



28 – 32 and 34 - 40 DEVONSHIRE STREET CHATSWOOD

PLAN OF MANAGEMENT

Adopted by Council: 26 June 2023

Document status	Document date
Draft	November 2022
Adopted	June 2023

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1. INTRODUCTION

1a. Land to which the Plan Applies

This Plan applies to community land located at Nos 28-32 and 34-40 Devonshire Street, Chatswood. Refer to Figures 1 and 2 below for land boundaries and location.



Fig. 1. 28 – 32 and 34 – 40 Devonshire Street Chatswood. Source – Willoughby Council GIS Mapping

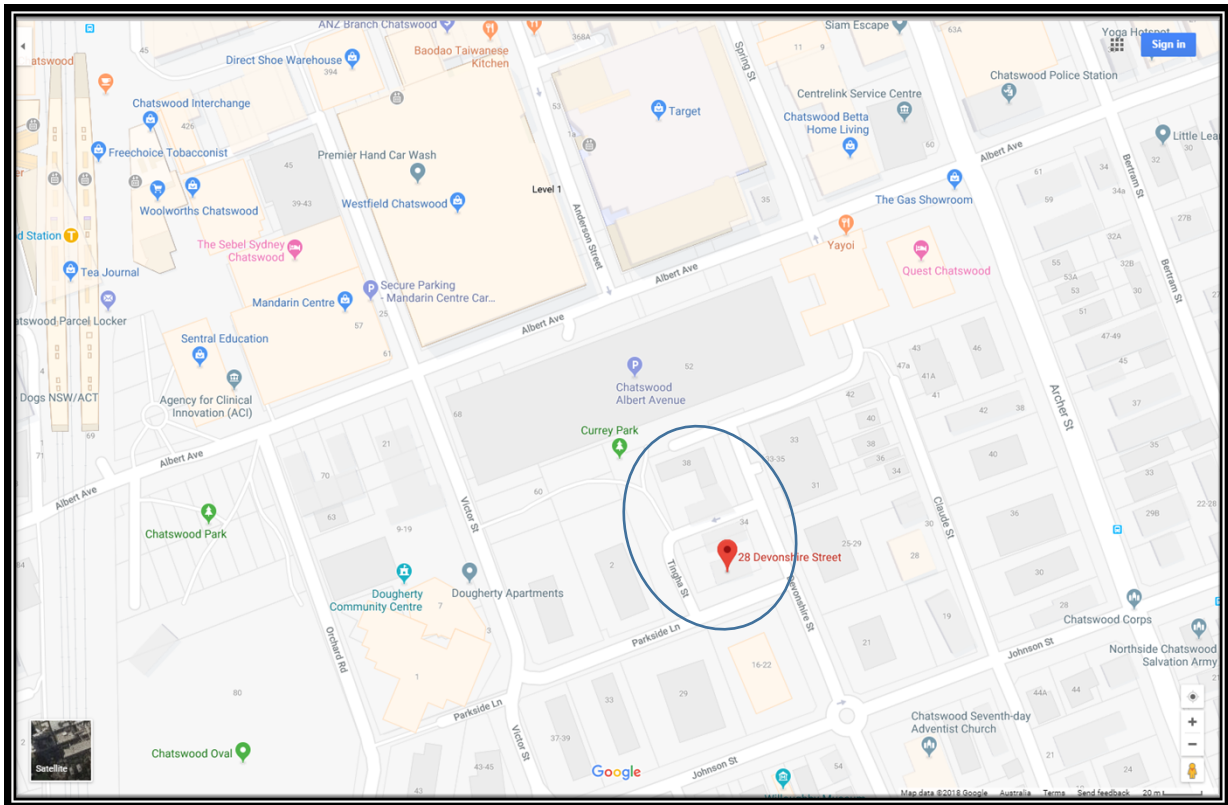


Fig 2. 28-32 and 34–40 Devonshire Street Chatswood. Source Google Maps.

1b. Background to the Plan of Management

The sites are not currently under an adopted Plan of Management. Reference to the sites is made under the *Plan of Management Chatswood Parks Central Business District*, adopted 28 April 1997. However, that Plan of Management does not provide for express authorisation of leases and licences relevant to 28-32 and 34-40 Devonshire Street.

1c. Purpose of the Plan of Management

This Plan of Management seeks to specifically address the parcels of land located at 28-32 and 34-40 Devonshire Street Chatswood in accordance with the Local Government Act 1993.

1d. Relevant legislation

Legislation which applies to the land in this Plan of Management is:

- Disability Discrimination Act 1992
- Local Government Act 1993, which requires all community land to be subject to a Plan of Management ('the Act')
- Local Government (General) Regulation 2005
- Environmental Planning and Assessment Act 1979
- Native Title Act 1993

1e. Willoughby Planning Context

This Plan of Management relates to the key strategic directions of the Community Strategic Plan *OUR FUTURE WILLOUGHBY 2032*:

Outcome 2 - A City that is connected, inclusive and resilient- specifically:

2.3 Celebrate and encourage our diversity.

2.5 Create neighbourhoods that connect people from all types of households and families.

2.7 Promote accessible services and facilities for the community.

2.8 Increase community resilience to shocks and stresses.

Outcome 3 - A City that is liveable – specifically:

3.1 Foster feelings of inclusion, safety and cleanliness.

3.4 Create desirable places to be and enjoy.

3.5 Balance population growth and development with quality of life.

3.6 Activate local spaces in creative ways.

Outcome 5 – A City that is effective and accountable – specifically:

5.1 Be honest a, transparent and accountable in all that we do.

5.4 Anticipate and respond to changing community and customer needs.

5.6 Ensure value for money and financial sustainability

5.7 Deliver excellent customer service

The site is Zoned B4 – Mixed Use under Willoughby LEP 2012. Community Facilities are listed as permissible uses under the B4 Zoning.

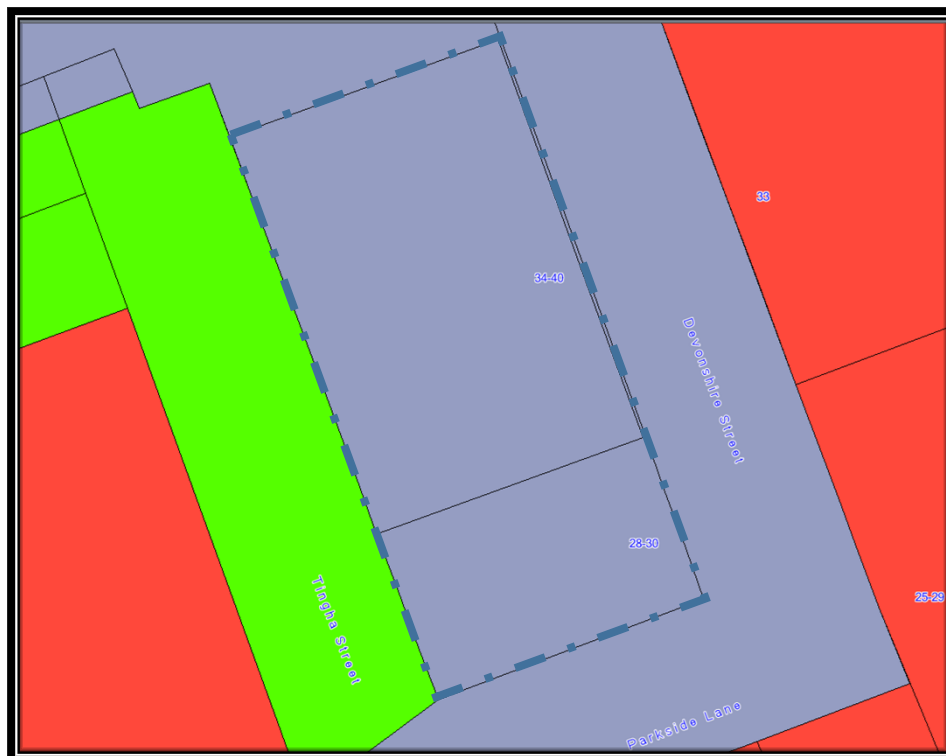


Fig. 3. Land zoning under WLEP 2011 Zone B4. Source – Willoughby Council GIS Mapping.

2. DESCRIPTION OF THE LAND

2a. Land ownership and tenure

Nos. 28-32 and 34-40 Devonshire Street Chatswood are owned in Fee Simple by Willoughby City Council.

The land parcels that comprise the subject land are:

Address	Lot & DP	Classification	Land Area	Ownership
28-30 Devonshire St	Lot 100 DP 31186308	Community land	774.2 m ²	Willoughby City Council
34-40 Devonshire St	Lot 1 DP 1003934	Community Land	1913.2 m ²	Willoughby City Council

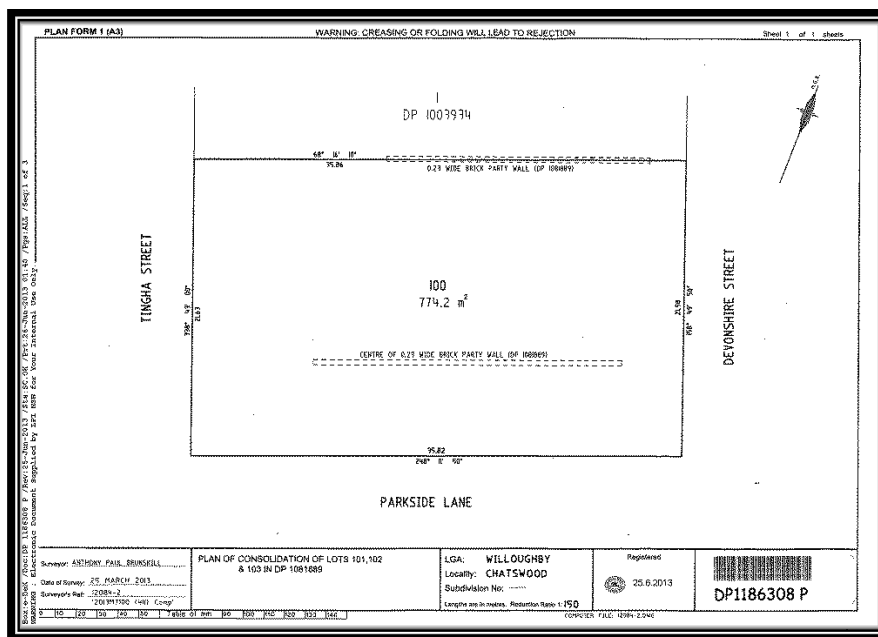


Fig. 4. Boundary Survey of Lot 100 DP 1186308. Source – Willoughby Council GIS Mapping.

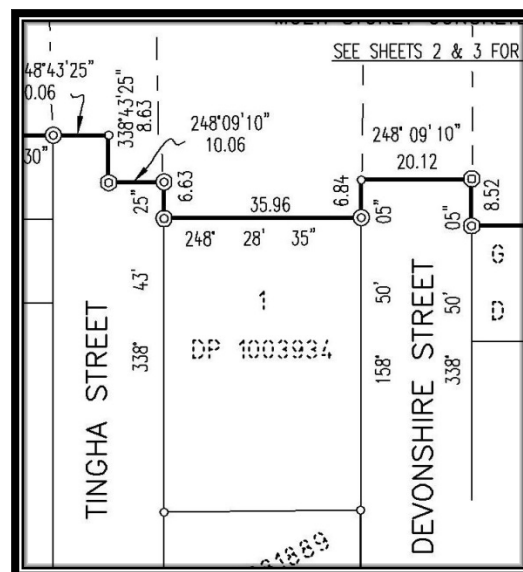


Fig. 5. Boundary Survey of Lot 1 DP 1003934. Source – Willoughby Council GIS Mapping.

2b. Physical description

The sites are bounded by Devonshire Street, to the east, Parkside Lane to the south and Tingha Street (unformed road) to the west.

28-32 Devonshire Street contains 3 semi-detached buildings. A community garden and carpark are located in the rear of the property. Fig. 6 and Photos 1 – 5 below indicate the condition of the land and improvements

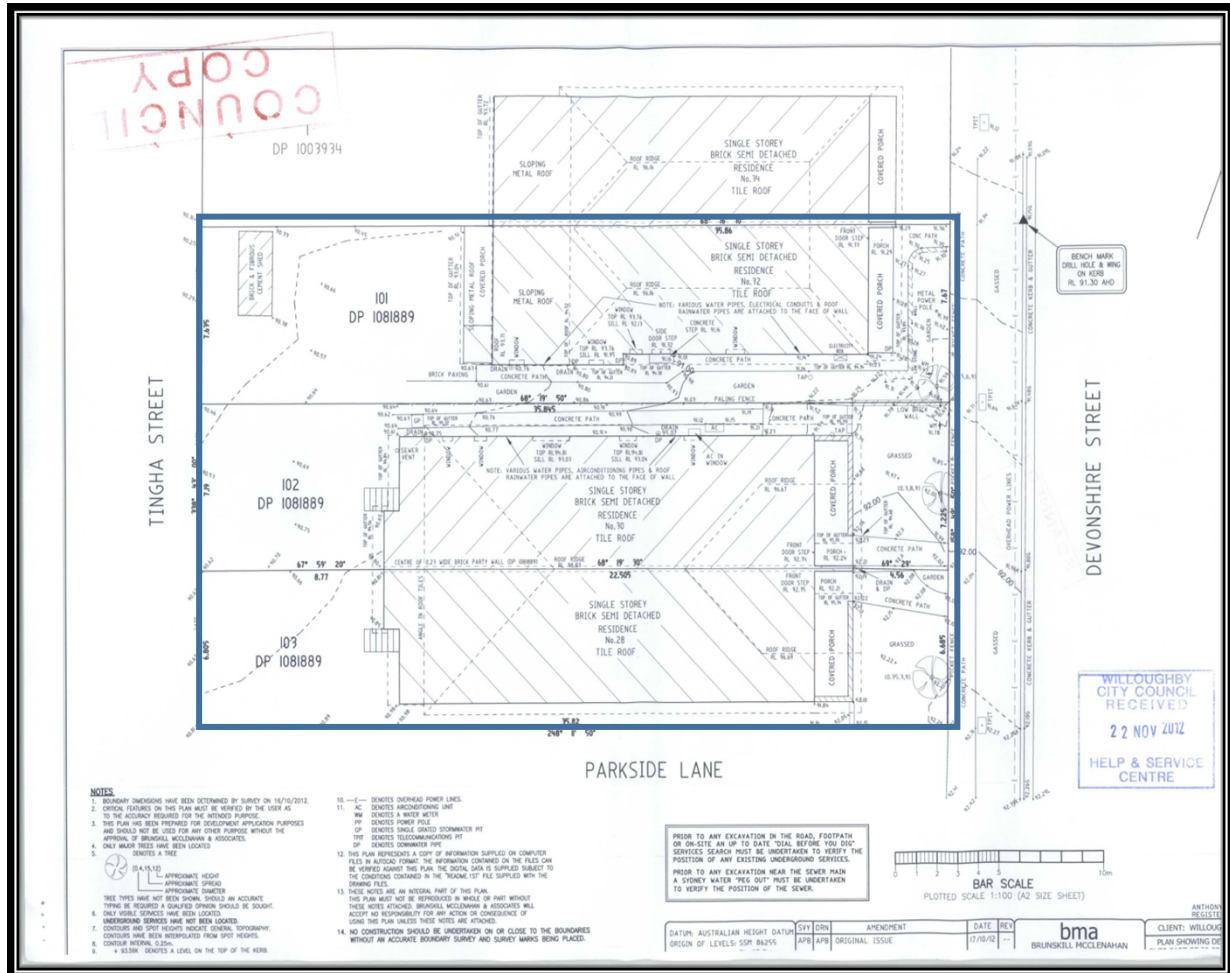


Fig.6. Site Survey showing improvements to the land. (Note: Lots 101, 102 and 103 now consolidated into Lot 100 DP 1186308 as indicated in Fig. 4 above). Source – Willoughby Council GIS Mapping.



Photo1 – Numbers 28, 30 and 32 Devonshire Street frontages from Devonshire Street.



Photo 2 – Rear of 32 Devonshire Street with community garden



Photo 3 – Rear of 28-30 Devonshire Street.



Photo 4 – Rear of 28 Devonshire Street.



Photo 5 – Side of 28 Devonshire Street from Park Street

34-40 Devonshire Street contains one semi-detached building and a child care centre. Photos 6-12 below indicate the condition of the land and improvements.



Photo 6 – 40 Devonshire Street from Devonshire Street frontage



Photo 7 – 34 and 40 Devonshire Street from Devonshire Street frontage



Photo 8 – 34 Devonshire Street from Devonshire Street frontage



Photo 9 – 34 and 40 Devonshire Street from Tingha Street frontage



Photo 10 – 40 Devonshire Street southern elevation



Photo 11 – 40 Devonshire Street from Tingha Street



Photo 12– 40 Devonshire Street northern elevation

2c. Uses of the land

The buildings on 28-32 Devonshire Street are used for the operation of community services, currently housing Headspace run by New Horizons Limited, a not for profit organisation. A community garden is located in the rear of the property.

The semi-detached building at 34 Devonshire Street currently houses Council sustainability activities and a community garden.

The building at 40 Devonshire Street accommodates a Willoughby City Council operated childcare centre.

3. ISSUES PERTINENT TO THE LAND

The buildings at 28-34 Devonshire Street are solid former residential cottages and serve the purpose of the current operations. The location close to the main Chatswood CDB is also a positive benefit.

The buildings on the site at 36-40 Devonshire Street are purpose built to service their use as a childcare centre.

In view of land values and the cost of constructing new facilities, the ongoing use and maintenance of these premises is considered to be of benefit to the community. Retention, maintenance and renewal of the buildings will allow Council to provide affordable accommodation for community, health and support services.

The express provision of leases and licences relating to the provision of community, health, and childcare services on the land by organisations and Willoughby Council is therefore supported within this Plan of Management.

4. THE CLASSIFICATION AND CATEGORISATION OF THE LAND

4a. Classification of the land

The land is public land classified as *Community Land* under Section 36 of the Local Government Act 1993.

4b. Categorisation of the land

Section 36 (4) of the Act requires that the land be further categorised into uses appropriate to the uses intended for the land.

(4) For the purposes of this section, land is to be categorised as one or more of the following:

- (a) a natural area,
- (b) a sportsground,
- (c) a park,
- (d) an area of cultural significance,
- (e) general community use.

(5) Land that is categorised as a natural area is to be further categorised as one or more of the following:

- (a) bushland,

- (b) wetland,
- (c) escarpment,
- (d) watercourse,
- (e) foreshore,
- (f) a category prescribed by the regulations.

Clause 106 of the Local Government (General) Regulation 2005 provides guidance for the categorisation of Community Land:

106 Guidelines for categorisation of land as general community use

Land should be categorised as general community use under section 36 (4) of the Act if the land:

- (a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and*
- (b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance.*

Based on the definitions provided, it is considered that the most appropriate Category for the subject sites is **General Community Use**.

5. BASIS FOR MANAGEMENT

5a. Core objectives

Clause 36I of the Local Government Act 2003 sets out the core objectives for the management of community land categorised as General Community Use, which apply to this land as follows:

36I Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

5b. Condition and permitted uses of the land

28-32 Devonshire Street

Buildings/ improvements	Condition	Permitted Use	Further development permitted
3 semi-detached buildings	Good condition, maintained regularly.	Provision of community and health services by organisations and Council	Maintenance and renewal only
Community garden	Good condition	Community garden	Maintenance & renewal only.
External hard and soft landscaped areas	Good condition	Servicing the uses of the site including car parking	Maintenance & renewal only.

Table 1. Condition of the land and existing improvements, permitted uses of the land as required under CI 36 (3A) (a) (i) (ii) (b) (i), (ii), (iii) of the Local Government Act

34-40 Devonshire Street

Buildings/ improvements	Condition	Permitted Use	Further development permitted
1 semi-detached building	Good condition, maintained regularly.	Provision of community and health services by organisations and Council	Maintenance and renewal of existing only
1 Purpose built Childcare Centre	Good condition	Childcare centre (commercial and not-for-profit permitted)	Maintenance & renewal of existing only.
External hard and soft landscaped areas	Good condition	Servicing the uses of the site including car parking	Maintenance & renewal only.

Table 2. Condition of the land and existing improvements, permitted uses of the land as required under CI 36 (3A) (a) (i) (ii) (b) (i), (ii), (iii) of the Local Government Act

5c. Leases, licences or other estates

The provision of leases, licences or other estates for the purposes of provision of community, health, and childcare services over the land by organisations and is authorised by this Plan of Management.

6. PERFORMANCE TARGETS, MEANS OF ACHIEVING TARGETS AND METHOD OF ASSESSMENT

Performance Targets	Means of Achieving Targets	Method of assessment
Provision of community services facilities to meet the demand of an increasing and changing population.	<ul style="list-style-type: none"> • Provision of safe and serviceable buildings to suit permitted community uses • Uses to be in alignment with <i>Council's Community Strategic Plan</i> 	<ul style="list-style-type: none"> • Inspection, maintenance, repair, and minor upgrades as per Council's Property Assets Management Plan • Review of uses against the <i>Council's Community Strategic Plan</i>
Lease, licences or other estates over the community land are expressly authorised.	<ul style="list-style-type: none"> • Lease, licences or other estates for a provision of community, health, and childcare services organisations are expressly authorised in accordance with the <i>Local Government Act 1993</i>, subject to the zoning and any relevant development consents. 	<ul style="list-style-type: none"> • Annual reports to Council as a condition of the lease/s, and compliance with lease conditions.

Table 3. Performance targets, means of achieving targets and method of assessment as required under Cl 36 (3) (b) (c) (d) of the Local Government Act