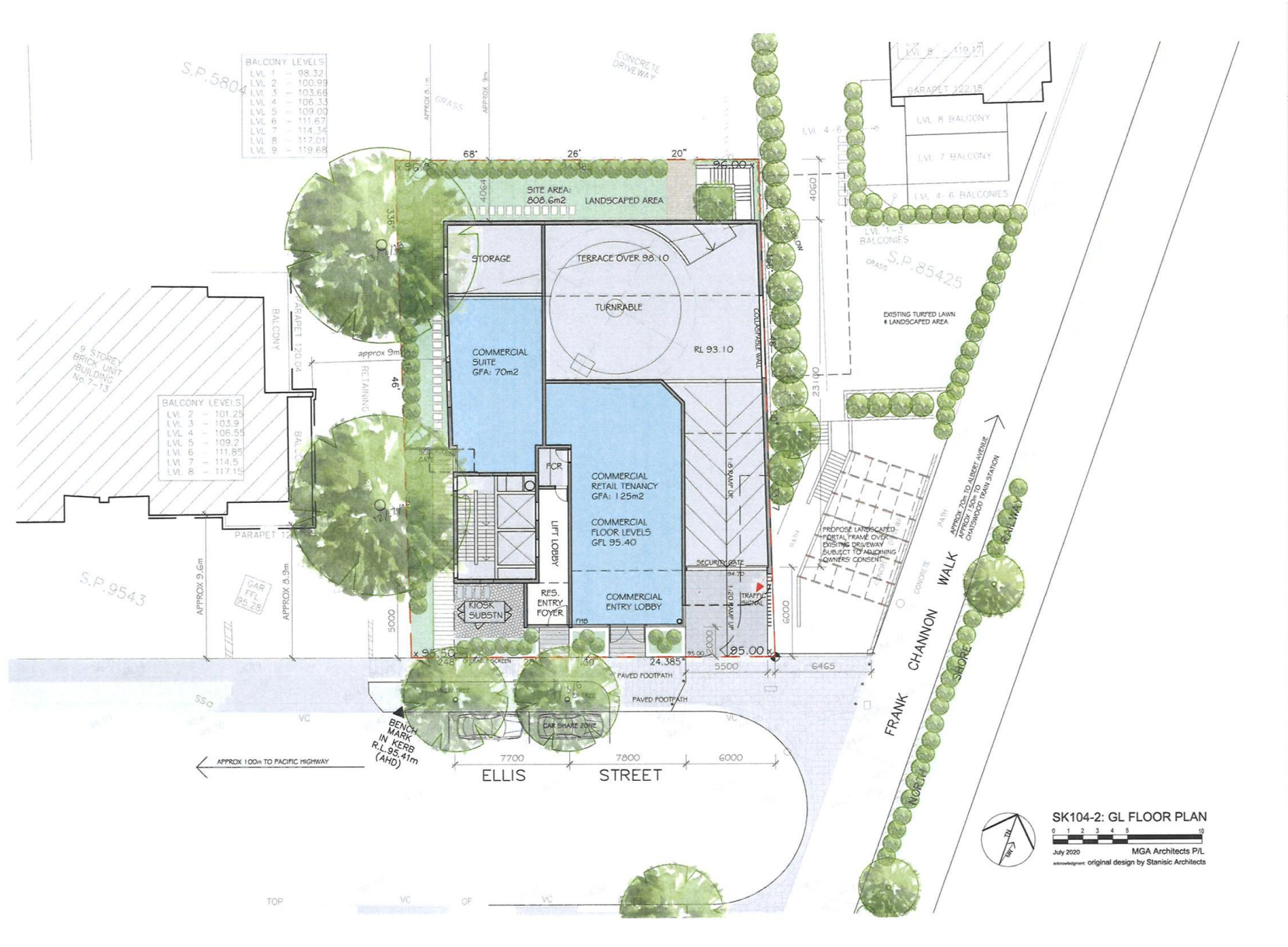
MAY 2021 MGA Architects P/L

original design by Stanistic Architects







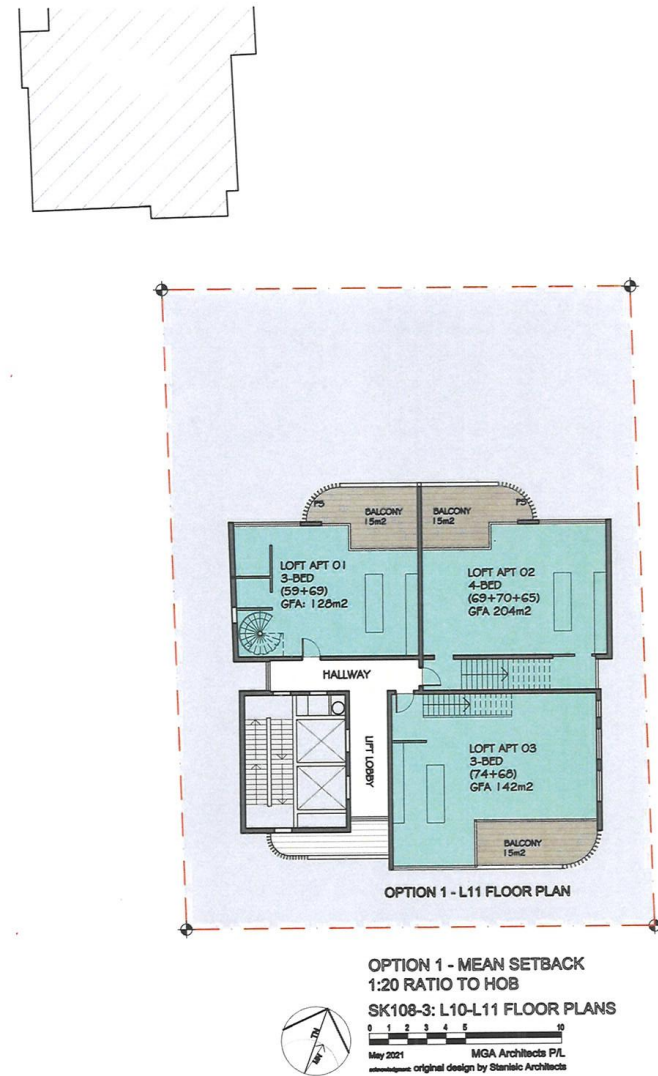
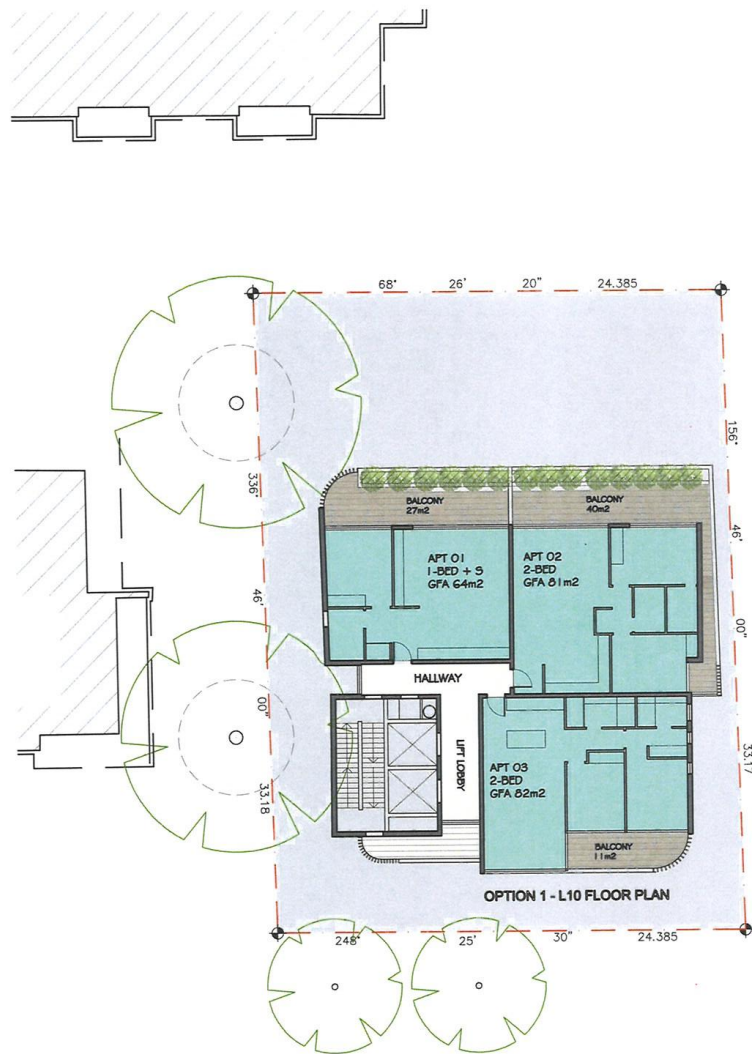




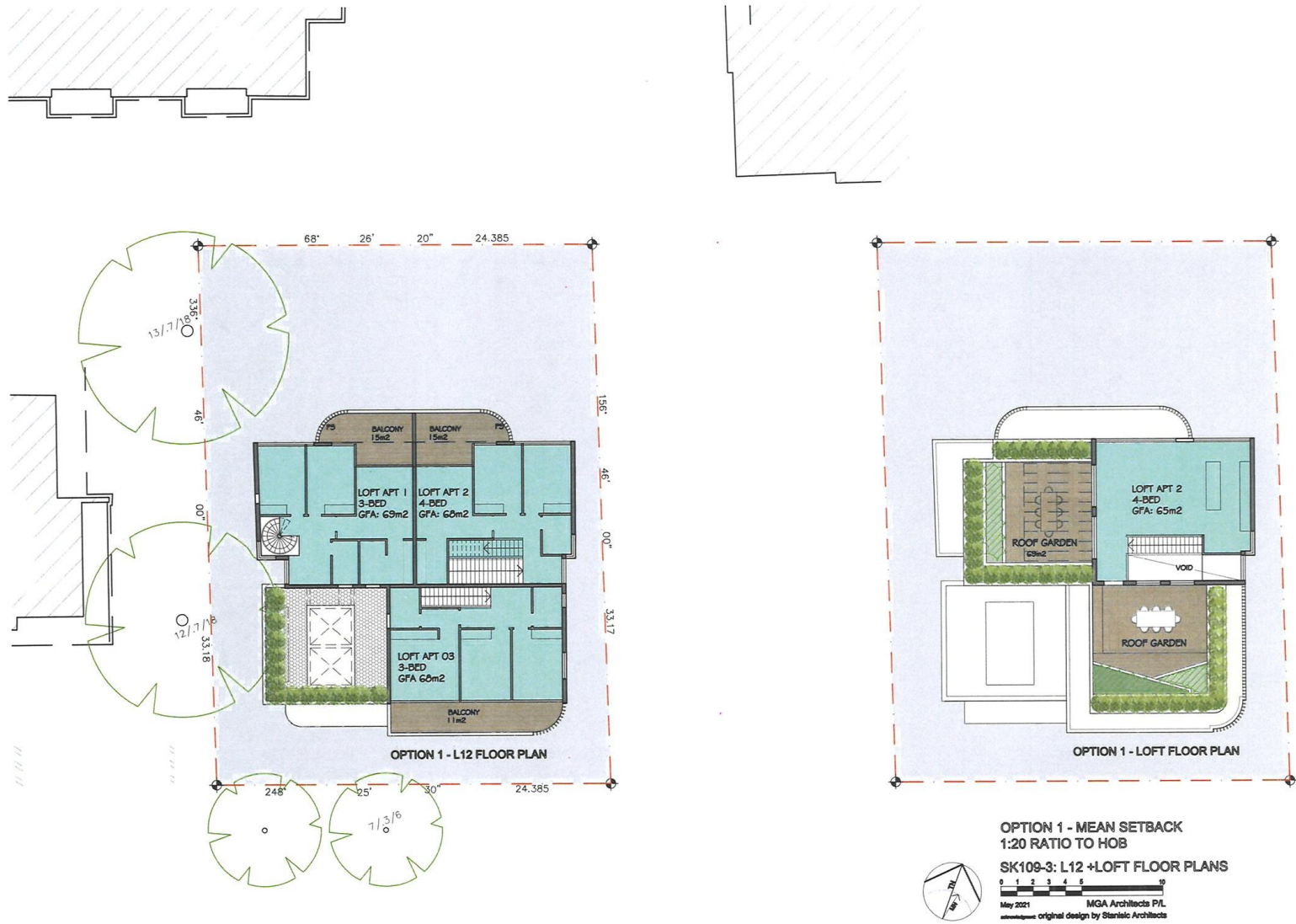


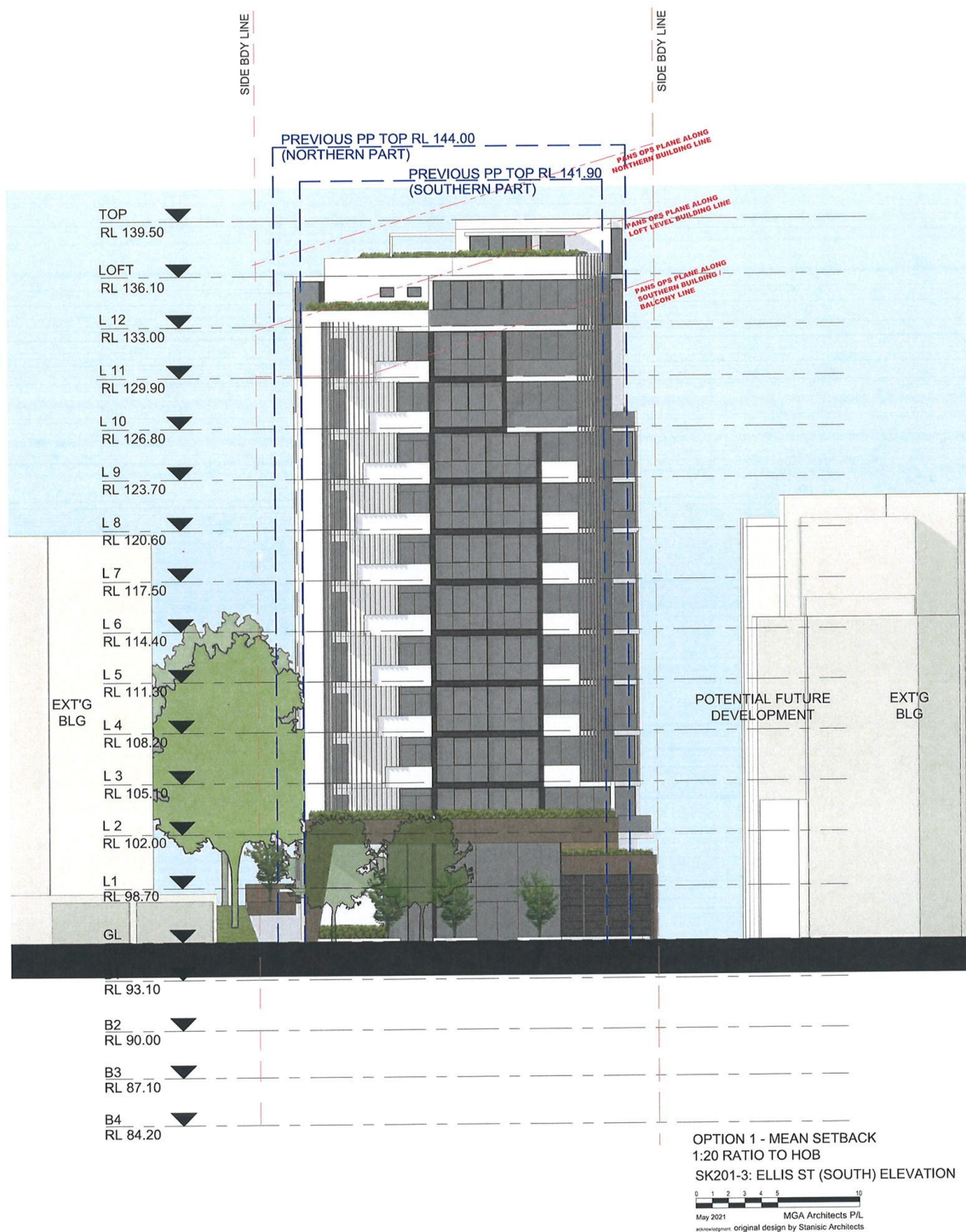


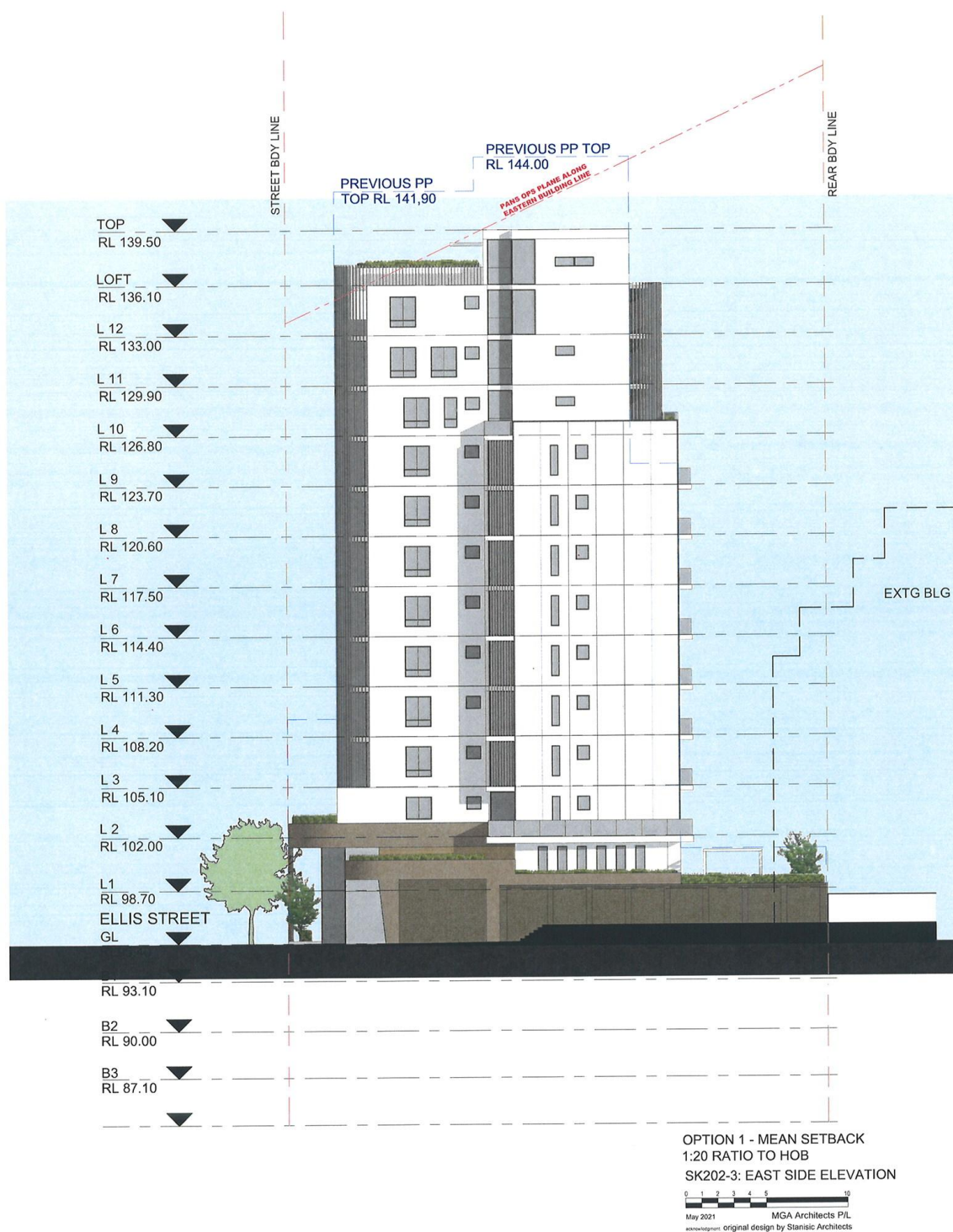




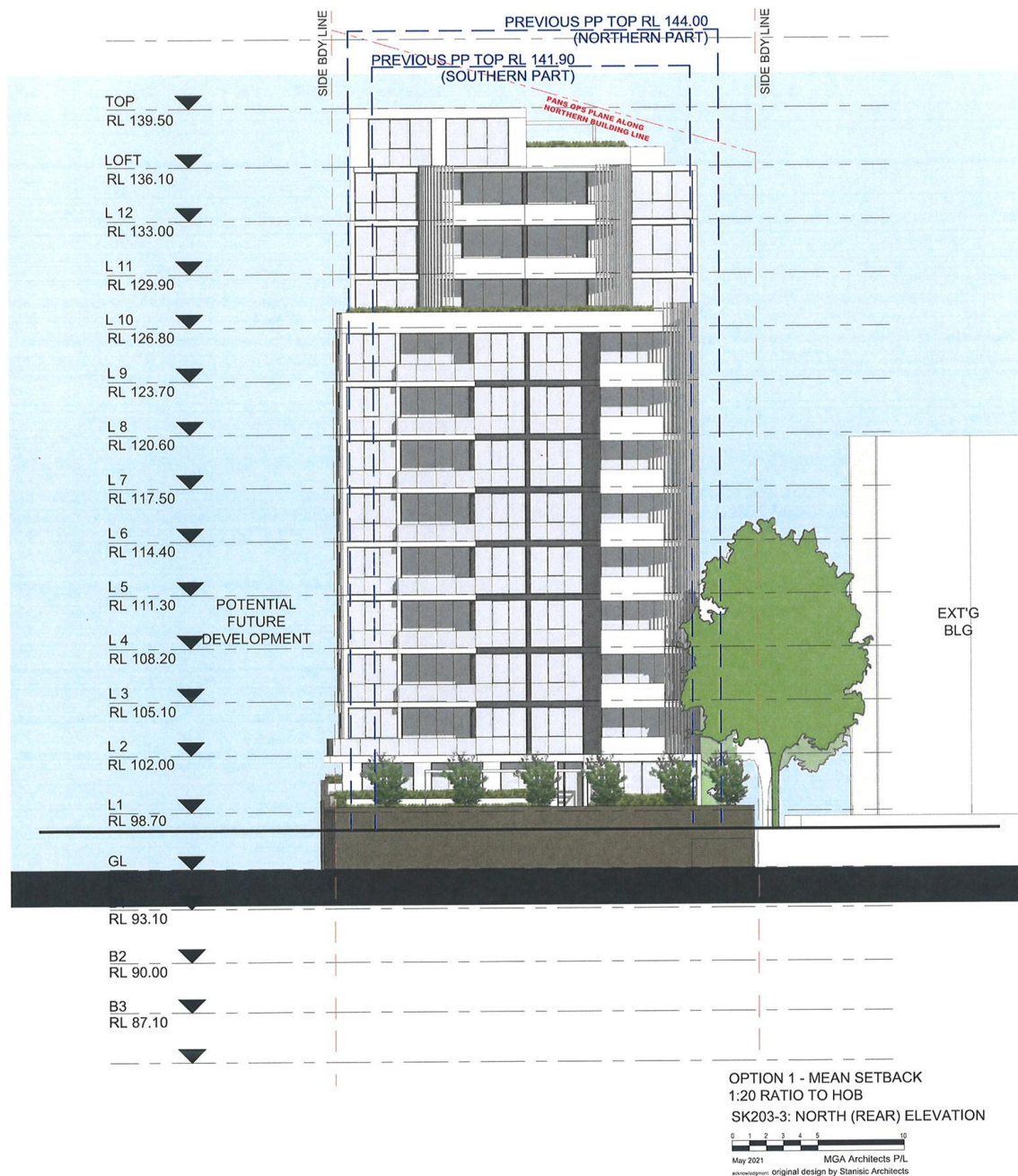


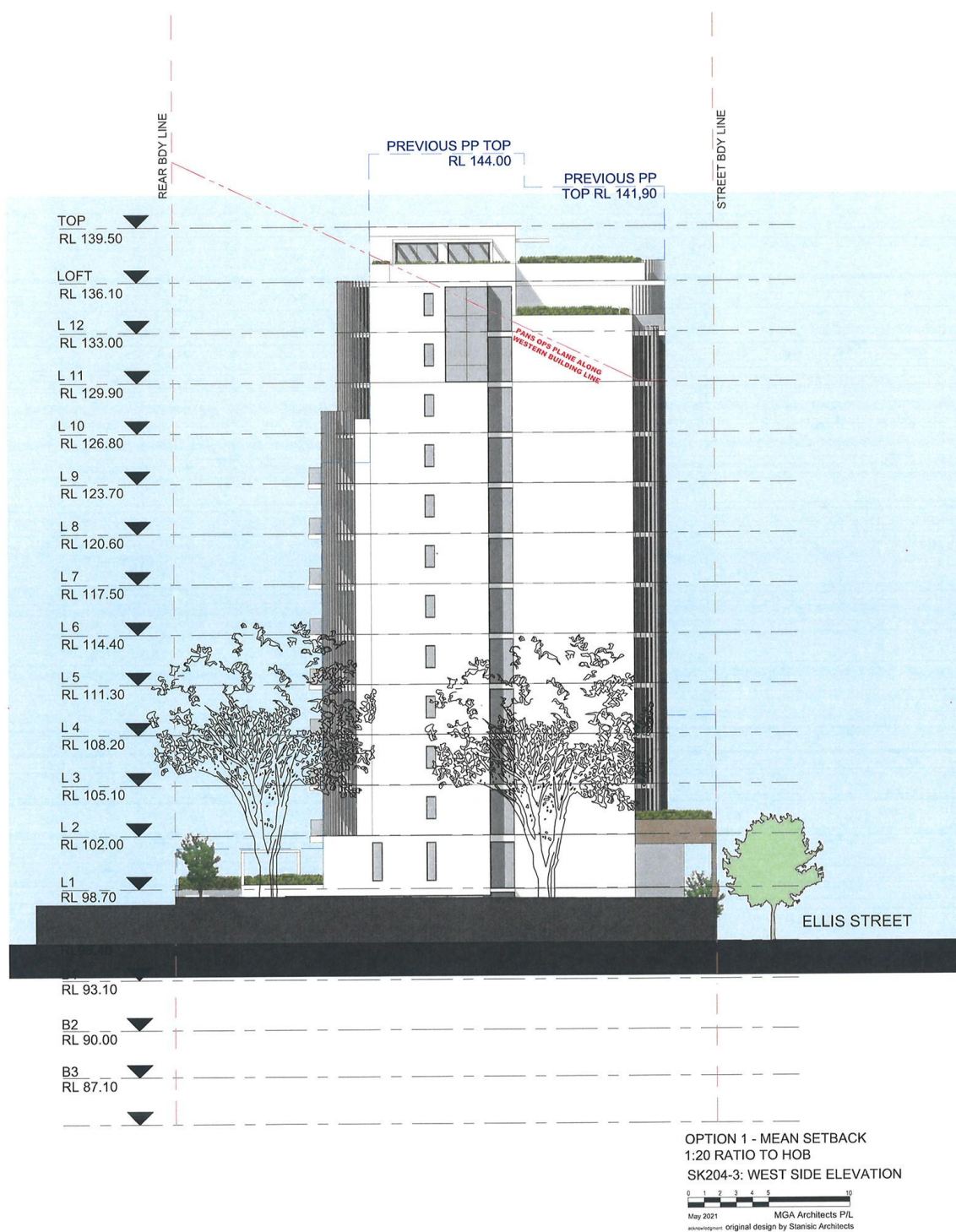




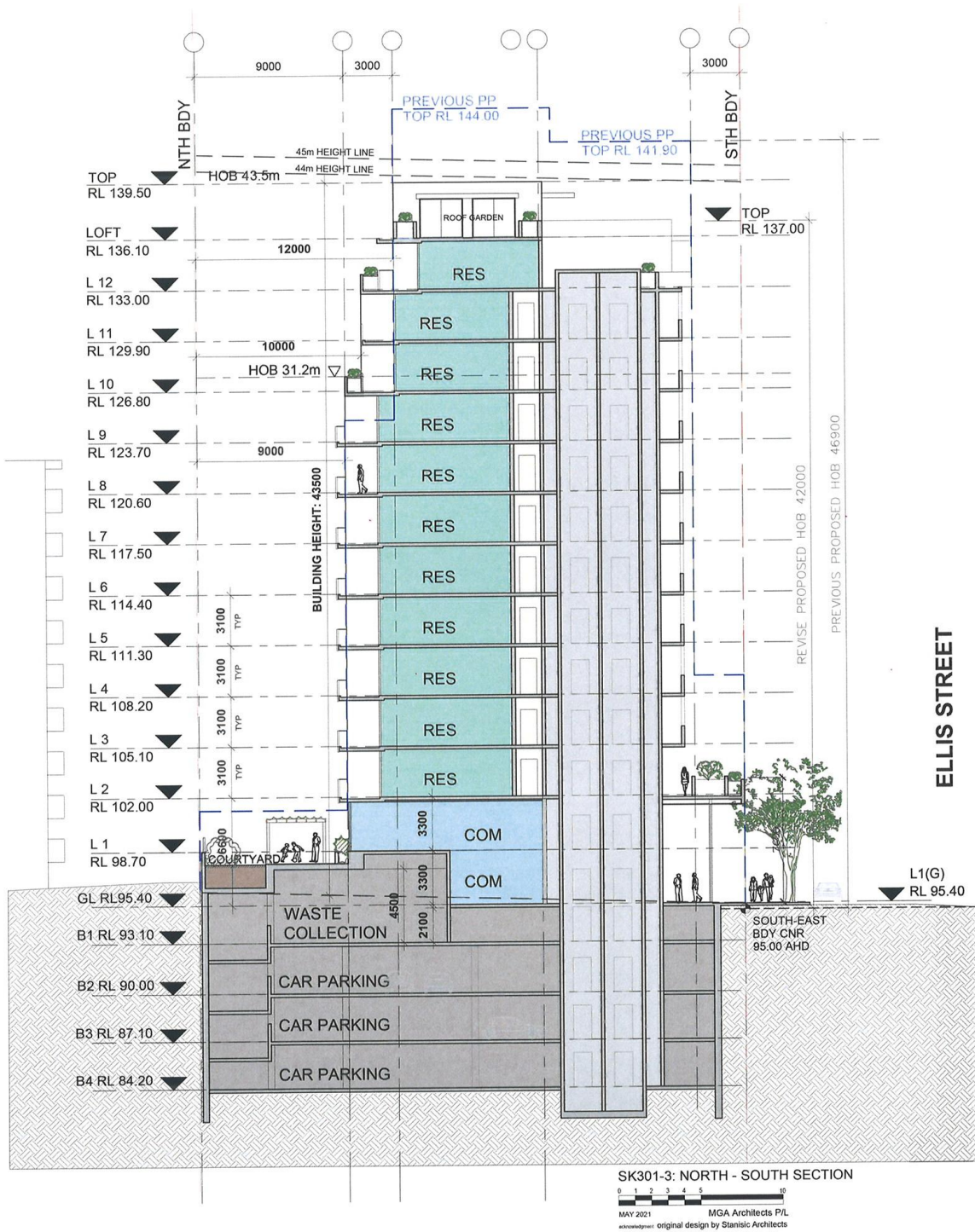












ATTACHMENT 5



**DRAFT SITE-SPECIFIC DEVELOPMENT CONTROL PLAN  
3 ELLIS STREET, CHATSWOOD**

**MAY 2021**

## 1.0 GENERAL

These controls apply to the land at 3 Ellis Street, Chatswood (SP2715) shown on the map below.

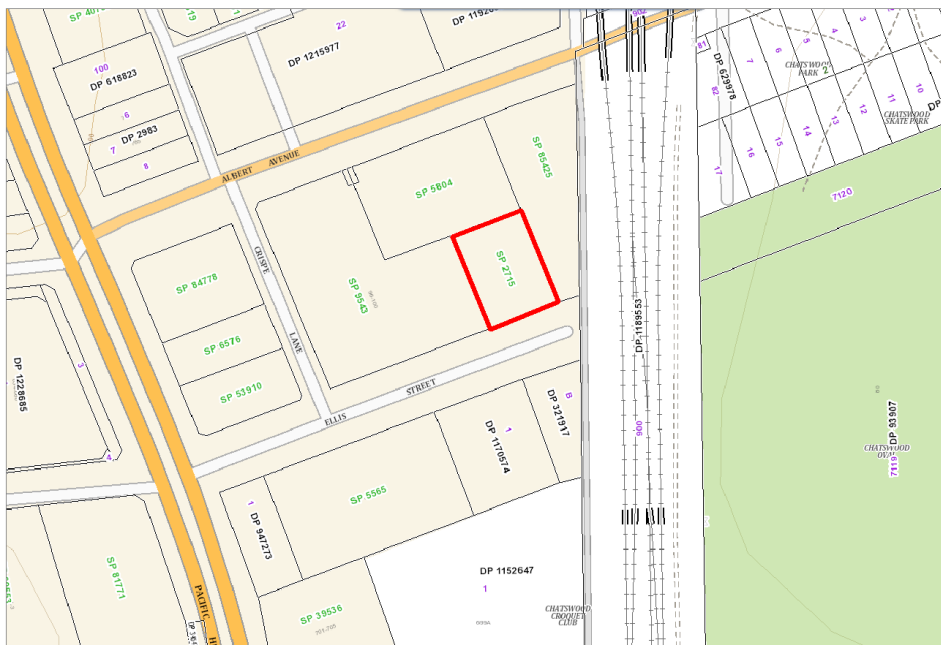


Figure 1: Site that is subject to this section of the DCP.

In the event of an inconsistency between this section and the remaining provisions of this DCP, the controls in this section shall prevail in relation to development on the site to the extent of the inconsistency.

The aims and objectives of this plan are to:

1. Provide guidelines for a mixed-use development on the site.
2. Maintain sun access to key public places.
3. Provide a development that ensures the viability of adjoining site for future development.
4. Minimise traffic impacts on the surrounding road network.
5. Ensure development on the site minimises impacts to the amenity of neighbouring residential properties.
6. Provide landscaping in and surrounding the site that enhances the presentation of the site as well as the amenity of the development.
7. Achieves architectural and urban design excellence.
7. Maximise activation to the Ellis Street.

Draft Site Specific DCP Controls  
3 Ellis Street, Chatswood

## 2.0 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.
5. Ensure sun access to key public spaces.

### *Controls*

1. The maximum tower floor plate that applies to this site for residential towers above a podium is 700m<sup>2</sup>.
2. The width of each side of any tower should be minimised and design elements that contribute to building bulk should be minimised.
3. The building should not create additional overshadowing at Tennis and croquet club 12pm – 2pm, Chatswood Oval between 11am – 2pm in mid-winter.
4. Substations are to be provided within buildings, not within the streets, open spaces or setbacks and minimize on key active street frontages. Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.

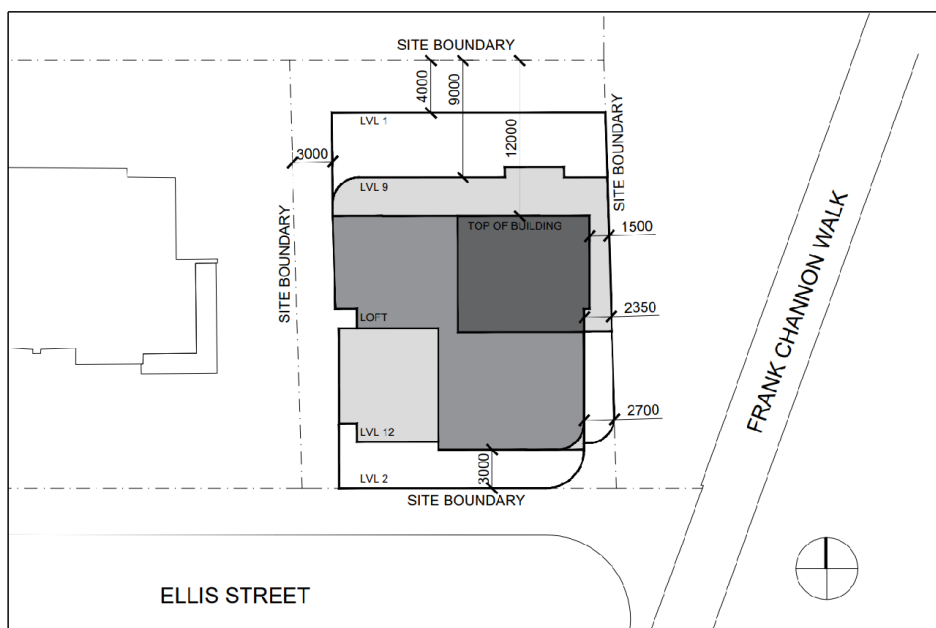


Figure 2: Building Setback



### 3.0 BUILDING HEIGHTS

#### *Performance Criteria*

The built form of the new development shall:

1. Be compatible with the planned scale of surrounding development.
2. Be consistent to meet the sun access protection to key public space.
3. 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.
3. The maximum height of the building at the site is to be based on Figure 3 "Maximum building height", to ensure no additional overshadowing and solar protection in mid-winter for key public spaces (being the tennis and croquet club between 12pm and 2pm, and Chatswood Oval between 11am and 2pm) as identified in Figure 4 'Sun access protection for public spaces', and neighbouring properties.

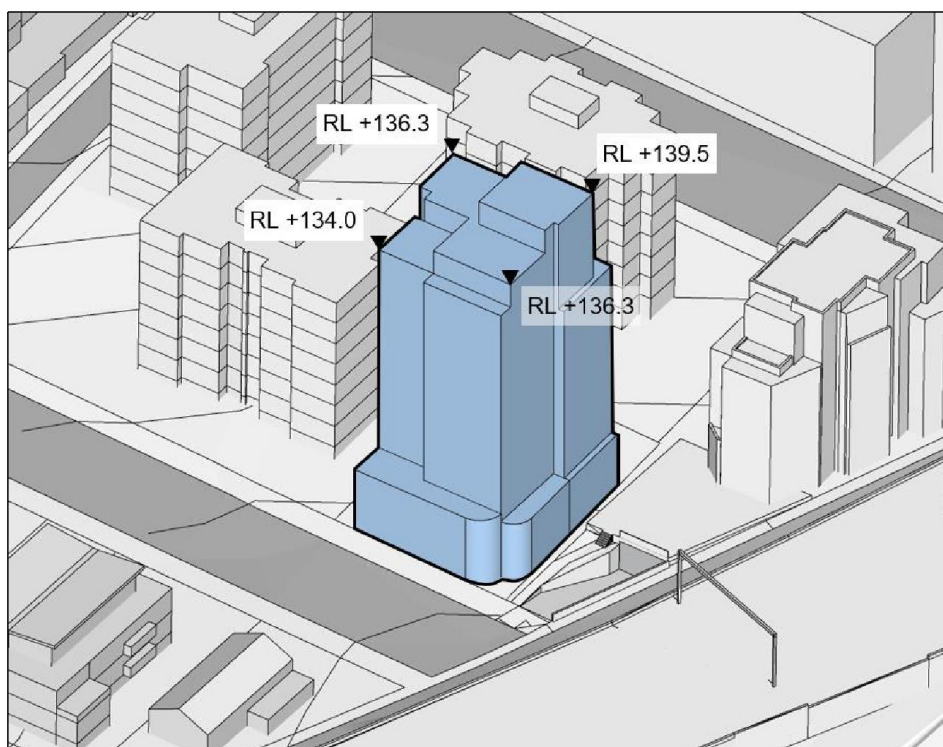


Figure 3: Building Height

Draft Site Specific DCP Controls  
3 Ellis Street, Chatswood

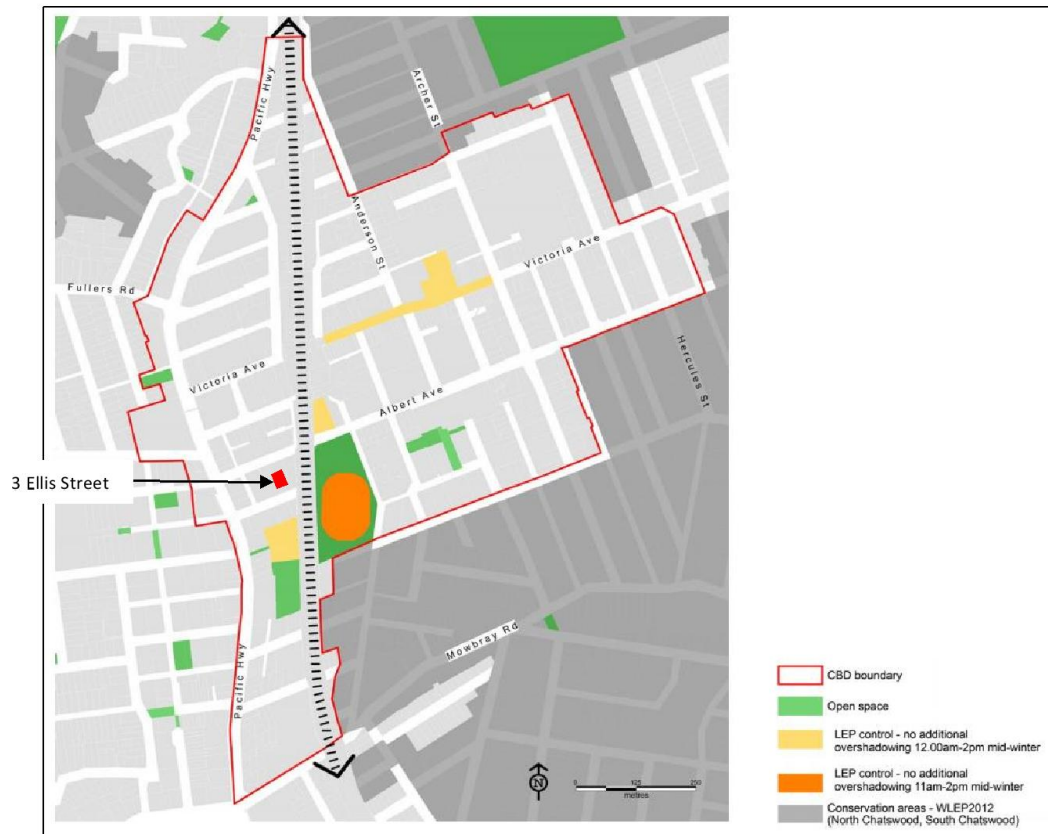


Figure 4: Recommended sun access protection for public spaces  
Source: Chatswood CBD Planning and Urban Design Strategy to 2036



Draft Site Specific DCP Controls  
3 Ellis Street, Chatswood

4. Height is to be based on Figure 5.

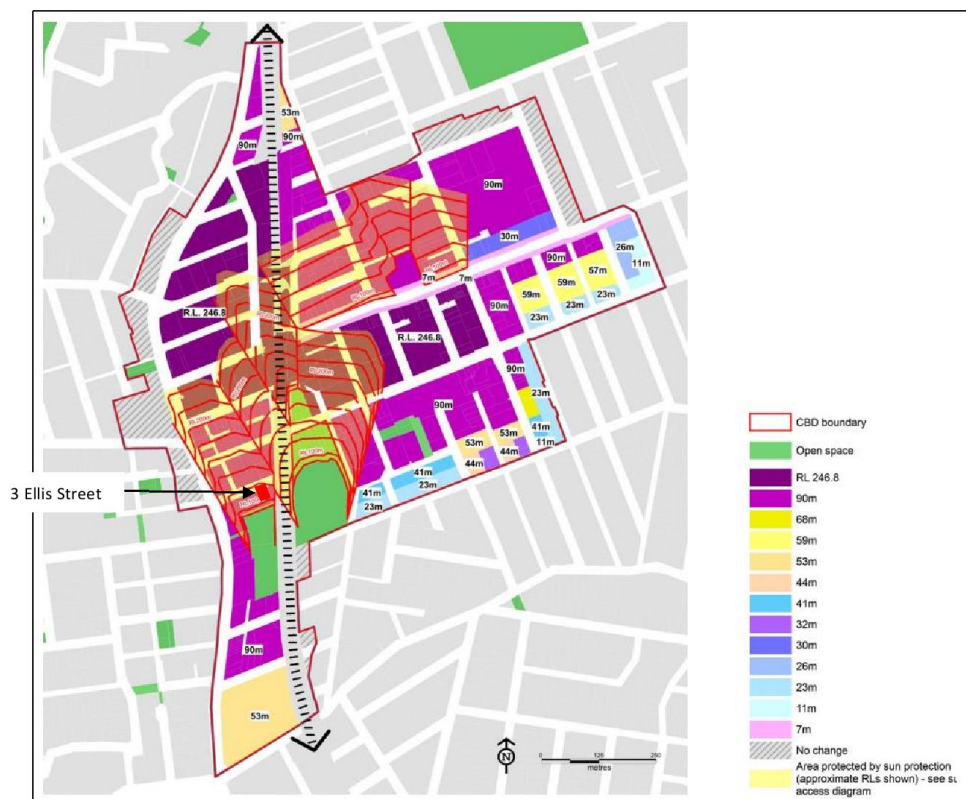


Figure 5: Recommended height  
Source: Chatswood CBD Planning and Urban Design Strategy to 2036

#### 4.0 STREET FRONTAGE HEIGHTS 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. The building setbacks are to be in accordance with Figure 6 "Street Frontage Heights and Building Setbacks". The setbacks are summarised as below:
  - a. Ellis Street frontages (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 to tower.

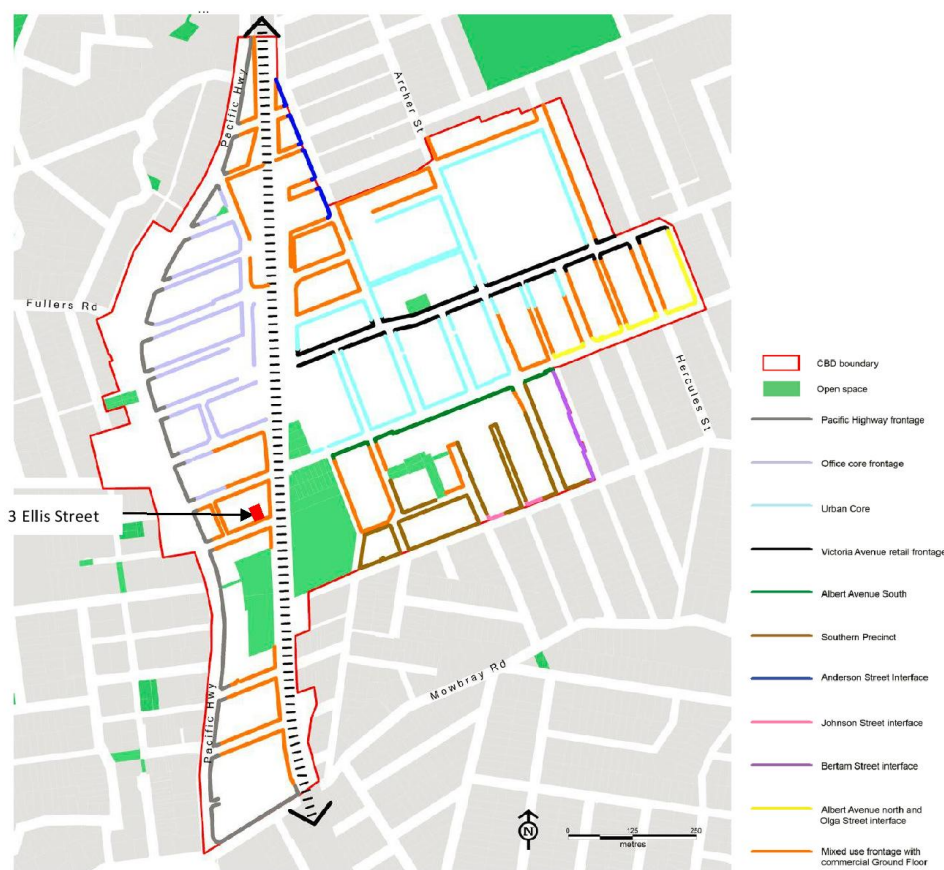


Figure 6: Street Frontage heights and Setbacks

Source: Chatswood CBD Planning and Urban Design Strategy to 2036

**Draft Site Specific DCP Controls  
3 Ellis Street, Chatswood**

## **5.0 BUILDING EXTERIOR**

### *Performance Criteria*

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

### *Controls*

1. At street level, façade 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.

## **6.0 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 amenity should respond to ADG guideline.

**Draft Site Specific DCP Controls  
3 Ellis Street, Chatswood**

## **7.0 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. Publicly accessible open space is to include green landscaping.
4. Green roof tops and usable rooftop areas shall be provided.
5. Provision of new linkages where they are of public benefit.

### *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 communal open space on the site.
3. Communal open space for residents of the building is to be incorporated within/on the building, and include seating, recreational areas (e.g. barbeque area) and landscaping.
4. Any communal open space should be designed to address issues of quality, safety, and usability.
5. 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. Soft landscaping includes plantings on and above structures (eg. planter boxes).
6. A public right of way is to be provided on the 3m setback along the western boundary, and the 2m Ellis's frontage.

## **8.0 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 the building is to maximise active frontages to Ellis Street.
2. A building has an active street frontage if premises on the ground floor of the building facing the street/s are used for the purposes of commercial premises.

**Draft Site Specific DCP Controls  
3 Ellis Street, Chatswood**

## **9.0 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 to cause adverse traffic impacts on the surrounding road system.
3. Ensure future vehicular access can be provided to the east and north of adjoining sites.
4. Minimise the number of vehicular access points to the development.
5. Facilitate access through the basement of the future building on 3 Ellis Street, allowing removal of the driveways off both:
  - a. Albert Avenue that currently provides vehicular access to 88 Albert Avenue.
  - b. Ellis Street that currently provides vehicular access to 84-86 Albert Avenue.To potentially create a single shared vehicular access for the three sites.

### *Controls*

1. Car parking should be reduced consistent with the objectives of Council's Integrated Transport Strategy and in accordance with any future revised car parking rates in Council's DCP.
2. All vehicles are to enter and exit a site in a forward direction via Ellis Street.
3. Breakout walls are to be provided in the eastern and northern walls of the basement, with a right-of way in favour of No. 84-86 and No. 88 Albert Avenue, providing legal access from Ellis Street along the driveway to No. 84-86 and No. 88 Albert Avenue. The right of way is to be provided as part of any development application on the 3 Ellis Street site.

## **10. WASTE AND LOADING**

### *Performance Criteria*

1. Ensure access to waste collection and loading can be provided to the adjoining site.
2. To ensure that adequate provision is made for waste storage and disposal.

### *Controls*

1. Any loading docks, including garbage, deliveries, and residential removal trucks are to be located in the basement areas. Loading docks may be permitted on the ground floor for constrained/narrow sites where it can be demonstrated it is not practical to provide within basement levels.
2. If a shared driveway is to be provided for adjoining sites, loading, and servicing facilities is to be provided within the adjacent sites.
3. A Waste Management Plan shall be submitted at Development Application Stage.

**Draft Site Specific DCP Controls  
3 Ellis Street, Chatswood**

## **11. DESIGN EXCELLENCE AND BUILDING SUSTAINABILITY**

### **Design Excellence**

#### *Controls*

1. Design excellence is 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.

## **12. PUBLIC ART**

#### *Performance Criteria*

1. Ensure public art is considered as part of development within the Chatswood CBD.

#### *Controls*

1. An Art Plan is to be submitted with the development application which identifies the integration of Public art into the proposal.
2. Any Public Art is to be 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.

#### *Controls*

1. A minimum of 5-star GBCA building rating for retail and commercial component. A report is to be submitted at Development Application Stage.

## **14. FURTHER BUILT FORM CONTROLS**

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

**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:

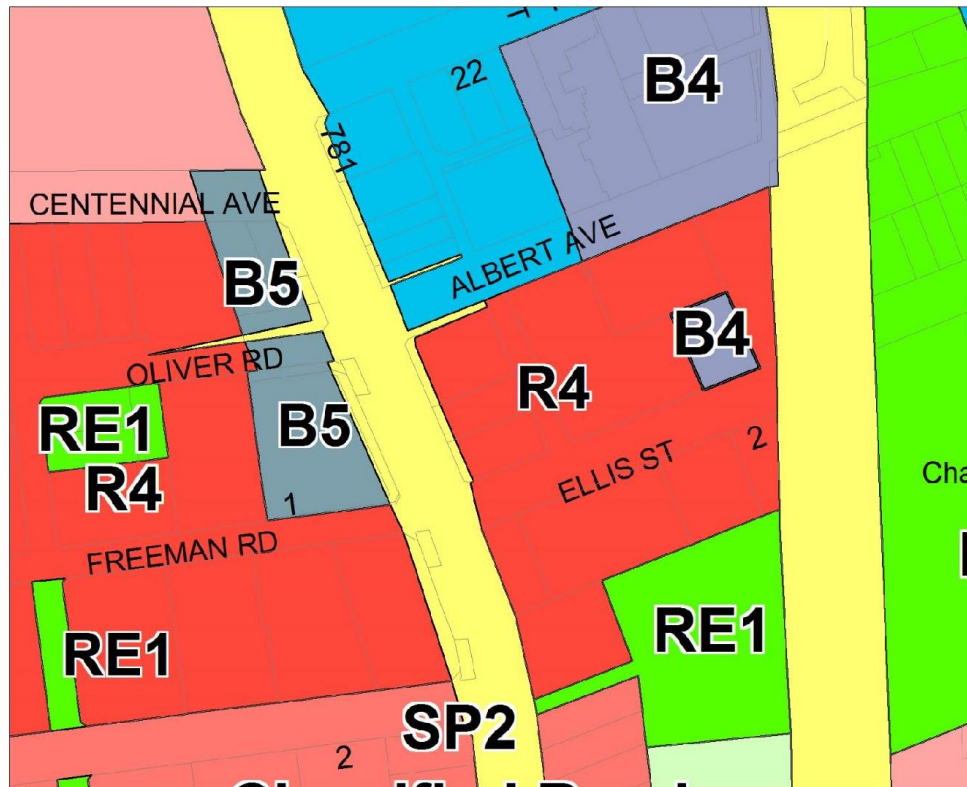
“75. Use of certain B4 land in Chatswood

- (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.”



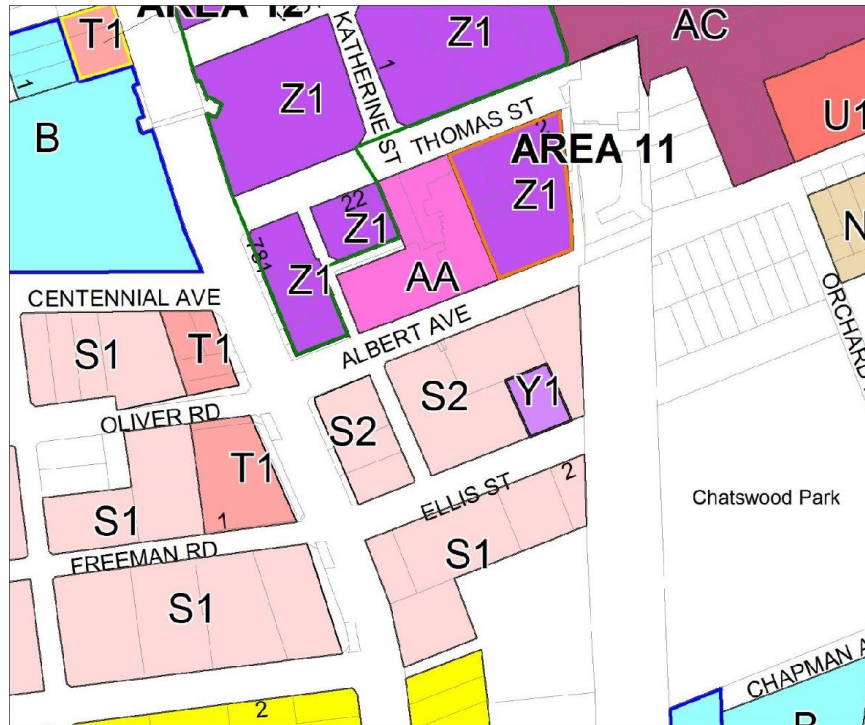
**Attachment 7 – Proposed Land Zoning, Height of Buildings, Floor  
Space Ratio, Special Provisions Area, Active Street  
Frontages and Lot Size Maps**

**Land Zoning Map: 3 Ellis Street, Chatswood**



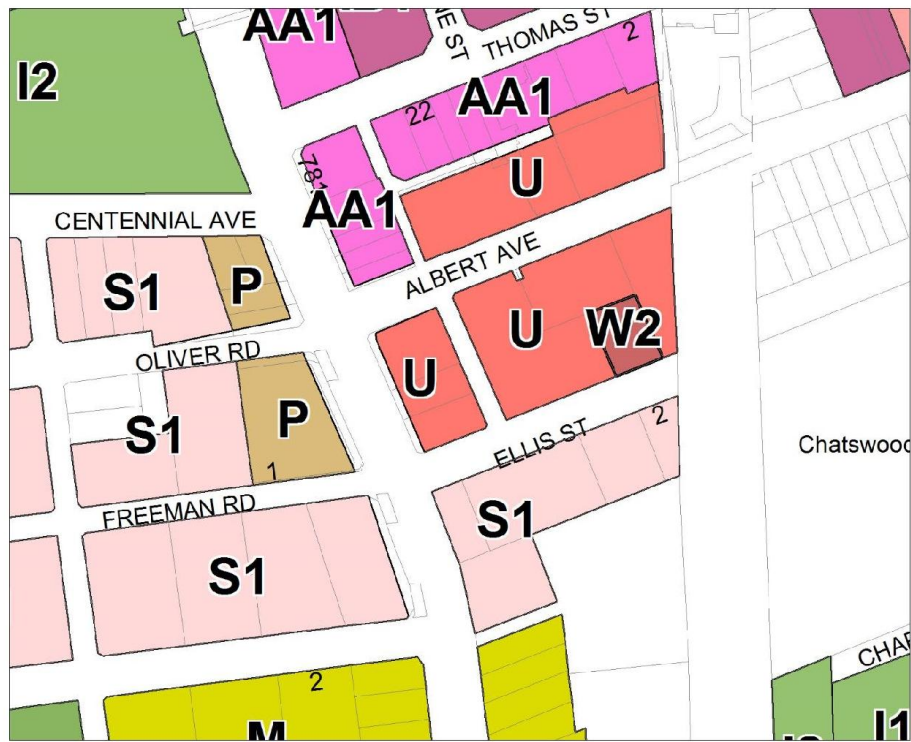
Zoning: B4 Mixed Use (colour purple)

Floor Space Ratio Map: 3 Ellis Street, Chatswood



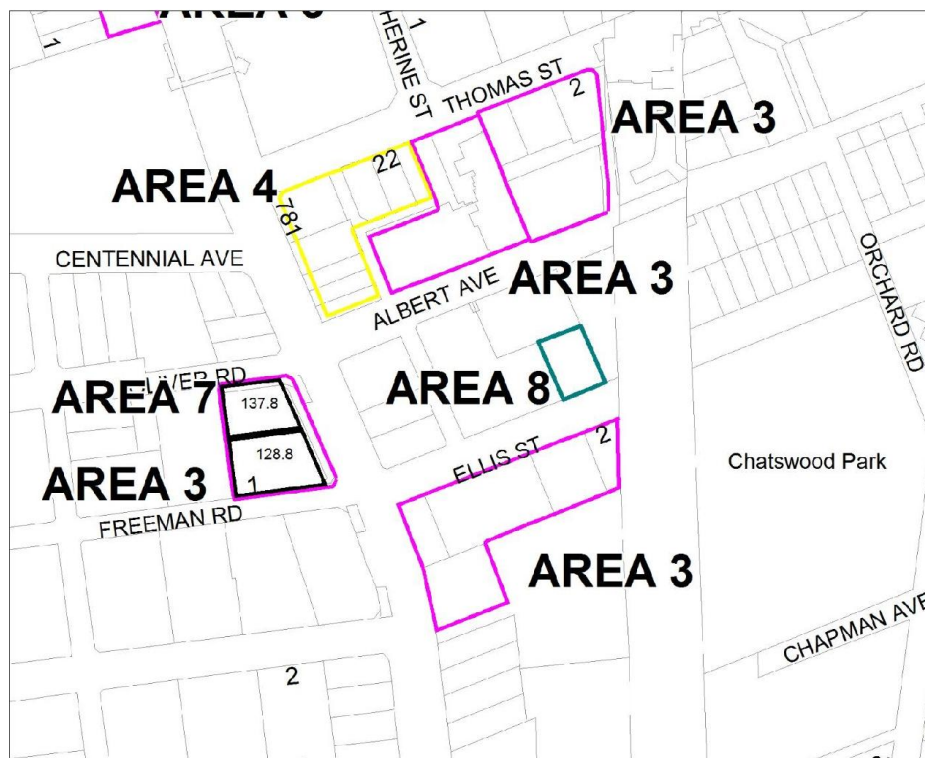
Floor Space Ratio : Y1 (4.5:1) – colour purple

Height of Buildings Map: 3 Ellis Street, Chatswood



Height of Building : W2 (44m) – dark red

## Special Provisions Area Map: 3 Ellis Street, Chatswood



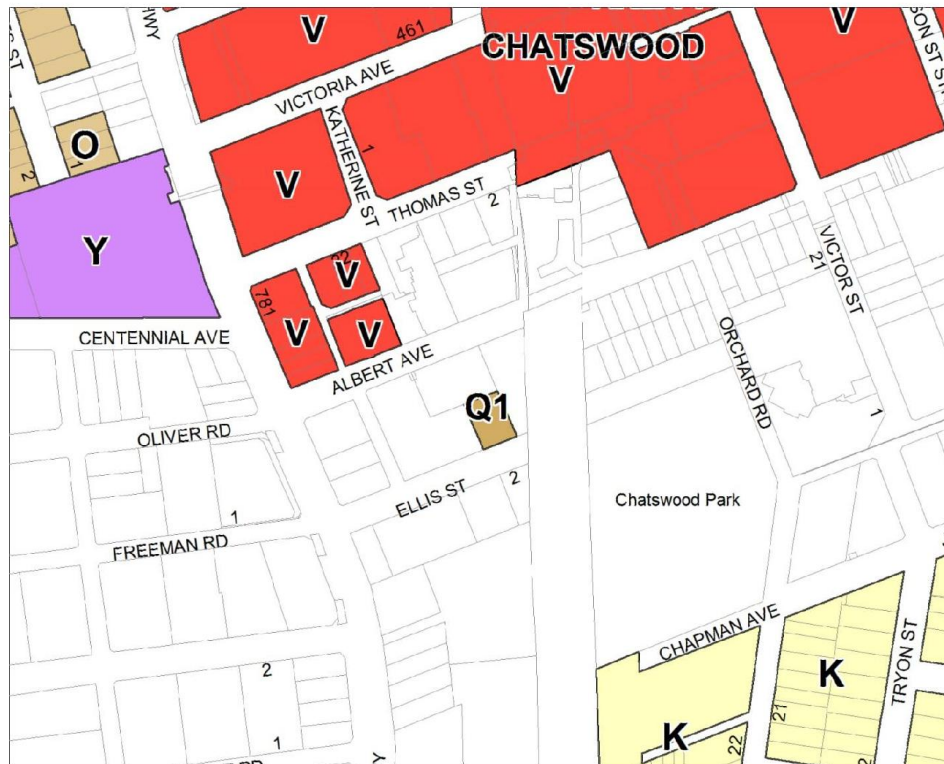
Site identified by dark green line (Area 8): Refer CI 5.6, CI 6.8, CI 6.23

## Active Street Frontages Map: 3 Ellis Street, Chatswood



Red line: Active Street Frontages for Ellis Street

Lot Size Map: 3 Ellis Street, Chatswood

Q1 = 800m<sup>2</sup>

## ATTACHMENT 8


**WILLOUGHBY**  
 Local  
 Planning  
 Panel

**PLANNING PROPOSAL  
 RECORD OF ADVICE**

<b>DATE OF ADVICE</b>	27 May 2021
<b>PANEL MEMBERS</b>	Penny Holloway (Chair), James Harrison, John McInerney and Robert Wilson.
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	NIL

Closed meeting held at Willoughby City Council on 27 May 2021.

**PLANNING PROPOSAL**

The proposal **PP-2020/7** seeks an Amendment to the *WLEP 2012* to include site specific special provisions for the subject land, 3 Ellis Street, CHATSWOOD NSW 2067., that allow for a rezoning to Rezone site to B4 Mixed use, FSR of 4.5:1 and height of 44m subject to solar access protection.

**PANEL DISCUSSION**

The Panel considered a number of issues including:

- compliance with the strategic framework
- consideration of the site as the only isolated smaller lot within the block and unlikely to set a precedent
- connection to a wider pedestrian and cycle network as this is developed
- the potential for overshadowing of the solar access protection areas
- the design of the proposed building with greater setbacks than required
- the activation of Ellis Street
- the importance of a sustainable design that addresses BASIX 35 as well as the GBCA 5 Star.

**PANEL ADVICE**

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

The majority of the Panel (Penny Holloway, James Harrison and Robert Wilson) advises:

- Forwarding the planning proposal to the DPIE for a Gateway consideration as drafted in the Officer's recommendation.

Panel member, John McInerney, did not support the advice due to inconsistency with the *Chatswood CBD Planning and Urban Design Strategy 2036*.

PANEL MEMBERS	
PENNY HOLLOWAY (CHAIR)	JAMES HARRISON
JOHN MCINERNEY	ROBERT WILSON



**15.10 PLANNING PROPOSAL -849, 853, 859 PACIFIC HIGHWAY AND 2 WILSON STREET CHATSWOOD**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. COUNCIL DETAILED ASSESSMENT 3. SUBMISSION FROM PROPONENT DATED 23 DECEMBER 2020 4. COUNCIL LETTER TO PROPONENT DATED 10 FEBRUARY 2021 5. PLANNING PROPOSAL CONCEPT PLANS 6. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 27 MAY 2021</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>CRAIG O'BRIEN – STRATEGIC PLANNER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

**1. PURPOSE OF REPORT**

The purpose of this report is to seek endorsement to not forward the Planning Proposal for 849, 853, 859 Pacific Highway and 2 Wilson 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 public exhibition.

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

**2. OFFICER'S RECOMMENDATION**

That Council:

1. **Not 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*, as the Planning Proposal:**
  - a) **Is a departure from the current planning controls on the site with the proposal seeking to utilize the floor space ratio for the part of the site zoned SP2 Infrastructure (Classified Road) on the remainder of the site zoned R4 High Density Residential under Willoughby Local Environmental Plan 2012, in addition to the maximum floor space ratio permitted.**
  - b) **Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy 2036* which does not change road widening requirements from Transport for NSW as expressed in Willoughby Local Environmental Plan 2012, with regard in this case to the Pacific Highway, or how such matters are processed.**



- c) Is inconsistent with the strategic objectives of *the Greater Sydney Region Plan* and the *North District Plan* which encourages development to be appropriate to its site.
- d) Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy 2036* which identifies this site as having a maximum floor space ratio of 6:1.

**2. Notify the proponent of Council's decision.**

**3. BACKGROUND**

The site is located 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).

The CBD Strategy was 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 (Discussed below under 4.1 Land Use). Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The site has been recommended to be B4 Mixed Use, with a maximum height of 90m and a 6:1 floor space ratio (FSR). This is subject to the satisfaction of other CBD Strategy requirements.

**4. DISCUSSION**

The site has a total area of 3,166m<sup>2</sup>, containing four lots legally described as SP 52947, SP 1496, SP 60178 and SP 10110, bounded by Pacific Highway to the west, Lot 1 DP 1189541 to the east (owned by Transport Asset Holding Entity of NSW and occupied by Sunnyfield Enterprises), Wilson Street to the north and O'Brien Street to the south. It should be noted that the south western corner of the site connects the Pacific Highway and O'Brien Street with Railway Street, which is a major access road into the Chatswood CBD (including Chatswood Train Station, Bus Interchange and the CBD east of the train line).

Under *Willoughby Local Environmental Plan 2012* (WLEP 2012) the site is zoned SP2 Infrastructure (Classified Road) along the Pacific Highway frontage (470m<sup>2</sup>), and then R4 High Density Residential (2,696m<sup>2</sup>). Over the SP2 Infrastructure land there is no identified height and FSR, and it is identified on the WLEP 2012 Land Reservation Acquisition Map. Over the R4 High Density Residential land, height is 24 metres and FSR 1.5:1.

In instances of SP2 Infrastructure (Classified Road) required by Transport for NSW for road widening, the normal process would be that a proponent would discuss any sale of road widening land (SP2) with that authority. Council is not part of that transaction. The remaining site, being the site area after that part acquired for road widening is removed, would be the basis of the assessment in relation to gross floor area and floor space ratio.

The Planning Proposal seeks to amend WLEP 2012 as follows:

- Change the land use zone from R4 High 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.
- Add a minimum non-residential floor space of 1:1.

- Introduce a new local provision that allows the total site area (including the SP2 land) to be included for the purposes of calculation of GFA and FSR on the residual site after the SP2 land is removed for road widening, taking the FSR to 7.05:1.

No other WLEP 2012 amendments are proposed.

Figure 1 – Site Plan



#### 4.1 Site area, Gross Floor Area and Floor Space Ratio

A formal pre-Planning Proposal Meeting was held with the proponent on 10 September 2020 regarding 849, 853, 859 Pacific Highway and 2 Wilson Street, Chatswood, with formal notes issued to assist in the preparation of a Planning Proposal on this site. In regards the issue of site area, gross floor space and floor space ratio, these notes stated:

- *“FSR should be calculated on the site area after land reservation acquisition.*
- *FSR is intended to be within the final site boundaries, with the development envisioned on the site (post acquisition) to reflect the floor space and development as accommodated on site size. Any proposal for a bigger development on a smaller site, and outside of the development envisioned under the Strategy, is not supported.*

- *It is envisioned the Transport (RMS) acquired road will be used for road purposes, noting the Pacific Highway and Railway Street intersection is an important access point into the Chatswood CBD."*

If the SP2 land is to be included in the site area for the purposes of gross floor area and floor space ratio, then the total GFA would be 18,996m<sup>2</sup> (based on a site area of 3,166m<sup>2</sup>) with a resulting FSR of 7.05:1.

If the SP2 land is not included in the site area for the purposes of gross floor area and floor space ratio, then the total GFA would be 16,176m<sup>2</sup> (based on a site area of 2,696m<sup>2</sup>) which would align with the Strategy in terms of FSR (6:1).

The difference if the GFA from the SP2 land is included in the residual site would comprise 2,820m<sup>2</sup> of floor space on the smaller site, and the proposed scale of development would be more than the site should accommodate

The Planning Proposal was lodged with Council on 12 November 2020. The proposed approach to site area and therefore gross floor area (GFA) and FSR was not consistent with the formal pre-Planning Proposal notes.

The Planning Proposal was accompanied by two Voluntary Planning Agreement Letters of Offer (one to Council and one to Transport for NSW) involving:

- Dedication of the frontage of the development site zoned SP2 to Transport for NSW (RMS) for nil consideration to provide for future road widening.
- The gross floor area uplift applicable to the SP2 land will increase the overall CIS contribution to Council, and further provide additional affordable housing and s7.11 monetary contributions.
- Dedication of approximately 400sqm of gross commercial floor area on the eastern side of Level 1 (away from the Pacific Highway) to Council for the purpose of a new community facility.

Affordable housing has also been identified however this is a standard requirement under WLEP 2012.

The Letter of Offer to Transport for NSW is dated 8 October 2020 and no response from that authority has been provided.

Council Officers subsequently identified issues with the Planning Proposal in an email dated 7 December 2020. The proponent responded by amending the Planning Proposal and forwarding a submission on 23 December 2020 (Refer to **Attachment 4**).

Following the amendments, the Planning Proposal is now generally consistent with the Chatswood CBD Strategy with the exception of the approach to site area and therefore GFA and FSR. In regards this issue, the proponent has argued that the proposal is consistent with the CBD Strategy for the following reasons:

- *"The subject site is an amalgamation of four (4) allotments,*
- *Currently SP2 land is included in the Strategy and the WLEP 2012 is being updated in accordance with the Strategy (refer to Figure 1 below),*
- *The SP2 road reservation is on private land. The proposal does not seek to obtain a larger development on the site, but "reallocate" allowable GFA to facilitate the dedication of the road at nil cost, and*
- *The proposal results in a building envelope compliant with the Strategy."*

It is not agreed that the CBD Strategy allows site area to include existing SP2 land under WLEP 2012 (which will remain as SP2 land under the CBD Strategy), but only the existing R4 land under WLEP 2012 (which will become B4 land).

Council wrote to the proponent on 10 February 2021 (Refer to **Attachment 4**), stating:

*“The land reservation acquisition land, and the purchase of said land, is a matter between you and Transport for NSW.*

*The argument you have put forward in your 23 December 2020 submission has been fully considered through internal discussion and we are of the firm view that the inclusion in the Planning Proposal of the SP2 zoned land as site area, which increases gross floor space, is not able to be supported. Council maintains the position it has already made to you, that floor space is to be based on the site area after land reservation acquisition under WLEP 2012. Furthermore this approach is consistent with the approach to site area and floor space, and development expected, under the CBD Strategy.”*

On 12 April 2021, Council was advised by DPIE that a rezoning review had been lodged by the proponent.

The Planning Proposal does not satisfactorily address the outstanding significant issue related to site area and therefore GFA and FSR identified by Council officers and is now being reported to Council as there is a responsibility on Council to determine Planning Proposals in a timely manner.

The Planning Proposal is accompanied by concept plans showing a conceptual redevelopment plan for the site (Refer to **Attachment 5**). The Willoughby Local Planning Panel Record of Advice is at **Attachment 6**.

## 5. CONCLUSION

The majority of the site (apart from an area zoned SP2 identified for acquisition) has been confirmed as B4 Mixed Use in the *Chatswood CBD Planning and Urban Design Strategy 2036* 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. This has been noted by Council on 14 September 2020.

The implementation of the CBD Strategy would mean that part of this site would remain as SP2 Infrastructure (Classified Road), with the remaining developable part of the site B4 Mixed Use.

The Planning Proposal is inconsistent with WLEP 2012 and the CBD Strategy as it proposes an increased floor space ratio for the B4 Mixed Use part of the site. The FSR on the B4 Mixed Use site alone would not exceed 6:1, whereas by including the FSR taken from the SP2 zoned land, which is not developable under the CBD Strategy, this would rise to 7.05:1, contrary to the CBD Strategy.

The proponent is encouraged to achieve appropriate compensation for the SP2 Infrastructure (Classified Road) part of the site from Transport for NSW and submit a Planning Proposal that is consistent with the CBD Strategy (and WLEP 2012 in regard SP2 zoned land), with particular regard to zoning and site area, gross floor area and floor space ratio.

In the absence of a compliant scheme, it is recommended that this Planning Proposal should not be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.



IMPLICATIONS	COMMENT
<b>CITY STRATEGY OUTCOME:</b>	<p>3.5 – Maintaining 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>
<b>Business Plan Objectives, Outcomes/ Services</b>	<p>The Planning Proposal, which proposes to rezone the site from R4 High Density Residential to B4 Mixed Use, is not consistent with either <i>Willoughby Local Environmental Plan 2012</i> (WLEP) or <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> (the CBD Strategy) due to the approach put forward regarding site area, gross floor area and floor space ratio. The Planning Proposal proposes to transfer floor space ratio for the SP2 part of the site to the B4 Mixed Use part of the site resulting in an FSR that would not comply with the CBD Strategy.</p>
<b>Policy</b>	<p>The <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> was 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, and noted by Council on 14 September 2020.</p> <p>The CBD Strategy aims to assist implementation of the Greater Sydney Commission <i>Greater Sydney Region Plan</i>, the <i>North District Plan</i> and the Willoughby Council <i>Local Strategic Planning Statement</i> (LSPS).</p> <p>The implementation of the CBD Strategy would mean that this site remains part SP2 Infrastructure (Classified Road), required for road widening by Transport for NSW, and with the remainder B4 Mixed Use.</p>
<b>Consultation</b>	<p>In line with the normal Council process, this Planning Proposal has not been publicly exhibited. Furthermore, the Planning Proposal is not recommended for public exhibition as it is not supported.</p>
<b>Resource</b>	<p>No additional resources have been used to prepare this report beyond existing operational budgets.</p>
<b>Risk</b>	<p>The approval of this Planning Proposal would undermine the Willoughby Council <i>Local Strategic Planning Statement</i> and <i>Chatswood CBD Planning and Urban Design Strategy 2036</i>.</p> <p>The proponent is encouraged to achieve appropriate compensation for the SP2 Infrastructure (Classified Road) part of the site from Transport for NSW.</p>
<b>Legal</b>	<p>The Planning Proposal should be consistent with Willoughby Local Environmental Plan 2012, the endorsed Willoughby Council <i>Local Strategic Planning Statement</i> and <i>Chatswood CBD Planning and Urban Design Strategy 2036</i>.</p>
<b>Legislation</b>	<p>Under <i>Environmental Planning and Assessment Act 1979</i> provisions.</p>
<b>Budget/Financial</b>	<p>This is within the approved budget.</p>

## ATTACHMENT 2

## DETAILED ASSESSMENT

## The Site

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

- 849 Pacific Highway Chatswood, being SP 1496.
- 853 Pacific Highway Chatswood, being SP 60178.
- 859 Pacific Highway Chatswood, being SP 10110.
- 2 Wilson Street Chatswood, being SP 52947.

The site has a total area of 3,166m<sup>2</sup>, bounded by Pacific Highway to the west, Lot 1 DP 1189541 to the east (owned by Transport Asset Holding Entity of NSW and occupied by Sunnyfield Enterprises), Wilson Street to the north and O'Brien Street to the south. Refer below to Figure A – Site Plan.

Figure A – Site Plan



Existing development on the site is as follows:

- 849 Pacific Highway comprises a three-storey residential flat building (9 units).
- 853 Pacific Highway comprises a three-storey residential flat building (6 units).
- 859 Pacific Highway comprises a four-storey residential flat building (8 units).
- 2 Wilson Street comprises a four-storey residential flat building (14 units).

Under *Willoughby Local Environmental Plan 2012* (WLEP 2012) the site is zoned SP2 Infrastructure (Classified Road) along the Pacific Highway frontage (470m<sup>2</sup>), and then R4 High Density Residential (2,696m<sup>2</sup>). Over the SP2 Infrastructure land there is no identified height and FSR. Over the R4 High Density Residential land, height is 24 metres and FSR 1.5:1.

The Planning Proposal has been lodged by 853 Pacific Highway Pty Ltd.

### The Locality

To the west of the site is the Pacific Highway. On the other side of the Pacific Highway are medium density residential flat buildings.

To the east of the site is a single building owned by Transport Asset Holding Entity of NSW and occupied by Sunnyfield Enterprises for industrial use. The building is two storeys in height, with access provided to the facility from O'Brien Street. Further east is the North Shore Rail Line.

To the north of the site, on the opposite side of Wilson Street, are three connected buildings known as 871-877 Pacific Highway. A Planning Proposal has been lodged, forwarded to DPIE and given a Gateway Determination in regards redeveloping this site in accordance with the CBD Strategy.

To the south of the site, along Railway Street, are a number of tall residential tower buildings up to 105m in height with commercial tenancies at the lower levels.

### 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. The intention of the CBD Strategy is that it works with existing requirements under WLEP 2012 such as road widening.

### Planning Proposal

The Planning Proposal submitted seeks to:



- Change the zoning from R4 High 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.
- Add a minimum non-residential floor space of 1:1.
- Introduce a new local provision that allows the total site area (including the SP2 land) to be included for the purposes of calculation of GFA and FSR on the residual site after the SP2 land is removed for road widening, taking the FSR to 7.05:1.

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

Table 1 – Summary of Planning Proposal Amendments

	<b>849, 853, 859 Pacific Highway and 2 Wilson Street</b>	<b>Compliance</b>
<b>Zoning</b>		
Current WLEP 2012	SP2 Infrastructure (Classified Road) along Pacific Highway frontage R4 High Density Residential	<b>Yes</b>
Chatswood CBD Strategy	B4 Mixed use SP2 Infrastructure (Classified Road) along Pacific Highway frontage continues to apply	
Proposed in Planning Proposal	B4 Mixed use SP2 Infrastructure (Classified Road) along Pacific Highway frontage continues to apply	
<b>Floor Space Ratio</b>		
Current WLEP 2012	1.5:1 (over R4 zone)	<b>No</b>  <b>Site area, GFA and FSR should be based on B4 land</b>
Chatswood CBD Strategy	6:1 (over B4 zone)	
Proposed in Planning Proposal	6:1 (over SP2 and B4 zone)  If the SP2 land is to be included in site area for the purposes of gross floor area and floor space ratio (being 470m <sup>2</sup> ), then total GFA would be 18,996m <sup>2</sup> (based on a site area of 3,166m <sup>2</sup> ).  If the SP2 land is not included in site area for the purposes of gross floor area and floor space ratio, then the total GFA would be 16,176m <sup>2</sup> (based on a site area of 2,696m <sup>2</sup> ).	

	The difference is 2,820m <sup>2</sup> of GFA, and takes the FSR to 7.05:1.	
<b>Height</b>		
Current WLEP 2012	24m	
Chatswood CBD Strategy	90m	
Proposed in Planning Proposal	90m	<b>Yes</b>

Note: As previously discussed above, the recommended controls in the CBD Strategy are not intended to override the road widening requirements identified in WLEP 2012.

Concept plans show the potential redevelopment of the entire site including the SP2 zoned strip as follows:

- Total height of 27 storeys (90m), containing:
  - Podium - 2 storeys commercial.
  - Tower - 25 storeys of residential.
- Total FSR of 6:1 (18,996m<sup>2</sup>), containing:
  - 5:1 residential (15,830m<sup>2</sup>) including affordable housing
  - 1:1 commercial (3,166m<sup>2</sup>)
- Total number of residential apartments: 190
- Residential floor plates 638m<sup>2</sup> between Level 2 and 21, and 606m<sup>2</sup> between Level 22 and 26.
- Ground Level Setbacks
  - 4m setback to Pacific Highway (west) boundary – after road widening.
  - Nil to Wilson Street (north) boundary.
  - Nil to O'Brien Street (south) boundary.
  - Nil to rear boundary (east).
- Tower setback above Podium
  - 6m setback to Pacific Highway (west) boundary (being a total setback of 10m from Pacific Highway boundary when including 4m Ground setback – after road widening).
  - 6m to Wilson Street (north) boundary (being a total setback of 6m from the Wilson Street boundary when including the ground setback).
  - 15m to O'Brien Street (south) boundary. (being a total setback of 15m from the Wilson Street boundary when including the ground setback).
  - Between 4.5m and 6m to rear (east) boundary. (being a total setback of between 4.5m and 6m when including ground setback).

Other Concept plan details:

- All vehicle access to site via one driveway on O'Brien Street.
- All loading at ground level, with loading vehicles access / egress in a forward direction.
- Approximately 272 car spaces within 4 basement levels.

- Deep soil planting provided along Pacific Highway frontage.

The Concept Plans are at **Attachment 4**. Accompanying the Planning Proposal are Draft *Development Control Plan* provisions (Refer to **Attachment 5**).

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

- Dedication of the frontage of the development site zoned SP2 to RMS for nil consideration to provide for future road widening.
- The gross floor area uplift applicable to the SP2 land will increase the overall CIS contribution to Council, and further provide additional affordable housing and s7.11 monetary contributions.
- Dedication of approximately 400sqm of gross commercial floor area on the eastern side of Level 1 (away from the Pacific Highway) to Council for the purpose of a new community facility.

The draft Voluntary Planning Agreement above, and the proposed approach to site area, gross floor area and floor space ratio is discussed in the report below.

### 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.

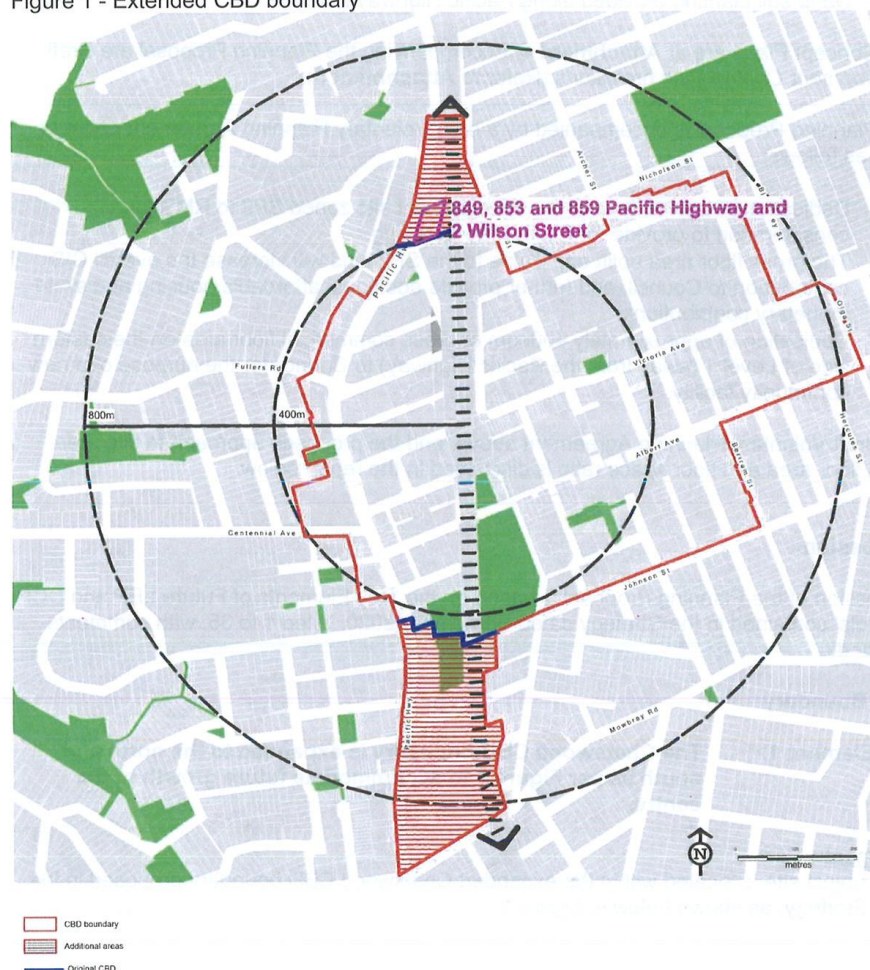
### CBD Boundary

**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 below in Figure 1.

Figure 1 - Extended CBD boundary



### Land Use

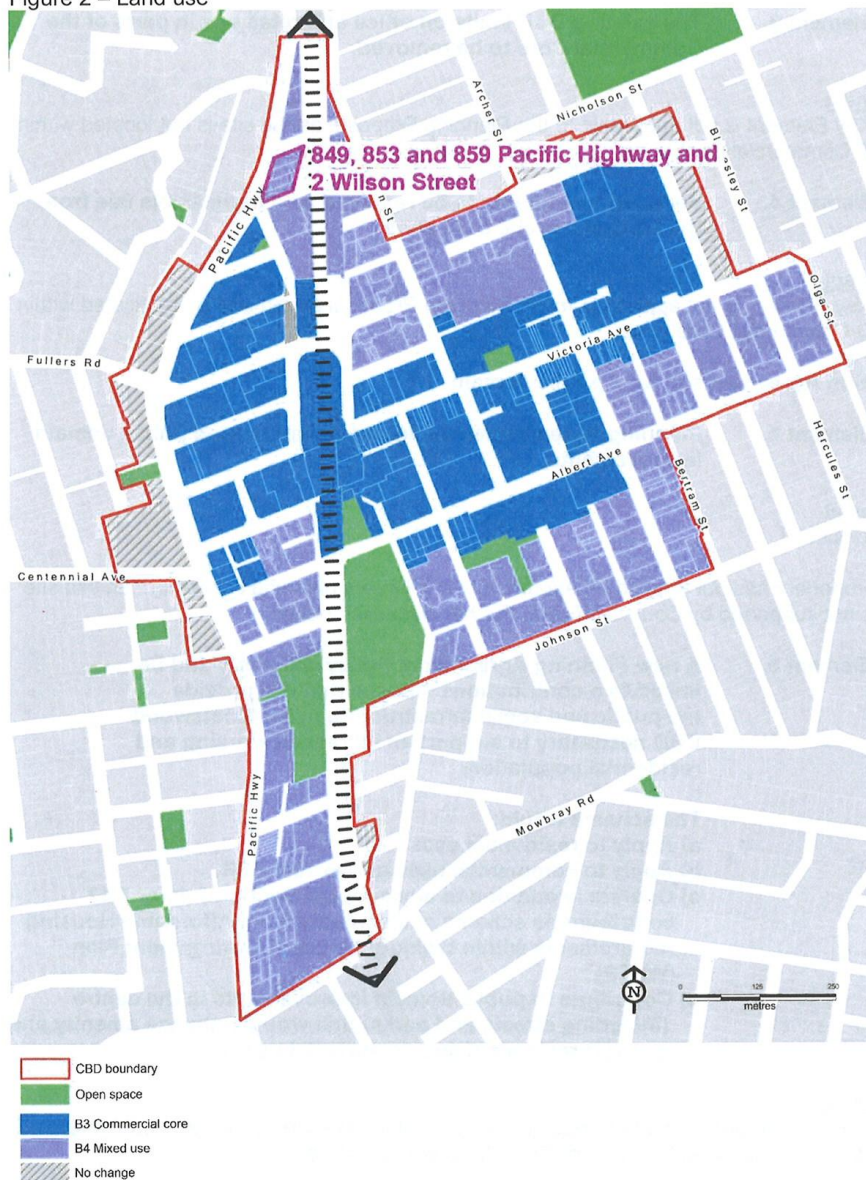
- Key Element 2.** Land uses in the LEP will be amended as shown in Figure 2, to:
- Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).
  - Enable other areas to be mixed use permitting commercial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



Figure 2 – Land use



The proponent has proposed the zoning for the site be changed from R4 High 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 on part of the First Floor and above (5:1).

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

**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

Not consistent

The proponent has put forward an approach to a voluntary planning agreement on this site that is not supported by Council officers. Further discussed 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

The Planning Proposal was accompanied by two Voluntary Planning Agreement Letters of Offer (one to Council and one to Transport for NSW) involving:

- Dedication of the frontage of the development site zoned SP2 to RMS for nil consideration to provide for future road widening.
- The gross floor area uplift applicable to the SP2 land will increase the overall CIS contribution to Council, and further provide additional affordable housing and s7.11 monetary contributions.
- Dedication of between 400sqm-450sqm of gross commercial floor area on the eastern side of Level 1 to Council for the purpose of a new community facility that

can be used for a flexible range of potential uses. This will include the provision of 2 parking spaces and 10 bicycle spaces.

The proponent has also acknowledged that contributions would be made to Council's contribution plan.

Affordable housing and Section 7.12 contributions have also been identified however it should be noted that these are standard requirements and expected as part of any redevelopment.

The Letter of Offer to Transport for NSW is dated 8 October 2020 and it is the understanding of Council that a response has not been forthcoming from Transport for NSW (or provided to Council).

Council officers do not support the approach proposed and this is discussed below under Key Element 13 regarding floor space.

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

Comment

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

**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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

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

Comment

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

**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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

**Floor Space Ratio (FSR)**

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



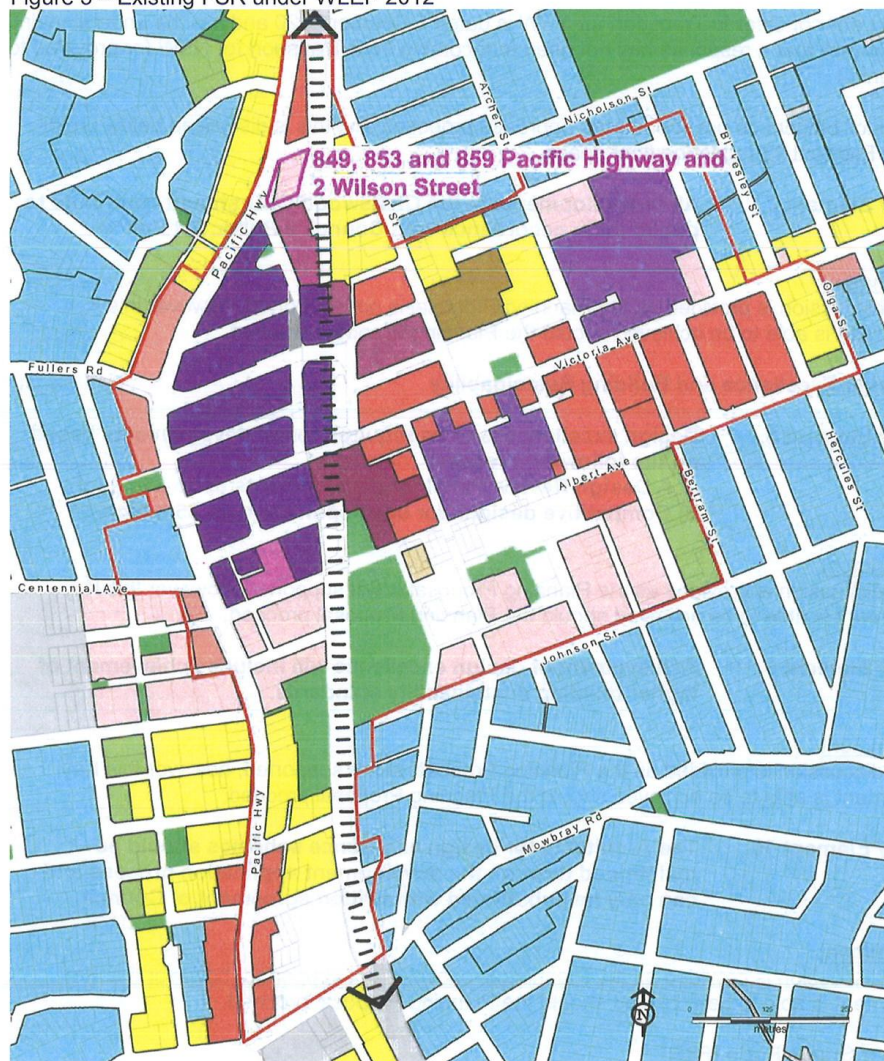
Comment

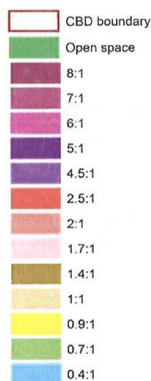
The subject site is in a location with a maximum floor space ratio of 1.5:1 as shown below in Figure 3 – Existing FSR under WLEP 2012.

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

Further discussion is provided in Key Element 13.

Figure 3 – Existing FSR under WLEP 2012





- Key Element 12.** Minimum site area of:
- 1800sqm for commercial development in the B3 Commercial Core zone.
  - 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

The subject site is 3,166m<sup>2</sup> and is above the minimum site area of 1200m<sup>2</sup> for mixed development involving residential land use. As noted above, after the SP2 land is excluded, the site area is 2,696m<sup>2</sup> which is also above the minimum site area of 1200m<sup>2</sup> for mixed development involving residential land use.

No discussion is provided as the Planning Proposal is not supported.

- 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:
- No maximum FSR for commercial development in the B3 zone.
  - A range of FSR maximums in the B4 zone, surrounding the B3 zone, reflecting context.
  - 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:

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

Comment

Not Consistent.

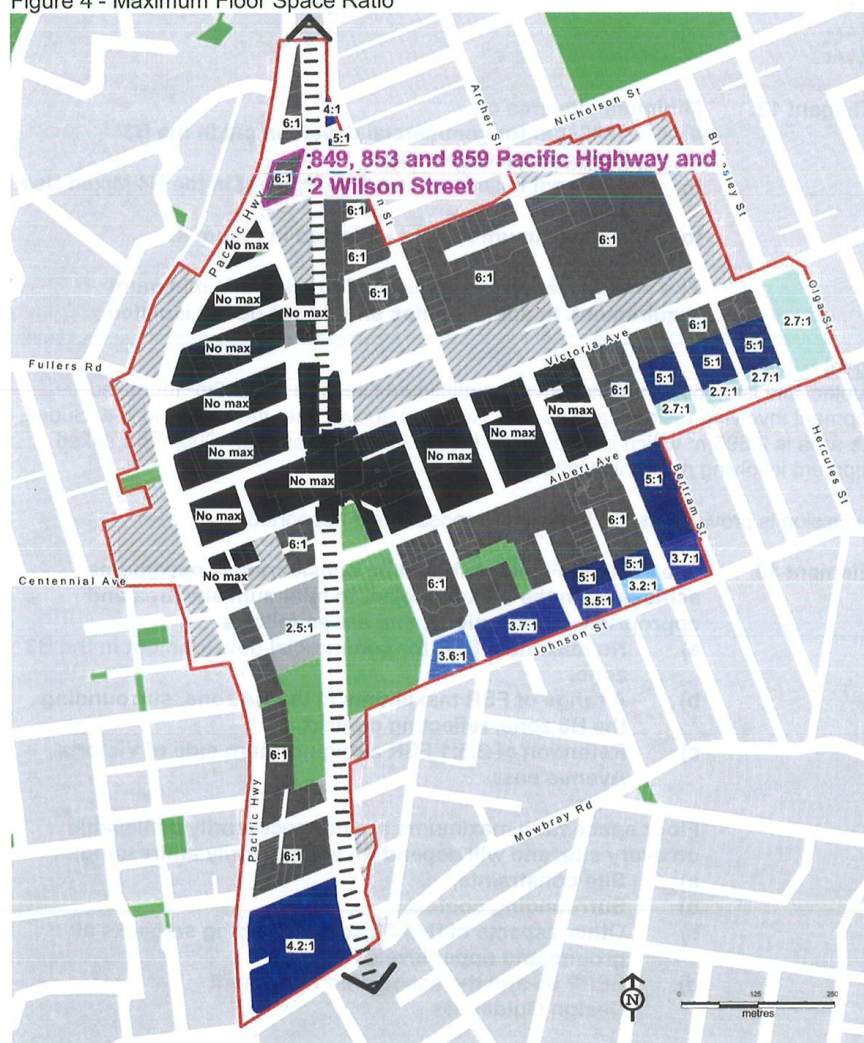


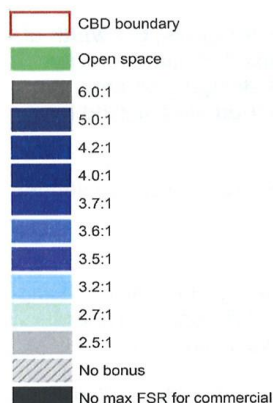
The subject site is in a location with an FSR of 6:1, as shown below in Figure 4 - Maximum Floor Space Ratio.

If the SP2 land is to be included in site area for the purposes of gross floor area and floor space ratio, then total GFA would be 18,996m<sup>2</sup> (based on a site area of 3,166m<sup>2</sup>) and the FSR of 6:1 would be achieved.

However as the SP2 land should not be included in site area for the purposes of gross floor area and floor space ratio, the resulting FSR on the site would be 7.05:1 and exceed the maximum FSR for the site.

Figure 4 - Maximum 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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

**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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

**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

It is noted that that if a reduction of FSR is to occur based on a site area of 2,696m<sup>2</sup>, being the overall site area minus the SP2 zoned land, the opportunity would exist for further refinement of the tower floor plates to achieve a more slender tower, with particular regard to the east / west elevation.

**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

It is noted that that if a reduction of FSR is to occur based on a site area of 2,696m<sup>2</sup>, being the overall site area minus the SP2 zoned land, the opportunity would exist for further refinement of the tower width, with particular regard to the east / west elevation.

**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

Only one tower is proposed in the concept plans.

**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,

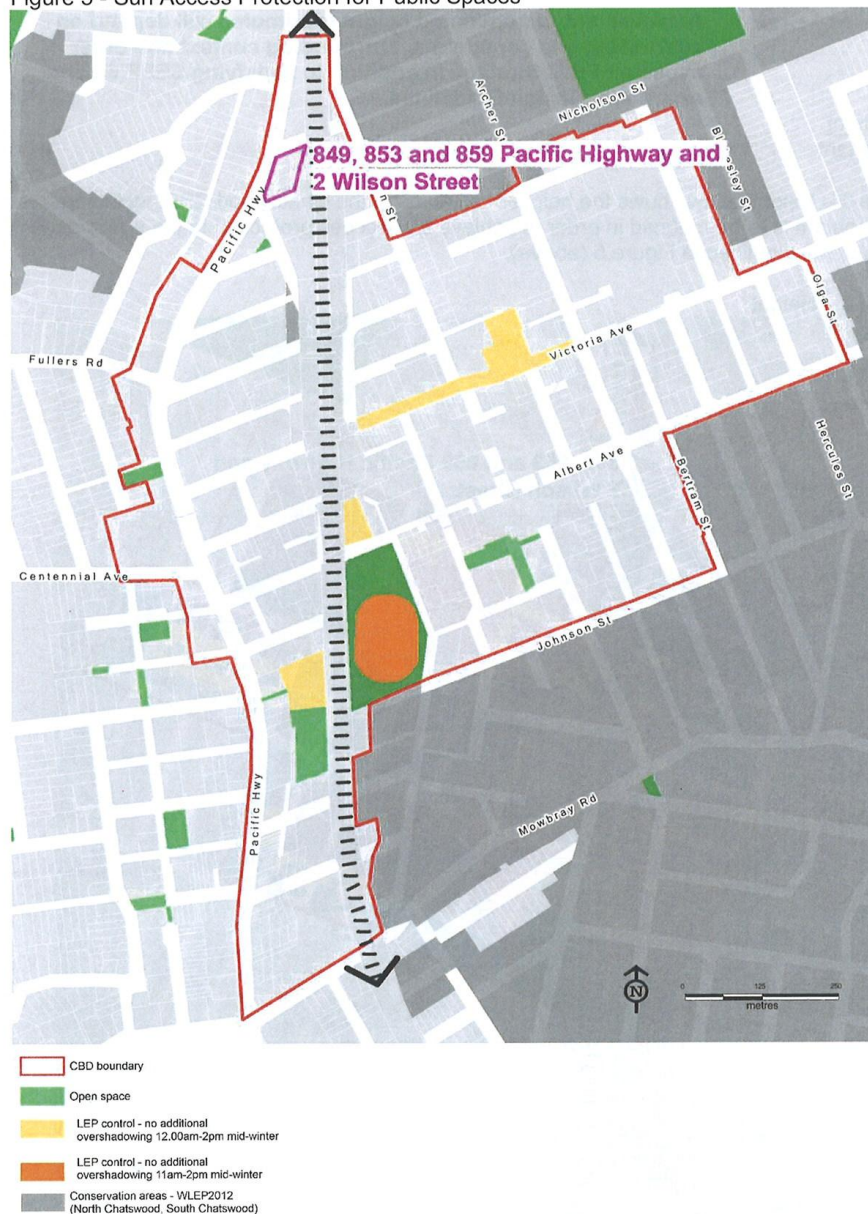
- f) Heights adjoining the South Chatswood Conservation Area will provide for a minimum 3 hours solar access between 9am and 3pm mid winter.

Comment

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.



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:

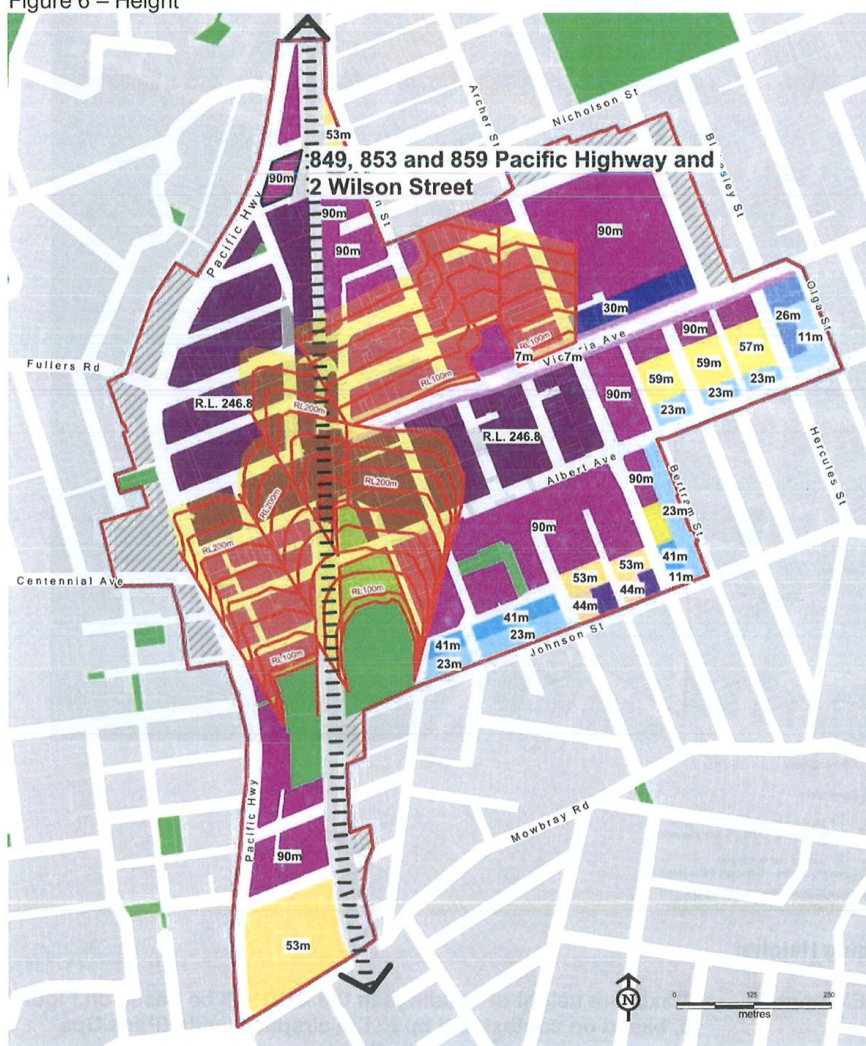
- Sun access protection.

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.

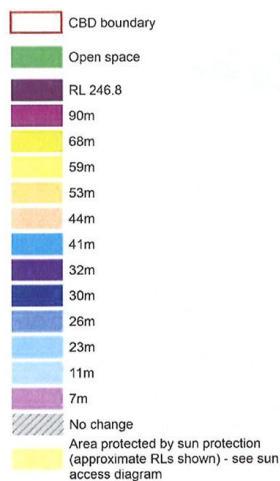
Comment  
Consistent.

Figure 6 – Height below 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 (above).

Figure 6 – Height







As a result of the site location, the maximum height of 90 metres is able to be achieved on the site subject to site constraints (such as the SP2 land).

**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

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

**Links and Open Space**

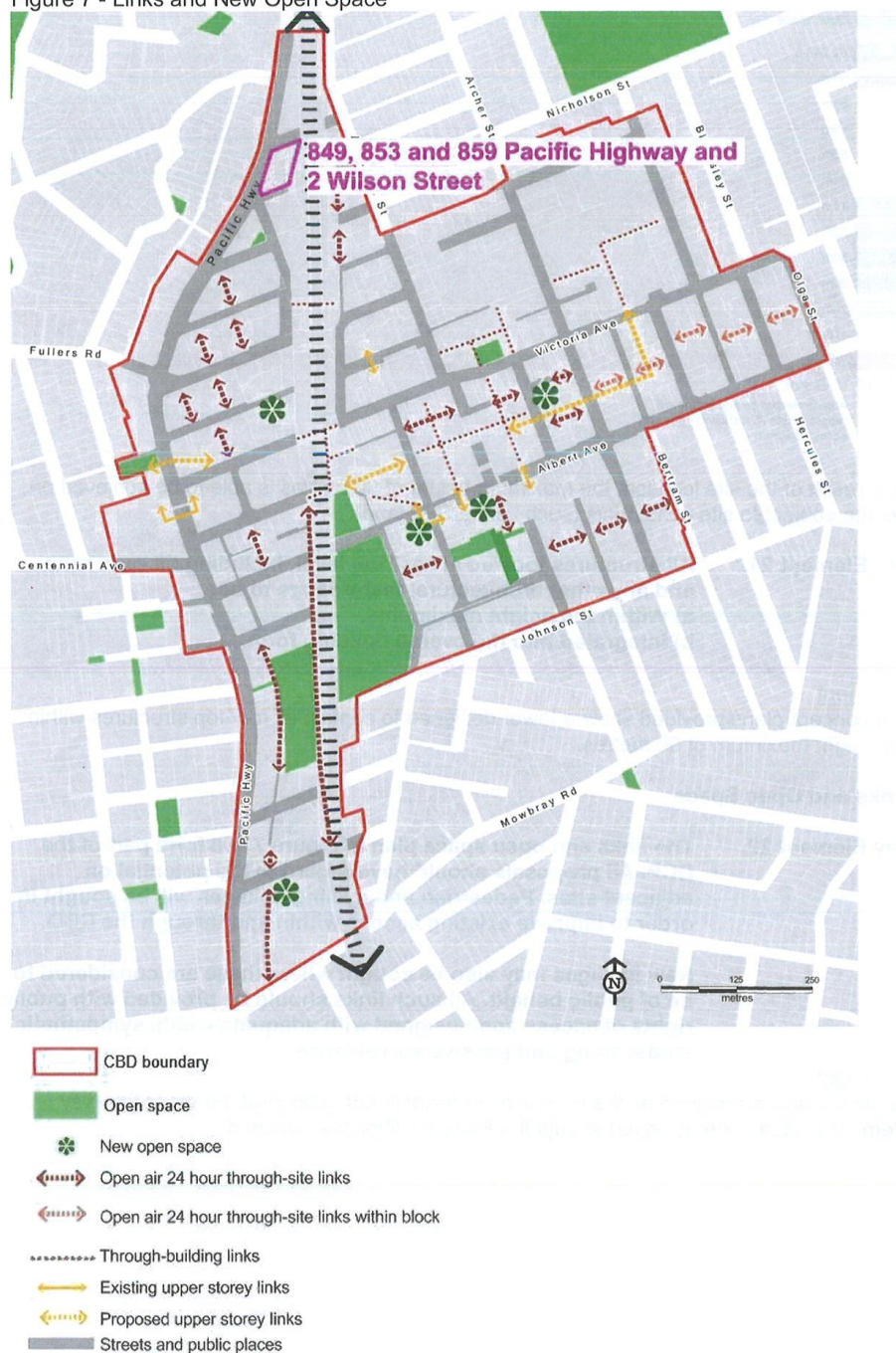
**Key Element 22.** The links and open space plan in Figure 7 will form part of the DCP. All proposals should have regard to the potential on adjacent sites. Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD.

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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

Figure 7 - Links and New Open Space



- 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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

**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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

- 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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

- 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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

**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.
  - h) Anderson Street interface:
    - i. Minimum 3m setback at Ground Level from front

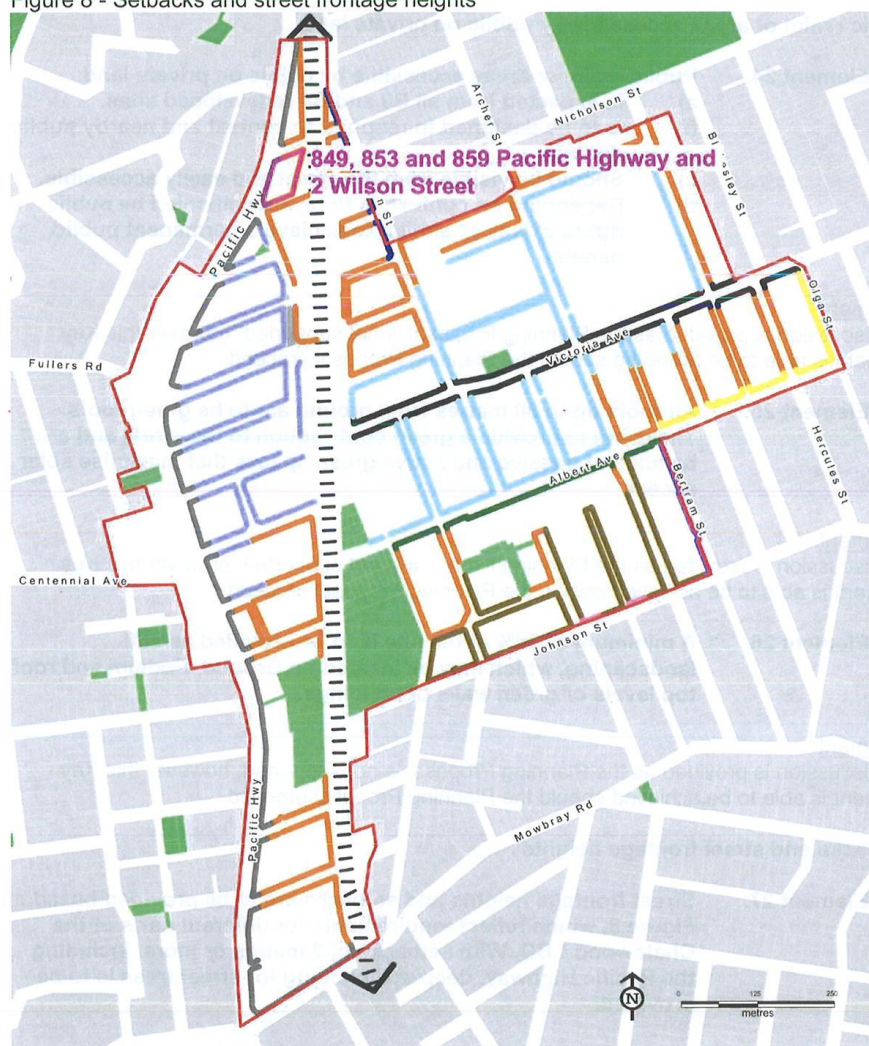


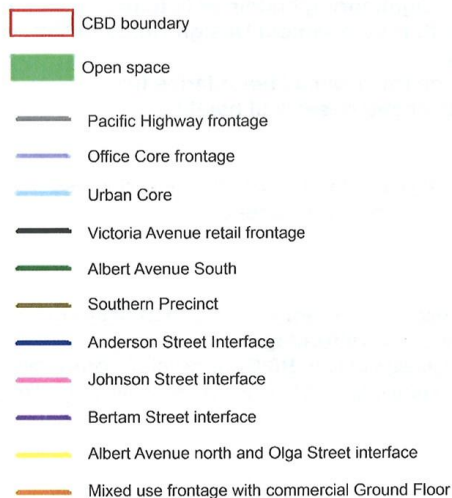
- boundary.
- ii. 6-14m street wall height.
- iii. Minimum 1m setback above street wall to tower.

**Comment**

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

**Figure 8 - Setbacks and street frontage heights**





**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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

- 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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

**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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

**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

Not applicable.

- 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

Not applicable.

- 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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

- 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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.



- 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

No discussion is provided as the Planning Proposal is not supported, however this Key Element is able to be achieved should the Planning Proposal proceed.

**Other Issues to be addressed**

**Development Control Plan provisions**

The proponent has submitted site specific *Development Control Plan* provisions. No discussion is provided as the Planning Proposal is not supported, however satisfactory draft DCP provisions are able to be provided should the Planning Proposal proceed.

**Department of Planning, Industry and Environment Requirements**

The Planning Proposal is not considered to be 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*'.

In particular the Planning Proposal in its current form is considered to be inconsistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan* which encourages development to be appropriate to its site.



### Conclusion

The R4 High Density Residential component of the site has been confirmed as B4 Mixed Use in the *Chatswood CBD Planning and Urban Design Strategy 2036*. The CBD Strategy was 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. This has been noted by Council on 14 September 2020.

The implementation of the CBD Strategy would mean that part of this site would remain as SP2 Infrastructure (Classified Road), with the remainder B4 Mixed Use.)

The Planning Proposal is inconsistent with WLEP 2012 and the CBD Strategy in the provisions relating to SP2 zoned land which does not benefit from an FSR control. The Planning Proposal proposes that a 6:1 FSR apply to the SP2 zoned land for use on the B4 Mixed Use part of the site. The FSR on the B4 Mixed Use site alone would deliver 16,176m<sup>2</sup> of floor space when applying existing WLEP and CBD Strategy controls, whereas by including the FSR taken from the SP2 zoned land, an additional 2,820m<sup>2</sup> of floor space is added to the B4 site, contrary to the CBD Strategy and constituting an overdevelopment of that B4 site.

The proponent is encouraged to achieve appropriate compensation for the SP2 Infrastructure (Classified Road) part of the site from Transport for NSW and submit a Planning Proposal that is consistent with the CBD Strategy and WLEP 2012, with particular regard to zoning and site area, gross floor area and floor space ratio.

In the absence of a compliant scheme, it is recommended that this Planning Proposal should not be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.



## ATTACHMENT 3

City Plan Strategy & Development P/L  
ABN 58 133 501 774

23 December 2020

**Our Ref:** P-20212 (TC)

**Mr Craig OBrien**  
Willoughby Council  
PO BOX 57  
CHATSWOOD NSW 2057  
[Craig.obrien@willoughby.nsw.gov.au](mailto:Craig.obrien@willoughby.nsw.gov.au)

Dear Mr O'Brien,

**RE: SUBMISSION TO PRELIMINARY ASSESSMENT OF PLANNING PROPOSAL 2020/10 - 849, 853 AND 859 PACIFIC HIGHWAY AND 2 WILSON STREET, CHATSWOOD**

This submission has been prepared by City Plan Strategy & Development (City Plan), on behalf of 853 Pacific Highway Pty Ltd (ATF) (the client), in response to preliminary advice received from yourself regarding the Planning Proposal 2020/10 at 849 - 859 Pacific Highway and 2 Wilson Street, Chatswood (the subject site).

The Planning Proposal was submitted to Council in November 2020 after numerous meetings and discussion with Council extending back to 26 September 2017.

On 7 December 2020, written advice was received from Council advising that a preliminary assessment had been undertaken involving internal referrals and that Council encourages amendments to be made to allow Council to be in a position to support the Planning Proposal. Each of these issues will now be addressed below, with revised Architectural Plans provided in **Appendix 1**:

**1. FLOOR SPACE IS TO BE BASED ON THE SITE AREA AFTER LAND RESERVATION ACQUISITION UNDER WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012**

The concern suggests that the current PP is not consistent with the *Chatswood CBD Planning and Urban Design Strategy to 2036* (Strategy). On the contrary, we believe that the proposal is wholly consistent with this Strategy for the following reasons:

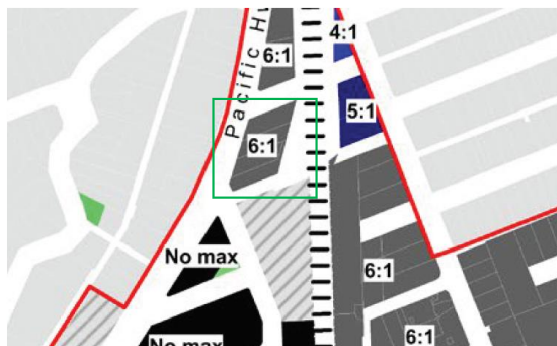
- The subject site is an amalgamation of four (4) allotments,
- Currently SP2 land is included in the Strategy and the WLEP 2012 is being updated in accordance with the Strategy (refer to **Figure 1** below),
- The SP2 road reservation is on private land. The proposal does not seek to obtain a larger development on the site, but "reallocate" allowable GFA to facilitate the dedication of the road at nil cost, and
- The proposal results in a building envelope compliant with the Strategy.

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(Figure 1: Subject site identified in the Strategy Map as 6:1 for whole of site. Source: Willoughby City Council)

Currently the SP2 portion of site is in private ownership and physically has unit buildings sitting on the land. To allow the future dedication of this land, it would require the compulsory acquisition and demolition of the unit blocks. The acquisition of the land would need to be based on the highest and best value of the land, in accordance with the valuation methodology prescribed in the Land Acquisition (Just Terms Compensation) Act, 1991. In this case, the DPIE having adopted the Chatswood Strategy, the highest and best value would be a 6:1 FSR mixed use building to a max height of 90m.

During the pre-PP meeting process with Council, this issue was raised. In 2017, Council expressed their desire for the four (4) sites to be amalgamated, achieving 3,000sqm; and it was advised that the best way moving forward would be to "shift" the allowable GFA to the remainder of the site and, through a VPA, consider the dedication of the SP2 land at nil cost for the road widening. This would be consistent with Clause 6.21 in the WLEP 2012 - bonus height and floor space ratio available for development on consolidated sites on Pacific Highway and would allow for the dedication of the road widening to occur.

Should the additional gross floor area not be allocated to the SP2 portion of the site, it would not be viable to dedicate this land at Nil cost in addition and deliver a 400sqm dedicated community facility as a public benefit.

We note that in the proposed WLEP Planning Proposal update, that Council is maintaining the requirement for the site to be equal to or greater than 3,000sqm. Although this is contrary to the CBD Strategy (requiring a minimum of 1,200sqm for this site), the submitted PP for this site achieves this and ensures consistency with the future expectations of the site.

Lastly, the Chatswood Strategy lost a significant amount of uplift in the immediate area following the Department and GMU review after Council's endorsement of the original CBD Strategy in 2017. Traffic analysis demonstrated the future transport network can be accommodated by the Strategy; however, yields were reduced in the transitional areas due to the sensitive interface with the Heritage Conservation Areas. This does not include the subject site. This proposal is unique in that it can replace some of the lost uplift whilst being consistent with the North District Plan to provide housing and maintaining a Strategy compliant envelope on site achieving the required setbacks and heights. This demonstrates that the proposed PP is consistent with the Strategy for the immediate area.

This PP will not set a precedent as it is the only site affected in this manner. Rather it will provide the following State and Local public benefits:

- Dedication of SP2 land (approximately 470sqm) at nil cost to Government and the community, as stated above. The alternate cost to the public to be in the order of \$7.5million,
- 400sqm of dedicated community facility,
- Increased affordable housing dedication,



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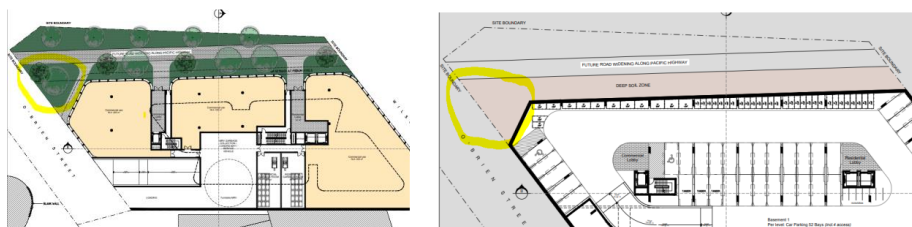
- Additional s7.11 contributions through the additional GFA generated from the whole site,
- Additional commercial GFA in the immediate area,
- Additional housing in this immediate area, close to a major transport hub, and
- Allow for the revitalisation of this section of the Pacific Highway.

## 2. ENHANCEMENT OF PUBLIC REALM

In particular, Council seeks the provision of 'public realm' within the site at ground level, which is consistent with the objective under the Strategy of greening the city and enhancing public domain, specifically by providing additional space at either/or the corners of Pacific Highway and O'Brien Street or Pacific Highway and Wilson Street.

In accordance with the Strategy, a 4m setback is proposed to the portion of the land zoned SP2 to enable publicly accessible land containing deep soil, pathways and mature planting.

As illustrated in the concept plan below, additional deep soil planting is able to be provided to the corner of the Pacific Highway and O'Brien Street which could facilitate substantial tree planting. (Refer to **Appendix 1** and **Figure 2** below)



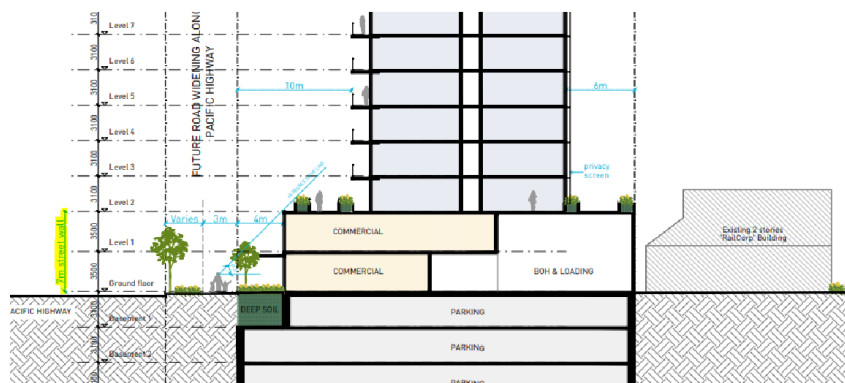
(Figure 2: Location of additional pocket park on corner of Pacific Highway and O'Brien Street, with deep soil. Source: PBD Architects, Drawing PP101 and Dwg PP102).

## 3. PACIFIC HIGHWAY STREET WALL - MAXIMUM 7M IN HEIGHT

The revised concept plans in **Appendix 1** have been amended to demonstrate a 7m street wall height, consistent with the Strategy. The commercial component floor to floor height has been reduced to 3.5m. The podium landscaped edge along the Pacific Highway has been setback 1m to achieve the 7m street wall presentation. (Refer to **Figure 3** below)



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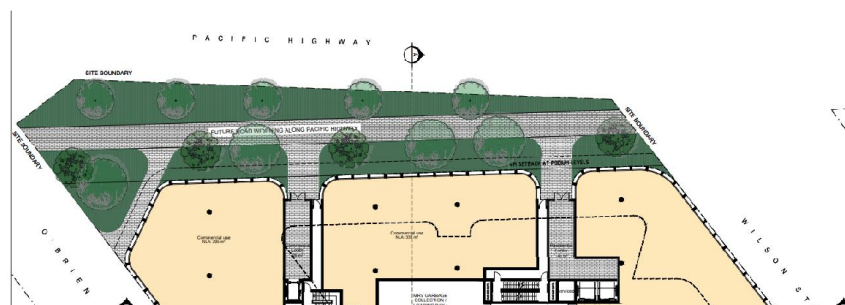
(Figure 3: Extract of revised Section showing the 7m Street Wall height. Source: PBD Architects)

#### 4. PACIFIC HIGHWAY FRONTAGE - THE FRONT SETBACK SHOULD BE CHARACTERISED BY TREE PLANTING AND SHARED PATH

The concept Ground Floor Plan has been revised to demonstrate the following, consistent with 27(e) of the Strategy:

- 4m setback of deep soil allowing for substantial planting and defined entry into the residential and commercial lobbies (allowing a minimum 4m setback at ground level from the front boundary, after considering the future road dedication), and
- Indicative verge and shared path along the Pacific Highway frontage.

This reflects the Strategy in that the planting does not interrupt the use of the shared path and the shared path has been integrated into the holistic design of the site. The path wraps around the building at the intersection with O'Brien Street, reinforcing the pocket park in this corner. (Refer to **Figure 3** above and **Figure 4** below). Council is preparing a public domain plan for a future shared cycling and pedestrian path along the Pacific Highway including planting. The future DA will be designed to ensure it is consistent with this plan, the current public domain concept plan is a placeholder until Council's plan has been finalised.



(Figure 4: Extract of Ground Floor Plan showing the shared path and deep soil landscaping along Pacific Highway and integrated as part of the overall design. Source: PBD Architects)



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## 5. DEEP SOIL PLANTING - ADDITIONAL TO BE PROVIDED ALONG PACIFIC HIGHWAY

The Basement Level 1 has been setback 4m to demonstrate greater deep soil for this frontage and achieve compliance with the Strategy, Key element 27. (Refer to **Figure 3** above and the basement plan in **Figure 2**). The proposal is consistent with the Strategy in this respect.

## 6. LANDSCAPE PLAN

Council has requested that the deep soil and planting along Pacific Highway is to be shown, along with green roofs are to be provided on roofs up to 30m and a minimum 20% of the site area is to be provided as soft landscaping.

The Urban Design Report submitted with the PP, included Indicative Podium Sections and Analysis which demonstrated that planting was to be provided on the podium levels. Further, a landscape concept plan was submitted which demonstrated deep soil and soft landscaping to be provided at the ground level and on the podium levels above.

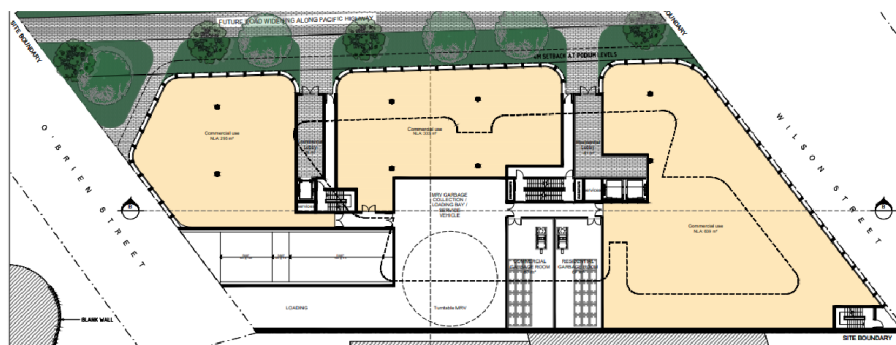
The proposal can achieve the minimum 20% of the site as soft landscaping (which includes deep soil landscaping); particularly with the revised plans which has increased the extent of deep soil landscaping along the Pacific Highway frontage.

The result will be a design that is consistent with Element 25 and 26, providing a balance of passive and active green spaces that maximise solar access and provide a green contribution to the street. The 20% of the site as soft landscaping can be located on ground, podium and roof top levels or green walls of buildings, and the specific design of this will be provided at DA stage.

## 7. VEHICLE ACCESS ENTRY POINTS ARE TO BE RATIONALISED, WITH ONE AREA INTO AND EXITING THE SITE, AND

## 8. LOADING/SERVICING

The revised indicative concept ground floor plan has consolidated the vehicular access to demonstrate that all vehicles enter and are able to exit from O'Brien Street. The concept plan also illustrates tenant vehicle access can be separated from the loading access, minimising the service frontage while maximising the street frontage for Commercial use. (Refer to **Figure 5** below). The concept plan demonstrates achievement of Element 35 of the Strategy, particularly subsections a) and c). All vehicles can enter and exit the site in a forward direction and the amendments ensure the revised indicative design is consistent with the Strategy.



(Figure 5: Extract of revised ground floor plan showing the rationalised vehicular entry points to the site. Source: PBD Architects)





Project - P-20212  
PP RFI  
849-859 Pacific Highway & 2 Wilson Street, Chatswood  
December 2020

#### 9. CARPARKING - LOWER CAR PARKING PROVISION IS SUPPORTED

Council has requested that the parking rates provided are to be reduced due to the proximity of the site to the Chatswood CBD and train/Metro station/Bus interchange.

This can of course be achieved and the details provided at the later DA stage, in accordance with the local provisions of the imminent future DCP which are yet to become publicly available. Nevertheless, the Planning proposal demonstrates that the total parking rates can be reduced, if required.

#### 10. DRAFT DCP PROVISIONS ARE REQUIRED

Council has requested the preparation of the Draft DCP provisions to be consistent with other Draft DCPs in the immediate area. These comments have been noted, and the alterations to the proposal have been reflected in the amended DCP in **Appendix 2**.

#### 11. CONCLUSION

The concerns raised by Council in the preliminary assessment of the submitted PP have been taken into consideration and the indicative Architectural Plans and the DCP has been amended accordingly.

The proposal is as demonstrated is consistent with the Strategy, for the reasons identified above. It will provide numerous public benefits to the State and Local communities and will revitalise the current Pacific Highway stretch north-west of the major transport hub. It will allow the dedication of land for road reserve and will provide for a building within the expected height and setback building envelopes for the site. It also achieves the expected commercial floor space ratio of 1:1 and provides for a variety of housing, consistent with the North District Plan. It is an orderly and economic development of the land as it achieves the amalgamation of the four (4) sites in the northern bookend of Chatswood.

If you wish to discuss this matter any further, please do not hesitate to contact the undersigned.

Yours Faithfully / Sincerely,

A handwritten signature in black ink, appearing to read "T. Christy".

**Tina Christy**  
Associate Director





Project - P-20212  
PP RFI  
849-859 Pacific Highway & 2 Wilson Street, Chatswood  
December 2020

APPENDIX 1 - REVISED ARCHITECTURAL PLANS



Project - P-20212  
PP RFI  
849-859 Pacific Highway & 2 Wilson Street, Chatswood  
December 2020

APPENDIX 2 - REVISED DRAFT DCP PROVISIONS



## ATTACHMENT 4

## PLANNING AND INFRASTRUCTURE

Planning Unit

10 February 2021

853 Pacific Highway Pty Ltd  
PO Box 885  
NORTH WILLOUGHBY NSW 2068  
ATT: Nicholas Andrijic

Dear Mr Andrijic,

**RE: Planning Proposal 2020/10**  
**849, 853, 859 Pacific Highway and 2 Wilson Street, Chatswood**  
**Submission dated 23 December 2020**

I am writing to you in regards Planning Proposal 2020/10 submitted on 12 November 2020 for 849, 853, 859 Pacific Highway and 2 Wilson Street, Chatswood.

Council provided a preliminary assessment to you on 7 December 2020 where it was indicated that the Planning Proposal submitted was not considered to be consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy) with a number of issues identified. Formal pre-Planning Proposal Notes were also provided to you dated 10 September 2020 prior to the lodgement of Planning Proposal 2020/10 raising a number of issues to be satisfactorily addressed in any future Planning Proposal submitted.

You have provided a submission dated 23 December 2020 in response to the Council preliminary assessment. No change is proposed to how you have approached site area and floor space ratio on this site. This significant issue aside, the remaining issues have now been satisfactorily addressed at this stage.

The significant issue of how you approached site area and floor space ratio on this site was raised with you by Council in both the abovementioned formal pre-Planning Proposal Notes and the preliminary assessment of Planning Proposal 2020/10. As you are aware, part of the site along the Pacific Highway frontage of this site has been identified under *Willoughby Local Environmental Plan 2012* (WLEP 2012) as SP2 Infrastructure (Classified Road). The land reservation acquisition land, and the purchase of said land, is a matter between you and Transport for NSW.

The argument you have put forward in your 23 December 2020 submission has been fully considered through internal discussion and we are of the firm view that the inclusion in the Planning Proposal of the SP2 zoned land as site area, which increases gross floor space, is not able to be supported. Council maintains the position it has already made to you, that floor space is to be based on the site area after land reservation acquisition under WLEP 2012. Furthermore, this approach is consistent with the approach to site area and floor space, and development expected, under the CBD Strategy.

Willoughby City Council  
31 Victor Street  
Chatswood NSW 2067

PO BOX 57 Chatswood NSW 2057  
[www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)

Phone 02 9777 1000 Fax 02 9777 1038  
Email: [email@willoughby.nsw.gov.au](mailto:email@willoughby.nsw.gov.au)  
ABN 47 974 826 099

**Willoughby City Council**

You are again invited to amend your Planning Proposal to be consistent with the abovementioned approach to site area and floor space, representing the expected development envisioned under the CBD Strategy, for Council to progress its consideration of this Planning Proposal.

It is requested that you advise Council of your intentions by the 22 February 2021 as there is a responsibility on Council to determine Planning Proposals in a timely manner.

Should you have any question in regards this letter, please contact Craig O'Brien on (02) 9777 7647.

Yours sincerely,



Ian Arnott  
PLANNING MANAGER

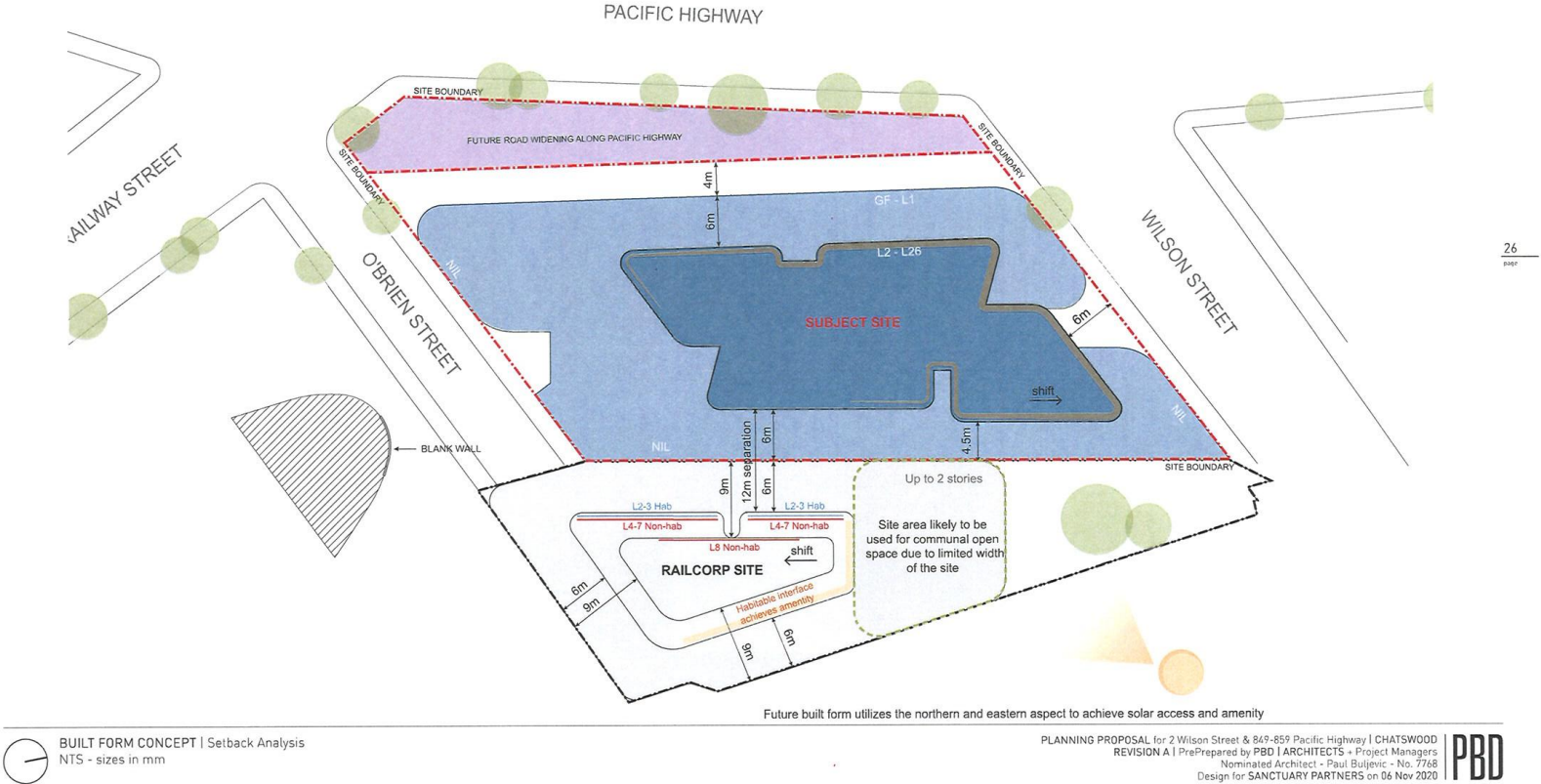
ATTACHMENT 5

1. Setback Analysis - RailCorp site analysis

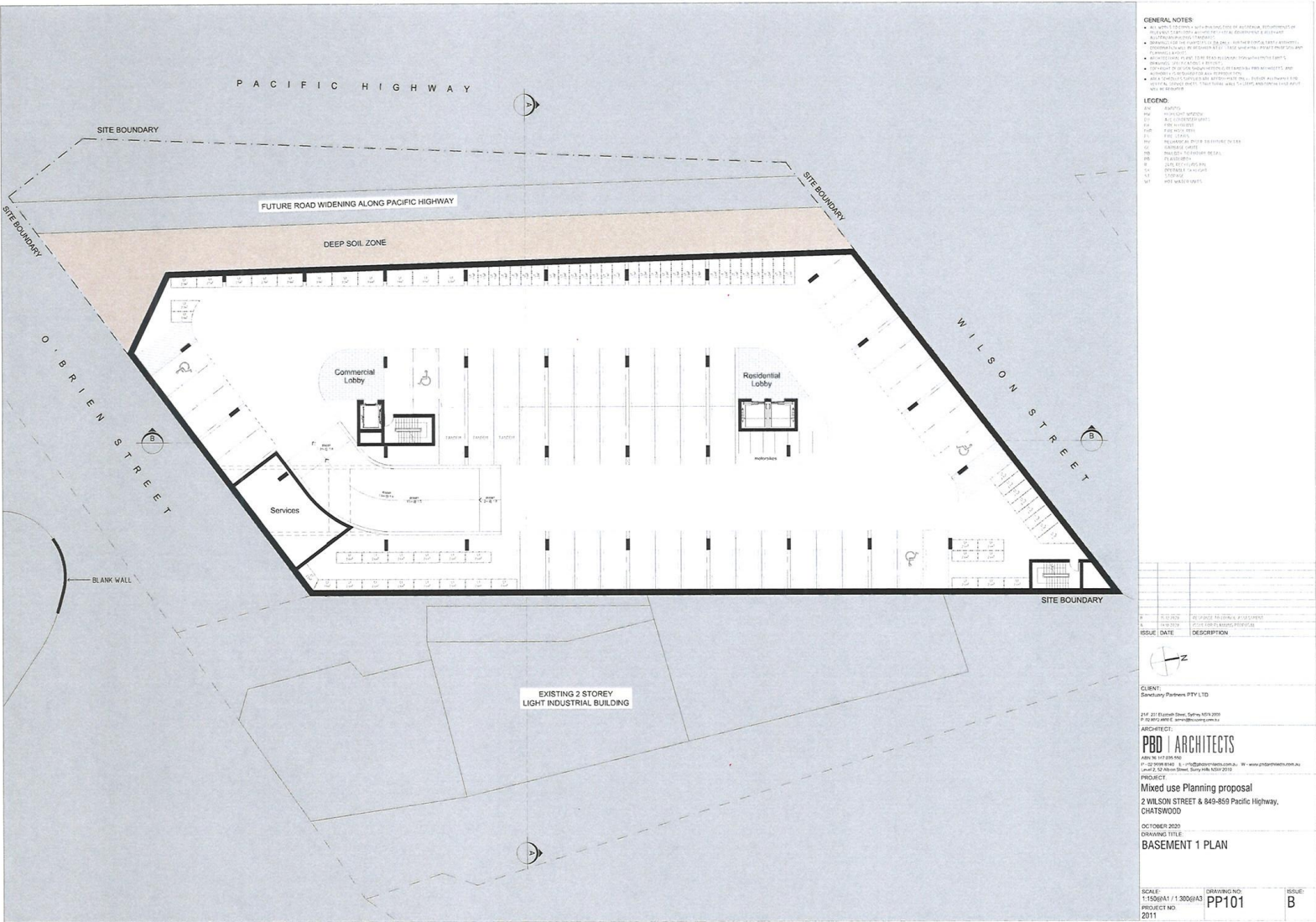
- Following detailed site analysis the key considerations are:
- Solar access and amenity
  - Proximity to the rail line
  - Limited street frontage and access
  - Potential rezoning and change of use
  - Irregular lot shape that continually tapers north
  - ADG guidelines
  - Willoughby Council's proposed Bicycle Network

- Key principles and outcomes were established to maximise any future potential built form (this would involve changing the existing light industrial land use and possibly require rezoning):
- Any future built form will be orientated north and east to achieve solar access and amenity
  - Achieves compliance with SEPP 65 and ADG guidelines that may permit up to 9 storeys (subject to feasibility testing and zoning compliance)
  - A possible 2 storey podium boundary (however this would restrict any future public pedestrian/bike access through the site from O'Brien Street to Wilson Street and would need concession to build hard up against the rail line)
  - Excluding Willoughby Council's proposed Bicycle Network

- Positioning the bulk upper built form towards the south - given the northern half of site is too narrow to develop compliantly as residential or feasibly as a commercial
- Ability to provide good solar access to the podium level
- Ability to provide for communal open space to the north
- Potential to provide a high quality public space on the northern end of the site and provide access off O'Brien Street

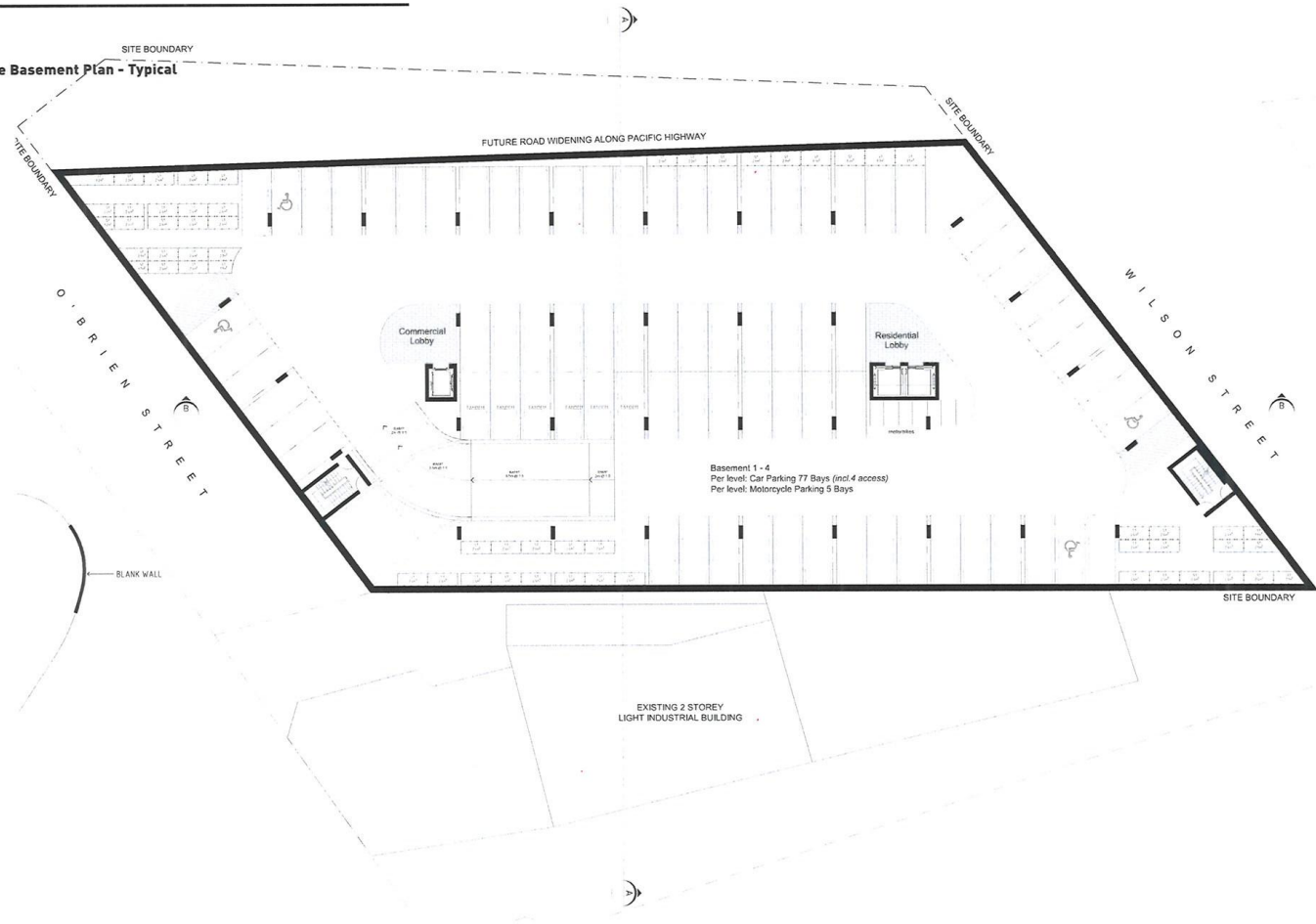






5 BUILT FORM CONCEPT

3. Indicative Basement Plan - Typical



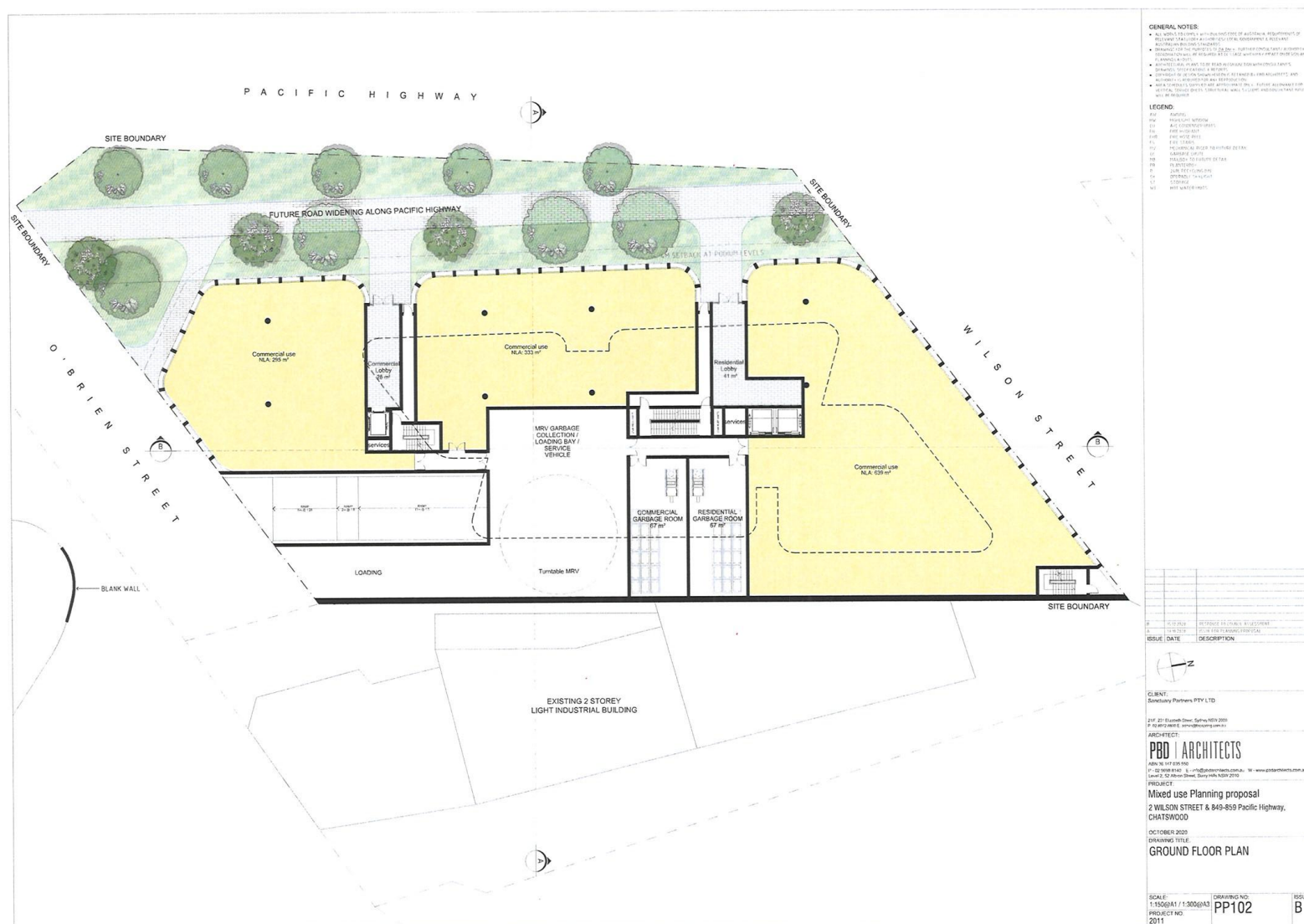
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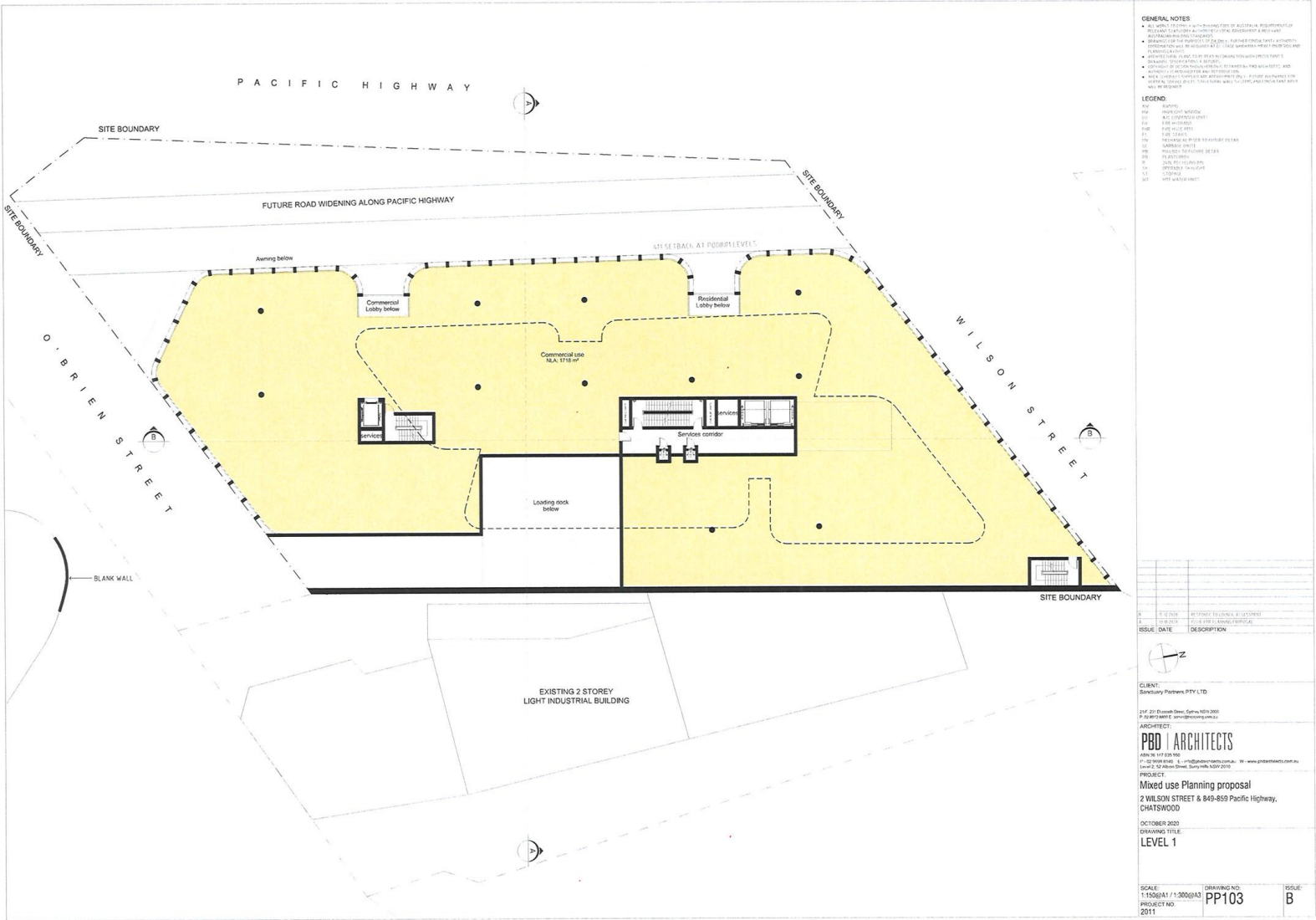
BUILT FORM CONCEPT | Floor plans  
1:300 - sizes in mm

PLANNING PROPOSAL for 2 Wilson Street & 849-859 Pacific Highway | CHATSWOOD  
REVISION A | Prepared by PBD | ARCHITECTS + Project Managers  
Nominated Architect - Paul Buljevic - No. 77468  
Design for SANCTUARY PARTNERS on 06 Nov 2020

PBD







5 BUILT FORM CONCEPT

3. Indicative Level 2-21 Floor Plan



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page

BUILT FORM CONCEPT | Floor plans  
1:300 - sizes in mm

PLANNING PROPOSAL for 2 Wilson Street & 849-859 Pacific Highway | CHATSWOOD  
REVISION A | PrePrepared by PBD | ARCHITECTS + Project Managers  
Nominated Architect - Paul Buljevic - No. 7768  
Design for SANCTUARY PARTNERS on 06 Nov 2020



5 BUILT FORM CONCEPT

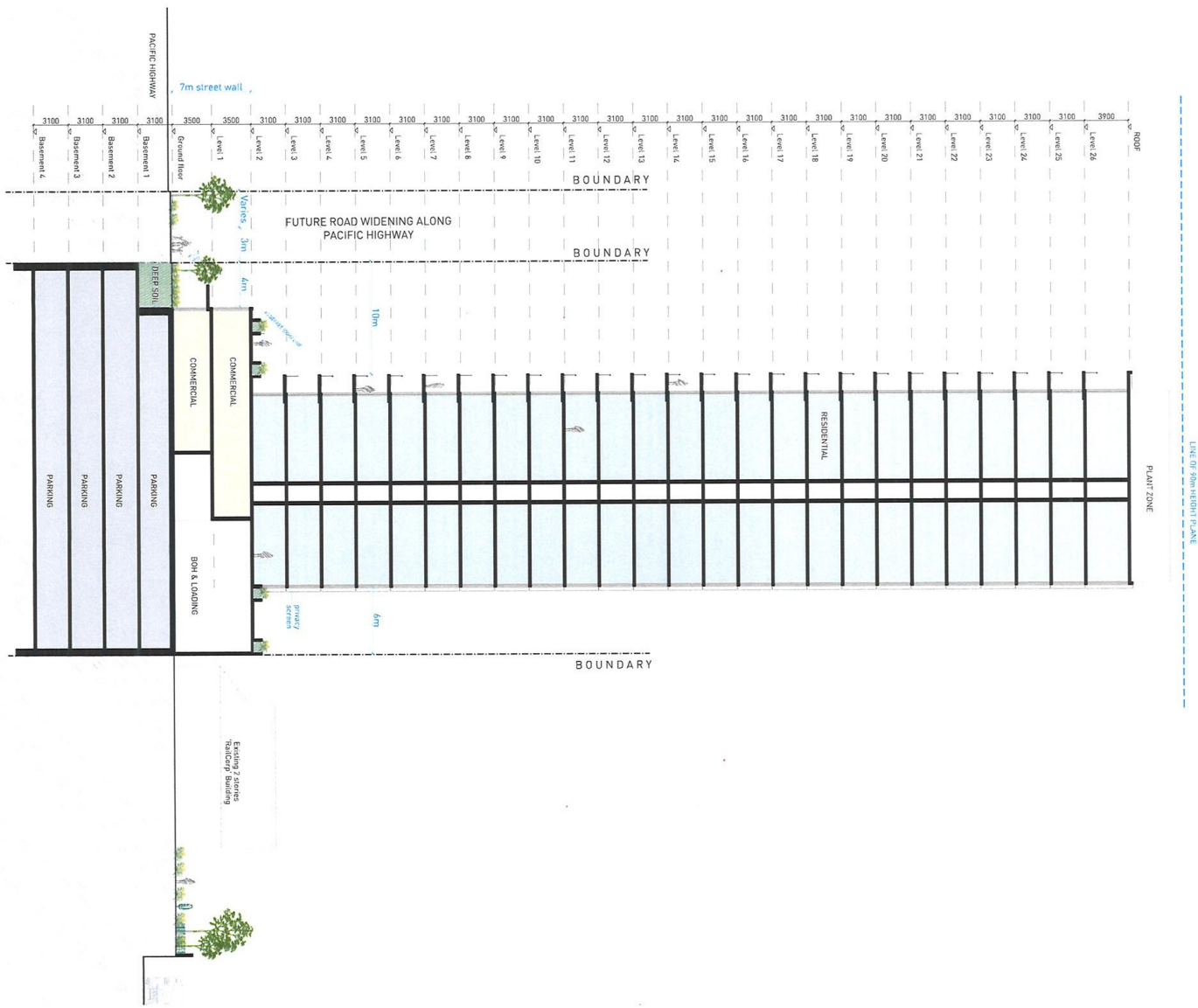


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BUILT FORM CONCEPT | Floor plans  
1:300 - sizes in mm

PLANNING PROPOSAL for 2 Wilson Street & 849-859 Pacific Highway | CHATSWOOD  
REVISION A | Prepared by PBD | ARCHITECTS + Project Managers  
Nominated Architect - Paul Buljevic - No. 7768  
Design for SANCTUARY PARTNERS on 06 Nov 2020

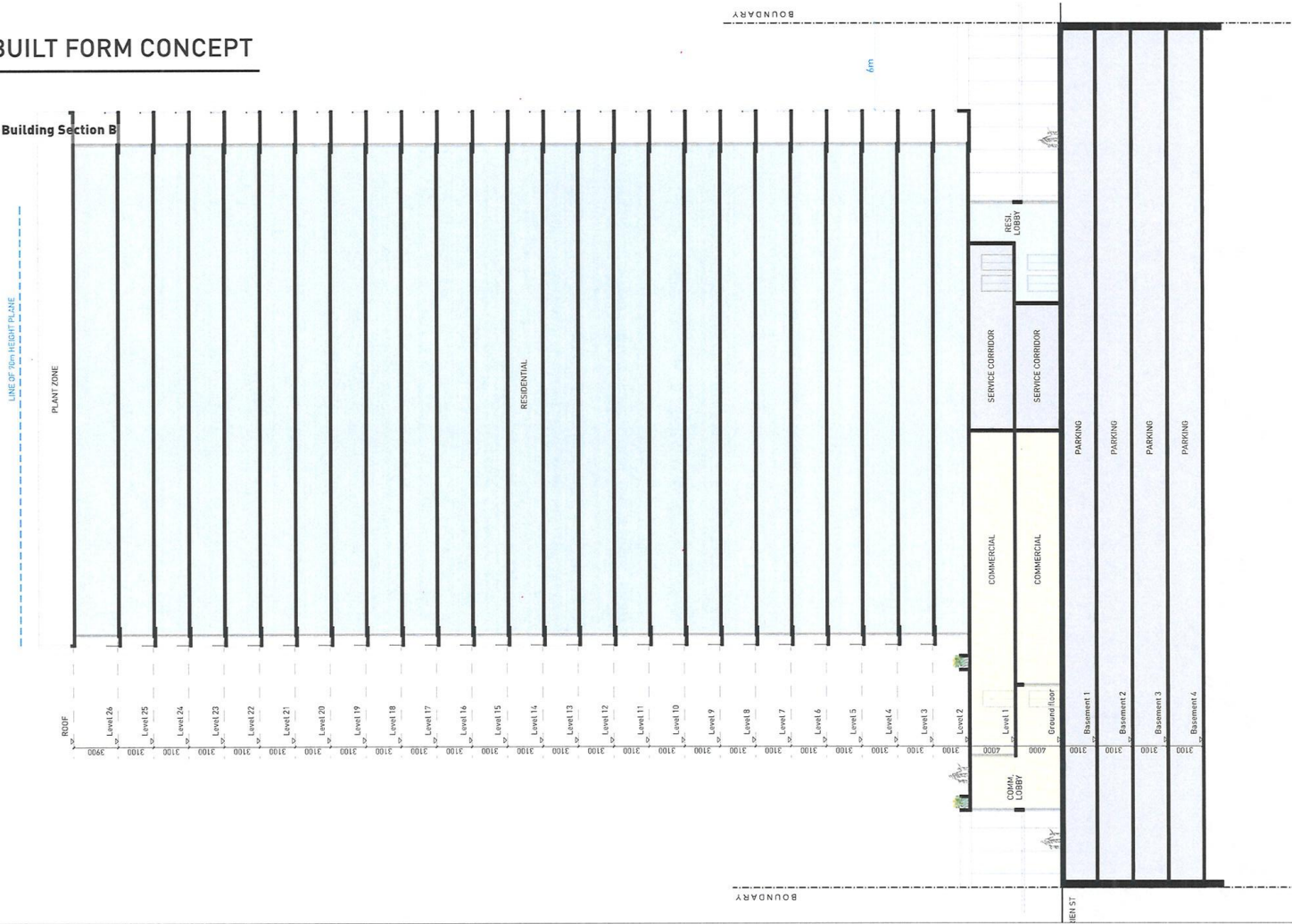






5 BUILT FORM CONCEPT

4. Indicative Building Section B



## ATTACHMENT 6


**WILLOUGHBY**  
 Local  
 Planning  
 Panel

**PLANNING PROPOSAL  
 RECORD OF ADVICE**

DATE OF ADVICE	27 May 2021
PANEL MEMBERS	Penny Holloway (Chair), James Harrison, John McInerney and Robert Wilson
APOLOGIES	None
DECLARATIONS OF INTEREST	NIL

Closed meeting held at Willoughby City Council on 27 May 2021.

**PLANNING PROPOSAL**

The proposal **PP-2020/10** seeks an Amendment to the *WLEP 2012* to include site specific special provisions for the subject land, 849, 853 & 859 Pacific Highway & 2 Wilson Street, CHATSWOOD NSW 2067., that allow for a rezoning to Rezone site to B4 Mixed Use, FSR of 6:1 and height of 90m.

**PANEL DISCUSSION**

The Panel considered a number of issues including:

- compliance with the strategic framework
- the retention of the SP2 zone land for future road widening
- provision of Council community space within the development
- whether the gross floor area calculations should include SP2 zone land for the purpose of calculating FSR
- the proposed form of the building
- the design of the intersection of Pacific Highway and Railway Street.

**PANEL ADVICE**

The Panel advises it is not satisfied that the planning proposal is worthy of being forwarded to the DPIE for a Gateway consideration.

The majority of the Panel (Penny Holloway, John McInerney and Robert Wilson) advises:

Not to forward the planning proposal to the DPIE for the following reasons:

- the proposal seeks to utilise the FSR of the part of the site SP2 on the remainder of the site zone R4 high density residential under *Willoughby Local Environmental Plan 2012*, in addition to the maximum FSR permitted.
- Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy 2036* which does not change road widening requirements from Transport for NSW as expressed in *Willoughby Local Environmental Plan 2012*, with regard in this case to the Pacific Highway, or how such matters are processed.
- Is inconsistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan* which encourages development to be appropriate to its site.
- Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy 2036* which identifies this site as having a maximum floor space ratio of 6:1.

Panel member, James Harrison, does not support the advice but supports the planning proposal as it will facilitate a development consistent with the zone objectives, complying with the proposed height standard and maximum floor plate control and facilitate the early delivery of land for the road widening and other public benefits at no cost to the community.



PANEL MEMBERS	
PENNY HOLLOWAY (CHAIR)	JAMES HARRISON
JOHN MCINERNEY	ROBERT WILSON

**15.11 PLANNING UNIT LEGAL BUDGET**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.3 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO 5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

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**1. PURPOSE OF REPORT**

To seek variation to the 2020/21 Planning Unit legal budget to accommodate additional costs associated with existing Land and Environment Court Appeals.

**2. OFFICER'S RECOMMENDATION**

**That Council approve an increase in the 2020/21 financial year operating expense budget of \$250,000 to provide for additional Planning Unit legal expenses to be spent by 30 June 2021.**

**3. BACKGROUND**

Council at its meeting of 10 May 2021, considered a report in respect to the March Quarter Budget Review and resolved, inter alia, to:

*“Approve the increase in operating budget income (excluding capital income) of \$126K and a decrease in operating budget expense of \$2.5M resulting in a net positive impact of \$2.6M to the 2020/21 full year budget operating result before capital items.”*

The report included a revised legal expense budget for 2020/21 of \$993,331. The largest component of this expense relates to Land and Environment Court appeals and other planning related expenses and totals \$553,812. These expenses include engaging experts when necessary in defending appeals.

The most recent forecast for legal costs for 2020/21 for the Planning Unit anticipates a full year cost of \$803,812, which is \$250,000 more than the budget allowance of \$553,812. This forecast should have been incorporated in the March Quarter Budget Review but was overlooked.

By comparison, the legal expenses for 2019/20 was \$370,000. The driver for the increased cost for 2020/21 relates to a larger number of complex cases that were not resolved prior to going to a full hearing, which is outlined in the report below. This report seeks the additional funding required to manage these legal matters.

#### 4. DISCUSSION

Figure 1 outlines the drivers of the legal costs for the Planning Unit for the current and previous financial year and shows 19 appeals occurring in 2020/21 compared to 15 in the previous year. However, of the 19 appeals this year, 18 were subject to a full hearing or significant conciliation, compared to only 10 in the previous financial year. This doubling of activity has driven the legal budget for the year.

Figure 1 – Planning Legal Costs Summary

	2019/20	2020/21
LEC Appeals	15	19
Full Hearing or Significant Conciliation	10	18

The number and complexity of appeals in the current financial year has been greater than anticipated based on previous years and has resulted in the current budget being inadequate to meet existing and projected costs.

A new legal forecasting spreadsheet has been created to better forecast and predict legal costs for the Planning Unit, which will be reviewed by the Director of Planning and Infrastructure on a monthly basis. Notwithstanding this, a revised forecast should have been incorporated into March Quarter Budget Review.

To enable Council to proceed with the current appeals it is estimated that an additional \$250K will be required for the 2020/21 financial year. This equates to approximately \$42K per appeal.

#### 5. CONCLUSION

There has been a significant increase in Land and Environment Court appeals in the 2020/21 financial year. To meet existing and projected legal costs to the end of the 2020/21 financial year it is forecast that an additional \$250K will be required to be added to the Planning Unit legal budget for the 2020/21 financial year.

## ATTACHMENT 1

<b>IMPLICATIONS</b>	<b>COMMENT</b>
<b>City Strategy Outcome</b>	5.3 – Be honest, transparent and accountable in all that we do. 5.4 – Anticipate and respond to changing community and customer needs
<b>Business Plan Objectives, Outcomes / Services</b>	The Development Assessment role includes defending Court appeals to ensure we achieve the outcome of a city that is liveable.
<b>Policy</b>	There are no policy considerations applicable to this report.
<b>Consultation</b>	Consultation with Financial Strategy Unit of Council
<b>Resource</b>	Additional funding required to pay for legal representation and expert consultants to defend Land and Environment Court appeals
<b>Risk</b>	Without additional budget Council will be unable to meet costs incurred in Land and Environment Court proceedings
<b>Legal</b>	Additional budget required to defend appeals in the Land and Environment Court
<b>Legislation</b>	<i>Local Government Act 1993</i>
<b>Budget/Financial</b>	Additional \$250K budget allocation required to meet Land and Environment Court expenses
<b>20/21 Budget Allocation</b>	<b>20/21 Budget Reconsideration</b>
<b>\$553,812</b>	<b>\$803,812 (additional \$250K)</b>

**15.12 PROPERTY LEASE PORTFOLIO**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TERRENCE CARROLL – PROPERTY STRATEGY SPECIALIST</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL WE DO</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

**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 notes 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. In response to these briefings, A monthly report on Council's total property lease portfolio is provided.

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 May 2021 for Council's tenancies with annual rental payments of more than \$10,000.

**Figure 1 – Arrears at 31 May 2021 compared to previous months**

<b>Arrears at 31 March 2021</b>	<b>Arrears at 30 April 2021</b>	<b>Arrears at 31 May 2021</b>
\$1,168,592	\$1,106,543	\$947,858

Key points to note on the arrears are:

- Approximately 95% of arrears is accounted for by four 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 four tenants and will initiate further formal action as required to advance the interests of Council and the City of Willoughby.

- Council have reached agreement for support packages under the COVID-19 Regulation with 10 tenants seeking rental relief. There are 2 tenants where negotiations are ongoing.
- In the month of May, 11 of the tenants in arrears made payments and are working positively with Council to reduce their arrears by means of a deferred rent repayment plan as permitted under the Regulation. These arrears are expected to reduce over the next 12 months.

### Lease expiries

18 leases 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	An EOI process is planned for July/August to seek expressions of interest from proponents to reconfigure the building to provide both social and economic benefits
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	An EOI process is planned for August to seek expressions of interest from proponents to reconfigure the buildings to provide both social and economic benefits
Lot 39/135 Sailors Bay Road Northbridge	Strata title lot previously used by the Aboriginal Heritage Office	A resolution of the owners' corporation's executive committee restricts use of the premises to Early Childhood Health Centre. Council's applications for other uses have been refused by the owners' corporation. Staff are reviewing previous legal advice to develop a long term strategy to effectively utilise the premises.

## 5. CONCLUSION

The financial performance of Council's property lease portfolio has now stabilised. Most of the impacted tenants are in recovery mode and meeting their commitments except for 2 tenancies where Council officers are in the process of negotiations.

Ongoing emphasis will be placed on ensuring impacted tenants meet their commitments, finalising negotiations with those tenants that have not entered into a rent repayment plan and negotiating new leases with those tenants whose leases fall due over the next 6 months.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Policy</b>	This report was produced pursuant to a resolution of Council.
<b>Consultation</b>	Council officers' preparation of this report was informed by ongoing communication with tenants of Council's leased properties.
<b>Resource</b>	There are no resourcing implications associated with this report's recommendation.
<b>Risk</b>	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.
<b>Legal</b>	Council's leases provide for formal action to be initiated where parties breach the terms of a lease.
<b>Legislation</b>	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> .
<b>Budget/Financial</b>	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****15.13 FINAL REPORT OF THE WILLOUGHBY COMMUNITY AND ECONOMIC RECOVERY PLANS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. FINAL REPORT – COMMUNITY RECOVERY PLAN 3. FINAL REPORT – ECONOMIC RECOVERY PLAN</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JOHN ELLIOTT – ECONOMIC DEVELOPMENT MANAGER LARA OTTIGNON – COMMUNITY PROJECTS OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

**1. PURPOSE OF REPORT**

To provide Council with a final report on the *Willoughby Community Recovery Plan 2020* and the *Willoughby Economic Recovery Plan 2020* (The Plans).

**2. OFFICER'S RECOMMENDATION**

That Council note the Final Report of the *Willoughby Community Recovery Plan 2020* and the *Economic Recovery Plan 2020* and the transition of actions to business as usual.

**3. BACKGROUND**

Council adopted the *Willoughby Community Recovery Plan 2020* and *Economic Recovery Plan 2020* at the 9 November 2020 meeting. The Plans guided Council's first stage of the community and economic recovery in response to the COVID-19 pandemic.

A midterm report of The Plans was presented to Council at the 12 April 2021 meeting. The Plans were developed to have a six-month lifespan from November 2020 to April 2021.

This report presents the outcomes of both the *Willoughby Community Recovery Plan 2020* and the *Willoughby Economic Recovery Plan 2020*.

## 4. DISCUSSION

### 4.1 Willoughby Community Recovery Plan

From evidence-based research, the following five priority areas were identified relative to the Willoughby Local Government area:

- Health and Wellbeing.
- Mental Health.
- Social Isolation.
- Impact to Under 35s.
- Economic Impacts.

Both Plans included an Action Plan as a first response to the priority areas. The *Community Recovery Plan 2020* addressed the first four priority areas in its Action Plan, with the last covered by the *Economic Recovery Plan 2020*.

The *Community Recovery Plan 2020* addressed both immediate and anticipated social impacts emerging from the COVID-19 pandemic. A number of the actions were the beginning of ongoing measures to assist the community in recovering from these impacts.

The actions included but not limited to:

- Providing evolving information to the community on Public Health Orders.
- Phased reopening of services.
- Information on opportunities to socialise in COVID-safe ways.
- Establishment of the Human Services Interagency.
- Collaboration with the Human Services sector to ensure adequate mental health and wellbeing support.

In the past 18 months, Council has continually adapted to a rapidly changing environment. The Northern Beaches outbreak in December 2020 highlighted Council's ability to be agile in the case of nearby COVID-19 transmissions. Council services adapted to align with NSW Health restrictions. Venues continued to operate in accordance with changing Public Health Orders. Council's ability to adapt quickly, resulted in the Northern Beaches outbreak having minimal impact on service delivery, which resulted in ensuring the progress of the Plans.

Council's Community Development Team established the Lower North Shore Human Services Interagency in February 2021, to increase collaboration and coordination amongst local service providers and to address social concerns arising from the COVID-19 pandemic. After conversations with sector service providers, it was agreed at the first meeting that mental health and wellbeing would be a key focus of the interagency.

In addressing the potential mental health effects of social isolation, Council created opportunities for people of all ages to connect in COVID-safe environments. Lunar New Year, the Chatswood Family Festival and Iso-Inspo were adapted to comply with Public Health Orders. Willoughby Symphony Orchestra staged on-line and COVID-safe performances while the Visual Arts Unit curated immersive exhibitions at the Incinerator Art Space and the Arts Space on The Concourse.

Community centres, including MOSAIC and the Dougherty, continued to run social activities at a smaller scale for local residents, social groups and school groups. The Bushcare Team hosted events such as wildlife and heritage walks`.

The digital sphere was also utilised in new ways to engage with the community. Two 'Dance to the Nines' events were hosted online by the Dougherty Community Centre. Willoughby Symphony Orchestra performances were filmed and uploaded to the Facebook page for those who could not attend. The NextDoor platform was also activated to communicate relevant COVID-19 and Have Your Say content as a pilot at the hyperlocal level. To date 1,920 people have registered for NextDoor in our LGA.

Increasing utilisation of Council facilities and event attendance signifies growing community confidence in returning to social activity. For example, utilisation of some community centres has almost returned to pre-Covid-19 levels. At Home with Willoughby client numbers have also resumed to pre-COVID-19 levels.

Although Willoughby Leisure Centre memberships are down by 21%, members are visiting an average of four times per week which is an increase from the height of the pandemic. Aqua, swim classes and squad numbers are also nearing pre-COVID-19 rates.

Social media platforms have been used to address potential effects of the pandemic to people under the age of 35 include:

- Development of mentoring programs for youth.
- Internship opportunities for university students.
- Engagement about healthy behaviours and mental health services.

The Youth Development Team also established an Employment Working Group that includes like-minded youth services in the community. Their first project included the development of a website that outlines workforce opportunities and skills development within the Willoughby LGA.

At the height of the pandemic, the Youth Development Team conducted several interactive on-line activities to keep young people engaged. These included:

- A photographic competition.
- Online programs.
- Engagement with the Willoughby Youth Action Group.
- Introduction of an online Resilience Programme with a focus on youth mental health.

Further details of the *Community Recovery Plan 2020* actions are outlined in **Attachment 2** of this report.

Council will continue to deliver actions from the *Community Recovery Plan 2020* and communicate COVID-19 and Public Health Order updates on it's website as part of its ongoing functions.

#### **4.2 Willoughby Economic Recovery Plan**

The *Economic Recovery Plan 2020* addressed some of the immediate issues together with establishing measures to ensure the longer term vibrancy and viability of businesses. A number of the action points are the beginning of ongoing measures to assist the business community to continue the recovery of the local economy and assist in maintaining a strong, robust, and resilient local economy into the future.

The *Economic Recovery Plan 2020* established a framework of strategic areas that will continue to be the focus of ongoing work and provide the basis for Willoughby's development of the Economic Development Strategy.

Council took a strong leadership role which was supported by the local business community by organising a Business Forum to bring together key businesses and business representative organisations to focus on the action points in the Plan. This Forum will continue to provide input into the Council's response to the local business community and its actions in the economic development area.

A key element of the Forum will be Council's provision of an Annual Statement of Business Activity showcasing the state of the local economy. This will utilise the data sets collated as part of the Economic Data Dashboard launched in March which provides easily accessible, relevant and up to economic data online as part of the revision of the Council's Business section of its website.

The website update also included the Business Toolkit to help guide businesses to the range of business advice, assistance and funding sources available. Both the Economic Data Dashboard and the Business Toolkit have received strong support from the business community and are being well used.

The direct financial support through Council's Business Support Packages shared some of the impact of the reduced economic activity. Their cessation aligns with the upturn in business activity. These measures have helped sustain businesses through difficult trading months and were well received.

To aid those businesses, predominately in the food and beverage and hospitality sectors, the Support Local program will continue to direct customer awareness and support to local businesses. This program will develop beyond a promotional level to include sectoral and supply chain information. Additional financial support is being provided through the Council now paying all local business suppliers within 7 days.

Increasing the activity within the Chatswood CBD helped encourage people to return into the retail and commercial centre through a range of activities including extending the Mall Market operating days through the summer and subsidising the fees through the Fee Reduction Scheme. Improving the processes and promotion of outdoor dining has also stimulated further support for businesses by allowing additional trading space through the period of health restrictions on capacity and physical distancing requirements.

Further details of each action point in the *Economic Recovery Plan 2020* are outlined in **Attachment 3** of this report.

As part of the development of the Economic Development Strategy, the lessons learned from the *Economic Recovery Plan* and the Business Support Packages will be incorporated together with business response and engagement through the last six months.

## 5. CONCLUSION

The *Willoughby Community and Economic Recovery Plans 2020* had a lifespan of six-months, which expired in April 2021. The Action Plans guided and focused Council's initial stage of community and economic recovery in response to the COVID-19 pandemic. Council's approach in responding to the community impacts included leadership, facilitation and delivery roles.

Some action points address ongoing impacts of the pandemic on our community and economy, therefore extend beyond the six-month lifespan of the Plans and will be embedded in business as usual and the *draft Resilient Willoughby Strategy and Action Plan*. This provides the opportunity to extend many of the actions outlined in the above recovery plans and continue to address challenges such as social isolation and youth wellbeing.

Council will continue to closely monitor the COVID-19 situation and ensure NSW Health restrictions and recommendations are followed.

## ATTACHMENT 1

<b>IMPLICATIONS</b>	<b>COMMENT</b>
<b>City Strategy Outcome</b>	3.1 – Foster feelings of safety, security and cleanliness 4.1 – Facilitate the development of all businesses
<b>Business Plan Objectives, Outcomes/ Services</b>	Our community will have access to support that enables them to prosper.
<b>Policy</b>	This matter does not have any policy implications.
<b>Consultation</b>	All relevant stakeholders were consulted in the preparation of this report.  Members of the public can access <i>The Willoughby Community 2020</i> and <i>Economic Recovery Plans 2020</i> from Council's website.
<b>Resource</b>	This matter does not require additional resources. Actions outlined in this report can be undertaken within current staffing and budgetary resources.
<b>Risk</b>	The level of risk associated with the contents of this report is low, with moderate consequences under Council's <i>Risk Management Framework</i> .
<b>Legal</b>	There are no legal implications associated with this report.
<b>Legislation</b>	This report does not reference any particular legislation.
<b>Budget/Financial</b>	The actions contained in <i>The Willoughby Community 2020</i> and <i>Economic Recovery Plans 2020</i> were delivered within existing capacity and approved 2020/21 operational budget allocations.

## ATTACHMENT 2

**FINAL REPORT – COMMUNITY RECOVERY PLAN 2020 – FINAL PROGRESS OF ACTION PLAN**  
**April 2021**

Strategic Focus	Action	Priority Area	Council's Role	Midterm progress – January 2021	Final progress – April 2021
Health and Wellbeing	Continue to provide COVID-19 information and updates via Council's website and social media platforms	Information and accessibility	Facilitator	<ul style="list-style-type: none"> <li>'COVID-19 Updates' page on Council's website continues to provide up to date information and resources.</li> <li>Regular communication on Northern Beaches COVID-19 outbreak, e.g., Public Health Alerts, access to Council facilities, pop up testing clinic at Willoughby Leisure Centre.</li> </ul>	<ul style="list-style-type: none"> <li>'Community Update on COVID-19' page on Council's website continues to provide up to date information and resources.  <a href="http://www.willoughby.nsw.gov.au/COVID-19">www.willoughby.nsw.gov.au/COVID-19</a></li> <li>Media &amp; Marketing providing support to relevant business units in maintaining up to date COVID-19 information, e.g., mask wearing recommendations; reopening of services and access to Council facilities.</li> <li>Various communications on the reopening of Council facilities and services, e.g., via social media, newsletters and 'What's Happening' on Council's website.</li> </ul>
	Create links to a directory of services to increase access and awareness of local health and wellbeing services	Information and accessibility	Facilitator	<ul style="list-style-type: none"> <li>Produced seven resource factsheets including links to support services available to residents in the Willoughby LGA.</li> <li>Factsheets published on Council's website and circulated to service providers, community representatives and Council newsletters.</li> </ul>	<ul style="list-style-type: none"> <li>Updated 'People with Disability' and 'Older Adult' pages on Council's webpage, including links to services and supports.</li> <li>Distributed essential information from interagency meetings, as well as local health and community programmes, to relevant business units.</li> </ul>



## ATTACHMENT 2

	Develop and implement <i>COVID-Safe Summer Plan</i>	Recreation and leisure	Leadership	<ul style="list-style-type: none"> <li>• <i>COVID-Safe Summer Plan</i> endorsed and implemented from 1 December 2020 to 28 February 2021.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>COVID-Safe Summer Plan</i> actioned at Northbridge Baths on Australia Day 2021.</li> </ul>
	Chatswood Library and community centres operate with COVID-safe protocols	Recreation and leisure	Delivery	<ul style="list-style-type: none"> <li>• All libraries registered as COVID-Safe businesses.</li> <li>• Chatswood Library extended opening hours to Saturday from December 2020.</li> <li>• Branch libraries reopened at a reduced capacity from December 2020.</li> </ul>	<ul style="list-style-type: none"> <li>• Library programs and services resumed with COVID-safe protocols in place, including digital literacy, early literacy, and JP service.</li> <li>• Library opening hours extended, including on Sundays.</li> <li>• Library volunteers returned. Currently 38 volunteers with Chatswood Library.</li> </ul>
	Willoughby Leisure Centre continues to operate with COVID-safe protocols	Recreation and leisure	Delivery	<ul style="list-style-type: none"> <li>• Registered as COVID-Safe business.</li> <li>• Operating at reduced capacity, down by 25%, with reduced opening hours.</li> <li>• Bookings required for Group Fitness classes to maintain the 30 person per class limit. Bookings no longer required for the pool and Healthclub.</li> </ul>	<ul style="list-style-type: none"> <li>• Pool, Gym &amp; Indoor Recreation &amp; Community Centre registered as COVID-Safe businesses.</li> <li>• Opening hours are almost back to normal.</li> <li>• Memberships are down by 21%; however, members are visiting an average of 4 times per week.</li> <li>• Lap swimming has decreased by 23%; however swim school has increased 84%. Aqua, swim classes and squads have almost returned to pre-pandemic numbers.</li> </ul>

## ATTACHMENT 2

	Dougherty Community Centre and At Home with Willoughby services continue with COVID-safe operations	Aged and accessibility	Delivery	<ul style="list-style-type: none"> <li>Registered as COVID-Safe business.</li> <li>Vast majority of At Home with Willoughby services, including Meals on Wheels and Linen Service, have fully resumed in COVID-safe manner.</li> <li>Reduced client numbers attending At Home with Willoughby social programs to ensure physical distancing is maintained.</li> <li>All volunteers briefed on COVID-19 protocols in timely manner.</li> </ul>	<ul style="list-style-type: none"> <li>Dougherty Community Centre and At Home with Willoughby services continue to monitor changes in legislation and implement COVID-safe protocols.</li> <li>Utilisation of the Dougherty Community Centre (Venue Services) returning to pre-pandemic rates.</li> <li>Sector Support for Aged and Disability network meetings moved to online format.</li> <li>At Home with Willoughby Services client numbers have returned to pre-COVID rates.</li> <li>Blend Café reopened to the Public.</li> <li>Dementia Café was relaunched, with 5-10 attendees per month.</li> </ul>
Mental Health	Promote mental health support services, such as Beyond Blue and Headspace, through Council's social media platforms	Information and accessibility	Facilitator	<ul style="list-style-type: none"> <li>NSW Mental Health Commission's #MakingTime campaign and Council's mental health community factsheet promoted on Council's social platforms.</li> <li>Posts regarding mental health added to the social media post schedule.</li> </ul>	<ul style="list-style-type: none"> <li>Regular mental health and wellness information posted on @ChatswoodYouth, including links to Headspace, Reach Out and R U OK?</li> <li>Posts regarding mental health and wellbeing to be published in relation to key dates, such as R U OK? Day and Men's Health Week.</li> </ul>
	Advocate for multilingual mental health support services	CALD persons	Advocate	<ul style="list-style-type: none"> <li>To raise matter at next Lower North Shore Multicultural Network meeting.</li> </ul>	<ul style="list-style-type: none"> <li>Matter discussed at Lower North Shore Multicultural Network meeting on 2 February 2021. The Network agreed to continue sharing resources</li> </ul>

## ATTACHMENT 2

					and to invite relevant services to discuss the matter further.
	Create opportunities for people of all ages to connect in a COVID-safe environment through the provision of community events and activities	Recreation and leisure	Delivery	<ul style="list-style-type: none"> <li>Delivered COVID-Safe events and activities, including Willoughby Symphony Orchestra concerts (early December), Chatswood Family Festival (January), Social Inclusion Week, social group activities at the MOSAIC Centre and Dougherty Community Centre.</li> <li>Further COVID-Safe events planned, including Lunar New Year Festival (February), Iso-Inspo creative project (March), Harmony Week activities (March), Youth Week activities (April)</li> </ul>	<ul style="list-style-type: none"> <li>COVID-Safe events and activities delivered across Council's Units.</li> <li>Willoughby Symphony Orchestra (WSO) staged Christmas Celebration (December), Opera Gala (February), Pocket Opera Marriage of Figaro (March), Next Chapters (May). Concerts filmed and additional material uploaded to the Willoughby Symphony Facebook page for those who could not attend.</li> <li>WSO pop up small ensembles occurring on The Green at The Concourse each Friday.</li> <li>Chatswood Culture Bites festival, including light art installations and projections at The Concourse.</li> <li>Bushland Team conducted 29 bushwalks and outdoor presentations, including to school groups, preschoolers and seniors.</li> <li>Arts Space on The Concourse and Incinerator Art Space delivered exhibitions, including immersive and participatory installations, e.g., Song Tree Project and Shades of Red IV.</li> <li>Dougherty Community Centre delivered COVID-Safe events and activities, including:</li> </ul>

## ATTACHMENT 2

					<ul style="list-style-type: none"> <li>- Willoughby City Council Seniors Festival provided 30 face-to-face and online activities.</li> <li>- Accessible Seniors Gala Concert, with 225 attendees.</li> <li>- Disability Dance, 'Dance to the Nines' moved to online form and will return face to face in June 2021.</li> <li>- Themed Social Lunch Club for Seniors returned bi-monthly, with 80 participants per month.</li> <li>- Tea and Tech workshops for seniors resumed face-to-face as well as online. 80 participants.</li> <li>- Healthy Ageing Webinar by Professor Susan Kurrle, with 160 attendees.</li> <li>- Social Inclusion Week &amp; International Day of People with Disability Art Competition – Connect, Collaborate Celebrate – 36 participants.</li> </ul>
Isolation	Prioritise community grants that increase community engagement and address social isolation	Grants and funding	Leadership	<ul style="list-style-type: none"> <li>• To include section on COVID-19 into the community grants guidelines. Community groups will need to consider their service provision and operations in light of the pandemic.</li> </ul>	<ul style="list-style-type: none"> <li>• Updated application form for Round 1 of 2021/22 Willoughby City Council grants. Applicants must outline how their project contributes to COVID-19 recovery.</li> </ul>
	Facilitate capacity building workshops with the community sector and community led organisations to support their	Service providers and community groups	Facilitator	<ul style="list-style-type: none"> <li>• Established the Lower North Shore General Interagency, including Action Group, to increase collaboration with local service providers and to address social concerns arising from the COVID-19 pandemic.</li> </ul>	<ul style="list-style-type: none"> <li>• Community Development Team chaired two Lower North Shore General Interagency meetings. The next meeting is planned for 30 June. It was agreed at the first meeting that the underlying focus of the</li> </ul>

## ATTACHMENT 2

	planning for the reopening and/or increasing of their services				<p>Interagency will be on mental health and wellbeing. A service in the region is to be presented at each meeting, e.g., Lifeline Harbour 2 Hawkesbury in March; St George Community Housing and Council's affordable housing program in June.</p> <ul style="list-style-type: none"> <li>Lower North Shore Domestic Violence Network collaborated on the religious leaders 'Recognise &amp; Respond' training, a 1-day TAFE course funded by Willoughby City Council.</li> </ul>
	MOSAIC Multicultural Centre continues to offer a mix of COVID-safe and online programs	CALD persons	Delivery	<ul style="list-style-type: none"> <li>Registered as COVID-Safe business</li> <li>Continued to deliver courses, with 60% delivered face to face and 40% online.</li> <li>Four social groups have returned to face to face meetings. Five groups are keeping contacts between group members via phone calls, social media platforms or home visits.</li> <li>A majority of volunteers resumed delivery of classes either online or face to face</li> <li>Online technology learning workshops and a sustainability education workshop delivered.</li> </ul>	<ul style="list-style-type: none"> <li>Registered as COVID-Safe business and introduced QR Code sign-in system.</li> <li>Delivered regular courses, with 70% online and 30% face to face. Face to face courses impacted by room capacities at MOSAIC.</li> <li>Seven social groups have returned face to face, and alternative meeting venues are being explored for two off-site social groups.</li> <li>Technology Program for Seniors and School Holiday Program have returned face to face and are offered for free.</li> <li>Organised guided bushwalks (1 to 2 per month) for various community groups to learn about natural heritage.</li> </ul>

## ATTACHMENT 2

					<ul style="list-style-type: none"> <li>• Most regular volunteers resumed service to deliver either online or face to face activities.</li> <li>• Ongoing technology support for volunteers and students.</li> <li>• Collaborating with Sustainability Unit to deliver webinars on composting and recycling.</li> </ul>
	Promote volunteering opportunities	All	Facilitator	<ul style="list-style-type: none"> <li>• Published advertisements on SEEK Volunteer to recruit volunteers for COVID-19 safe roles (e.g., Bushcare volunteers, Meals on Wheels drivers etc.)</li> <li>• Residents interested in volunteering and whose availability fall outside of Council operating hours referred to The Centre for Volunteering.</li> </ul>	<ul style="list-style-type: none"> <li>• Promotions planned for National Volunteer Week in mid-May, which highlight volunteer roles with Council.</li> <li>• Lower North Shore Volunteer Expo planned for 3 June 2021 at the Dougherty Community Centre.</li> <li>• Volunteering with Bushcare highlighted in Willoughby City News – Autumn 2021</li> </ul>
	Activate NextDoor platform to increase digital communication between WCC and local neighbourhoods	All	Facilitator	<ul style="list-style-type: none"> <li>• Pilot of NextDoor activated, including COVID-19 and Have Your Say related posts.</li> </ul>	<ul style="list-style-type: none"> <li>• 1,920 people registered on NextDoor platform in Willoughby LGA</li> <li>• Continued to post relevant COVID-19 and Have Your Say content, e.g., COVID-19 pop up clinic or certain roads will be closed.</li> <li>• Ongoing evaluation on the effectiveness of NextDoor online engagement platform.</li> </ul>

## ATTACHMENT 2

Impact on Under 35s	Chatswood Youth Centre continues to offer a mix of COVID-safe and online programs	Young people	Deliver	<ul style="list-style-type: none"> <li>Registered as COVID-Safe business</li> <li>Service open for drop-in sessions (12 hours per week). The Youth Centre reached full capacity, receiving up to 40 young people per open afternoon</li> <li>Delivered 2 x 8-week programs at the Youth Centre – Fearless Generations and Basketball Mentoring Program</li> </ul>	<ul style="list-style-type: none"> <li>Chatswood Youth Centre open for drop-in sessions from Wednesday to Friday, 3pm to 6pm. The Centre is at full capacity of young people most weeks, averaging 40 young people each afternoon.</li> <li>Continued online engagement with young people via the Centre's Instagram, @ChatswoodYouth, including wellbeing posts, referral support, local events and Council information</li> </ul>
	Continue to collaborate with youth organisations and local service providers to meet the needs of young people			<ul style="list-style-type: none"> <li>Youth Team piloted the 'Resilience Program' in collaboration with the Youth Services in Schools Network.</li> <li>Youth Team mentoring neighbouring Councils to replicate the Youth Services in School Network in other regions</li> <li>Youth Team collaborated with mental health organisations, including StreetWork, Phoenix House and DAYSS, to deliver workshops including themes of mental health.</li> </ul>	<ul style="list-style-type: none"> <li>Outcomes from the Resilience Program piloted by the Youth Team included increased attendance rates at school, a support network between the participants, increased confidence and decreased stigma and barriers for seeking help.</li> <li>A Youth Strategy for Council (2022 – 2026) is being developed. The Strategy will be developed in consultation with local youth services, organisations, high schools and young people. It will ensure the needs of young people, particularly surrounding the COVID-19 pandemic, are captured across the community.</li> </ul>
	Council to investigate opportunities to employ young people through	Young people and Workforce support	Facilitator	<ul style="list-style-type: none"> <li>People and Culture developing an employee-branding project to attract entry level employees across the board</li> </ul>	<ul style="list-style-type: none"> <li>Expected completion date for the employee branding project is 30 June 2021.</li> </ul>



## ATTACHMENT 2

	traineeships, apprenticeships and graduate programs			<ul style="list-style-type: none"> <li>Youth Team to offer internship/mentoring program to Macquarie University students</li> </ul>	<ul style="list-style-type: none"> <li>Investigation of internship and mentoring program to be continued into next financial year.</li> </ul>
	Provide links and facilitate information about employment rights, workplace opportunities and skills development	Under 35s	Leadership	<ul style="list-style-type: none"> <li>Delivered subsidised first aid training to 20 young people aged 15 to 24. Additional subsidised First Aid, RSA and Barista courses planned for 2021.</li> <li>Planning the formation of an Employment Working Group, including Ryde, Lane Cove, Mosman and North Sydney Council, as well as 11 local youth service, to improve young people's access to employment opportunities and skill building in the Willoughby Area.</li> <li>Youth Team collaborating with Macquarie University to adapt PEER mentoring program for high school students.</li> </ul>	<ul style="list-style-type: none"> <li>Five paid opportunities created for young people to develop the podcast, <i>Mates, Dates &amp; Everything in Between</i>, delivered by the LNS Youth Interagency.</li> <li>Youth Team offered two internships to Macquarie University students; providing young professionals with valuable experience in local government. A relationship with Macquarie University has been established, providing scope to expand an internship program across other Council units.</li> <li>Youth Team established an Employment Working Group, which includes like-minded youth services in the community. First project includes development of a website with information on employment opportunities and skill building specific to the Lower North Shore.</li> <li>Information on employment, career expos and TAFE certificates shared on @ChatswoodYouth.</li> </ul>
	Continue to support local community housing providers and advocate for	All / Under 35s	Facilitator and Advocate	<ul style="list-style-type: none"> <li>Information session on affordable housing and homelessness planned for May 2021</li> </ul>	<ul style="list-style-type: none"> <li>St George Community Housing provided a housing pathways briefing on 21 April and will provide a further</li> </ul>

## ATTACHMENT 2

	further affordable housing in the Willoughby area			<ul style="list-style-type: none"><li>Continuing the delivery of 3 affordable housing projects</li></ul>	<ul style="list-style-type: none"><li>update at the next meeting of the LNS General Interagency on 30 June.</li><li>Planning commenced for the first two WCC affordable housing projects.</li></ul>
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**ATTACHMENT 3 – FINAL REPORT OF ECONOMIC RECOVERY PLAN 2020**

<b>Strategic Focus</b>	<b>Action</b>	<b>Council's Role</b>	<b>Midterm Progress Report – January 2021</b>	<b>Final progress – April 2021</b>
<b>Building Confidence</b>	Publish an Annual Statement of Business Activity in Willoughby showcasing the state of the local economy	Leadership	Annual Statement to be published in July 2021 aligning with the Annual Mayors Business Forum presentation on the state of the local economy using data sources from the Economic Data Dashboard	Annual Statement to be published in July 2021 aligning with the Annual Mayors Business Forum presentation on the state of the local economy using data sources from the Economic Data Dashboard
	Establish an Annual Mayors Business Forum to bring together all the key players in the local economy to report back, discuss, and plan for the following year	Leadership	The first Mayor's Business Forum met on 2 February 2021 with the Annual Forum to take place in July 2021	Annual Forum to take place in July 2021
	Create a Business Toolkit improving access to information on business services such as grants, training, fees, compliance requirements, business information, and research	Leadership	Business Toolkit published on the Council website in addition to Covid-19 specific support for business	Business Toolkit updated and continues to provide up to date information and support for businesses
<b>Business Support</b>	Approve a new Business Support Package to include provisions for the waiving of fees for environmental health inspections, fire safety, footway dining and advertising	Delivery & Leadership	Package approved and implemented by Council on 12 October 2020	Package ended 31 March 2021.
	Create a Buy Local Program to build local supply chains and retain expenditure within the local area	Facilitator	Program created to encourage local purchasing decisions throughout Council and targeting local companies to	Program being implemented to encourage local purchasing decisions and messaging included in all

			replicate. Support local business messaging now included in most council communications and events, including Emerge Festival, Lunar New Year, Park and Pay app launch. Proposals for a Council local preference policy for procurement and direct purchases are being prepared for Council approval.	appropriate council communications
	Provide Rent Relief for council commercial tenants based on reduced levels of trade	Delivery	Rent relief provided to eligible tenants	Rent relief now ended
	Extend the Community Grants scheme to include provision for a Local Business Economic Development Grant	Delivery	Scheme extension subject to approval at April 2021 Council meeting	Council approved extension of the scheme to include an Economic Grant available from July 2021. Also included is the Business Award Scheme
	Introduce 7 Day invoice paying by council for all local businesses	Leadership	Introduced in February 2021	Still being implemented and used as an exemplar to other local businesses
	Establish "Doing Business with Council" training sessions to enable local businesses to be proficient in applying for council contracts	Leadership	A range of areas have been identified with the first sessions taking place soon	First sessions to commence in line with the Business Training Sessions scheme.
	Establish a range of Business Training Sessions for local businesses in the targeted sectors and targeted demographics	Facilitator	A range of areas have been identified, partnering with external training businesses with the first sessions in planning	Discussions continuing with external training businesses to build a suite of training.

<b>Increase CBD Activity</b>	Increase the impact of local events and activities at key locations and extend opening hours	Delivery	Aligning with Covid-19 Health Orders, local events and activities have heavily impacted the ability to organize and increase activities. External funding was received to extend the activities around Lunar New Year at The Concourse	With the current relaxation of restrictions more events and activities are planned under the Culture Bites program.
	Continue to extend and improve the Chatswood Mall Market and increase promotional activities to encourage more stall and greater visitation	Delivery	Market days were extended to Saturdays until 19 December 2020. Occupancy levels consistently above 90% with an average of 3 new stallholder applications each week	Stall occupancy still high with the Market a key attractor into the CBD. Higher levels of CBD visitation during Market days.
	Extend the Chatswood Mall Market fee reduction scheme	Delivery	From 1 October to 31 December the value of the business support was \$137,625.	Scheme ended
	Create a Local Food and Drink promotion campaign focusing on the availability and quality of outlets in Chatswood	Facilitator	Program created to build media and promotional collateral as base for launching a local food and drink campaign	Program commenced and will be further developed

	Examine the provisions for outdoor dining to provide more flexibility for outdoor dining, drinking and seating arrangements	Facilitator	Building on changes made by NSW Government in December to regulations increasing flexibility, areas for more outdoor dining have been identified with a promotional program to eligible businesses commencing in January. The application and approval process has been reviewed and enables quick turnaround times.	Application and approval process improved and additional promotion based around potential sites will continue to extend the range of outdoor dining areas created
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**15.14 TENDER 127867 - CAFE OPERATOR NORTHBRIDGE BOWLING CLUB**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. MAP OF LOCATION</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHAEL CASHIN COMMUNITY LIFE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

**1. PURPOSE OF REPORT**

To advise Council on the outcome of Tender 127867 for a café operator at the former Northbridge Bowling Club and to seek Council's approval for the Chief Executive Officer to be authorised to undertake negotiations with appropriate suppliers for the fit out and operation of the café.

**2. OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Note that Tender 127867 for a cafe operator at the former Northbridge Bowling Club did not receive any tender submissions.**
- 2. Note that inviting fresh tenders is unlikely to result in any tender submissions given the restrictions on the hours of trade under Development Consent 2017/ 361 and the cost to fit out the café space.**
- 3. Cancel Tender 127867 for a Cafe Operator at the former Northbridge Bowling Club as a result of not receiving any submissions. The cancellation of the Tender complies with s178 (3) (a) of the Local Government (General) Regulation 2005.**
- 4. Authorise the Chief Executive Officer to undertake negotiations with appropriate suppliers for the fit out and operation of the café space at the former Northbridge Bowling Club as permitted under s178 (3) (e) of the Local Government (General) Regulation 2005.**
- 5. A report be brought back to Council once a suitable operator has been secured.**

**3. BACKGROUND**

In July 2015 the Northbridge Bowling Club closed voluntarily due to low member numbers. Council resumed care and control of the site at this time.

Development Consent 2017/ 361 was issued in 2018 to upgrade the former clubhouse building as a multipurpose community facility on the ground floor and café on the lower ground floor.



Tender 127867 for a cafe operator on the lower ground floor of the building was issued in March 2021 and closed on 6 May 2021.

This report informs Council of the outcome of the tender and recommends a strategy to ensure a favourable financial outcome for Council for the leasing of the space.

#### 4. DISCUSSION

The clubhouse and grounds are located within the Warners Park precinct at Northbridge as shown in **Attachment 2**.

Council's objective is to activate the Warners Park precinct by maximising the individual components of open space, community gardens, bushland conservation area, community facilities and playgrounds to create a public space for people of all ages to connect and maintain a healthy lifestyle. The inclusion of a café is viewed as an integral place making component to attract the community to the precinct.

The proposed café space comprises approximately 285m<sup>2</sup> of internal floor space on the lower ground floor of the clubhouse with an adjacent external area of 155m<sup>2</sup> dedicated for outdoor dining. The space has been refurbished with new internal linings, toilet facilities and service connections. The fit out of the café's floor coverings, lighting, servery, décor and kitchen was proposed to be completed by the successful licensed operator.

The development consent specifies a seating capacity of a maximum of 80 patrons at any one time due to limited off-street car parking, with capacity for an additional 40 patrons in the outdoor dining area. The development consent stipulates the hours of operation of the café from 7.00am to 5.00pm Monday to Sundays, which eliminates the prospect of evening trade.

In March 2021, Council issued Tender 127867 seeking submissions from proponents to fit out and operate the café on the Lower Ground Floor of the former Bowling Club. The tender was issued via Tenderlink.

Council's marketing team was engaged to ensure promotion of the tender reached a broad section of the target market to increase awareness and create interest in the tender. Promotion of the tender was conducted via a combination of advertising in specialised café and hospitality industry media, local signs and banners, communication of the tender to local networks and café operators and communication with known operators of similar venues.

The tender called for proposals to:

- Establish a progressive, vibrant and thriving atmosphere
- Complement the other uses of the Warners Park to activate the precinct using contemporary place making principles
- Ensure public access to the facilities
- Provide excellent customer service
- Be sympathetic to the environment
- Demonstrate an ability to meet all legislative and Council policy requirements.

The tender closed on 6 May 2021. No submissions were received. Tenderlink records indicate the tender documents were downloaded 31 times.

Subsequent discussions with interested parties indicated the following deterrents to submitting a proposal;

- The cost to fit out of the space
- DA conditions restricting the hours of operation of the Café.

Discussions with interested parties indicate a willingness to negotiate with Council for the fit out and operation of the café space outside of a formal tender process. Based on these discussions, it is believed that a negotiation process is likely to result in a more favourable outcome for Council than re-issuing a tender.

Engaging the services of a specialist commercial agent would be the most appropriate method to assure equitable access for interested operators and ensure the best financial outcome for Council.

In accord with the *Local Government Regulations 2005 (s178)*, it is recommended that Council cancel Tender 127867 and enter into negotiations with suitable operators.

## **5. CONCLUSION**

Tender 127867 for the fit out and operation of the café space at the formern Northbridge Bowling club failed to attract any submissions.

Subsequent enquiries with interested parties identified a number of deterrants that would, in all likelihood, prevent new submssions from being received should a fresh tender be issued.

Officers recommend that Council cancel Tender 127867 and enter into negotiations with suitable operators via the enagement of a specialist commercial agent to assure equitable access for interested parties and to ensure the best financial outcome for Council.

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do.
Business Plan Objectives, Outcomes/ Services	The operation of a Café at the former Northbridge Bowling Club is consistent with Council's Delivery Program 2017-2021.
Policy	This matter relates to Council's <i>Purchasing and Tendering Policy</i> .
Consultation	The tender was advertised in accordance with the provisions in the <i>Local Government Act 1993</i> . Council's marketing team was engaged to ensure promotion of the tender in order to reach a broad section of the target market and to increase awareness and interest in the tender.
Resource	The tender process and administration of this contract will be undertaken within existing resources.
Risk	The level of risk associated with the contents of this report low, with moderate consequences under Council's <i>Risk Management Framework</i> .
Legal Legislation	The tender process has been undertaken in accordance with all <i>Local Government Act</i> requirements.
Budget/Financial	Funding for the works is within approved budgets.

## ATTACHMENT 2



1. Warners Park Community Centre - the lower floor is to be a cafe space with outdoor dining, and the upper floor is for community use.
2. Car park
3. Proposed relocation of community garden
4. Grassed area / overflow car park.
5. Playground
6. Village Green area
7. Passive recreation area
8. Re purpose to accommodate Willoughby Community Men's Shed

## 15.15 PUBLIC EXHIBITION OF THE DRAFT GRANTS AND AWARDS FOR THE COMMUNITY POLICY

ATTACHMENTS:	<ol style="list-style-type: none"><li>1. IMPLICATIONS</li><li>2. DRAFT GRANTS AND AWARDS FOR THE COMMUNITY POLICY</li><li>3. GRANTS AND AWARDS FOR THE COMMUNITY PROCEDURE</li><li>4. HAVE YOUR SAY REPORT</li></ol>
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:	15 JUNE 2021

### 1. PURPOSE OF REPORT

This report presents the outcome of the public exhibition process for Council's consideration and seeks Council's endorsement of the *Grants and Awards for the Community Policy*.

### 2. OFFICER'S RECOMMENDATION

That Council:

1. Endorse the *Grants and Awards for the Community Policy*.
2. Note the *Grants and Awards for the Community Procedure*.
3. Note the *Grants and Awards for the Community Policy* and *Grants and Awards for the Community Procedure* will supersede the previous Council Community Grants policy, procedure and guidelines.
4. Delegate authority to the Chief Executive Officer to make minor amendments to the *Grants and Awards for the Community Policy* which do not alter the intent.

### 3. BACKGROUND

At its meeting of 12 April 2021, Council resolved to place the *Draft Grants and Awards for the Community Policy* and on public exhibition.

This report provides information on the outcome of the public exhibition and seeks Council's endorsement of the *Grants and Awards for the Community Policy* (refer **Attachment 2**), and notes the accompanying *Grants and Awards for the Community Procedure* (refer **Attachment 3**).

#### 4. DISCUSSION

The *Draft Grants and Awards for the Community Policy* was placed on public exhibition via Council's 'Have Your Say' webpage on the 20 April 2021. Public comments were accepted until 17 May 2021.

There were 30 visits to the 'Have Your Say' *Draft Grants and Awards for the Community Policy* page, with two respondents completing the survey associated with the exhibition.

Two respondents provided feedback via the Have Your Say page in relation to the proposed Policy. The two items of feedback are summarised below.

- The two respondents answered 'yes' to the question "Do you support the *Draft Grants and Awards for the Community Policy*?"
- One of these respondents took the opportunity to elaborate on their choice when asked "please explain your response" by saying "They allow creatives a start".

Full details of the Have your Say responses are provided in **Attachment 4** of this report. No changes are proposed to the *Grants and Awards for the Community Policy* or the accompanying *Procedure* based on the feedback received.

It is considered that the revised *Draft Grants and Awards for the Community Policy* provides the overarching position statement for Grants and Awards that assist the delivery of *Our Future Willoughby 2028* priorities and objectives.

#### 5. CONCLUSION

Based on the feedback received, it is proposed that no changes be made and that Council endorse the *Grants and Awards for the Community Policy*, noting the accompanying *Grants and Awards for the Community Procedure*.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	<p>1.2 – Promote sustainable lifestyle</p> <p>2.3 – Celebrate and encourage diversity</p> <p>2.7 – Promote accessible services for the community</p> <p>4.5 – Diversify our economy</p>
<b>Business Plan Objectives, Outcomes / Services</b>	This review of the Small Grants Program and Council Awards has been undertaken as part of Council's business improvement program.
<b>Policy</b>	<p>This policy and supporting procedures replace the following policies:</p> <ul style="list-style-type: none"> <li>• <i>Community Grants Scheme</i></li> <li>• <i>Grants Applications – Members of Staff &amp; Their Families</i></li> </ul>
<b>Consultation</b>	<p>The Draft Policy was placed on public exhibition via the Have Your Say portal for a period of 28 days from 20 April 2021.</p> <p>Feedback was sought and received from the Executive Leadership Team and business units impacted directly by the policy changes i.e. Environment, Performing Arts and Community Culture &amp; Leisure.</p>
<b>Resource</b>	This program will be delivered using existing staff resources.
<b>Risk</b>	The risk associated with this report is low when reviewed against Council's risk management framework.
<b>Legal</b>	The contents of this report ensure Council complies with its legislative obligations relating to the administration of Community Grants.
<b>Legislation</b>	Section 356 of the NSW Local Government Act which relates to financial assistance offered by Council.
<b>Budget/Financial</b>	The recommendations within this report are within the current approved budget and do not expose Council to increased financial liability or obligation.



## ATTACHMENT 2



## Grants and Awards for the Community Policy

DRAFT

<b>Date Adopted / Approved</b>	15 June 2021
<b>Next Review Date</b>	June 2025
<b>Version</b>	Version Number
<b>Responsible Position</b>	Community Life Manager
<b>Administration Reference</b>	ECM reference number: 6222196

## ATTACHMENT 2

## 1. PURPOSE

To provide an overarching framework for awarding and managing Willoughby City Council's Grants and Awards for the Community Program, ensuring recognition and purposeful and effective distribution of funding to not for profit community and sporting organisations, individuals, small businesses, social enterprises and performing arts organisations.

## 2. CITY STRATEGY OUTCOME

Council's 10 year Community Strategic Plan is *Our Future Willoughby 2028* identifies five City outcomes guiding our community's future direction, along with 29 community priorities. This Policy reflects the five outcomes sought by Council's Community Strategic Plan, namely:

1. A City that is green
2. A City that is connected and inclusive
3. A City that is liveable
4. A City that is prosperous and vibrant
5. A City that is effective and accountable

The following priorities align with the Grants and Awards for the Community Program outcome areas:

- 1.2 – Promote sustainable lifestyles and practices
- 2.3 – Celebrate and encourage our diversity
- 2.7 – Promote accessible services for the community
- 4.5 – Diversify our economy including creative and innovative industries

## 3. APPLICATION

This Policy provides a framework for distribution of funds under *The Local Government Act 1993*, Section 356 which aligns with the outcomes of Council's Community Strategic Plan. It also outlines recognition awards provided by Council.

This Policy applies to not for profit community organisations (or groups auspiced by an incorporated group), performing arts groups, individuals, small businesses and social enterprises whom offer services to residents of the Willoughby Local Government Area (LGA) and are seeking funding from Willoughby City Council. Recognition through awards and funding will be prioritised to projects that address outcomes identified in Council's *Community Strategic Plan, Our Future Willoughby 2028*, and future Community Strategic Plans.

## 4. POLICY PRINCIPLES

Willoughby City Council will:

- Enable the provision of funding to eligible applicants to carry out programs that encourage community, cultural and business development and sustainability practices;
- Ensure all grants and awards for the community meet the eligibility criteria;
- Provide a decision making framework for eligible applicants to obtain grants or awards;
- Meet the statutory requirements of the *Local Government Act 1993*.

## ATTACHMENT 2

## 5. POLICY STATEMENT

Willoughby City Council recognises the vital contribution of community groups, performing arts groups, sporting organisations, local businesses and social enterprises in developing and delivering projects and personal efforts that build the social, cultural, economic and environmental life of the Willoughby LGA.

Council administers grants and awards for a diverse range of initiatives and projects that contribute to community, cultural, social, economic, and environmental development. This policy provides an overarching framework for Council's provision of grants and awards for the community.

## 6. COUNCIL FUNCTIONS, ACTIVITIES AND RESPONSIBILITIES

The functions, activities and responsibilities of Willoughby City Council in relation to this policy are outlined below.

<b>Leadership</b>	<ul style="list-style-type: none"> <li>Provision of opportunities for individuals and groups to support community, cultural, social, economic, and environmental development within the City of Willoughby.</li> </ul>
<b>Owner/Custodian</b>	<ul style="list-style-type: none"> <li>Provision of grant funding and in kind support for initiatives which use Council facilities.</li> </ul>
<b>Regulator</b>	<ul style="list-style-type: none"> <li>Ensuring applications for grants follow set procedures and eligibility criteria.</li> <li>Ensure awards follow set procedures and eligibility criteria.</li> <li>Monitor and evaluate the effectiveness and success of grant funding in achieving Council's Community Strategic Plan priorities via the grant acquittal process.</li> </ul>
<b>Information Provider</b>	<ul style="list-style-type: none"> <li>Ensuring information is provided regarding grants and awards.</li> </ul>
<b>Advocacy</b>	<ul style="list-style-type: none"> <li>Encouraging innovative and effective initiatives and programs that address identified gaps in local service provision.</li> <li>Promoting social justice, sustainability and resilience.</li> </ul>
<b>Facilitation</b>	<ul style="list-style-type: none"> <li>Actively seek nominations and applications.</li> <li>Promoting partnerships across the community.</li> <li>Supporting community projects and programs.</li> </ul>
<b>Service Provider</b>	<ul style="list-style-type: none"> <li>Determining the appropriate allocation of funding.</li> <li>Promoting inclusion and diversity.</li> <li>Efficient and effective delivery of the grants and awards program.</li> </ul>

## 7. MONITORING AND REVIEWS

The Community Life Manager is responsible for:

- Developing and reviewing reports on issues arising from the Grants and Awards for the Community Program;
- Ensuring Officers apply the policy and procedure;
- Providing advice in relation to the application of the policy;

## ATTACHMENT 2

- Reporting to Council each year in relation to applications received, expenditure, grant allocation (by category) and types of organisations applying for grants and use of this data to maintain, monitor and suggest improvements to the policy;
- Review of the policy every four years or more frequently as required or if changes to the policy position occur.

DRAFT

## ATTACHMENT 2

*Appendix*

Definitions	
Grants	▪ A non-repayable fund provided by grant makers to a recipient for a defined purpose and outcome.
Awards	▪ Recognition given to an individual or organisation in honour of an achievement or service to the local community.
In kind support	▪ An arrangement where Council forgoes revenue in full, or a percentage, on items which are subject to a fee in Council's Fees and Charges. This may include park hire, venue hire and Council services.
Subsidy	▪ Financial or in kind support to organisations that deliver programs in the interest of the public.

## ATTACHMENT 3



## GRANTS AND AWARDS FOR THE COMMUNITY PROCEDURE

- 1.2 – Promote sustainable lifestyles and practices
- 2.3 – Celebrate and encourage our diversity
- 2.7 – Promote accessible services for the community
- 4.5 – Diversify our economy including creative and innovative industries

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## 1. PURPOSE

To support the *Grants and Awards for the Community Policy* and provide a practical set of procedures for managing Council's Grants and Awards for the Community Program.

Council encourages not for profit community and sporting organisations, individuals, small businesses, social enterprises and performing arts organisations who contribute to community, social and economic development and sustainable practices within the Willoughby Local Government Area (LGA) to apply for funding or recognition awards.

## 2. SCOPE

This procedure has been drafted to support the implementation of Council's *Grants and Awards for the Community Policy* and to provide guidance in regards to Council's Grants and Awards for the Community Program.

## 3. GRANTS AND AWARDS FOR THE COMMUNITY PROGRAM – CATEGORIES & CRITERIA

Council's Grants and Awards for the Community Program includes two categories. The categories and relevant criteria are stated below.

### 3.1 Category 1 – Grants and Awards for the Community

The Grants and Awards for the Community program aligns with Council's *Community Strategic Plan (CSP)*.

Grants are non-recurrent and should not lead to a dependency on Council for on-going support. Applications must have a specific project in mind and it is expected that recipients will make some financial contribution to the overall cost of their project. Council will contribute up to \$7,500 per project.

To be considered for an Australia Day Award and individual, group or their nominee needs to demonstrate a significant contribution to the local community.

To be considered for funding or an Annual Business Award, projects need to demonstrate how they will address one or more of Council's CSP priorities.

#### i) A City that is Green

- Promote sustainable lifestyles and practices.
- Reduce carbon and greenhouse gas emissions.
- Enhance, protect and respect waterways, bushland, nature, wildlife and ecological systems.
- Reduce energy, water, and resource waste and encourage re-use and recycling.
- Deliver community education in relation to any of the above issues.
- Increase skills, capacity and knowledge relevant to sustainable business operations.





ii) **A City that is Connected and Inclusive**

- Assist local organisations to develop inclusive, effective and community-based projects.
- Encourage community participation and celebrates diversity.
- Stimulate partnerships across the community.
- Support and strengthen the sense of identity and social cohesion of local communities.
- Connects people across the community, including transport projects.
- Promotes accessible services, including digital services.

iii) **A City that is Liveable**

- Support activities which contribute to the development of arts and culture in the Willoughby LGA and cultivates participation for all.
- Demonstrate a commitment to the development of local creative skills and cultural pursuits.
- Encourage expressions of the cultural diversity of the Willoughby LGA.
- Deliver new or reinvigorated events within the Willoughby LGA that is of value to the Willoughby community and/or attracts visitors to the City.
- Promote active lifestyles and participation in grassroots sport

NB: Assistance may be requested for athletes to compete at representative level. Applications from individual athletes must be formally endorsed by their sport's governing body or their club to be considered and the individual should demonstrate that they are unable to self-fund.

iv) **A City that is Prosperous and Vibrant**

- Projects by local small businesses, start-ups and social enterprises with a focus on innovation or that have a direct positive impact on the local community.
- Promote local economic activity and employment.
- Undertake research into a new product or process with commercial potential.
- Establish E-commerce platforms.
- Promote Willoughby LGA as a vibrant, creative and artistically diverse community.
- Encourage the implementation and development of innovative arts programs and projects.

v) **A City that is Effective and Accountable**

- Support local community services to meet the needs of a diverse Willoughby community.
- Encourage innovation and effective programs that address identified gaps in local service provision.
- Increase the capacity and skills of the local community.
- Support high quality service delivery.

**3.2 Category 2 - Local Performing Arts Subsidies**

This funding is available to established local performing arts organisations. The program aims to heighten the profile of community performance groups, as well as The Concourse and Zenith Theatre as performing arts facilities.



To be considered for funding, organisations and performances must meet the following criteria:

- Demonstrate value to both the Willoughby community and Willoughby City Council through the provision of high quality live art, entertainment or cultural performances, civic ceremonies, conferences/tradeshows or exhibitions.
- Involve participation and audience from local residents.
- Include local support either financial or in kind.
- Show evidence that the proposed activity is well planned, including a marketing plan to attract the target audience.

Preference is given when organisations/performances:

- Celebrate and encourage our diversity
- Activate local spaces in creative ways
- Respect and celebrate our history and heritage sites
- Promote accessible services for the community

This funding program provides recurrent funding for a time period to be determined, subject to a Memorandum of Understanding (MOU) between Council and the successful applicant.

## 4. ELIGIBILITY

### 4.1 Eligible applicants

- Not for profit, incorporated groups or groups with an auspice by an incorporated body. Profit making organisations may apply for Green or Prosperous & Vibrant Grants or an Annual Business Award.
- Grassroots sporting groups and individual athletes (Liveable Grant only).
- Offer services to residents in the Willoughby LGA.
- Able to demonstrate in their application the ability to successfully deliver the project.
- Able to demonstrate in their application how the project aligns with at least one of Council's CSP priorities.
- Family members of Council staff can apply if they meet all criteria. The relationship is to be noted in the report and the staff member is not to be involved in any assessment of the grant.

### 4.2 Ineligible applicants

- Profit making organisations (except for Green or Prosperous & Vibrant Grants or Annual Business Awards).
- Individuals who have not been endorsed by a recognised body (Liveable Grant only).
- Individuals who were funded in either of the two previous grant rounds (Liveable Grant only).
- Applicants who have failed to comply with previous funding requirements.
- Applicants that are in a position to self-fund their project.
- Applicants with considerable opportunity to access funding from other sources.
- Applicants that are already receiving considerable in kind assistance from Council (e.g., free or discounted venue hire).



- Government departments or agencies (Parents & Citizens groups or similar school based groups will be accepted).
- Organisations with a considerable amount of funds in reserve.
- Council staff can not apply for personal funding under Council programs.

#### 4.3 Ineligible projects

- Projects outside of the Willoughby LGA
- Retrospective projects
- Staff positions that require recurrent funding
- Upgrades to Council owned property
- Payment of public liability insurance
- Major capital works projects (i.e., total project value is more than \$5,000)
- Projects that have been funded by Council for three consecutive years running
- Grassroots sports and individual sports applicants that have received a grant in the past three years

#### 4.4 Incorporation

All groups/organisations applying for grants must be incorporated or have an ABN.

Non-incorporated groups must ask an incorporated organisation to act as their auspice, i.e., apply for and manage the grant on their behalf. The auspice body must hold current public liability insurance of a minimum of \$10 million. If the application is successful, payment will be forwarded to the auspice organisation which will then be responsible for the allocation of the grant money to the project. The auspice organisation will also be responsible for acquitting and reporting on the funded project on completion or prior to the end of the financial year (whichever comes first).

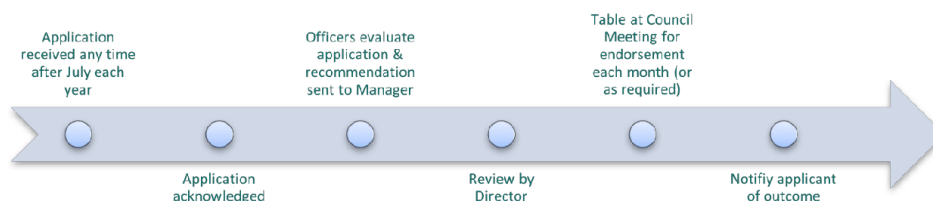
#### 4.5 Public liability

All successful applicants must have current public liability insurance of a minimum of \$10 million. Grants applicants must provide a certificate of current public liability insurance when applying through the SmartyGrants portal. Council officers are required to sight current public liability insurance certificates one week prior to the commencement of grant activities and record the evidence.

### 5. ASSESSMENT & APPROVAL PROCESS

#### 5.1 Grants and Awards for the Community – Not for profit organisations and individuals

The diagram below explains the stages of Council's Grants and Awards for the Community assessment and approval process:



Applicants are required to complete an online application form via SmartyGrants which can be accessed by the public from Council's website. Applications may be submitted at any time with a new budget allocation made available on 1 July each year.

Applications will be assessed by specialist Council Officers against the relevant Community Strategic Priorities and the relevant eligibility criteria as set out in this procedure.

Following this evaluation, recommendations are reviewed by the Community Life Manager and the Community, Culture & Leisure Director.

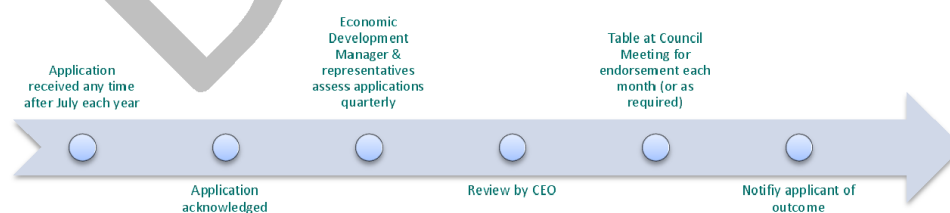
An overview of each project and Officer recommendations will be tabled at Council Meetings each month (or as required) for endorsement. Following Council endorsement, the successful and unsuccessful grants applicants are to be notified.

Applications will be assessed against relevant criteria and will be approved subject to available funds. Council Officers are required to respond to applicants within 60 days of receiving an application.

## 5.2 Grants and Awards for the Community – For profit organisations

Businesses and social enterprises may submit grant applications year round with a new budget allocation made available on 1 July each year. Applicants are required to complete an online application form via SmartyGrants, which can be accessed from Council's website.

Grants will be approved subject to available funds. Council Officers are required to respond to applicants within 60 days of receiving an application.



Applications will be assessed quarterly with input from a small group of external stakeholders (i.e. local business representatives). This is to be coordinated by the Economic Development Manager.



An overview of each project and recommendations will be tabled at Council Meetings for endorsement (as required). Grant applicants will be notified of the outcome following Council Meetings.

### 5.2.1 Annual Australia Day and Business Awards

Council facilitates the following awards:

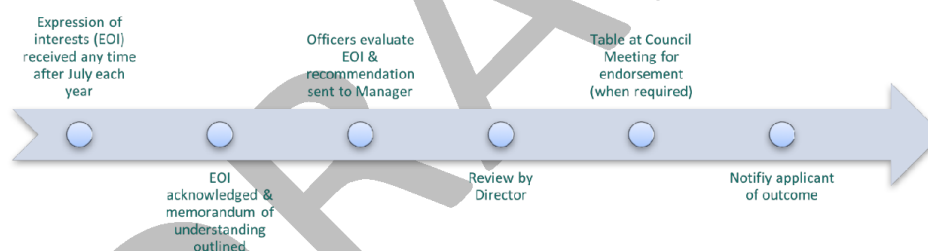
- Australia Day Award – which recognises significant contribution to the local community and are awarded in January.
- Annual Business Award – which recognises significant contribution to local economic development and are awarded in July.

Council will call for nominations prior to these dates and applications will be accepted through the SmartyGrants portal.

### 5.3 Local Performing Arts Subsidies

Local performing arts groups are required to lodge an application via the SmartyGrants online portal. Expressions of Interest (EOI's) can be received all year round and Council Officers are to respond to applications within 60 days.

The assessment and approval process for this funding program is explained below:



Applications will be assessed by Council Officers and recommendations reviewed by the Community Life Manager and the Community, Culture & Leisure Director.

The approved recommendations will be tabled at Council meetings for endorsement (as required). Following relevant Council Meetings, applicants are to be notified of the outcome.

Successful applicants will receive recurrent funding for a time period to be determined, subject to the organisation fulfilling their obligations as agreed. Organisations will need to lodge annual financial reports through the SmartyGrants portal.

### 5.4 Impartiality

The Policy allows family members of Council staff to apply for grants if they meet all criteria. To manage any conflicts of interest and to ensure impartiality, assessors must sign a declaration of interest form stating impartiality (i.e. have no pecuniary interests or direct family connection with any grants applicants). At any stage of the assessment and approval



process, assessors must identify and disclose interests they may have with any of the applicants.

## 6. MONITORING AND REVIEW

Council Officers are required to collect and collate data in relation to applications received, expenditure, grant allocation (by category) and types of organisations applying for grants.

The Community Life Manager will report the above information to Council each year.

This data will in addition be used to maintain, monitor and suggest improvements to the *Grants and Awards for the Community Policy*.

## 7. RELATED LEGISLATION AND DOCUMENTS

This Procedure is related to:

7.1 *Local Government Act 1993 (NSW)*

Willoughby City Council documents:

7.2 *Grants and Awards for the Community Policy*

7.3 *Our Future Willoughby 2028*

## 8. APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Directorate	Community, Culture & Leisure
Owner & Administrator	Community Life Manager
Approval Date	Approved by ----- XX Month 2021
Administration Reference	ECM Doc Set ID: -----
Uploaded to Intranet /Internet	No
Next Review Date	DD/MM/2025

Approval and Amendment History	Details
Original Approval Authority & Date	Adopted by Council 28 November 2005
Amendment Authority and Date	Ratified by Council 10 June 2008 Amended by Council Month 2021



Approval and Review	Details
Notes	<p>This procedure aligns with the Community Grants and Awards for the Community Policy</p> <p>This document consolidates and replaces:</p> <ul style="list-style-type: none"><li>• <i>Community Grants Scheme Policy</i></li><li>• <i>Grants Applications – Members of Staff &amp; Their Families</i></li></ul>

DRAFT



# Project Report

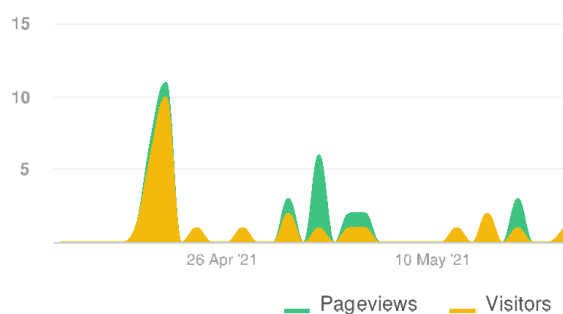
31 July 2010 - 17 May 2021

## Have Your Say Willoughby

### Draft Grants and Awards for the Community Policy



#### Visitors Summary



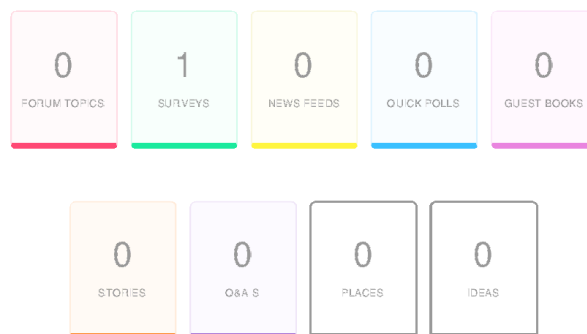
#### Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
30	10	
NEW REGISTRATIONS		
0		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
2	5	27

Aware Participants	27	Engaged Participants	2
Aware Actions Performed	Participants	Engaged Actions Performed	Registered    Unverified    Anonymous
Visited a Project or Tool Page	27		
Informed Participants	5	Contributed on Forums	0    0    0
Informed Actions Performed	Participants	Participated in Surveys	2    0    0
Viewed a video	0	Contributed to Newsfeeds	0    0    0
Viewed a photo	0	Participated in Quick Polls	0    0    0
Downloaded a document	1	Posted on Guestbooks	0    0    0
Visited the Key Dates page	0	Contributed to Stories	0    0    0
Visited an FAQ list Page	0	Asked Questions	0    0    0
Visited Instagram Page	0	Placed Pins on Places	0    0    0
Visited Multiple Project Pages	3	Contributed to Ideas	0    0    0
Contributed to a tool (engaged)	2		

Have Your Say Willoughby : Summary Report for 31 July 2010 to 17 May 2021

## ENGAGEMENT TOOLS SUMMARY



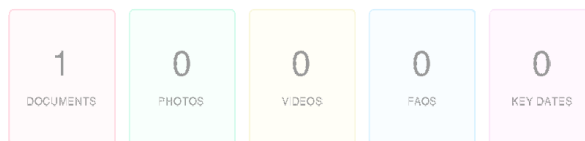
Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Draft Grants and Awards for the Community Survey	Archived	5	2	0	0

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Have Your Say Willoughby : Summary Report for 31 July 2010 to 17 May 2021

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## INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	Draft Grants and Awards for the Community - Policy	1	1
Key Dates	Key Date	0	0

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Have Your Say Willoughby : Summary Report for 31 July 2010 to 17 May 2021

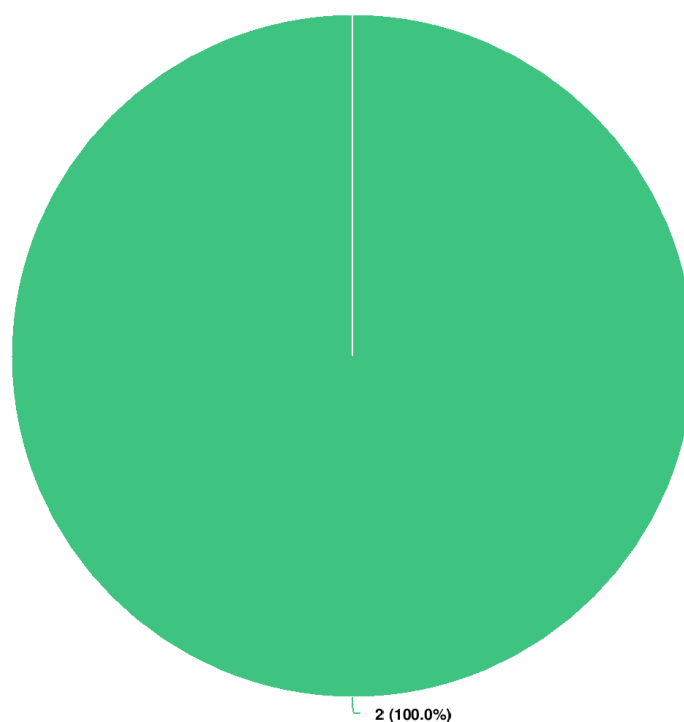
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## ENGAGEMENT TOOL: SURVEY TOOL

### Draft Grants and Awards for the Community Survey

Visitors	5	Contributors	2	CONTRIBUTIONS	2
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Do you support the Draft Grants and Awards for the Community Policy?



#### Question options

☒ Yes

Mandatory Question (2 response(s))

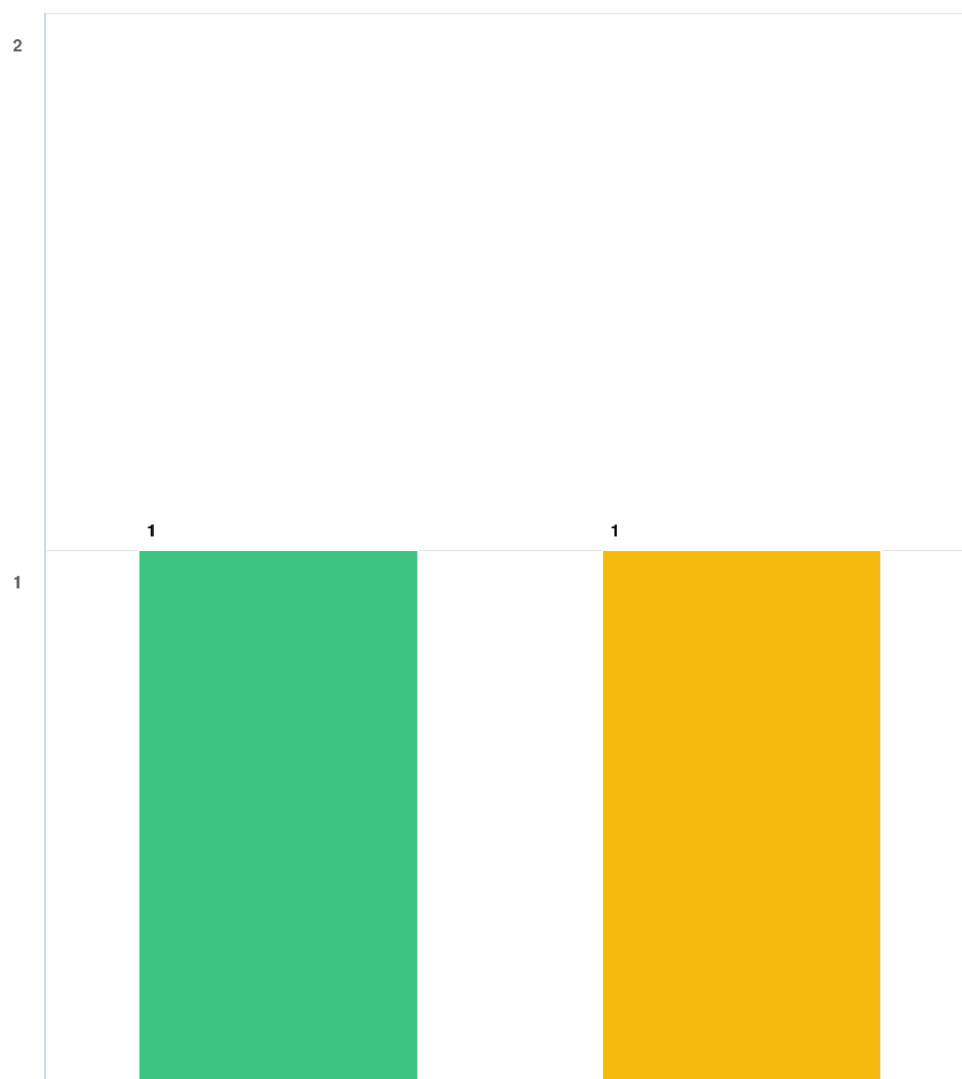
Question type: Radio Button Question

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Have Your Say Willoughby : Summary Report for 31 July 2010 to 17 May 2021

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Please tick one of the following which apply to you



**Question options**

- ☒ I HAVE previously applied for a Willoughby City Council grant
- ☐ I HAVE NOT previously applied for a Willoughby City Council grant

*Optional question (2 response(s), 0 skipped)*

*Question type: Checkbox Question*

## Survey Responses

31 July 2010 - 17 May 2021

Draft Grants and Awards for the  
Community Survey

## Have Your Say Willoughby

Project: Draft Grants and Awards for the Community Policy



VISITORS					
5					
CONTRIBUTORS			RESPONSES		
2			2		
2	0	0	2	0	0
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous



Respondent No: 1

Login: [REDACTED]

Email: [REDACTED]

[REDACTED]

Responded At: May 01, 2021 02:10:37 am

Last Seen: Apr 30, 2021 16:06:48 pm

IP Address: [REDACTED]

Q1. Do you support the Draft Grants and Awards for the Community Policy? Yes

Q2. You can use this space to explain your response. (Optional)

not answered

Q3. Please tell us which parts or sections of the Draft Grants and Awards for the Community Policy you would like changed and why.

not answered

Q4. Please tell us why you do not support the Draft Grants and Awards for the Community Policy.

not answered

Q5. Please tick one of the following which apply to you I HAVE NOT previously applied for a Willoughby City Council grant





Respondent No: 2

Login: Email: 

Responded At: May 04, 2021 14:58:18 pm

Last Seen: May 04, 2021 04:22:02 am

IP Address: 

Q1. Do you support the Draft Grants and Awards for the Community Policy? Yes

Q2. You can use this space to explain your response. (Optional)

They allow creatives a start.

Q3. Please tell us which parts or sections of the Draft Grants and Awards for the Community Policy you would like changed and why.

not answered

Q4. Please tell us why you do not support the Draft Grants and Awards for the Community Policy.

not answered

Q5. Please tick one of the following which apply to you I HAVE previously applied for a Willoughby City Council grant

**15.16 RESPONSE TO HOMELESSNESS IN THE WILLOUGHBY LGA**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. PROTOCOL FOR HOMELESS PEOPLE IN PUBLIC PLACES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>STUART GIBB – COMMUNITY DEVELOPMENT TEAM LEADER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

**1. PURPOSE OF REPORT**

To provide an update on Homelessness in the Willoughby LGA in response to a Notice of Motion from Councillor Saville at the 14 December 2020 Council Meeting.

**2. OFFICER'S RECOMMENDATION**

**That Council receive and note the update on Homelessness in the Willoughby LGA.**

**3. BACKGROUND**

At the meeting of 14 December 2020, Council resolved:

1. *That Council brings back a report by mid-2021 outlining the number of people homeless (including sleeping rough) within the CBD each night.*
2. *Potential actions Council may take to provide support to the homeless locally including local housing opportunities, refugees, and alternative housing options.*

This report presents the numbers of people who are homeless, at risk of becoming homeless or sleeping rough in the Willoughby LGA. The report outlines the range of housing and support services available to homeless persons and clarifies Council's role in addressing homelessness.

**4. DISCUSSION**

The ABS statistical definition of homelessness is as follows.

*"when a person does not have suitable accommodation alternatives they are considered homeless if their current living arrangement:*

- is in a dwelling that is inadequate;*
- has no tenure, or if their initial tenure is short and not extendable; or*
- does not allow them to have control of, and access to space for social relations' (ABS 2012)".*

**Council's Role**

Council's role in homelessness support is limited to monitoring and referral as agreed under the North Sydney/Willoughby Homelessness Coordination Project. The Project is a collaborative interagency response to homelessness and recognises that support is best provided by Specialist Homeless Services funded to address the complex issues that lead to homelessness.

Council promotes the work of local Specialist Homeless Services through our website, social media and as a member of the North Sydney/Willoughby Homelessness Coordination Project. Council officers actively participate in the Northern Sydney Homelessness Outreach Project by monitoring homelessness and making referrals as required.

On referral, homeless persons are able to access immediate support and crisis accommodation to transition into long-term housing. Should persons choose not to engage with support services and remain sleeping rough, Council officers are unable to intervene or move persons on. In this instance, Police and Council officers maintain regular contact with rough sleepers and make further referral as necessary to ensure their wellbeing.

**Protocol for Homeless People in Public Places**

The NSW Government introduced the *Protocol for Homeless People in Public Places* (**Attachment 2**) to help ensure that homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their situation. The Protocol has been endorsed by a number of NSW Government and non-government agencies. All local councils have been advised of the Protocol and are encouraged to use it to guide their response to homeless people in public places.

The aim of the Protocol is to provide a framework for interactions between officials and homeless people in public places. The Protocol acknowledges that, like all other members of the public, homeless people have a right to be in public places and to participate in public events, at the same time respecting the right of local communities to live in a safe and peaceful environment.

**Rough Sleepers in Chatswood CBD**

As one of the Premier's 14 priorities, the State Government committed to reducing street homelessness in NSW by 50 per cent by 2025. This priority ensures people experiencing street homelessness have access to secure emergency and long term housing, placing them in a better position to improve their health and wellbeing, and their educational and economic outcomes.

In order to track progress on this commitment, an annual street count of rough sleepers is coordinated by the Department of Communities and Justice across NSW. In 2020, 1314 people were identified as sleeping rough across the 79 Local Government Areas that participated, with **three (3)** identified in the Willoughby LGA. Of those three people counted in 2020, two were still sleeping rough in Chatswood and included in the 2021 count, with one taking up an offer of temporary housing in mid-2020.

In 2021, our local street count was conducted on Tuesday 16 February. Representatives from Chatswood Police, St George Community Housing, the state funded social housing provider for the Willoughby LGA, and Willoughby Council officers participated in the count.

The street count was carried out between 10pm - midnight and covered the following areas:

- Chatswood Mall
- The Interchange
- Spring St
- Archer St
- Albert Ave
- Thomas Lane
- Victoria Ave
- Westfield carparks
- Currey Park
- War Memorial Park
- Chatswood Oval
- Beauchamp Park.

The following observations were made:

- **Five people** (four male and one female) were observed sleeping rough in three locations.
- Four of the Five people were known to and in ongoing contact with local housing providers.
- Two of the camp sites had been in situ for more than 12 months.

Of the five people counted:

- One person had permanent housing in North Sydney.
- One person had been offered temporary accommodation but had declined.
- One person has the resources to secure their own housing but chooses to sleep rough.
- One person is a foreign national and is ineligible for housing assistance.
- One person's housing status was unknown.

The national ABS census scheduled for August 2021, will capture information in relation to homelessness including couch surfing. Results of the census in relation to homelessness can be reported to Council once the data is available.

### **Ongoing Support for Rough Sleepers**

St George Community Housing and Mission Australia work together to make contact with each person identified as sleeping rough in the Willoughby LGA, as part of the Northern Sydney Homelessness Outreach Program. These agencies are resourced to provide support and temporary housing to rough sleepers with the objective of transitioning them into appropriate permanent accommodation. Council participates in the Outreach Program Working Group. Any rough sleepers identified in the LGA are referred to these lead agencies for action. Police also participate in the outreach program and patrol the CBD at night to identify the location of persons sleeping rough and refer them to support services.

Compared to other LGA's, the number of rough sleepers in Willoughby are low. Good systems are in place to support homeless people into more appropriate housing if they want alternative accommodation. Reforms to homelessness systems under the *NSW Homelessness Strategy 2018–2023* have improved access to services and increased the supply of crisis accommodation for person's experiencing homelessness. Crisis accommodation funding for up to 28 days is available for all eligible persons experiencing homelessness.

A number of accommodation services are located on the lower North Shore which specialise in Youth and Family violence crisis accommodation. In addition, homelessness providers have access to a network of short term supported accommodation placements which are supplemented by hotels and serviced apartments during periods of higher demand.

**Homelessness in the Chatswood CBD**

Due to proximity to public transport and the high volume of foot traffic, Victoria Ave mall and Chatswood Interchange are seen as relatively lucrative places to solicit money and therefore attract a wide range of beggars. Many of these people however are not rough sleepers or homeless. Rather they set up in the mall during the day and return to their accommodation each night.

**Support for People Experiencing Homelessness**

Mission Australia's Northern Sydney Homelessness Support Service (Lower North Shore and Northern Beaches) supports single men, single women, and families who are at imminent risk of, or experiencing, homelessness. They offer specialist support to women and children experiencing domestic and family violence, as well as people experiencing alcohol and other drug issues, mental health issues and/or other complex needs. The service operates across the Northern Sydney district including the Mosman, Pittwater, Lane Cove, Manly, Warringah, Willoughby and North Sydney LGAs.

As part of this service Mission Australia has responsibility for contacting anyone identified as a rough sleeper in the Northern Sydney region and offering them assistance to secure temporary accommodation in collaboration with local housing providers.

**Social Housing**

St George Community Housing manage 1400 social housing properties across Willoughby, Lane Cove and Hunters Hill LGA's. In Willoughby LGA, according to the 2016 census, 482 households reported living in social housing with the majority of those being in Artarmon (186), Chatswood (99) and Naremburn (54).

**Empty Housing Levy**

While some Australian councils have explored an 'empty housing levy', Officers were unable to find evidence that it has been implemented.

**5. CONCLUSION**

By comparison to other Local Government Areas in Sydney, the number of rough sleepers and people at risk of homelessness in the Willoughby LGA is low. There are significant resources in place including specialist housing and support services to provide temporary, priority and long term housing for those requiring access to these services in the Willoughby LGA. These services are provided by skilled, trained officers and by agencies for whom specialist homelessness support is a core function.

Council's primary role in this area is to promote existing support services and provide information and education, as well as participation in the Northern Sydney Homelessness Outreach working group, as agreed under the North Sydney/Willoughby Homelessness Coordination Project.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.2 – Demonstrate leadership and advocacy for local priorities
<b>Business Plan Objectives, Outcomes / Services</b>	The information contained in this report is consistent with the Business Plan objectives of the Community Life Business Unit.
<b>Policy</b>	This report references Council's <i>Affordable Housing Program</i> which relates to Council's <i>Affordable Housing Policy</i> .
<b>Consultation</b>	Information provided by local community housing providers such as St George Community Housing were used in the development of this report.
<b>Resource</b>	Council's response to this issue uses existing staff resources and there is no additional resourcing required as a result of the report.
<b>Risk</b>	As well as the real risks to individuals who are experiencing homelessness. Council may be exposed to a low level of reputational risk if the community were to view homelessness as a significant issue and deemed Council's response was inadequate.
<b>Legal</b>	There are no legal ramifications for Council applicable to this report.
<b>Legislation</b>	<p>There are no legislative ramifications for Council associated with this report.</p> <p>The information contained in this report is consistent with the <i>NSW Homelessness Strategy 2018–2023</i> and the <i>Protocol for Homeless People in Public Places</i>.</p>
<b>Budget/Financial</b>	There are no budget or financial implications associated with this report.



**Family &  
Community Services**  
Housing NSW

## Protocol for Homeless People in Public Places

### Guidelines for Implementation

May 2013





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## 1 Background

Homeless people are marginalised within the community and experience barriers to participation in social, recreational, cultural and economic life. There are particular issues faced by homeless people who use public spaces to sleep, store their personal belongings and gather together.

The NSW Government introduced the *Protocol for Homeless People in Public Places* (the Protocol) to help ensure that homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their situation. The Protocol aims to assist homeless people to receive services if they need, or request them. It is an important element in the NSW Government's strategy for responding effectively to homelessness.

The Protocol has been endorsed by a number of NSW Government organisations who are responsible for public places, come into contact with homeless people and/or provide services to them. Many non-government organisations also support the Protocol. All local councils have been advised of the Protocol and are encouraged to use it to guide their response to homeless people in public places.

Current signatories to the Protocol are:

- Housing NSW
- Community Services
- Department of Premier and Cabinet
- NSW Police Force
- Office of Environment and Heritage
- NSW Health
- RailCorp
- State Transit Authority of NSW
- Sydney Harbour Foreshore Authority
- Sydney Olympic Park Authority
- Aboriginal Affairs
- Ambulance Service of NSW

The aim of the *Guidelines for Implementation* (the Guidelines) is to assist government organisations to implement the Protocol. Implementation is expected to be consistent with current legislation and each organisation's policies and procedures. Many organisations already abide by its principles.

## 2 The Protocol for homeless people in public places

The aim of the Protocol is to provide a framework for interactions between officials and homeless people in public places. The Protocol acknowledges that, like all other members of the public, homeless people have a right to be in public places and to participate in public events, at the same time respecting the right of local communities to live in a safe and peaceful environment. The Protocol states that homeless people should not be approached unless:

- they request assistance
- they appear to be distressed or in need of assistance
- an official seeks to engage with the person for the purpose of information exchange or provision of a service
- their behaviour threatens their safety or the safety and security of people around them
- their behaviour is likely to result in damage to property or have a negative impact on natural and cultural conservation of environment, including cultural heritage, water pollution and fire risks
- they are sheltering in circumstances that place their or others' health and safety at risk (e.g. staying in derelict buildings, high risk areas)
- they are a child who appears to be under the age of 16 (see section 6.3)
- they are a young person who appears to be 16 to 17 years old who may be at risk of significant harm (see section 6.3)
- they are a child or young person who is in the care of the Director-General of the Department of Family and Community Services or the parental responsibility of the Minister for Family and Community Services (see section 6.3).

The Protocol is attached at **Appendix A**.

The Protocol includes guidance on what officials should do if they encounter people who appear to be homeless and some underlying principles regarding the rights and responsibilities of homeless people, other members of the public and officials.

The term 'officials' refers to members of staff employed by government organisations. Organisations will need to consider whether any contractors or volunteers who may come into contact with homeless people should be covered by the Protocol or whether they should refer situations involving homeless people to a member of staff. It is recommended that contracted security staff who come into contact with the public should be made familiar with the Protocol and encouraged to abide by its principles.

Under the Protocol, officials should give homeless people contact telephone numbers of local organisations which may be able to help them or contact a service on their behalf, for example by contacting the Homeless Persons' Information Centre or the Housing NSW After Hours Temporary Accommodation line (numbers listed on pages 13 and 14), if the homeless person requires or asks for it. This should be done when and where it is appropriate and practical.

### 2.1 Homelessness definition

The most common homelessness definition identifies three types of homelessness: primary, secondary and tertiary<sup>1</sup>. For the purpose of the Protocol, the primary homelessness definition is most relevant, whereby *'a person lives on the street, sleeps in parks, squats in derelict buildings, or uses cars or railway carriages for temporary shelter'*.

Government organisations should use their own discretion to identify whether a person may be homeless or not.

<sup>1</sup> Chamberlain, C., & Mackenzie, D. (1992) Understanding Contemporary Homelessness: Issues of Definition and Meaning. *Australian Journal of Social Issues*, 27(4), 274-297.

### 3 Application of the Protocol

The Protocol applies to homeless people in public places such as parks and outdoor spaces ordinarily accessible to the public. It does not apply to private property or property which is not accessible to the general public.

### 4 Legal status of the Protocol

The Protocol is an agreement by government organisations to respond appropriately to homeless people who are in public places and acting lawfully. The Protocol does not override existing laws, statutory requirements or regulations. It does not reduce the powers of organisations or their authority to enforce specific laws and regulations.

The Protocol encourages officials to take the Protocol and the homeless individual's circumstance into consideration when enforcing laws and regulations and to use discretion as is appropriate under their own policies and procedures. This discretion should take account of the complex needs of homeless people, including mental health issues, drug and alcohol misuse and cognitive impairment.

### 5 Implementation of the Protocol

Each government organisation covered by the Protocol will be responsible for deciding how it will be implemented within its own business and resources. It is acknowledged that policy and operational issues affecting the implementation of the Protocol will vary across each organisation. Implementation of the Protocol will require organisations to:

- identify a person to have responsibility within the organisation for overseeing the implementation of the Protocol
- identify the types of public places within the organisation's jurisdiction where the Protocol will apply
- determine any specific issues that may be relevant in particular geographic locations
- communicate the requirements of the Protocol to officials and explain these in the context of the organisation's own policies, procedures and regulations
- provide officials with access to relevant local contact telephone numbers where appropriate, and use the contact numbers listed in the Protocol
- if applicable, devise an organisation-specific Protocol document based on the NSW Protocol
- conduct internal monitoring/review of the Protocol as well as participate in a formal review of the Protocol every two years (See Section 8).

For signatories, the Protocol and Guidelines for Implementation should be provided to all relevant staff. It would also be good to include information about the Protocol in induction training for new staff, when development training for existing staff as well as to contractors and volunteers.

To facilitate this training, Housing NSW has created a Protocol Training Package which includes a *Facilitator Guide* and *Participant Guide*. This is available to other government organisations and Housing NSW can also provide guidance on including the Protocol in staff training programs.

#### 5.1 Complaints

Complaints regarding the Protocol should be dealt with under each government organisation's existing policies and procedures.

## 6 Responding to homeless people in public places

### 6.1 Information about services for homeless people

Government organisations implementing the Protocol are not required to coordinate or provide services for homeless people. If homeless people request assistance, officials should put them in touch with local services, or pass on contact details to the homeless person.

The Protocol contains a list of useful contact numbers for both local and state-wide telephone services. This includes:

- In greater metropolitan Sydney and the Central Coast, a telephone number is available for homeless people to contact the Homeless Persons' Information Centre for information, advice and referral. In these areas, this is the telephone number which officials should give to homeless people.
- There are also a number of state-wide telephone services for specific issues (such as domestic violence, child protection, homeless young people, homeless Aboriginal people, etc), which may be given out as required.

In addition, many areas have local services for homeless people; officials should give contact details of such services as requested by homeless people.

If a homeless person is in need of medical treatment or NSW Police Force assistance, officials should respond in the same way as they would for any other member of the public requiring such assistance.

### 6.2 Appropriate responses to homeless people

Each government organisation implementing the Protocol has different roles, responsibilities and locations of service provision. Organisations will come into contact with homeless people who present with differing needs and circumstances. Each organisation will be responsible for providing its own individual response to homeless people according to its policies and procedures.

Government organisations are encouraged to consider training staff in the identification of distress or mental health issues through courses such as Mental Health First Aid. Such training may improve the capacity of officials to respond appropriately to the needs of homeless individuals.

### 6.3 Appropriate responses to children and young people

A majority (55%) of homeless people in NSW in 2006 were in the younger age groups. 18% were teenagers aged 12 to 18, while 11% were children under 12 who were with one or both parents<sup>2</sup>.

In NSW, any person in the community who believes that a child or young person may be at risk of significant harm can make a report to the Child Protection Helpline on **132 111**<sup>3</sup>. Any person can also report the homelessness of a child under 16 years<sup>4</sup> to the Child Protection Helpline and that of a young person aged 16 to 17 years with their consent<sup>5</sup>.

Specific legal and policy requirements apply when staff in the course of their work, respond to children and young people who may be homeless. Reporting requirements depend on the child/young person's age, whether they are in out-of-home care and whether they are at risk of significant harm.

Reporting requirements are contained in the *Children and Young Persons (Care and Protection) Act 1998*. In addition, many organisations provide policy directives to their staff that specify their reporting obligations in particular employment contexts.

<sup>2</sup> Chamberlain C & MacKenzie D 2009. Counting the homeless 2006. Cat. No. HOU 213. Canberra: AIHW

<sup>3</sup> Refer to section 24 of the *Children and Young Persons (Care and Protection) Act 1998*

<sup>4</sup> Refer to section 120 of the *Children and Young Persons (Care and Protection) Act 1998*

<sup>5</sup> Refer to section 121 of the *Children and Young Persons (Care and Protection) Act 1998*

All staff should be familiar with their reporting requirements and other information related to the safety, welfare and wellbeing of children and young people. Relevant information can be accessed via <http://www.keepthemsafe.nsw.gov.au/home>. This includes mandatory reporting requirements.

Mandatory reporters are legally required to report a child under 16 years of age who may be at risk of significant harm to the Child Protection Helpline<sup>6</sup>. They may also report a young person 16 to 17 years of age if they are concerned the young person is at risk of significant harm. Mandatory reporters should always use the online Mandatory Reporter Guide to decide whether to make a report to the Child Protection Helpline whenever they are concerned about a child or young person. It is readily accessible from the Keep Them Safe website: <http://sdm.community.nsw.gov.au/mrg/app/summary.page>

The contact number for the Child Protection Helpline for mandatory reporters is **133 627**.

Mandatory reporters in NSW Health, the NSW Police Force, Department of Education and Communities, and the Department of Family and Community Services can also contact their Child Wellbeing Unit for advice and guidance about whether to make a report, or what other support may be needed to assist a child/young person or their family.

Any person (including staff from Housing NSW or youth refuges) who provides residential accommodation and has reasonable grounds to suspect that a child under 16 years of age is living away from home without parental permission, should inform the Child Protection Helpline of the child's whereabouts<sup>7</sup>.

A mandatory reporter should not make a report to the Child Protection Helpline about a young person aged 16 to 17 years who is homeless without their consent<sup>8</sup>. If the young person is unwilling to give consent, it may be more appropriate to refer him/her to another support service or offer other assistance. No consent is required to report a child under 16 years of age who is homeless.

A mandatory reporter should inform the Child Protection Helpline of a child or young person in the care of the Director General of the Department of Family and Community Services or under the parental responsibility of the Minister for Family and Community Services, who is homeless.

#### 6.4 Appropriate responses to Aboriginal people

Aboriginal people are over-represented in the homeless population. In 2009/2010, 18% of Specialist Homelessness Services clients in NSW were Aboriginal or Torres Strait Islander, which is disproportionate to the Indigenous population's size in NSW of 2.2%<sup>9</sup>.

Aboriginal people's connection and sense of belonging to country is an integral part of their cultural identity. This traditional connection to country supersedes contemporary land tenure and boundaries. Therefore the 'public' and 'private' land distinctions are viewed differently by Aboriginal people compared to non-Aboriginal people. Public places have often been gathering places for Aboriginal people.

Past and current indicators demonstrate that Aboriginal people are the most disadvantaged sector in the NSW population, including over-representation in the criminal justice and child protection systems. This over-representation has been attributed to past government assimilation and removal policies, dispossession of land and historical and ongoing discrimination. As a result of past policies and practices and the current levels of disadvantage, some Aboriginal people may have a negative perception of government and their officials.

This perception may lead to hostility towards officials approaching them in public places. A culturally respectful approach can assist with building more positive relationships and prevent behaviours that may cause problems in public spaces.

<sup>6</sup> Refer to section 27 of the *Children and Young Persons (Care and Protection) Act 1998*

<sup>7</sup> Refer to section 122 of the *Children and Young Persons (Care and Protection) Act 1998*

<sup>8</sup> Refer to section 120 of the *Children and Young Persons (Care and Protection) Act 1998*

<sup>9</sup> AIHW 2011. Government-funded specialist homelessness services: SAAP National Data Collection annual report 2009-10: Australia. Cat. no. HOU 246. Canberra: AIHW.

Government organisations should promote staff participation in Aboriginal cultural awareness training and, in turn, empower their staff to create culturally respectful approaches to assist with this process.

In addition, the involvement of Aboriginal workers and Aboriginal specific services in Protocol implementation may assist with relationship building between officials and homeless people and resolving any issues that are creating problems.

### 6.5 Appropriate responses to people of different cultural, linguistic, or religious backgrounds

NSW is the most culturally diverse state in Australia. People from around 200 birthplaces have made the state their home; in addition, nearly a quarter of the population speak a language other than English at home<sup>10</sup>. In 2009/10, 17.2% of all Specialist Homelessness Services clients in NSW were born overseas<sup>11</sup>.

People who are new arrivals to Australia – particularly those who come as refugees or asylum seekers – can be at risk of homelessness because of their low incomes, their potentially limited abilities with the English language and relatively weak community ties.

People with different cultural backgrounds and/or with experiences of different political systems may also lack trust in officials who engage with them in public places. It is important that officials respect that people of different cultural, linguistic, or religious backgrounds may have different priorities, values, beliefs and customs. In most cases better understanding can be reached by asking the person questions about their circumstances.

Officials should use interpreter services to assist with understanding the circumstances of the homeless person and referring people to relevant services as required.

### 6.6 Recognising the complex needs of people who are homeless

**People who experience chronic homelessness are more likely to have a range of complex needs. They may have one or more of the following: cognitive impairment, traumatic brain injury, serious physical health problems, history of abuse or trauma, mental illness, mental disorder, psychiatric disability or addictions.**

It is estimated that up to three quarters of the homeless population in some areas have a significant mental illness<sup>12</sup>. The reasons for this are complex. For some people it is the experience of having a severe mental disorder, such as psychotic illnesses, which is a major contributing factor to their homelessness. For others, drug and alcohol abuse, social isolation and mental disorders can be consequences, as well as causes, of homelessness.

Experiencing past or current trauma is an important factor that contributes to homelessness. People experiencing homelessness report a disproportionate level of victimisation, including repeated experiences of childhood abuse, domestic and family violence, rape, physical and sexual assault, and robbery<sup>13</sup>. A new episode of violence or abuse can trigger someone to leave their accommodation and become homeless again. However, being homeless carries a high risk of violence that can exacerbate mental disorders and further entrench a cycle of moving between temporary accommodation, sleeping rough and hospitalisation.

Officials approaching homeless people in public places should recognise the impact that these issues may be having on the person's behaviour. The Protocol encourages a non-discriminatory response and, if possible, a referral of that person to services with relevant expertise. This response is particularly important when the official considers that the person is at risk of harming themselves or other people.

<sup>10</sup> Australian Bureau of Statistics, 2006 Census of Population and Housing, New South Wales

<sup>11</sup> AIHW 2011. Government-funded specialist homelessness services: SAAP National Data Collection annual report 2009-10: Australia. Cat. no. HOU 246. Canberra: AIHW.

<sup>12</sup> Cycles of Homelessness *AHURI Research Bulletin*, Issue 39, March 2004.

<sup>13</sup> Robinson (2010), *Rough Living Surviving Violence & Homelessness*, PIAC and UTS Shopfront.



## 7 Use of the Protocol during major events

The Protocol should be applied during large scale events in NSW to minimise disruptions to homeless people who are living in the declared areas during these events. Previous events where the Protocol has been used include World Youth Day, Asia-Pacific Economic Coordination (APEC) and the Olympics.

During such events, it is important that agencies encourage adherence to the Protocol by all security staff.

## 8 Monitoring and review of the Protocol

Government organisations are responsible for monitoring the implementation of the Protocol within their organisation. Any feedback regarding the Protocol which requires further action will be handled directly by the organisation involved. Should Housing NSW receive information about areas or organisations where the Protocol is not being followed, contact will be made with the organisation to discuss the issues for non-adherence to the Protocol, and, if required, agree on actions to address the issues.

There is also opportunity for local councils, non-government organisations, and homeless people (through homeless people's organisations such as StreetCare) to provide advocacy and operational feedback on the implementation of the Protocol and its effects on homeless people and the service system. Feedback should be provided directly to the signatory government organisation involved and to Housing NSW as the lead Government organisation for homelessness.

The Protocol will be reviewed formally every two years from the date of publication, October 2012. The review will be managed by Housing NSW which will:

- seek feedback from signatory government organisations on:
  - actions taken to implement the Protocol
  - any issues arising and suggestions for amendments
  - any positive changes occurring as a result of implementation of the Protocol in the organisation.
- seek feedback from the peak non-government homelessness organisations on:
  - implementation of the Protocol
  - effects on homeless people and the service system
  - any issues arising and suggestions for amendments.
- seek feedback from homeless people through a consultation mechanism on:
  - their views on the extent of implementation of the Protocol and how the Protocol has affected them
  - any issues arising and suggestions for amendments.

## 9 More information

Housing NSW is the lead government organisation for the Protocol and will be coordinating information on the implementation of the Protocol. For more information, please contact the Housing NSW Homelessness Policy and Programs Unit via the Housing NSW website, [www.housing.nsw.gov.au](http://www.housing.nsw.gov.au).

## Appendix A

### What is the Protocol?

The NSW Government introduced the Protocol to help ensure that homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homeless status. The Protocol also aims to assist homeless people to receive services if they need or request them. It is an important element in the Government's strategy for responding effectively to homelessness.

#### The Protocol

A homeless person is not to be approached unless:

- they request assistance
- they appear to be distressed or in need of assistance
- an official seeks to engage with the person for the purpose of information exchange or provision of a service
- their behaviour threatens their safety or the safety and security of people around them
- their behaviour is likely to result in damage to property or have a negative impact on natural and cultural conservation of environment, including cultural heritage, water pollution and fire risks
- they are sheltering in circumstances that place their or others' health and safety at risk (for example, staying in derelict buildings, high risk areas)
- they are a child who appears to be under the age of 16
- they are a young person who appears to be 16 to 17 years old who may be at risk of significant harm
- they are a child or young person who is in the care of the Director-General of the Department of Family and Community Services or the parental responsibility of the Minister for Family and Community Services.

The Protocol does not prevent organisations from taking appropriate action where health or safety is at risk or a breach of the peace or unlawful behaviour has occurred.

If homeless people require assistance, officials can:

- involve appropriate services directly
- provide advice or information on available services
- provide a contact point that the homeless person can either call or go to for further advice or help.

### Underlying principles of the Protocol

The Protocol is based on the following principles:

- Homeless people have the same entitlement as any member of the public to:
  - be in public places, at the same time respecting the right of local communities to live in a safe and peaceful environment
  - participate in public activities or events, and
  - carry with them and store their own belongings.
- Organisations that work in areas where their responsibilities are likely to bring them into contact with homeless people will receive sufficient information to enable them to assist homeless people if required, or help homeless people make contact with appropriate services.

- Homeless people have diverse backgrounds and needs. These should be considered in any response:
  - Cultural sensitivity and respect should be applied when engaging with Aboriginal homeless people and those from different cultural, linguistic or religious backgrounds
  - Many homeless people have complex needs such as mental health and/or drug and alcohol issues, or cognitive impairment. These issues may result in behaviour that is seen to be antisocial
  - Homeless people may have experienced other issues that affect their needs. For example, they may have experienced domestic violence or left custody or statutory care, or they may be asylum seeking refugees with no contacts in the community
  - The Protocol does not override existing laws, statutory requirements or regulations. It does not reduce the powers of organisations or their authority to enforce specific laws and regulations.
- Homeless people have the same access to a right of reply and appeals/complaints mechanisms as all members of the public.

### Where the Protocol applies

The Protocol applies only to public places such as parks and outdoor spaces ordinarily accessible to the public. It does not apply to private property, or property which is not generally accessible to the public.

### Protocol for Homeless People in Public Places October 2012

The following government organisations with an operational presence in public places or who provide a service to assist homeless people have endorsed the Protocol:

- Housing NSW
- Community Services
- Department of Premier and Cabinet
- NSW Police Force
- Office of Environment and Heritage
- NSW Health
- RailCorp
- State Transit Authority of NSW
- Sydney Harbour Foreshore Authority
- Sydney Olympic Park Authority
- Aboriginal Affairs
- Ambulance Service of NSW

Each of the above organisations will implement the Protocol within its own business and will determine how it should be used by all relevant staff, including contract staff such as security officers. Organisations will deal with complaints about the application of the Protocol through their existing complaints mechanism.

Local councils have been advised of the Protocol to inform their responses.

### Review of the Protocol

This Protocol will be reviewed every two years from the date of its publication, October 2012.

**For further information contact:**

Manager, Homelessness Policy and Programs  
Housing NSW  
Locked Bag 4001  
ASHFIELD BC 1800

or go to the Housing NSW website at [www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)

**Useful contact numbers****Homeless Persons Information Centre**

**1800 234 566** (toll free) or **02 9265 9081** (in Sydney)  
(7 days, 9am – 10pm, closed each day between 1pm – 2pm)

This is a telephone information and referral service for crisis accommodation for people aged over 18 years who are homeless or at risk of homelessness.

**Housing NSW After Hours Temporary Accommodation Line**

**1800 152 152** (free call)  
(4.30pm – 10pm Monday to Friday  
10am – 10pm weekends and public holidays)

This state-wide telephone service provides temporary accommodation for homeless people outside normal Housing NSW office hours. Clients are offered accommodation for a limited number of nights and are asked to visit a local Housing NSW office the next working day to make arrangements for more suitable longer-term accommodation.

**LawAccess NSW**

**1300 888 529**  
(9am – 5pm Monday to Friday, excluding public holidays)

This state-wide telephone service provides free legal information, referrals and, in some cases, advice to people in NSW who have a legal problem.

**Aboriginal Legal Service (NSW/ACT) Limited**

**02 8303 6600** (Redfern – Zone Office)  
(8.30am – 5.30pm Monday to Friday)

This service assists Aboriginal people and Torres Strait Islander people with representation in court, advice and information, and referral to further support services.

**Centrelink Indigenous Phone Service**

**136 380**  
(8am – 5pm Monday to Friday)

This state-wide telephone service is for Indigenous Australians living in regional and remote areas who would like advice on Centrelink payments and services.

**Centrelink Employment Services and Job Network**

**132 850**  
(8am – 5pm Monday to Friday)

This state-wide telephone service assists individuals with their Centrelink payments. This line can also be used to book an appointment with the nearest Centrelink social worker.

**State-wide services available 24 hours, 7 days**

**Child Protection Helpline**      - general community 132 111  
    - mandatory reporters 133 627

This telephone service, staffed by professionally qualified caseworkers, is available for reporting suspected abuse, neglect or risk of significant harm of children and young people.

The Mandatory Reporter Guide can be accessed via <http://sdm.community.nsw.gov.au/mrg/app/summary.page>.

The NSW Government's *Keep Them Safe*: a shared approach to child and wellbeing action plan can be accessed via <http://www.keepthemsafe.nsw.gov.au/home>

**Domestic Violence Line**

**1800 656 463** (free call)

**1800 671 442** (TTY)

This telephone service provides counselling, information and referrals for those experiencing domestic violence.

**Lifeline**

**131 114**

This telephone counselling service takes calls from people needing emotional support and provides services in suicide prevention, crisis support and mental health support.

**NSW Rape Crisis Centre**

**1800 424 017** (free call)

This telephone and online service provides crisis counselling, support and referral for anyone who has experienced sexual violence.

**Salvo Care Line**

**1300 36 36 22** (Regional NSW)

**02 8736 3292** (Sydney metropolitan)

This telephone service is staffed by trained counsellors available to listen, assist and provide referrals for people facing a crisis in their lives.

**YConnect Line (young people)**

**1800 424 830**

**02 9318 1531** (Sydney metropolitan)

This telephone service provides access to services, accommodation or referral for young people who are homeless or at risk of homelessness.

**Alcohol and Drug Information Service**

**02 9361 8000** (Sydney metropolitan)

**1800 422 599** (outside Sydney)

This telephone service provides information, referral, crisis counselling and advice about alcohol and illegal drugs.

**NSW Mental Health Line**

**1800 011 511**

This telephone service is staffed by mental health professionals and provides mental health information and referral services.

Department of Family & Community Services  
Housing NSW  
Locked Bag 4001  
Ashfield BC 1800  
[www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)

## 16 NOTICES OF MOTION

### 16.1 NOTICE OF RESCISSION MOTION 01/2021 - PLANNING PROPOSAL - 44-52 ANDERSON STREET, CHATSWOOD

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: 15 JUNE 2021

#### 1. PURPOSE OF REPORT

Councillors Saville, Rozos and Coppock have indicated their intention to move the following Notice of Motion.

#### 2. MOTION

That Council:

1. Pursuant to notice, rescind the following resolution of Council, made on 10 May 2021, relating to Item 15.10: Planning Proposal – 44-52 Anderson Street, Chatswood:

*“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:*

- a) *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.”*

- b) *To amend Clause 6.8 (2) to include “Area 3 or Area 8 or Area 9” on the Special Provisions Area Map.*

- c) *To amend Clause 6.10 “Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings” in part to the following:*



**6.10 Minimum lot sizes for attached dwellings, dual occupancies, secondary dwellings, multi dwelling housing, residential flat buildings and Shop top housing.**

**(1) The objectives of this clause are:**

- (a) to achieve planned residential density in certain zones by:**
  - (i) enabling development sites to be of sufficient size to provide adequate area for drainage, landscaping, and separation between buildings for privacy and solar and vehicular access, and**
  - (ii) reducing the instances of isolated lots being left with reduced development potential.**
- (b) to increase the efficiency and safety of the road network by minimising the number of driveway crossings.**

**(2) Development consent may be granted to development for a purpose shown in Column 1 of the Table to this subclause on a lot in a zone shown in Column 2 of that Table opposite that purpose, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of that Table.**

Column 1	Column 2	Column 3
Shop top housing	B4 Mixed use	1,200 square metres

**The remainder of this clause is unchanged.**

- d) To amend Clause 6.23 (2) to include “Area 8” or “Area 12” on the Special Provisions Area Map.**
- e) To add Clause 6.24 as follows:**

**“6.24 Minimum commercial floor space within the Mixed Use zone**

**Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 8 on the Special Provisions Area Map.”**
- f) To amend the Land Zoning Map (Sheet LZN\_004) for 44-52 Anderson Street, Chatswood, to B4 Mixed Use.**
- g) To amend the Height of Buildings Map (Sheet HOB\_004) for 44-52 Anderson Street, Chatswood, to 90 metres.**
- h) To amend the Floor Space Ratio Map (Sheet FSR\_004) for 44-52 Anderson Street, Chatswood, to 6:1 (including affordable housing).**
- i) To amend the Special Provisions Area Map (Sheet SPA\_004) to show 44-52 Anderson Street, Chatswood, as Area 8.**

- j) *To amend the Active Street Frontages Map (Sheet ASF\_004) to include 44-52 Anderson Street, Chatswood, to include the Anderson Street, O'Brien Street and Day Street frontages.*
  - k) *To amend the Lot Size Map (Sheet LSZ\_004) to include 44-52 Anderson Street, Chatswood, with a minimum lot size of 2,500sq metres.*
- 2. *Subject to 1. above, endorse for public exhibition the Planning Proposal as amended, with the accompanying draft site specific Development Control Plan provisions.*
- 3. *Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:*
  - a) *To proceed as recommended.*
  - b) *To not proceed with the Planning Proposal.*
- 4. *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.*
- 5. *Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which do not alter the policy intent.*

## 17 CONFIDENTIAL MATTERS

### 17.1 CONFIDENTIAL - LEGAL MATTERS REPORT - JUNE 2021

ATTACHMENTS:	1. IMPLICATIONS 2. LEGAL SERVICES 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:	15 JUNE 2021

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#### 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 - PROPERTY LEASE PORTFOLIO**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. ARREARS REPORT 3. TENANCIES LOCATION PLANS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TERRY CARROLL – STRATEGIC PROPERTY OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>15 JUNE 2021</b>

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**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.

## **18 QUESTIONS WITH NOTICE**

### **18.1 QUESTION ON NOTICE FROM COUNCILLOR SAVILLE - 07/2021 - TALUS RESERVE**

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

**AUTHOR:** MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR

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

**MEETING DATE:** 15 JUNE 2021

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It is noted that NSTA has occupied the tennis facilities at Talus Reserve under a lease granted by council in December 2000, and they have been under a 'tenancy at will' since expiration of the lease in 2018.

#### **1 Did council sign any documents for the 'tenancy at will'?**

A Confidential Council Report from a Council meeting on 23 April 2018, noted that Council should enter into a temporary twelve-month licence agreement with Northern Suburbs Tennis Association as an interim measure pending a ruling on the Aboriginal Land Claim that had been lodged on the site. Such a measure would give Council the flexibility to deal with any Court ruling. At this stage no formal agreement has been entered into due to further legal advice and there is still the 'tenancy at will' in place with the Northern Suburbs Tennis Association.

#### **2 What is the nature of 'tenancy at will', and what are its terms and conditions?**

A tenancy at will can occur where there is express or implied consent to remain on the premises understanding that permission to remain on the property may be withdrawn by either landlord or tenant at any time. If in the event that a landlord withdraws permission, then reasonable notice must be given.

**18.2 QUESTION ON NOTICE FROM COUNCILLOR SAVILLE - 08/2021 -  
ARTIFICIAL TURF NORTHBRIDGE OVAL**

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

**AUTHOR:** JULIE WHITFIELD – OPEN SPACE COORDINATOR

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

**MEETING DATE:** 15 JUNE 2021

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- 1. What were the total construction and installation costs to council for the first installation of artificial turf at Northbridge oval? And the second installation?**

Installation of the synthetic turf and new floodlights at Northbridge Oval was undertaken in the 2010/11 financial year at a cost of \$1.3M. Renewal of the synthetic surface was undertaken in 2018/19 financial year at a cost of \$867,000.

- 2. What was the anticipated lifespan for the first installation of artificial turf at Northbridge? Was there a guarantee?**

The anticipated lifespan was approximately 10 years.  
There was an 8-year warranty for material, installation and performance under normal use of approved activities.

- 3. What was the actual lifespan of the artificial turf?**

The actual lifespan was 8 years.

- 4. What were the costs to council to remove, and replace the artificial turf at Northbridge?**

The renewal of the synthetic surfacing was undertaken in 2018/19 at a cost of \$867,000, which included removal of the old synthetic turf and installation of the new turf.

- 5. Did council seek compensation for reduced lifespan of the first artificial turf installation?**

The replacement was outside of the warranty period.

**6. Where was the artificial turf used at ovals within WCC produced, i.e. countries of origin?**

Country of origin production:

- Northbridge Oval, 1<sup>st</sup> synthetic surface- FieldTurf DURASPINE PRO 70 - manufactured in America
- Northbridge Oval, 2<sup>nd</sup> surface- CC Grass PRT Vmax60 – manufactured in China
- Thomson Park Oval- LigaTurf RS+260 COOLplus – manufactured in Australia
- Chatswood High School Oval- LigaTurf Hybrid 50 – manufactured in Australia
- Gore Hill Oval – LigaTurf HB260 – manufactured in Australia

**7. What proportion of the artificial turf recycled and what were the total costs of disposal of the artificial turf to Council?**

There were no disposal costs for the used synthetic turf at Northbridge Oval. The turf was collected by sporting clubs and other interested parties for re-use.

**8. Where /which waste facility accepted the disposed turf?**

No used turf was sent to a waste facility.

**9. To what extent have council's procurement and sustainability policies influenced decision making regarding purchase of artificial turf?**

A major factor in selecting the successful tender for the replacement synthetic surface at Northbridge Oval was that the synthetic grass was 100% recyclable.

**10. To what extent has council undertaken specific environmental monitoring and recording for sites where artificial turf has been installed? Has specific monitoring been undertaken e.g. daily temperature records, fungal and bacteria counts, regular downstream water quality monitoring?**

Council's synthetic sportsgrounds are maintained on a fortnightly basis and receive a deep clean 3 times per year. Council has contracted Sydney Water to monitor and test the waterway health throughout the LGA. The results are published in the annual Water Quality Report Card (available on Council website).

**11. Have there been any reports to council of injuries sustained by users from contact with artificial turf within WCC? If so, how many?**

To date, Council has not received any reports / claims of injuries sustained by users of synthetic sportsgrounds.



## **19 CONCLUSION OF THE MEETING**