



Willoughby City Council

ORDINARY COUNCIL

ATTACHMENT BOOKLET 2

27 November 2023

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DETAILED ASSESSMENT

PLANNING PROPOSAL 2023/2

3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood

The Site

The site has a total area of 3,122m², bounded by Day Street to the north, 38 Anderson Street and McIntosh Street to the south, Anderson Street to the east, and 1 Day Street to the west.

The site is battle axe in shape, primarily located with frontages to Anderson and Day Street, with a smaller frontage also to McIntosh Street. There is also a small boundary shared with 1 Cambridge Lane. The site contains four properties but does not cover the block up to Day Street, with 38 Anderson Street not being part of the Planning Proposal site.

The site is located approximately 350m from the Chatswood Railway Station and Transport Interchange and within the expanded Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy). Refer below to **Figure A – Location Plan**.

Figure A – Location Plan



The four sites contain three storey residential apartment buildings.

Under *Willoughby Local Environmental Plan 2012* (WLEP 2012) the site is zoned R3 Medium Density Residential, with a maximum height of 12m and Floor Space Ratio of 0.9:1.

The Planning Proposal has been lodged by Parade Consulting on behalf of H and J Vakili, R Vakili, and 3 McIntosh P/L.

The Locality

To the north, on the other side of Day Street is 44-52 Anderson Street. A Planning Proposal has been finalised (27 June 2022) and notified (Amendment 27, 29 July 2022) on that site responding to the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy), with a height of 90m and FSR of 6:1.

To the south, on the other side of McIntosh Street is 3-5 Help Street. A Planning Proposal has been finalised (28 March 2022) and notified (Amendment 23, 13 May 2022) on that site responding to the CBD Strategy, with a height of 90m and FSR of 6:1.

To the east, part of the site is opposite the North Chatswood Conservation Area and 39 Anderson Street.

To the west of the site is a four storey medium density residential flat building at 1 Day Street. There is a publicly accessible pathway, located along the boundary of the 1 Day Street site, running from O'Brien Street to McIntosh Street adjacent this Planning Proposal site.

Background

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 and Environment (DPE) 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.

Under the CBD Strategy, the site has been recommended as a B4 Mixed Zone with a maximum height of 90 metres and a floor space ratio of 6:1. This zone and controls is subject to the satisfaction of other CBD Strategy and *Willoughby Local Environmental Plan 2012* (WLEP) requirements.

The CBD Strategy has been incorporated into the comprehensive WLEP 2012 review, supported for finalisation at the Council Meeting dated 12 December 2022, and made and notified on 30 June 2023 (Amendment 34).

Under WLEP 2012 (Amendment 34), the site is located in the MU1 Mixed Use zone, with a maximum height of 90m, floor space ratio of 6:1 and maps the land within Area 3 of the Affordable Housing Map, which allows the consent authority to impose an affordable housing contribution condition requiring a contribution equivalent to 10% of the residential gross floor area.

Planning Proposal 2023/2

The Planning Proposal was originally submitted seeking to:

- Change the zoning from R3 Medium Density Residential to B4 Mixed Use
- Increase the permissible building height from 12m to 90m.
- Increase the floor space ratio from 0.9:1 to 6:1

The Planning Proposal proposed the provision of an affordable housing contribution calculated as 4% of the residential gross floor area.

Following WLEP 2012 (Amendment 34, 30 June 2023), the site has the following controls:

- A zoning of MU1 Mixed Use.
- A building height maximum of 90m.
- A floor space ratio maximum of 6:1.
- An affordable housing requirement of 10% of the residential gross floor area.

Therefore the submitted Planning Proposal is now seeking:

- To vary the affordable housing requirement from 10% to 4%.

The proposed amendments to WLEP 2012 are detailed in Table 1 below.

Table 1 – Summary of Planning Proposal 2023/2 Amendments

| | 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street | Compliance |
|--------------------------------------|---|--|
| Zoning | | |
| Current WLEP 2012 | MU1 Mixed Use | |
| Proposed in Planning Proposal | No change | Yes |
| Floor Space Ratio | | |
| Current WLEP 2012 | 6:1 | |
| Proposed in Planning Proposal | No change | Yes |
| | | Note: A 6:1 FSR is consistent with the CBD Strategy, but within that maximum, an affordable housing component of 10% is to be provided in accordance with Amendment 34 to WLEP 2012. |

| | | |
|--|---|---|
| <p>Height</p> <p>Current WLEP 2012</p> <p>Proposed in Planning Proposal</p> | <p>90m</p> <p>No change</p> | <p>Yes</p> <p>Note: As stated in CBD Strategy Key Element 20 (and updated WDCP): <i>“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.”</i></p> <p>Refer to CBD Strategy discussion below under Key Element 14 (affordable housing) and 28 (setbacks).</p> |
| <p>Affordable Housing</p> <p>Current WLEP 2012</p> <p>Proposed in Planning Proposal</p> | <p>10% of total residential GFA</p> <p>4%</p> | <p>No</p> <p>The Planning Proposal provides 4% affordable housing.</p> <p>10% is to be provided in accordance with Amendment 34 to WLEP 2012.</p> <p>Refer to discussion below under history of Planning Proposal and comprehensive WLEP 2012 review and Key Element 14.</p> |

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

- Two storey non-residential podium
- Two residential towers above
- Tower 1 – Eastern Tower (towards Anderson St and Day St corner)
 - Height: 90m (28 storeys in total).
 - Landuse

- Retail ground floor
- Commercial Level 1
- 25 storeys residential
- 1 roof top level
- Tower 1 setbacks and street wall heights
 - Ground level setback to Anderson Street: 3m
 - Ground level setback to Day Street: Nil
 - Ground level setback to 38 Anderson Street: Between Nil and 3m

 - Street wall to Anderson Street: 9.3m
 - Street wall to Day Street: 9m
 - Street wall to 38 Anderson Street: 11.7m

 - Tower setback to Anderson Street: 1.5m (total 4.5m when ground level setback included)
 - Tower setback to Day Street: 4.5m
 - Tower setback to 38 Anderson Street: 9m and above
- Floor plate size: Between 459m² and 489m²
- Tower 2 – Western Tower (towards Day Street and 1 Day Street corner)
 - Height: 58.6m (18 storeys)
 - Retail ground floor
 - Commercial Level 1
 - 15 storeys residential
 - 1 roof top level
 - Tower 2 setbacks and street wall heights
 - Ground setback to Day Street: Nil
 - Ground setback to 38 Anderson Street: Between 1.5m and 6m
 - Ground setback to western boundary with 1 Day Street (and public pathway): Between 4m and 5m

 - Street wall to Day Street: 11m
 - Street wall to 38 Anderson Street: 11.2m
 - Street wall to western boundary with 1 Day Street (and public pathway): 11.2m

 - Tower setback to Day Street: 5.5m
 - Tower setback to 38 Anderson Street: 3m
 - Tower setback to western boundary with 1 Day Street (and public pathway): 5m
 - Floor plate size: Between 14m² and 189m²
- Total FSR
 - Total: 18,730m²
 - Retail and Commercial: 3,122m² (1:1)
 - Residential: 15,608m² (5:1)
 - Total number of residential apartments: 162
- The proponent identifies public benefits as follows:
 - Publicly accessible open space at ground level.

- The 5m wide setback on the western boundary is adjacent the existing public pathway on 1 Day Street.
- Car Parking and loading
 - All vehicle access, including loading, to site via Day Street.
 - All car parking at basement level
 - All loading at basement level.

The Concept Plans are at **Attachment 9**.

A Voluntary Planning Agreement letter of offer has also been received by Council.

Discussion

A) History of Planning Proposal 2023/2 and comprehensive WLEP 2012 review – having regard to the issue of affordable housing

A timeline of events is provided below, together with excerpts of letters sent.

- **22 August 2018** – A preliminary planning proposal meeting was held, at which time records show that there was discussion between Council and the Proponent regarding providing a 4% affordable housing contribution.
- **14 December 2020** - Council resolved to forward a Council initiated Planning Proposal regarding the comprehensive review of *Willoughby Local Environmental Plan 2012* to the Department of Planning and Environment for a Gateway Determination (becoming Planning Proposal 2021/2).
- **30 August 2021** – *Willoughby Affordable Housing Feasibility Report* prepared by SGS Economics and Planning and submitted to DPE to assist in its consideration of proposed affordable housing changes. This report concluded:
“The feasibility analysis has shown that sites in Chatswood centre are likely to be developed with at least a 10 per cent contribution, consistent with the target under the NSW Government’s district strategic plan.”
- **24 December 2021** - A Gateway Determination was issued by DPE, enabling exhibition of Planning Proposal 2021/2.
- **5 March and 7 June 2022** - Council initiated Planning Proposal 2021/2 regarding the comprehensive review of *Willoughby Local Environmental Plan 2012* was exhibited, with an affordable housing contribution rate of 10% of residential gross floor area.

All owners were sent a letter informing them of the exhibition period, which stated:

“The changes to the LEP and DCP are designed to accommodate and plan for future growth. These documents contain the primary planning controls for our area and determine land use, height of buildings, and floor space, amongst a range of other planning controls.

The new plans can be viewed on Council’s website, and Council will be hosting a range of webinars and information sessions where you can talk directly to Council officers about what it may mean for your local area and how you can provide feedback.”

Detail on the increase in affordable housing was listed on the Council Have Your Say page, located on the Council web site, for the exhibition period and onwards as a record, as follows:

“Increased affordable housing in new residential developments, from 4% of Gross Floor Area (GFA) to 10%, in line with aspirations in the North District Plan and in recognition of the urgent need for more affordable rental housing in all parts of Sydney.”

As part of the exhibition material, the increase in affordable housing was also addressed in “*A Guide to Willoughby’s new draft Local Environmental Plan and draft Development Control Plan*”, prepared to assist the community in understanding the proposed changes.

- **20 July 2022** – The proponent attended a second preliminary planning proposal meeting with Council to discuss the controls that would apply to a planning proposal at the site. The proponent’s position is that Council did not mention a requirement to increase the affordable housing contribution from 4% which was proposed, to 10%.
- **28 August 2022** – The proponent had a formal Pre-Planning Proposal Meeting with Council. Notes were provided referring to a minimum requirement of 4% affordable housing. In particular, the notes stated:

“A minimum of 4% affordable housing should be provided throughout the development (rather than together) in accordance with Council’s existing LEP and DCP requirements.”

“Any additional affordable housing contribution is encouraged as part of an offer to enter a Planning Agreement”.

The Notes also stated:

“If a Planning proposal is submitted based on these pre Planning Proposal Notes, comprehensive internal consultations will be undertaken, further meetings with the proponent may be required, as well as additional amendments, prior to the submission of a report to Council to determine whether the Planning Proposal should proceed to Gateway and public exhibition.”

“Council officers have used their best endeavours to assist you, but please be aware that other issues may arise during the processing of the planning proposal.

NO UNDERTAKING OR GUARANTEE CAN BE GIVEN THAT YOUR PLANNING PROPOSAL WILL BE APPROVED TO PROCEED TO A GATEWAY DETERMINATION WHEN IT IS LODGED.”

Comment:

Pre-Planning Proposal Meetings are encouraged by Council officers and Notes are provided to proponents in good faith to assist in the early preparation of planning proposals. The Notes do not establish ongoing controls or cover every matter that may pertain to the future development of a site at the eventual point of planning proposal lodgement – which is unknown by Council officers when the Notes are written. It is the responsibility of a proponent to be informed of public matters that may impact the preparation of a planning proposal on a site, such as in this case, the concurrent progress of the comprehensive WLEP 2012 review and any proposed changes to controls.

Affordable housing was referred to in the Pre-Planning Proposal Notes as a minimum of 4%. The Notes also state that any planning proposal submitted based on the Notes may be subject to amendments and that no guarantee is given that a submitted planning proposal will be approved. The proposed affordable housing requirement of 10% was public knowledge at the

time of the Notes and therefore a consideration in the preparation of the subject planning proposal.

- **7 December 2022** – Agenda for Council Meeting made public prior to 12 December 2022 Council Meeting. An affordable housing requirement of 10% of total residential GFA was one of the proposed changes for Council consideration.

In the Council report, it was stated:

“There are planning proposals (mainly in Chatswood CBD) that have been progressed in tandem or ahead of this comprehensive LEP review. If they have been lodged before the end of the exhibition period with a 4% agreed rate, it is proposed that rate remains as is.

A provision will be added to the final version of the LEP that will clarify this decision. These Planning Proposals are specified in Attachment 8”

- **12 December 2022** - Council initiated Planning Proposal 2021/2 was reported to a Council Meeting, supported for finalisation and to be forwarded to DPE to be made. The affordable housing provision of 10% of total residential GFA was supported. The Council initiated Planning Proposal 2021/2 did not include the site the subject of the Subject Planning Proposal on the list of planning proposals to be ‘saved’ and subject to a 4% (rather than a 10%) affordable housing contribution.

A motion was passed (Item 12.11) which included resolution 2:

“Approve the amendments to the exhibited Draft Local Environmental Plan as outlined in Attachment 8, and forward the combined document to the Department of Planning and Environment for finalisation.”

The amendments set out in Attachment 8, as adopted by the Council’s resolution and set out in the meeting minutes, included a specific change to the draft instrument. At page 1 of Attachment 8 was the following statement:

“A savings provision will be added to the final version of the LEP that will clarify the 4% will still apply to site specific Planning Proposals lodged before the making of this LEP. This will mainly apply to sites in Chatswood CBD which have a separate planning proposal.”

This was further addressed in Recommendation 1(a) in Attachment 8 which said:

“Recommendation 1(a)

Transfer all affordable housing sites from the Special Provisions Area Map to a new Affordable Housing Map with 3 rates of 4%, 7% and 10%, with a savings provision to be included that clarifies the 4% will apply to negotiated planning proposals.”

- **20 December 2022** - Subject Planning Proposal, with a 4% affordable housing contribution rate, was lodged on NSW Planning Portal.
- **20 January 2023** - Subject Planning Proposal fee paid to Council, identified as Planning Proposal 2023/2, and Council assessment commenced. Fee receipt dated 23 January 2023.
- **9 March 2023** - Council sent a letter to the proponent Parade Consulting regarding Planning Proposal 2023/2 (Refer to **Attachment 3**). This letter invited the proponent to either withdraw the Planning Proposal and receive a full refund or to increase the affordable housing provision to 10%. It was also outlined that the proponent’s Planning Proposal would be on a very similar timeframe to Council’s own Planning Proposal 2021/2.

The letter stated:

“A position was established in November 2022 that any Planning Proposal lodged after the 5 March and 7 June 2022 exhibition with an affordable housing component of less than 10% is unlikely to be supported as after this exhibition Council’s position would be well known.”

- **20 March 2023** - Hones Lawyers sent a letter to Council on behalf of the proponent (Refer to **Attachment 4**).

This letter stated:

“Our client is concerned at the position taken by Council with regard to the application of a 10% affordable housing requirement ...

Our client is not concerned however at the requirement for affordable housing in general and indeed embraces it, rather the concern arises from the reasonable understanding arising from representations made by Council, and the history of the matter, that the affordable housing requirement was to be set at 4% of gross floor area (GFA).”

The letter concludes by saying that the fairest way to address this is to include a savings provision such that the Subject Planning Proposal is excluded from the application of the Council initiated Planning Proposal 2021/2.

- **27 March 2023** – Letter from H, J and R Vakili sent to the Mayor (Refer to **Attachment 5**)

This letter stated in regards consultation:

“we have continued to arrange and pay for pre-PP meetings.”

This letter stated in regards the 9 March 2023 Council letter:

“This letter is in direct conflict with advice that we have in writing from Willoughby Council confirming the 4% affordable housing control for our site on the 28th September 2022. We reject that “Council’s position would be well known” after exhibition”

The letter sought *“support for a comprehensive departmental review of Willoughby Council’s current housing affordability policy so that clarity may be provided to all affected stakeholders.”*

Comment:

No correspondence was provided by Council dated 28 September 2022. It is assumed the writer is referring to the 28 August 2022 Pre-Planning Proposal Notes. This is the only pre-PP meeting where a fee was paid and Notes were issued by Council.

- **3 April 2023** - Council sent a letter to Hones Lawyers stating the applicability of the 10% affordable housing requirement to PP 2023/2 (Refer to **Attachment 7**) and providing options moving forward. The options proposed were:

1. Withdraw the planning proposal and receive a full refund;
2. Revise the planning proposal to include a 10% affordable housing contribution rate; or
3. Council assesses the planning proposal, which is unlikely to be supported.

This letter also stated:

“We note and acknowledge the work carried out by your client to date. The preparation of Planning Proposals (PPs) take time and during that process certain benchmarks change. In this case it has been the parallel processing of our comprehensive Local Environmental Plan (LEP) which was exhibited from 5 March until 7 June 2022.

All property owners were notified of the exhibition of the draft LEP and Council carried out an extensive process to promote the exhibition. Any ownership of land involving your client by March 2022 would have resulted in the receipt of a letter from Council as we consulted with every ratepayer. The exhibition material clearly stated the affordable housing rate was being increased to 10% in the Chatswood CBD.

The Pre-Planning Proposal Meeting Notes of August 2022 were provided in good faith and are only relevant at the date they are issued. Such notes do not establish ongoing controls.

A position was established in November 2022 that any Planning Proposal lodged after the 5 March and 7 June 2022 exhibition with an affordable housing component of less than 10% is unlikely to be supported as after this exhibition Council's position would be well known. The point is made that Council needs to provide a cut-off point from 4% to 10% affordable housing provision at some stage in the process of progressing the comprehensive LEP."

The letter concluded:

"We are encouraged that your client embraces the need to provide affordable housing. We hope that we can work with your client to provide a resultant development which not only provides a benefit for the developer but also contributes such an important housing benefit for the Willoughby community."

- **3 April 2023** – Council sent a letter on behalf of Mayor to H, J and R Vakili, providing the 3 April 2023 Council letter to Hones Lawyers.
(Refer to **Attachment 6**)

- **20 April 2023** - Hones Lawyers sent a letter to Council (Refer to **Attachment 4**).

This letter stated:

"...your letter seems to rely upon "a position established in November 2022". We are unaware of how that "position" was established. It certainly does not appear that comments from the public were sought prior to establish such a position, nor was our client afforded any opportunity to address Council concerning it"

"Irrespective to these matters, our client will not be withdrawing its planning proposal. Rather our client wishes for Council to fairly assess its proposal."

This letter repeated the proponent's request for a savings provision to be inserted into the instrument to 'save' planning proposals lodged before the making of Council initiated Planning Proposal 2021/2.

- **5 May 2023** - Council sent a letter to Hones Lawyers (Refer to **Attachment 7**).

This letter stated:

"The position outlined by you and the intention of your client to not withdraw the Planning Proposal is noted.

Council staff will proceed to conclude the assessment and report the Planning Proposal to a Council Meeting for a decision. The proponent will be advised of the meeting date when it has been identified."

- **7 June 2023** - Hones Lawyers sent a letter to Council (Refer to **Attachment 4**).

This letter stated:

"we have requested that our client's site be included in the savings provision for Council's planning proposal so that the 10% affordable housing criteria does not apply to its site."

“In the event Council does not agree, then reluctantly our client has instructed us to investigate what legal options it might have to challenge any decision Council may take to not include our client in the savings provisions. In other words, to challenge the making, and decision making process, of Council’s planning proposal.”

- **21 June 2023** - Council sent a letter to Hones Lawyers (Refer to **Attachment 7**).

This letter stated:

“The position outlined in your 7 June 2023 letter is again noted. Council has also considered the final paragraph where you identify the course of action you may take going forwards.

Council continues to reaffirm the importance of affordable housing and the relevance of 10% affordable housing provision with regards to Planning Proposal 2023/002.

As previously indicated, Council staff will proceed to conclude the assessment and report the Planning Proposal to a Council Meeting for a decision. The proponent will be advised of the meeting date when it has been identified.”

- **30 June 2023** - Comprehensive WLEP 2012 review made and notified on the NSW legislation website as *Willoughby Local Environmental Plan 2012 Amendment 34*.

The Department of Planning and Environment *Plan Finalisation Report PP-2021-6242, Willoughby Local Environmental Plan 2012 (Amendment 34)*, dated June 2023, states the following in regards the consideration of affordable housing:

“Two site specific planning proposals not supported to remain at 4%

- *691-699 Pacific Highway, Chatswood; and*
- *2 Day Street, 3 McIntosh Street and 40-42 Anderson Street, Chatswood*

The Department has received correspondence for the proponents of these sites raising concerns with the application of an affordable housing contribution rate of 10% instead of 4%.

The planning proposal at 691-699 Pacific Highway (PP-2022-4052) was not included on Council’s resolution in the list of proposals that were sufficiently advanced to apply the 4% contribution rate.

It is Council’s position that previously negotiated planning proposals lodged before the exhibition of the Comprehensive LEP review would be subject to the 4% affordable housing contribution rate and this proposal will be subject to the new 10% affordable housing contribution rate.

The planning proposal at 2 Day Street, 3 McIntosh Street and 40-42 Anderson Street (PP-2022-4316) is in a similar situation to the planning proposal at 691-699 Pacific Highway. Council has the same position on this planning proposal and it will be subject to a 10% affordable housing contribution rate.”

- **26 July 2023** – Email to Council from Parade Consulting (Refer to **Attachment 11**)

This email stated:

” With regards to our Planning Proposal... we seek confirmation of the following:

1. *We understand that there is currently a difference of opinion between Council and the Project Proponent (our Client) with regards the value of the affordable housing*

component that should be applied to the site – and at this time (with regards to this email) I wish to park that issue to the side – for separate resolution in due course.

To be clear, this affordable housing component issue is not the subject matter that this email is attempting to address or resolve in any way...

- **2 August 2023** – Development Application lodged (DA 2023/194) on subject site proposing a mixed use development similar to the Planning proposal concept plans with 4% affordable housing.
- **4 August 2023** – Council sent a letter to Parade Consulting (Refer to **Attachment 12**) In addition to the fundamental issue of affordable housing, in response to the question in the 26 July 2023 email from Parade Consulting, five other issues were identified. These were:
 - All 1:1 non-residential floor space is to be located at ground level or above.
 - Based on a 1.5m tower setback for Tower 2 (the western tower) to the boundary with 38 Anderson Street, then the Tower 2 overall maximum height is to be 30m.
 - All loading and unloading is to be located within basement levels, with non-residential floor space to be maximised at ground level.
 - Addressing the issue of amalgamation with 38 Anderson Street.
 - Documentation to be updated to address WLEP 2012 (Amendment 34) and WDCP (as updated).

This letter also stated:

“In your email dated 26 July 2023, you state:

“Please advise accordingly if our planning proposal is currently adequate and sufficient to proceed with regards to any and all detail (other than the affordable housing discrepancy)”

In response, and excluding the fundamental affordable housing issue as requested, please note the following issues with this Planning Proposal and the accompanying documentations...

...To be clear and to assist you going forwards, there is a risk involved in updating the Planning Proposal to address the issues ... while not satisfactorily addressing the fundamental issue of affordable housing.

You are encouraged to satisfactorily address the fundamental issue as a priority, as already outlined in correspondence, as well as addressing the other issues identified in this letter...

- **10 August 2023** – Email from Parade Consulting (Refer to **Attachment 13**) The email outlined that four of the abovementioned five issues were able to be addressed and that amended plans would be prepared. In regards the issue of amalgamation, the email stated:

“At this time we are unable to include 38 Anderson Street Chatswood into our consolidated project site or this current Planning Proposal.”

On the issue of affordable housing, this email stated:

“Further correspondence will shortly be provided relating to the Affordable Housing discrepancy.”

- **15 August 2023** – Letter sent from H and J Vakili to Council (Refer to **Attachment 14**)

This letter stated:

"I trust that you will appreciate my frustration that all of our feasibility and amalgamation were carried out based on ... advice of 4%.

I sincerely hope that you can see our being caught in this administrative mishap and I desperately hope that you would kindly put a rather positive comment with regards to this matter through to the Council meeting in which our Planning Proposal is going to be discussed."

- **17 August 2023** – Email from Council to H and J Vakili, and Parade Consulting

This email stated:

"The letter from H and J Vakili dated 15 August 2023 and email from Parade Consulting dated 10 August 2023 will be part of the consideration of this Planning Proposal at a future Council Meeting."

- **28 August 2023** – A report on the finalisation of *Willoughby Local Environmental Plan 2012* and *Willoughby Development Control Plan* was considered at a Council Meeting. It was resolved:

"That Council:

1. *Note the making of the new Willoughby Local Environmental Plan (known as Willoughby Local Environmental Plan 2012 – Amendment 34) and Willoughby Development Control Plan 2023."*

- **31 August 2023** – A cover sheet and plans were submitted to address the Council letter dated 4 August 2023. The amendments are as follows:
 - All 1:1 non-residential floor space has been located at ground level or above.
 - Eastern portion of Tower 2 (Western Tower) setback has been increased to 3m.
 - All loading and unloading has been located within basement levels, with non-residential floor space to be maximised at ground level.

In regards to the amalgamation with 38 Anderson Street, the proponent has advised:
"Whilst this outcome is clearly desirable, we are not currently in a position to offer this. We are still pursuing amalgamation of the total site and will update Council if and when this situation changes."

In regards to the provision of relevant documentation to address the above amendments, WLEP 2012 (Amendment 34, dated 30 June 2023) and WDCP and the revised car parking rates (as updated 31 July 2023), the proponent has advised:
"The Planning Proposal documentation will be updated to address the revised carparking rates."

Comment:

The assessment of this Planning Proposal has been based on the amended documentation (including amended plans) received by Council on 31 August 2023. Concern remains regarding the exclusion of 38 Anderson Street from the Planning Proposal site, and the non-provision of the requested documentation

- **8 September 2023** – Online meeting between Council officers and M Hurst, H and R Vakili.
The positions of the proponent and Council officers were further explained.

- **25 September 2023** - Council officers made aware of progress on possible amalgamation of 38 Anderson Street. However the Planning Proposal was unchanged in this regard.
- **3 October 2023** – Prelodgement development application form received involving the subject site and 38 Anderson Street, proposing a mixed use development with 4% affordable housing.
- **20 November 2023** – Letter from Parade Consulting stating that the proponent / applicant was now 3 McIntosh Pty Ltd, with the contact being Mecone.

B) Other Planning Proposals involving Parade Consulting as proponent, acting on behalf of H, J and R Vakili and 3 McIntosh Pty Ltd

The proponent, being Parade Consulting acting on behalf of H, J and R Vakili and 3 McIntosh Pty Ltd, has elected to progress a planning proposal at the same time as Council has been progressing the comprehensive WLEP 2012 review. The proponent has had two planning proposals progress to being made and gazetted as follows:

- 58 Anderson Street Chatswood
 - Planning Proposal 2018/1 (Council reference) lodged 22 January 2018.
 - Planning Proposal supported for referral to Gateway at Council Meeting 12 November 2018.
 - Gateway Determination issued by DPE 22 January 2021.
 - Exhibition 22 April to 20 May 2021.
 - Planning Proposal made at the Council Meeting 3 November 2021.
 - Gazetted as Amendment 18 to WLEP 2012 on 4 March 2022.
- 3-5 Help Street Chatswood
 - Planning Proposal 2017/8 (Council reference) lodged 19 December 2017.
 - Planning Proposal supported for referral to Gateway at Council Meeting 11 February 2019.
 - Gateway Determination issued by DPE 24 November 2020.
 - Exhibition 24 March to 21 April 2021, and again from 3 to 21 June 2021.
 - Planning Proposal made at the Council Meeting 28 March 2022.
 - Gazetted as Amendment 23 to WLEP 2012 on 13 May 2022.

These two Planning Proposals were supported with a 4% affordable housing provision, due to all being lodged, exhibited, made and gazetted prior to the comprehensive WLEP 2012 review exhibition from 5 March to 7 June 2022.

C) Planning Proposals eligible for 4% affordable housing and submitted based on the CBD Strategy

A total of thirteen planning proposals within the Chatswood CBD Mixed Use zone and submitted based on the CBD Strategy have been made and gazetted with 4% affordable housing. Of these thirteen, the last planning proposal to be lodged prior to 7 June 2022 was:

- 10 Gordon Avenue and 15, 17 and 19 Nelson Street Chatswood:

- Planning Proposal 2022/3 (Council reference) submitted on NSW Planning Portal 21 May 2022 and lodged with Council 2 June 2022.
- Supported for referral to Gateway at Council Meeting 12 December 2022.
- Exhibition from 30 March to 27 April 2023.
- Made at the Council Meeting 26 June 2023.
- Gazetted as Mapping Amendment No. 3 to WLEP 2012 on 25 August 2023.

There are two other planning proposals submitted prior to the conclusion of the exhibition period, and are currently under assessment, which will also be considered with an affordable housing provision of 4%, being:

- PP 2020/6 (1 - 13 Spring Street, 56 – 76 Archer Street, 35 Albert Avenue Chatswood).
- PP 2022/1 (641-653 Pacific Highway and 655A Pacific Highway Chatswood).

D) CBD Strategy, WLEP 2012 and WDCP

Discussion of the Planning Proposal is based on the 'Key Elements of Future LEP and DCP Controls' contained in the CBD Strategy dated September 2020, listed 1 to 35, with comments provided. These Key Elements have been incorporated, as appropriate, into *Willoughby Local Environmental Plan 2012 (WLEP) - Amendment 34*, made and notified on 30 June 2023 and *Willoughby Development Control Plan* (endorsed by Council and updated accordingly). Any mention of the B4 Mixed Use zone should be read as MU1 Mixed Use under WLEP 2012 (Amendment 34).

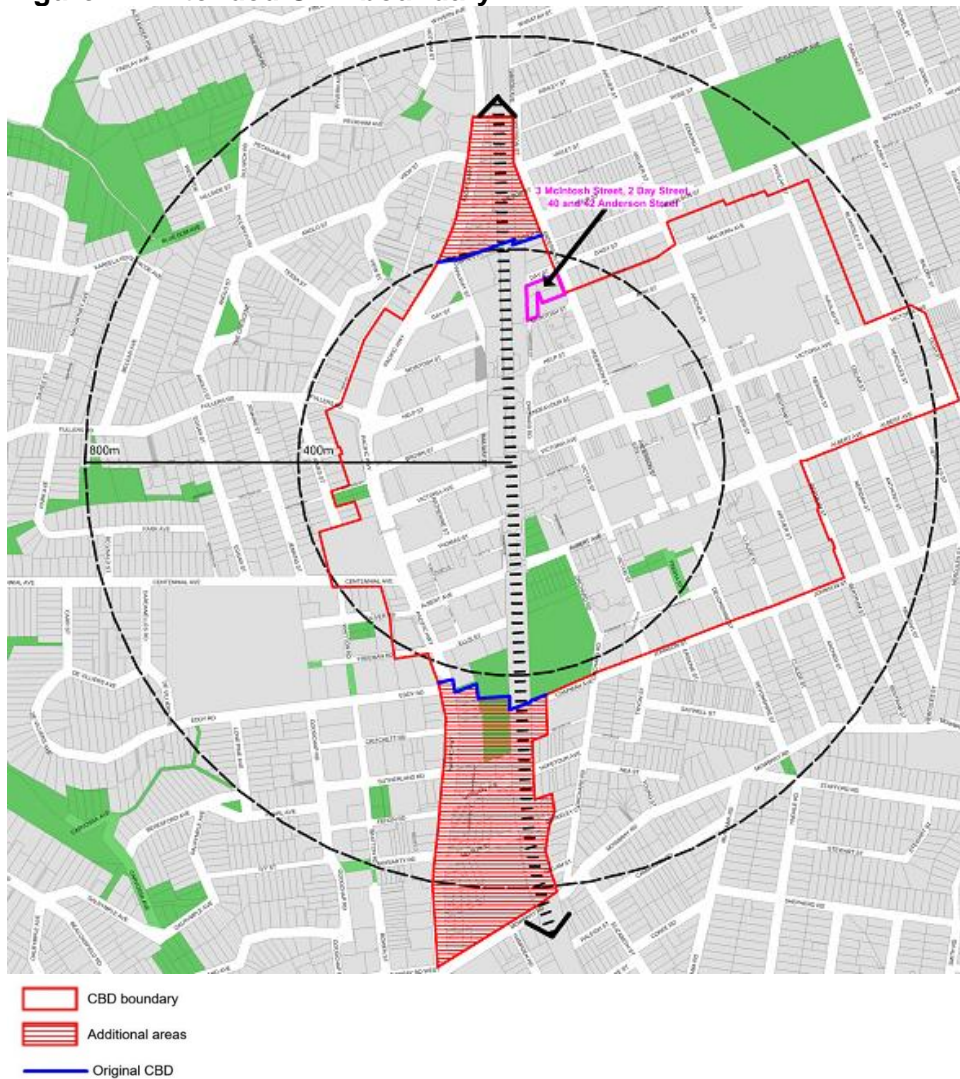
CBD Boundary

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 proposed Chatswood CBD boundary in the CBD Strategy, as shown below in **Figure 1 - Extended CBD boundary**.

Figure 1 - Extended CBD boundary



Land Use

Key Element 2.

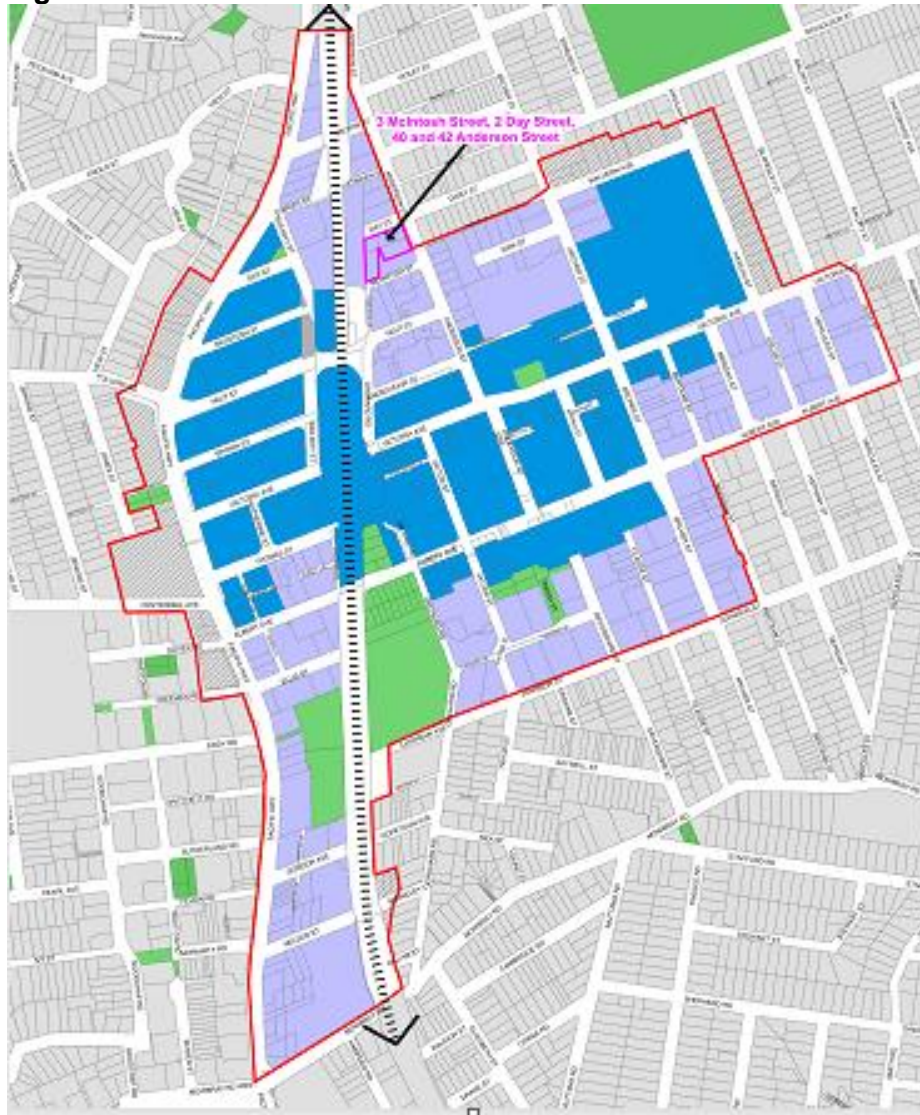
Land uses in the LEP will be amended as shown in Figure 2, to:

- (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

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



- CBD boundary
- Open space
- B3 Commercial core
- B4 Mixed use
- No change

The concept plans propose a Mixed Use development, with retail on the lower ground and ground floors, and commercial development on level 1 (total being 1:1), with residential on level 2 and above (total being 5:1).

Under WLEP 2012, Amendment 34, the site has been identified on the Land Zoning Map as MU1 Mixed use.

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 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 Commercial Core zone.

Planning Agreements to fund public domain

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

Comment

No discussion is provided as the Planning Proposal is not supported.

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

No discussion is provided as the Planning Proposal is not supported.

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.

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.

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.

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.

Floor Space Ratio (FSR)

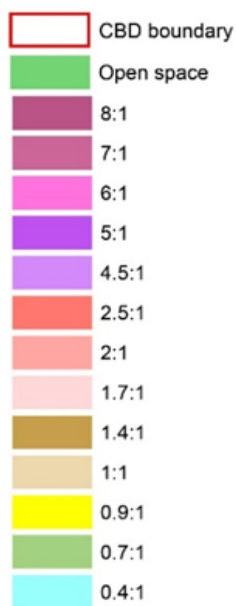
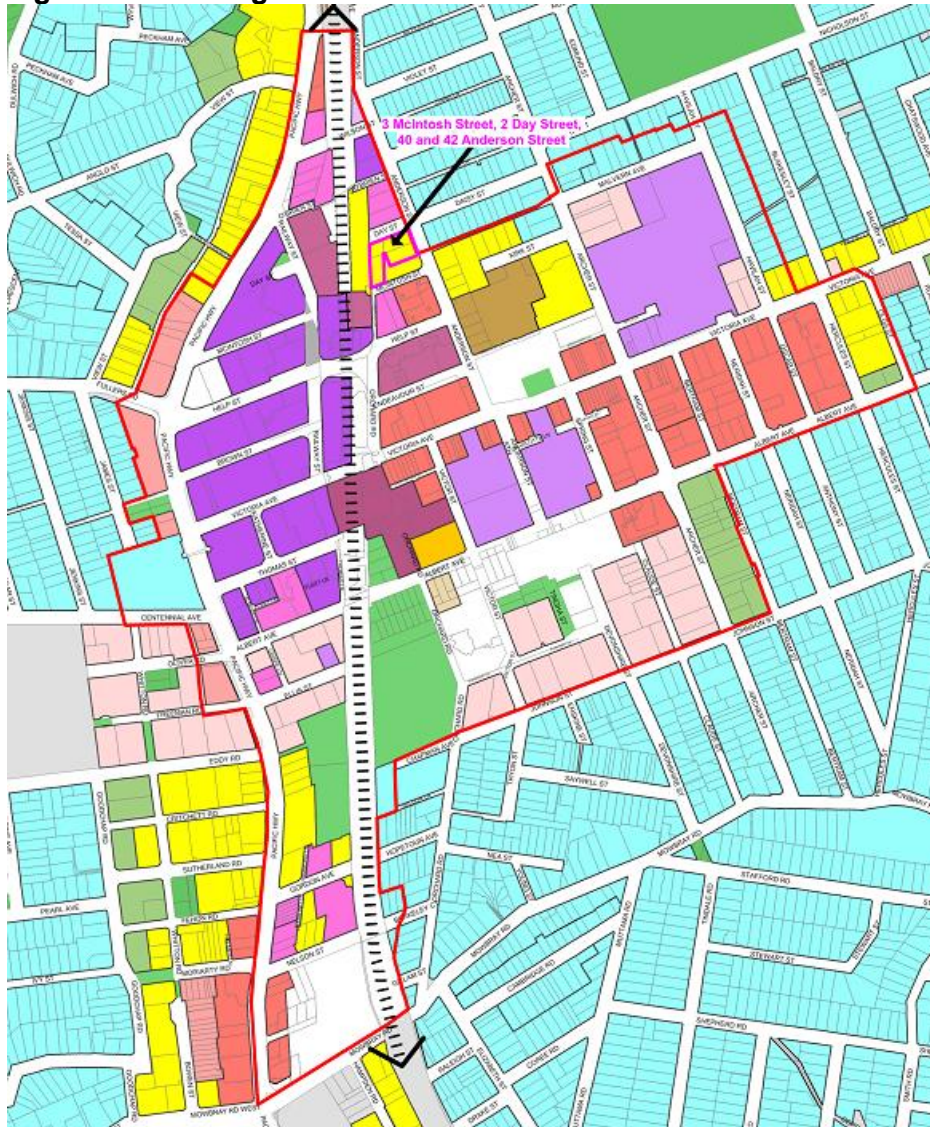
Key Element 11. Figure 3 shows the existing FSR controls under WLEP 2012.

Comment

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

Under WLEP 2012, Amendment 34, the site has been identified on the Floor Space Ratio Map as having an FSR of 6:1.

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

The subject site is 3,122m² and is above the minimum site area of 1200m² for mixed use development in the MU1 / B4 Mixed Use zone. The 1,200m² minimum lot size for mixed use development in the Chatswood CBD is addressed in Clause 6.16 of WLEP 2012 (Amendment 34).

Concern is raised with the exclusion of 38 Anderson Street from this Planning Proposal site. Although 38 Anderson Street has a site area of 1,319m², it has an irregular shape which complicates the relationship with surrounding properties. The inclusion of 38 Anderson Street is strongly encouraged as part of an amalgamated site with 3 McIntosh Street, 2 Day Street and 40 and 42 Anderson Street, in order to achieve a comprehensive approach to planning for this block (up to the 1 Day Street western boundary), and to remove complications such as irregular shaped boundaries with neighbouring properties. This discussed further below with particular regard to setbacks and tower height.

- 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:

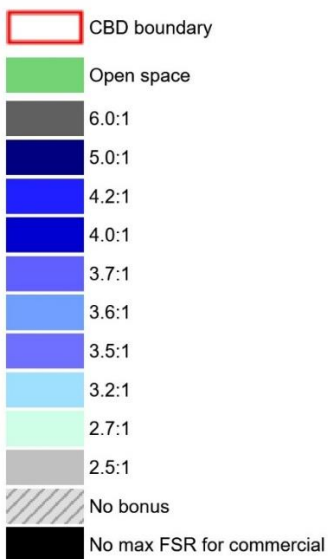
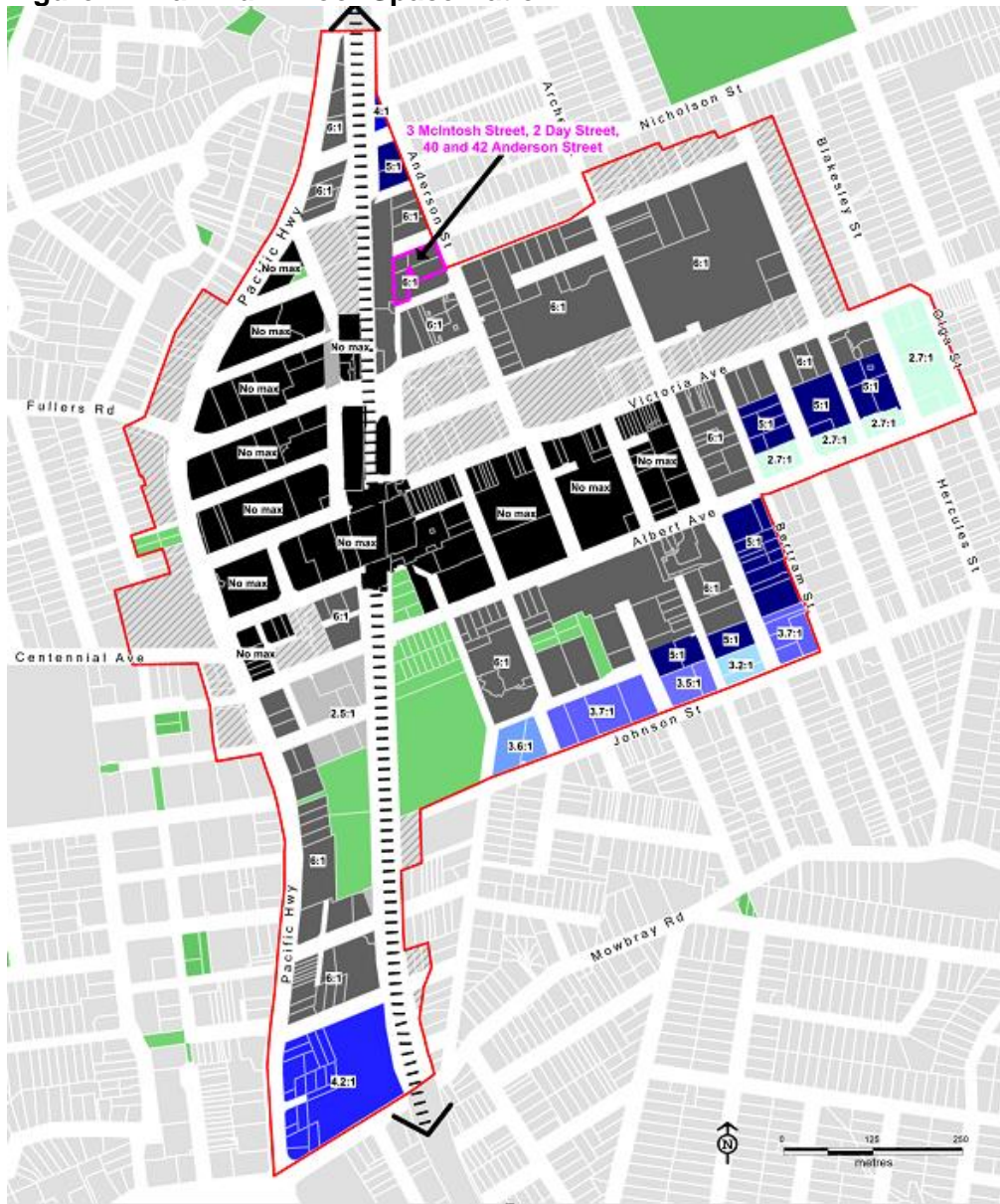
- a) Site constraints,
- b) Surrounding context,
- c) Other aspects of this Strategy including setbacks at ground and upper levels,
- d) SEPP 65 and the associated Apartment Design Guidelines.

Comment

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

Under WLEP 2012, Amendment 34, the site has been identified on the Floor Space Ratio Map as having an FSR of 6:1.

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

Not consistent.

Affordable housing is provided within the maximum floor space ratio, however not at the required percentage of GFA under WLEP 2012.

Affordable housing has been increased from 4% under Amendment 34 to the new WLEP 2012 to 10%.

The subject Planning Proposal provides for 4% affordable housing and therefore seeks to vary this WLEP 2012 control.

Table 2: Difference between 10% and 4% affordable housing regarding PP 2023/2

| Based on Planning Proposal and Concept Plans | WLEP 2012: 10% | PP 2023/2: 4% | Difference |
|--|-----------------------|----------------------|----------------------------|
| Total number of Units in development: | 162 | 162 | |
| Residential Gross Floor Area (5:1) | 15,608m ² | 15,608m ² | |
| 10% Residential Gross Floor Area | 1,560.8m ² | 624.32m ² | 936.28m² |
| Number of affordable units Based on following assumptions: <ul style="list-style-type: none"> • Exclusions estimated at 20% • Average unit size 80m² (2 bedrooms) Note: Gross Floor Area is defined in WLEP 2012 | 16 | 6 | 10 |

A history of the Planning Proposal and comprehensive WLEP 2012 review which led to Amendment 34, having regard to the issue of affordable housing, is provided above.

In regards the subject Planning Proposal, the applicable affordable housing rate is 10%.

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.

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

No discussion is provided as the Planning Proposal is not supported.

- 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

No discussion is provided as the Planning Proposal is not supported.

- 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

No discussion is provided as the Planning Proposal is not supported.

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.

Figure 5 - Sun Access Protection for Public Spaces



-  CBD boundary
-  Open space
-  LEP control - no additional overshadowing 12.00am-2pm mid-winter
-  LEP control - no additional overshadowing 11am-2pm mid-winter
-  Conservation areas - WLEP2012 (North Chatswood, South Chatswood)

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.

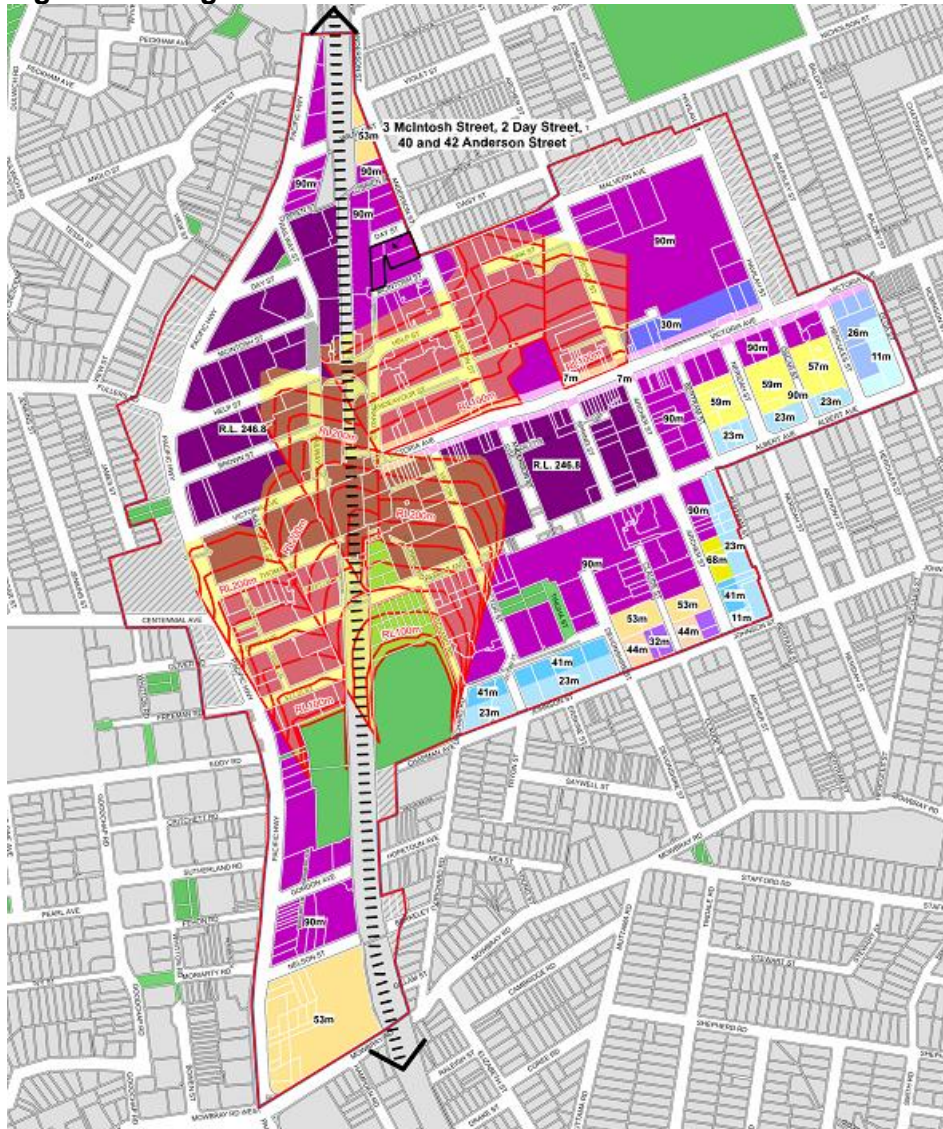
Comment

To achieve the height permitted under the CBD Strategy, the other Key Elements are required to be satisfied. In addition, the requirements of *Willoughby Local Environmental Plan 2012* (WLEP 2012) are also to be satisfied.

The Planning Proposal is not consistent with WLEP 2012 with regard to affordable housing provision.

No further discussion is provided as the Planning Proposal is not supported.

Figure 6 – Height



- CBD boundary
- Open space
- RL 246.8
- 90m
- 68m
- 59m
- 53m
- 44m
- 41m
- 32m
- 30m
- 26m
- 23m
- 11m
- 7m
- No change
- Area protected by sun protection
(approximate RLs shown) - see sun access diagram

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

No discussion is provided as the Planning Proposal is not supported.

Links and Open Space

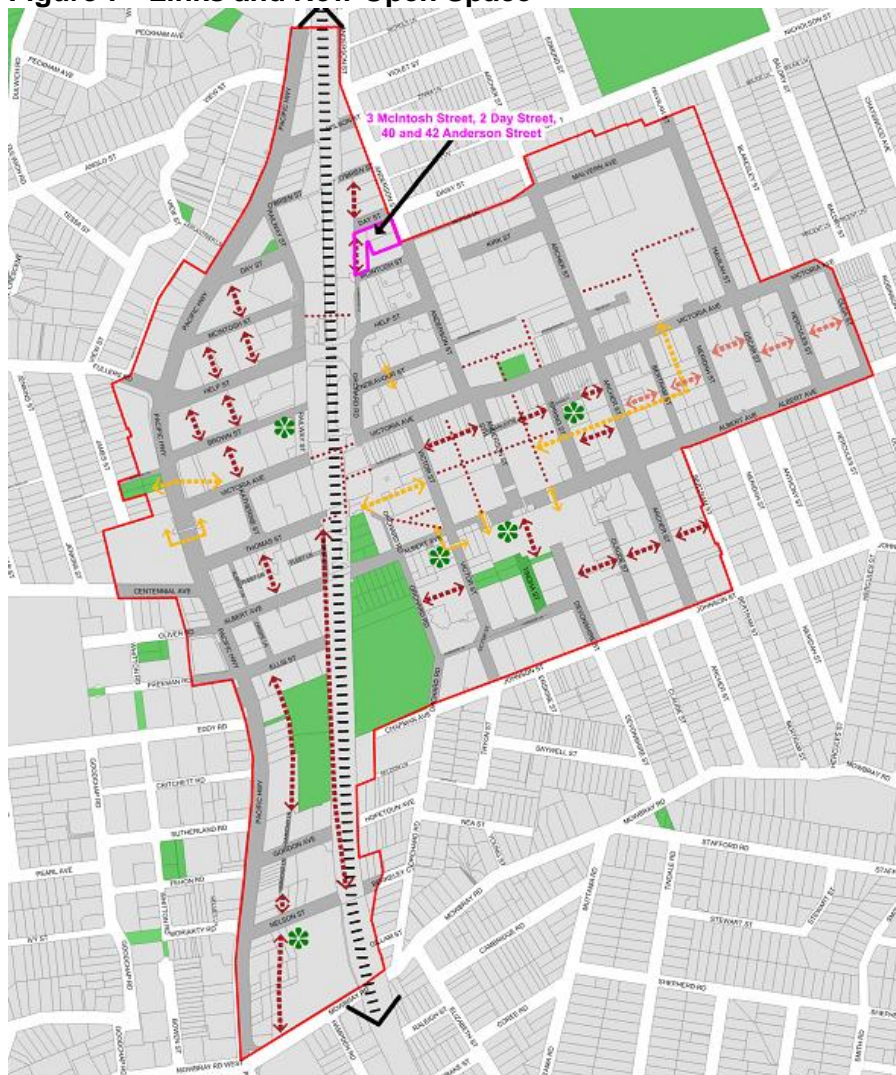
Key Element 22. The links and open space plan in Figure 7 will form part of the DCP. All proposals should have regard to the potential on adjacent sites. Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD.

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.

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.

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

Refer to setbacks and street wall height discussion below.

No further discussion is provided as the Planning Proposal is not supported.

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.

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.

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 to tower.**

- 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

Under the CBD Strategy, consideration has been given to different precincts within the Chatswood CBD with regard to setbacks and street wall heights – a total of 11 precincts are identified with different requirements for each. Refer below to Figure 8 - Setbacks and street frontage heights.

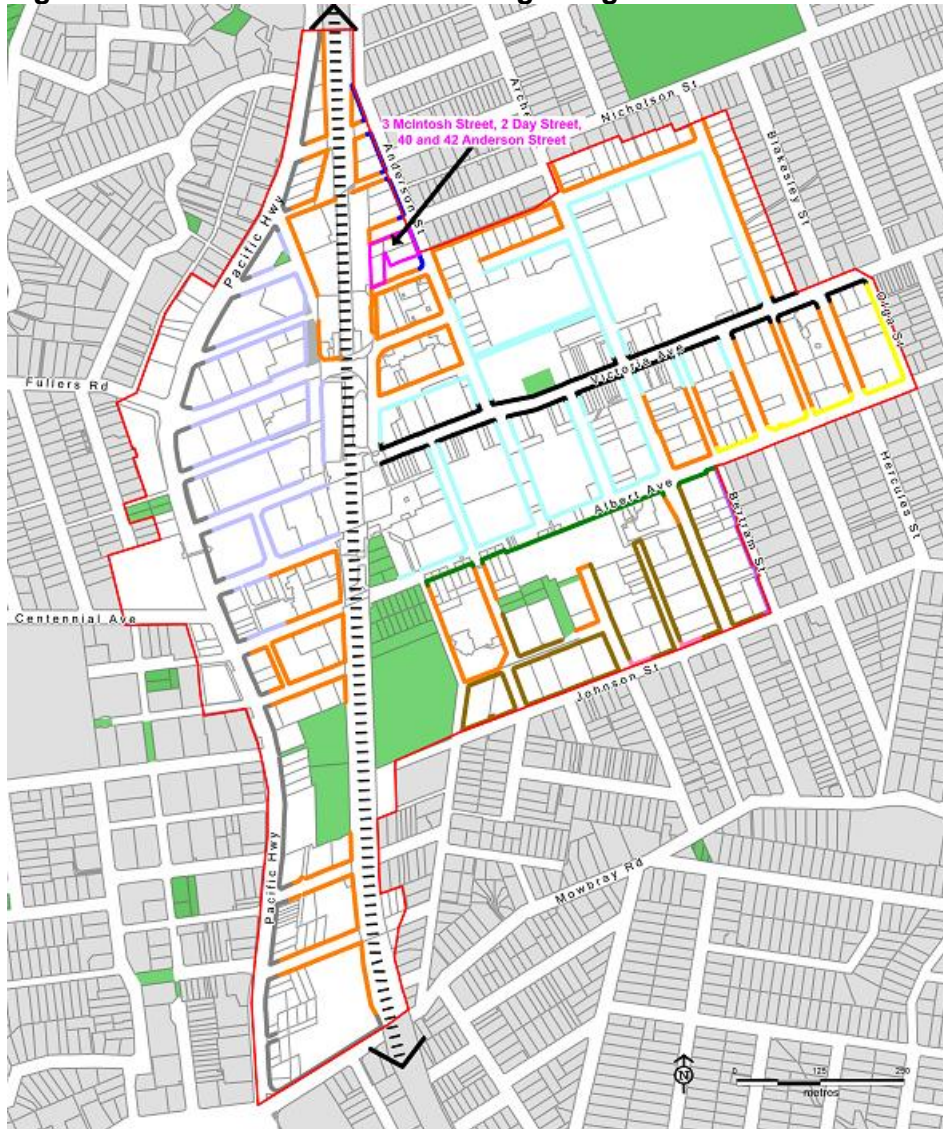
Building setbacks have been established to ensure building separation, and therefore a desired relationship for development within the Chatswood CBD with the public domain and neighbouring properties.

The site is characterised by two different precinct setback and street wall requirements, reflecting the future vision expressed in the CBD Strategy for Anderson Street (being in the Anderson Street Interface Precinct), and McIntosh Street and Day Street (being in the Mixed use frontage with commercial Ground Floor Precinct).

There is no specified setback to 38 Anderson Street and the public pathway on 1 Day Street, however any new development is expected to interact in a sympathetic manner. Embellishment of the public pathway on 1 Day Street in a manner that enhances the public space, by providing additional publicly accessible land on the subject Planning Proposal site, is encouraged.

Further discussion is not provided as the Planning Proposal is not supported.

Figure 8 - Setbacks and street frontage heights



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

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

This means if a building is:

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

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

Comment

No discussion is provided as the Planning Proposal is not supported.

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.

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.

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

Council officers have encouraged the amalgamation of 38 Anderson Street into this Planning Proposal site.

The Planning Proposal does not include 38 Anderson Street.

The exclusion of 38 Anderson Street is a concern for Council officers. The inclusion would effectively involve the block (up to 1 Day Street and the public pathway), resulting in a more complete development site able to deliver a high quality urban design outcome.

Provision has been made in the design to facilitate a basement and podium level connection to any future development at 38 Anderson Street.

Further discussion is not provided as the Planning Proposal is not supported.

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.

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.

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.

Matters to be addressed in this Planning Proposal

As noted above in the Officers recommendation, this Planning Proposal is not supported based on the fundamental issue of inadequate provision of affordable housing contributions, with the variation of 6% (from 10% to 4%) not supported.

As can be seen in the correspondence exchanged on behalf of the proponent and Council, the proponent has consistently sought for the Planning Proposal to be subject to a 4% affordable housing contribution rate, rather than the 10% that applies under WLEP 2012 (Amendment 34). The proponents position appears to be that:

- they were led to believe that a 4% affordable housing contribution was acceptable, as a result of statements made (or not made) by Council officers as part of pre-lodgement meetings;
- they believe the Council's resolutions at the 12 December 2022 meeting reflected an intention by the Council to save any planning proposals lodged before the making of the comprehensive WLEP review instrument (rather than those lodged prior to the close of the relevant exhibition period); and
- they say the Planning Proposal was substantially advanced prior to the making of WLEP 2012 (Amendment 34) and so the Council should apply the 4% contribution rate, rather than the increased 10% rate.

Council's correspondence in response identifies that Council staff disagrees with the position articulated by the proponent including because:

- statements made during pre-Planning Proposal meetings or other meetings or correspondence are not binding and are only intended to assist proponent's in preparing documentation;
- the proponent elected to progress the Planning Proposal alongside the Council's comprehensive LEP review;
- the proponent was aware of the exhibition of the comprehensive LEP review package which did not identify the site as being 'saved' and subject to a 4% contribution rate; and
- any statements of intention are only reflective of the Council's intention at that time and do not bind the position of Council at future times.

However, given that the Planning Proposal is now before Council for the purpose of considering whether to forward the Planning Proposal to the Department of Planning and Environment to seek a Gateway Determination, it is open to the Council to consider this issue afresh.

In this regard, and having considered the correspondence exchanged and the position of the proponent anew, the position remains that the Planning Proposal cannot be supported unless it makes provision for affordable housing contributions at the rate of 10%, consistent with WLEP 2012 (Amendment 34), for the reasons summarised above.

Concern remains with 38 Anderson Street not being amalgamated with the Planning Proposal site to provide a comprehensive solution for this block.

In addition, the other matter in this Planning Proposal yet to be satisfactorily addressed is the non-provision of updated documentation to address WLEP 2012 (Amendment 34) and WDCP (as updated).

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.

Department of Planning and Environment Requirements

The Planning Proposal is not 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 and Environment (August 2023) *Local Environmental Plan Making Guideline*.

Development within the Chatswood CBD MU1 Mixed Use zone is expected to be in accordance with the elements and vision contained within the CBD Strategy, which have been endorsed by both the Council and Department of Planning and Environment, as well as incorporated into *Willoughby Local Environmental Plan 2012*, Amendment 34, 30 June 2023 (WLEP 2012), and *Willoughby Development Control Plan* as updated (WDCP).

With regard to how the CBD Strategy, WLEP 2012 and WDCP are expressed in the concept plans accompanying this Planning Proposal, Council does not recognise an appropriate level of consistency – which is the basis for amending current planning controls. As discussed above, particular concern is raised regarding the issue of affordable housing. Other CBD Strategy issues, carried through to WLEP 2012 and WDCP, relate to height and floor space being based on the provision of the required 10% affordable housing. In addition, the Planning Proposal does not provide updated documentation satisfactorily addressing *Willoughby Local Environmental Plan 2012* (Amendment 34) and *Willoughby Development Control Plan* (as updated).

Strategic Considerations

Planning Proposal 2023/2 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 consistent with strategic planning undertaken by local Councils including the provision of affordable housing.

In regards strategic planning undertaken by Willoughby Council, considerable work has been done since 2016 in the form of *Our Future Willoughby 2032*, the *Willoughby City Local Strategic Planning Statement* (February 2020), the *Chatswood CBD Planning and Urban Design Strategy 2036* (September 2020) (the CBD Strategy), the *Willoughby Housing Strategy 2036* (May 2020) and the *Willoughby Local Environmental Plan 2012* review leading to Amendment 34 (30 June 2023).

The *Greater Sydney Region Plan* (updated June 2018) emphasizes the importance of affordable housing in Section 4 'Liveability', 'Housing the City', Objective 11 'Housing is more diverse and affordable'. This strategic document states in regards affordability:

“Across Greater Sydney, both home renters and purchasers face housing affordability challenges. Greater Sydney has been measured as being one of the

least affordable housing markets globally and is the least affordable Australian city. This has been exacerbated in the past five years by rapid home price growth.”

The *North District Plan* identifies principles for housing strategies, including:

“Affordable rental housing: through housing diversity for those on moderate incomes and affordable rental housing for low and very low-income households.”

Our Future Willoughby 2032, Community Strategic Plan, identifies the following community priorities:

- Under Outcome 3 ‘A City that is Liveable’: 3.7 Promote housing choice and affordability.
- Under Outcome 5 ‘A City that is effective and accountable’: Anticipate and respond to changing community and customer needs.

The *Willoughby City Local Strategic Planning Statement* identifies the following priorities for ‘Housing the City’:

- *“Priority 1 - Increasing housing diversity to cater to families, the aging population, diverse household types and key workers.*
- *Priority 2 - Increasing the supply of affordable housing.”*

The issue of affordable housing is considered to be an issue of even greater importance to the Greater Sydney Region, and the City of Willoughby, in 2023.

A planning proposal is sought on this site consistent with state and local strategic planning (in particular WLEP 2012) with regard to affordable housing provision.

Willoughby Local Planning Panel (WLPP)

On 11 July 2023, the WLPP considered a number of issues in its review of PP-2023/2: 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood including:

- *“compliance with the strategic framework,*
- *Percentage of affordable housing to be provided,*
- *History of Planning Proposal 2023/2 and comprehensive WLEP 2012 review – resulting in WLEP 2012 Amendment 34,*
- *Amalgamation with 38 Anderson Street, and*
- *Inconsistency with CBD Planning and Urban Design Strategy 2036 and Willoughby Development Control Plan requirements.”*

In regards PP-2023/1, the WLPP advised Council that:

“The Panel advises that while the proposal mostly meets the strategic framework it has failed to incorporate the increased affordable housing provision of 10%.

The Panel notes all landowners were notified of the increased affordable housing provision to 10% during the WLEP 2012 exhibition period between 5 March and 7 June 2022. The Panel also notes that this proposal did not form part of the savings list as determined by Council at its meeting 12 December 2022.

For these reasons, the Panel does not recommend the planning proposal in its current form.

The Panel advises it is not satisfied that the planning proposal is worthy of being forwarded to the DP&E for a Gateway consideration having not demonstrated merit in relation to the affordable housing provision.”

The provision on amended plans on 31 August 2023 does not change the above WLPP advice to Council.

Conclusion

Development within the Chatswood CBD MU1 Mixed Use zone is expected to be in accordance with the elements and vision contained within the CBD Strategy, which have been endorsed by both the Council and Department of Planning and Environment, as well as incorporated into *Willoughby Local Environmental Plan 2012*, Amendment 34, 30 June 2023 (WLEP 2012), and *Willoughby Development Control Plan* as updated (WDCP).

The fundamental issue with Planning Proposal 2023/2 is the variation from 10% affordable housing as required in *Willoughby Local Environmental Plan 2012* to 4%. This Planning Proposal accepts the uplift provided in Amendment 34 with regard to height (90m) and floor space (6:1), and seeks to vary the affordable housing controls by reducing the contribution rate by 6%. This reduction is not supported, for the reasons outlined in Part 4.10 above.

Other CBD Strategy issues, carried through to WLEP 2012 and WDCP, relate to height and floor space being based on the provision of the required 10% affordable housing contribution. In addition, the Planning Proposal does not provide updated documentation satisfactorily addressing *Willoughby Local Environmental Plan 2012* (Amendment 34) and *Willoughby Development Control Plan* (as updated).

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 the provision of affordable housing and consistency with local strategic planning.

The Willoughby Local Planning Panel also advised that it is not satisfied “*the planning proposal is worthy of being forwarded to the DP&E for a Gateway consideration having not demonstrated merit in relation to the affordable housing provision.*”

In the absence of a scheme providing a contribution rate of 10% of the residential GFA towards affordable housing, and having regard to the other issues raised, it is recommended that Planning Proposal 2023/2 should not be forwarded to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.



PLANNING AND INFRASTRUCTURE
Planning Unit

9 March 2023

Parade Consulting PTY Limited
PO Box 239
Potts Point NSW 2000
Att: Matt Hurst

Dear Matt,

RE: Planning Proposal 2023/002 (Portal reference: PP2022-4316)
3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood

I am writing to you regarding the Planning Proposal 2023/002 (Portal reference: PP2022-4316) for 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood.

The Council initiated Planning Proposal 2021/003 regarding the comprehensive review of Willoughby Local Environmental Plan 2012 (Portal Ref: PP2021-2560) was advertised between 5 March and 7 June 2022, with an affordable housing component of 10%.

As noted in the exhibition of Planning Proposal 2021/003, the increased affordable housing in new residential developments, from 4% of Gross Floor Area (GFA) to 10%, was in line with aspirations in the North District Plan and in recognition of the urgent need for more affordable rental housing in all parts of Sydney.

Planning Proposal 2023/002 provides 4% affordable housing.

A position was established in November 2022 that any Planning Proposal lodged after the 5 March and 7 June 2022 exhibition with an affordable housing component of less than 10% is unlikely to be supported as after this exhibition Council's position would be well known. In this regard you are invited to withdraw your Planning Proposal with a full refund.

The Department of Planning and Environment have advised Council that Planning Proposal 2021/003 is progressing towards finalisation in June 2023. The requested amendments in Planning Proposal 2023/001 may be addressed at that time.

Willoughby City Council
31 Victor Street
Chatswood NSW 2067

PO BOX 57 Chatswood NSW 2057
www.willoughby.nsw.gov.au

Phone 02 9777 1000 Fax 02 9777 1038
Email: email@willoughby.nsw.gov.au
ABN 47 974 826 099

Willoughby City Council

If you choose not to withdraw Planning Proposal 2023/002, then the affordable housing component is required to be increased to 10%. Please note that in this instance, finalisation of this Planning Proposal will be running a very close timeframe with Council's own Planning Proposal 2021/003.

Should you have any question in regards this letter please contact me on (02) 9777 7671.

Yours sincerely,



Norma Shankie-Williams
STRATEGIC PLANNING TEAM LEADER

Willoughby City Council
31 Victor Street
Chatswood NSW 2067

PO BOX 57 Chatswood NSW 2057
www.willoughby.nsw.gov.au

Phone 02 9777 1000 Fax 02 9777 1038
Email: email@willoughby.nsw.gov.au
ABN 47 974 826 099



**HONES
LAWYERS**

Experts in Property & Planning Law

Our Ref: JBH:JBH:23095

20 March 2023

Director of Planning & Infrastructure
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

By Email: hugh.phemister@willoughby.nsw.gov.au

Attention: Hugh Phemister

Dear Mr Phemister,

**Planning Proposal 2023/002
Ppty: 3 McIntosh Street, 2 Day Street, 40 & 42 Anderson Street,
Chatswood (Site)**

We act for 3 McIntosh Pty Limited concerning Planning Proposal 2023/002 (PP 002) and refer to Council's letter to Parade Consulting dated 9 March 2023.

The concern

Our client is concerned at the position taken by Council with regard to the application of a 10% affordable housing requirement to PP 002.

Our client is not concerned however at the requirement for affordable housing in general and indeed embraces it, rather the concern arises from the reasonable understanding arising from representations made by Council, and the history of the matter, that the affordable housing requirement was to be set at 4% of gross floor area (GFA). To understand this comment properly it is necessary to understand the history of the matter.

The history

The history of client's actions are set out below, noting these comments concern 3 McIntosh Street, 2 Day Street, 40 Anderson and 42 Anderson Street, Chatswood (all known as the Site).

Prior to August 2018 our client optioned to purchase 3 McIntosh Street, Chatswood and 2 Day Street, Chatswood, with the intention being to consolidate those properties for the purposes of submitting an application for rezoning via a planning proposal.

Hones Lawyers Pty Ltd | ABN 56 605 535 041

Level 4, 65 Barry Street, North Sydney NSW 2060 | PO Box 1989, North Sydney NSW 2059

T +61 2 9929 3031 | F +61 2 9929 7071 | E reception@honeslawyers.com.au

W www.honeslawyers.com.au

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On 22 August 2018 a preliminary planning proposal meeting was held with Council at which time our clients first iteration of its planning proposal was presented. The minutes of that meeting reflect a 4% affordable housing criteria.

During the next 18 months, our client managed to consolidate the rest of the Site being 40 Anderson and 42 Anderson Street Chatswood,

From late 2021 to June 2022 detailed planning work was undertaken concerning the submission of PP 002 for the consolidated Site which now also included 40 and 42 Anderson Street in an endeavor to fulfill Council's strategy recommendations.

From March to June 2022 Council's planning proposal to amend its LEP and DCP were on exhibition (**Council's PP**). Regrettably no notification was afforded our client that this would be applied to their already consolidated sites for which planning work had already commenced. By that time PP 002 was well advanced and ready for preliminary submission and comment with Council.

On 20 July 2022 a second preliminary planning proposal meeting was held with Council Staff (Chris Nguyen) to discuss the controls that would need to be applied in the formulation of PP 002 for the consolidated site. Significant documentation, which formed part of PP 002, was presented at that time. Importantly no mention of a requirement for 10% affordable housing was raised at that time.

Consequently, our client requested, and paid for, the third and current preliminary planning proposal in support of PP002 in August 2022, in a pre lodgment planning proposal, meeting.

The pre lodgment planning proposal meeting was subsequently held on 28 September 2022. During that meeting the 4% affordable housing requirement was maintained. Our client maintains that the payment for, and attendance at, three consecutive pre-planning proposals dating from August 2018 till Sept 2022 is clear and unequivocal indication of its intention to lodge PP 002, long before Councils indicated position of November 22 as stated in the letter of 9 March 2023.

On 17 October 2022 our client received the minutes from the pre lodgment meeting. Importantly those minutes included the following: (our emphasis)

8. Affordable Housing Officer

Comments:

- *A minimum of **4% affordable housing** should be provided throughout the development (rather than together) in accordance with Council's existing LEP and DCP requirements.*
- *Council requires commitment to CBD Strategy Key Element 14 at Planning Proposal stage – with this affordable housing being within the residential floor space proposed.*
- *Any **additional affordable housing** contribution **is encouraged** as part of an offer to enter a Planning Agreement.*

As is readily apparent from the above extract of the minutes, affordable housing was still set at 4% and any increase was not mandatory but rather only encouraged.

On 12 December 2022 Council resolved to proceed with its planning proposal. In doing so Council acknowledged that existing planning proposals ought not be the subject of its planning proposal. Our client maintains that because it had paid for and participated in the three pre-lodgments starting from August 2018, including the 28 September 2022 pre-lodgment meeting and had formally lodged PP 002 only 8 business days after Council's resolution that the Site should be considered as one of the sites to which Council's planning proposal does not apply.

Consistent with the representations contained within the minutes of 17 October 2022, specifically as regards affordable housing, considerable time and expense was expended in finalising PP 002 with it being submitted on 20 December 2022.

The way forward

From what we have set out above it is readily apparent that, contrary to what is set out in Council's letter of 9 March 2023, namely that Council's position of a 10 % affordable housing criteria was clear, no such position was clear. Further support that Council's position was far from clear is found in the existing controls Council seeks to rely upon which, themselves, suggested the possibility of a range between 4% and 10% for the provision of affordable housing.

Our client reasonably understood in the context of all of its dealings with Council that its planning proposal should be based on a 4% affordable housing criteria and, based on that understanding (reinforced by the pre lodgement minutes), our client expended considerable funds in preparing PP 002 and in exercising options and ultimately fully acquiring the Site. Importantly all of these endeavours were running in parallel with Council's planning strategy.

Given the history we have recited above it seems to us that the fairest way to address our clients' concerns, and still achieve implementation of the goals that are sought to be achieved by the Council PP, would be to include a savings provision such that PP 002 was excluded from the application of Council's PP, or alternatively, limit the land to which Council's PP applies so that it does not apply to land the subject of PP 002.

We ask that Council give serious consideration to this submission.

Yours faithfully

HONES LAWYERS



Jason Hones

Managing Partner

jhones@honeslawyers.com.au



**HONES
LAWYERS**

Experts in Property & Planning Law

Our Ref: JBH:JBH:23095

20 April 2023

Director of Planning & Infrastructure
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

By Email: hugh.phemister@willoughby.nsw.gov.au

Attention: Hugh Phemister

Dear Mr Phemister,

**Planning Proposal 2023/002
Ppty: 3 McIntosh Street, 2 Day Street, 40 & 42 Anderson Street,
Chatswood (Site)**

We refer to your letter of 3 April 2023.

Firstly, we apologise in the delay in responding to you. Our delay arose as a consequence of the Easter period and the writer's absence.

Having now considered Council's letter we note that it, unfortunately, fails to properly address the reasonable expectation that our client had concerning the 4% affordable housing criteria that Council had put forward as the relevant affordable housing percentage as late as its minutes of 17 October 2022.

We also note that your letter seems to rely upon "a position established in November 2022". We are unaware of how that "position" was established. It certainly does not appear that comments from the public were sought prior to establishing such a position, nor was our client afforded any opportunity to address Council concerning it.

Irrespective of these matters, our client will not be withdrawing its planning proposal. Rather our client wishes for Council to fairly assess its proposal noting the history previously set out in our earlier letter and to apply a consistent approach to our client's proposal as it has done to other planning proposals which have proceeded through a pre lodgement process (such as our client's proposal).

Hones Lawyers Pty Ltd | ABN 56 605 835 041

Level 4, 63 Bury Street, North Sydney NSW 2060 | PO Box 1989, North Sydney NSW 2060

T +61 2 9929 9031 | F +61 2 9929 7071 | E reception@honeslawyers.com.au

W www.honeslawyers.com.au

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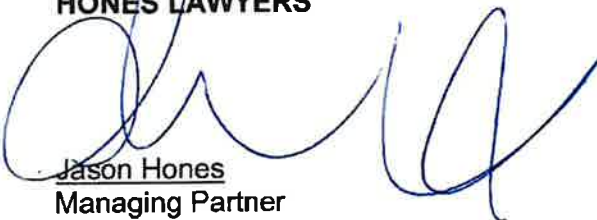
As we set out in our earlier letter it seems to us that the fairest way to address our clients' concerns, and still achieve implementation of the goals that are sought to be achieved by the Councils planning proposal, would be to include a savings provision such that our clients planning proposal was excluded from the application of Council's planning proposal, or alternatively, limit the land to which Council's planning proposal applies so that it does not apply to land the subject of our clients planning proposal.

In fact, the way forward that we set out in our earlier letter (and reiterate in this letter) seems entirely consistent with the way in which Council has suggested other planning proposals lodged **before the making** of Councils planning proposal be dealt with (see for example the following parts set out in the Council meeting report of 12 December 2022: para 4.7.6 on p.115; attachment 8 at p.1, recommendation 1(a) on p.2 and pp 7-8).

So as to avoid our client needing to unnecessarily consider its options regarding Councils planning proposal and the manner in which that proposal has been considered, we ask Council to confirm that it will agree to adopt one of the ways forward we have set out above.

We look forward to Council's positive response.

Yours faithfully
HONES LAWYERS



Jason Hones
Managing Partner
jhones@honeslawyers.com.au



**HONES
LAWYERS**

Experts in Property & Planning Law

Our Ref: JBH:JBH:23095

7 June 2023

Director of Planning & Infrastructure
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

By Email: hugh.phemister@willoughby.nsw.gov.au

Attention: Hugh Phemister

Dear Mr Phemister,

Planning Proposal 2023/002
Ppty: 3 McIntosh Street, 2 Day Street, 40 & 42 Anderson Street,
Chatswood (Site)

We refer to previous communications in this matter.

We note that we have written to Council on 20 March 2023 and 21 April 2023. Copies of those letters are enclosed for completeness.

Our letters concerned our clients above planning proposal and Council's current planning proposal in which, amongst other things, it proposes to change the affordable housing criteria from 4% to 10%.

As you are aware, our client's planning proposal commenced preparation in 2018. At Council's behest it was requested that the planning proposal consolidate a number of additional sites. Our client did as requested, and ultimately consolidated a number of additional sites from what was first proposed.

Thereafter our client sought input from Council, ultimately engaging in a number of pre lodgement meetings, the last of which occurred on 28 September 2022.

At all times Council represented to our client that the relevant affordable housing criteria was 4%. It was never suggested, and it is in error to do so, that our client's site, and planning proposal, would be the subject of a 10% affordable housing criteria. In fact, the Council's minutes of the September meeting (erroneously recorded on the minutes as 28 August 2022) reflect what is set out above. A copy of those minutes is also enclosed.

Hones Lawyers Pty Ltd | ABN 56 605 835 041

Level 4, 66 Barry Street, North Sydney NSW 2060 | PO Box 1989, North Sydney NSW 2059

T +61 2 9920 3050 | F +61 2 9920 3071 | E enquiries@honeslawyers.com.au

W www.honeslawyers.com.au

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To the extent Council may suggest that our clients were made aware that their site would be the subject of a 10% affordable housing criteria, that suggestion is inconsistent with Council's prior written representations and so is in error. Our client seeks to address that error (to the extent it might exist) by Council adopting the way forward we have previously set out and which follows below.

We have previously requested that Council adopt the same approach for our client that it has for a select few other planning proposals currently awaiting gazettal. That is, we have requested that our client's site be included in the savings provision for Council's planning proposal so that the 10% affordable housing criteria does not apply to its site. Regrettably Council has not seen fit to agree with this course, despite its previous representations that the 10% criteria would not apply.

We are again instructed to seek Council's agreement to include our client's site in the list of sites to which the savings provision applies.

In the event Council does not agree, then reluctantly our client has instructed us to investigate what legal options it might have to challenge any decision Council may make to not include our client in the savings provisions. In other words, to challenge the making, and decision making process, of Council's planning proposal.

We look forward to Council's positive response.

Yours faithfully
HONES LAWYERS



Jason Hones
Managing Partner
jhones@honeslawyers.com.au

Encl.

c.c Ms C. Brooks
Department of Planning
christina.brooks@planning.nsw.gov.au

Hassan Vakili, Jilla Vakili, Reza Vakili

7 The Bastian, Castlecrag, NSW, 2068.
58 Anderson, Chatswood, NSW, 2067.

Dear Tanya Taylor,

We, Hassan, Jilla and Reza, are residents of Sailor's Bay Ward. We are the owners of a development site at Chatswood (3 McIntosh, 2 Day Street, 40 and 42 Anderson Street).

We have been working on re-developing this site since 2017, lodging a Pre-Planning Proposal for the re-development of the site in July of 2018, a second Pre-Planning Proposal in July of 2022, a third in September 2022 and subsequently the Planning Proposal Application in December 2022.

We are writing to you today to seek resolution on conflicting correspondence that we have received from Willoughby Council's Planning Infrastructure department regarding the required affordable housing component on this site. We are also hoping to meet with you to discuss this matter.

In order to make sure that we were in compliance with Council controls, we have continued to arrange and pay for pre-PP meetings. We received minutes from Council from our third pre-PP in September 2022 directly stating that *"A minimum of 4% affordable housing should be provided throughout the development (rather than together) in accordance with Council's existing LEP and DCP requirements"*.

As a result of this written confirmation from Council, we continued investing into the planning work on the site as well as the acquisitions of any remaining units, making significant investments based on clear assurance from Council that our site was in compliance with the affordable housing controls.

Then, on the 9th of March, 2023, we received a letter from Willoughby Council's Planning Infrastructure department stating that *"A position was established in November 2022 that any Planning Proposal lodged after the 5 March and 7 June 2022 exhibition with an affordable housing component of less than 10% is unlikely to be supported as after this exhibition Council's position would be well known. In this regard you are invited to withdraw your Planning Proposal with a full refund."*

This letter is in direct conflict with advice that we have in writing from Willoughby Council confirming the 4% affordable housing control for our site on the 28th of September, 2022. We reject that "Council's position would be well known" after the exhibition as their position was **explicitly opposite** to the one stated in this letter as recently as the 28th of September. Further, we contend that the invitation to withdraw our Planning Proposal is an undermining of our deliberate efforts to clearly communicate with Council and firmly establish their expectations for this site, as can be seen in our continued arranging for multiple pre-PPs from 2018 to 2022.

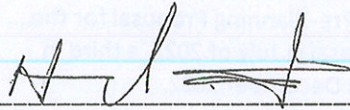
We believe that initiating and running our PP in parallel and in full consultation with council before the council draft LEP, and our continued planning efforts to ensure compliance on this site from 2018, as described above, merit an exclusion from the draft LEP controls being levied on planning proposals that are being submitted for Council consideration from November 2022 onwards.

Our solicitor has written to Hugh Phemister, the Director of Planning and Infrastructure, outlining the history of our communication with Council and reiterating our belief that our site should be able to proceed with a with a 4% affordable housing control based on previous indication by Council that this

is compliant, and the subsequent investment into our site based on that indication. We have attached that letter for your reference, as it outlines our correspondence with Council in more detail. We are yet to receive a response.

We kindly ask you, as the Mayor of Sailor's Bay Ward, which we reside in, for some time for a brief meeting about this matter so that we can explain what has occurred in more detail, and hopefully get your support for a comprehensive departmental review of Willoughby Council's current housing affordability policy so that clarity may be provided to all affected stakeholders.

Thank you for your time in reading this letter and we look forward to speaking further with you on this matter.



Hassan Vakili



Jilla Vakili



Reza Vakili



PLANNING AND INFRASTRUCTURE
Planning Unit

3 April 2023

Hassan, Jilla and Reza Vakili
7 The Bastian
Castlecrag NSW 2068

Dear Mr H and R Vakili and Mrs J Vakili

RE: Planning Proposal 2023/002 (Portal reference: PP2022-4316)
3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood

I am writing regarding the Planning Proposal 2023/002 (Portal reference: PP2022-4316) for 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood.

I understand you wrote to the Mayor on this issue, and she has asked me to reply on her behalf.

Council has also received a letter from Hones Lawyers, who are acting on your behalf, and a reply was sent today.

Rather than repeat the response, I attach it for your information. I look forward to discussing the next stages with you once you have considered the options.

Should you have any further questions please contact Norma Shankie-Williams, Team Leader Strategic Planning, on (02) 9777 7671.

Yours sincerely,

Chris Binns
Acting Planning and Infrastructure Director



PLANNING AND INFRASTRUCTURE
Planning Unit

3 April 2023

Hones Lawyers Pty Ltd
PO Box 1989
North Sydney NSW 2059
Att: Jason Hones

Dear Mr Hones

RE: Planning Proposal 2023/002 (Portal reference: PP2022-4316)
3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood

I am writing to you regarding the Planning Proposal 2023/002 (Portal reference: PP2022-4316) for 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood, and in response to your letter dated 20 March 2023.

We note and acknowledge the work carried out by your client to date. The preparation of Planning Proposals (PPs) take time and during that process certain benchmarks change. In this case it has been the parallel processing of our comprehensive Local Environmental Plan (LEP) which was exhibited from 5 March until 7 June 2022.

All property owners were notified of the exhibition of the draft LEP and Council carried out an extensive process to promote the exhibition. Any ownership of land involving your client by March 2022 would have resulted in the receipt of a letter from Council as we consulted with every ratepayer. The exhibition material clearly stated the affordable housing rate was being increased to 10% in the Chatswood CBD.

The Pre-Planning Proposal Meeting Notes of August 2022 were provided in good faith and are only relevant at the date they are issued. Such notes do not establish ongoing controls.

A position was established in November 2022 that any Planning Proposal lodged after the 5 March and 7 June 2022 exhibition with an affordable housing component of less than 10% is unlikely to be supported as after this exhibition Council's position would be well known. The point is made that Council needs to provide a cut-off point from 4% to 10% affordable housing provision at some stage in the process of progressing the comprehensive LEP.

In the Council report of 12 December 2022 on the comprehensive LEP, it was stated:

Willoughby City Council
31 Victor Street
Chatswood NSW 2067

PO BOX 57 Chatswood NSW 2057
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Phone 02 9777 1000 Fax 02 9777 1038
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Willoughby City Council

"There are planning proposals (mainly in Chatswood CBD) that have been progressed in tandem or ahead of this comprehensive LEP review. If they have been lodged before the end of the exhibition period with a 4% agreed rate, it is proposed that rate remains as is".

The applicant did not submit their PP on the NSW Planning Portal until 20 December 2022, with the fee being received on 20 January and receipted on 23 January 2023.

Should your client not proceed with the PP, they will still benefit from a significant uplift in planning controls which are being processed in the comprehensive LEP. Council received expert advice on feasibility testing of the new affordable housing rate. It concluded that the requirement to provide 10% affordable housing is feasible for Chatswood given the uplift. In fact, other areas of the LGA will also incur a 10% affordable housing contribution rate such as Northbridge and North Willoughby. These areas did not result in the significant uplift in planning controls as Chatswood.

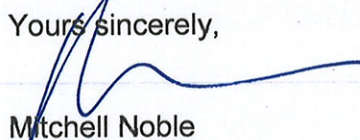
Moving forward, I see three possibilities:

1. The applicant withdraws the Planning Proposal, and receives a full refund. Council's comprehensive LEP will provide new planning controls and significant uplift for the site once gazetted. If this is done by 17 April 2023, a full refund may be provided. After 17 April 2023, Council assessment charges will be applicable to any refund.
2. The applicant revises the Planning Proposal to include 10% affordable housing. This is not encouraged, as it would deliver exactly the same controls as proposed in Council's comprehensive LEP which is expected to be made in June 2023. Given the impending gazettal of the comprehensive LEP, I see no reason to progress a separate Planning Proposal.
3. Council assesses the current Planning Proposal and reports it to the Willoughby Local Planning Panel for advice and an Ordinary Council meeting for a decision. This is unlikely to be supported given the Council's position on the affordable housing provision outlined above.

We are encouraged that your client embraces the need to provide affordable housing. We hope that we can work with your client to provide a resultant development which not only provides a benefit for the developer but also contributes such an important housing benefit for the Willoughby community.

I look forward to your response. Should you have any question in regards this letter please contact Norma Shankie-Williams, Team Leader Strategic Planning, on (02) 9777 7671.

Yours sincerely,



Mitchell Noble
Head of Planning

Willoughby City Council
31 Victor Street
Chatswood NSW 2067

PO BOX 57 Chatswood NSW 2057
www.willoughby.nsw.gov.au

Phone 02 9777 1000 Fax 02 9777 1038
Email: email@willoughby.nsw.gov.au
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PLANNING AND INFRASTRUCTURE
Planning Unit

3 April 2023

Hones Lawyers Pty Ltd
PO Box 1989
North Sydney NSW 2059
Att: Jason Hones

Dear Mr Hones

**RE: Planning Proposal 2023/002 (Portal reference: PP2022-4316)
3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood**

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We note and acknowledge the work carried out by your client to date. The preparation of Planning Proposals (PPs) take time and during that process certain benchmarks change. In this case it has been the parallel processing of our comprehensive Local Environmental Plan (LEP) which was exhibited from 5 March until 7 June 2022.

All property owners were notified of the exhibition of the draft LEP and Council carried out an extensive process to promote the exhibition. Any ownership of land involving your client by March 2022 would have resulted in the receipt of a letter from Council as we consulted with every ratepayer. The exhibition material clearly stated the affordable housing rate was being increased to 10% in the Chatswood CBD.

The Pre-Planning Proposal Meeting Notes of August 2022 were provided in good faith and are only relevant at the date they are issued. Such notes do not establish ongoing controls.

A position was established in November 2022 that any Planning Proposal lodged after the 5 March and 7 June 2022 exhibition with an affordable housing component of less than 10% is unlikely to be supported as after this exhibition Council's position would be well known. The point is made that Council needs to provide a cut-off point from 4% to 10% affordable housing provision at some stage in the process of progressing the comprehensive LEP.

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"There are planning proposals (mainly in Chatswood CBD) that have been progressed in tandem or ahead of this comprehensive LEP review. If they have been lodged before the end of the exhibition period with a 4% agreed rate, it is proposed that rate remains as is".

The applicant did not submit their PP on the NSW Planning Portal until 20 December 2022, with the fee being received on 20 January and receipted on 23 January 2023.

Should your client not proceed with the PP, they will still benefit from a significant uplift in planning controls which are being processed in the comprehensive LEP. Council received expert advice on feasibility testing of the new affordable housing rate. It concluded that the requirement to provide 10% affordable housing is feasible for Chatswood given the uplift. In fact, other areas of the LGA will also incur a 10% affordable housing contribution rate such as Northbridge and North Willoughby. These areas did not result in the significant uplift in planning controls as Chatswood.

Moving forward, I see three possibilities:

1. The applicant withdraws the Planning Proposal, and receives a full refund. Council's comprehensive LEP will provide new planning controls and significant uplift for the site once gazetted. If this is done by 17 April 2023, a full refund may be provided. After 17 April 2023, Council assessment charges will be applicable to any refund.
2. The applicant revises the Planning Proposal to include 10% affordable housing. This is not encouraged, as it would deliver exactly the same controls as proposed in Council's comprehensive LEP which is expected to be made in June 2023. Given the impending gazettal of the comprehensive LEP, I see no reason to progress a separate Planning Proposal.
3. Council assesses the current Planning Proposal and reports it to the Willoughby Local Planning Panel for advice and an Ordinary Council meeting for a decision. This is unlikely to be supported given the Council's position on the affordable housing provision outlined above.

We are encouraged that your client embraces the need to provide affordable housing. We hope that we can work with your client to provide a resultant development which not only provides a benefit for the developer but also contributes such an important housing benefit for the Willoughby community.

I look forward to your response. Should you have any question in regards this letter please contact Norma Shankie-Williams, Team Leader Strategic Planning, on (02) 9777 7671.

Yours sincerely,


Mitchell Noble
Head of Planning

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PLANNING AND INFRASTRUCTURE

Planning Unit

5 May 2023

Hones Lawyers Pty Ltd
PO Box 1989
North Sydney NSW 2059
Att: Jason Hones

Dear Mr Hones

**RE: Planning Proposal 2023/002 (Portal reference: PP2022-4316)
3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood**

I am writing to you regarding Planning Proposal 2023/002 (Portal reference: PP2022-4316) for 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood, and your letter dated 20 April 2023.

The position outlined by you and the intention of your client to not withdraw the Planning Proposal is noted.

Council staff will proceed to conclude the assessment and report the Planning Proposal to a Council Meeting for a decision. The proponent will be advised of the meeting date when it has been identified.

Should you have any question in regards this letter please contact Norma Shankie-Williams, Team Leader Strategic Planning, on (02) 9777 7671.

Yours sincerely,

Mitchell Noble
Head of Planning

Willoughby City Council
31 Victor Street
Chatswood NSW 2067

PO BOX 57 Chatswood NSW 2057
www.willoughby.nsw.gov.au

Phone 02 9777 1000 Fax 02 9777 1038
Email: email@willoughby.nsw.gov.au
ABN 47 974 826 099



PLANNING AND INFRASTRUCTURE
Planning Unit

21 June 2023

Hones Lawyers Pty Ltd
PO Box 1989, North Sydney NSW 2059
Att: Jason Hones

Dear Mr Hones

**RE: Planning Proposal 2023/002 (Portal reference: PP2022-4316)
3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood**

I am writing to you regarding Planning Proposal 2023/002 (Portal reference: PP2022-4316) for 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood, and your letter dated 7 June 2023.

Your letter follows on from previous letters from you to Council dated 20 March and 20 April 2023, and the Council responses dated 3 April and 5 May 2023.

In addition Council has also written to the Planning Proposal proponent Parade Consulting dated 9 March 2023, the owner of the site on behalf of the Mayor dated 3 April 2023 and met with both the proponent and owner to discuss this matter on 16 May 2023.

The position outlined in your 7 June 2023 letter is again noted. Council has also considered the final paragraph where you identify the course of action you may take going forwards.

Council continues to reaffirm the importance of affordable housing and the relevance of 10% affordable housing provision with regards to Planning Proposal 2023/002.

As previously indicated, Council staff will proceed to conclude the assessment and report the Planning Proposal to a Council Meeting for a decision. The proponent will be advised of the meeting date when it has been identified.

Should you have any question in regards this letter please either contact myself or Norma Shankie-Williams, Team Leader Strategic Planning, on (02) 9777 7671.

Yours sincerely,

Mitchell Noble
Head of Planning

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ABN 47 974 826 099

RECORD OF THE PRE-PLANNING PROPOSAL LODGEMENT MEETING

Date/Time of meeting: 10.00am, 28 August 2022
Meeting held online and in-person

PROPERTY:

2 Day Street, 3 Macintosh Street and 40-42 Anderson Street, Chatswood

Applicant/Proponent Details:

Matt Hurst, Parade Consulting Pty Ltd
 Drew Dickson, Drew Dickson Architects
 Lauren Honey, Drew Dickson Architects
 Hon Diec, Drew Dickson Architects
 Harry Vakili (Property Owner)

Council Officers:

Norma Shankie-Williams, Team Leader of Strategic Planning
 Craig O'Brien, Strategic Planner
 Christopher Nguyen, Strategic Planner
 Andrew Gillies, Strategic Transport Planner
 Wil Robertson, Urban Designer

Plans and Documents Provided to Council:

- Architectural Plans, prepared by Drew Dickson Architects, dated September 2022, reference number 18029.
- Traffic and Parking Report, prepared by Stanbury Traffic Planning, dated 6 September 2022.
- Waste Preliminary Technical Note, prepared by TTM Consulting Pty Ltd, dated 7 September 2022.

Existing Planning Controls (as per the Willoughby LEP 2012 and WDCP)

Zoning: R3 Medium Density Residential

Max. Height of Building: 12.0m

Max. Floor Space Ratio: 0.9:1

Heritage Conservation Area: No (although in close proximity to the North Chatswood Conservation Area)

Local Heritage Item: No

Flood Prone Area: No

Bushfire Prone Area: No

Description of Proposal

The proponent has requested Council to consider a proposal for 2 Day Street, 3 Macintosh Street and 40-42 Anderson Street, Chatswood.

The proposal seeks the following:

- Demolition of all buildings.
- Construction of a mixed-use building comprising of residential and commercial uses.

The proposal requests the following amendments to the WLEP 2012 for the site:

- Amend the Floor Space Ratio Map to change the maximum permissible floor space ratio (FSR) across the site from 0.9:1 to 6:1, with a minimum FSR of 1:1 dedicated to non-residential uses.
- Amend the Land Zoning Map to change the land use zoning across the site from R3 Medium Density Residential to B4 Mixed Use.
- Amend the Height of Buildings Map to change the maximum building height from 12m to 90m.
- Amend the Lot Size Map to indicate a minimum lot size of 1200sqm.
- Amend Area 3 of the Special Provisions Map to include the site so that affordable housing requirements apply.
- Amend Area 12 of the Special Provisions Map to include the site so that design excellence requirements apply.

Issues Raised by Council Officers

1. Site Amalgamation

Officer comments:

- An amalgamation of 2 Day Street, 3 Macintosh Street and 40 & 42 Anderson Street, would provide the possibility of an appropriate re-development, however it is strongly encouraged that all avenues should continue to be pursued to amalgamate 38 Anderson Street in the proposal.
- This would create potential for a development that is more logical and complete in terms of development of this part of Chatswood able to deliver high urban design quality, minimise impacts on surrounding properties, with an improved vehicular access and basement layout.
- If 38 Anderson Street cannot be included within the proposal, the proponent would need to provide evidence that all reasonable steps have been undertaken to acquire the site and the proposal would not lead to site isolation.

2. Vehicular Access

Officer comments:

- The architectural drawings indicate the driveway entrance off McIntosh Street, which is a one-way street.
- It is requested that all vehicular access be provided from Day Street. The indicated turntables are not supported and to be removed from the plans.

3. Proposed Minimum Lot Size

Officer comments:

- The CBD Strategy indicates a minimum lot size of 1200m² for land zoned B4 Mixed Use.
- Any lot size less than 1,200m² is not encouraged, having regard to the issues raised in these notes.

4. Height, Scale and Form of Development

Officer comments:

- The height of the tower is to accurately reflect the permitted height.
- Any planning proposal must clearly establish permitted heights over the site and design accordingly. In this regard, the part of any site affected is to be clearly shown on a site plan.
- The redevelopment vision within the CBD Strategy is the starting point for the design of Planning Proposals which can expect to receive Council support.
- The scale and form of new mixed use development should achieve the slender tower objective stipulated in the CBD Strategy.
- The maximum height and floor space contained in the CBD Strategy is not necessarily achievable on every site, and will depend on addressing site constraints, surrounding context and other aspects of the *Strategy* in addition to compliance with *SEPP 65* and the *Apartment Design Guidelines (ADG)*.
- The requested height permitted should include lift over runs and any other structures at roof level such as roof features and structures required to facilitate roof top communal recreation areas (which are both encouraged).
- The slender tower objective will be assessed from all sides of any proposed residential tower.
- Under the CBD Strategy, the maximum tower floor plate size is 700m², which is intended to achieve a slender tower form
- It is requested the east and west sides be minimized to address the slender tower objective.

5. Design

Officer comments:

- An architectural design statement is to be provided at Planning Proposal stage – reflective of the comments in these notes.
- Such a design statement is to explain, and where appropriate, assess:
 - How the design addresses Anderson Street, and western boundaries to the public pathway
 - How the design has regard to the North Chatswood Conservation Area.
 - How the proposal makes a positive contribution to the Anderson Street, and western boundaries to the public pathway.
 - The appearance of each elevation in context.
 - The design progression to final concept, with regard to the CBD Strategy.

6. Setbacks and street wall heights

Officer comments:

- For the Anderson Street frontage, the following setbacks and street wall heights are expected:
 - Minimum 3 metre setback at Ground Level from front boundary.
 - Minimum 6-14m street wall height.
 - Minimum 1m setback above street wall to tower.
- For the McIntosh and Day Street frontages, a minimum 3.0m setback above street wall to tower is required.
- Under the CBD Strategy, unless specified, the expectation is that an appropriate setback and street wall height is provided based on context and the relationship with public spaces and neighbouring properties.
- It is expected that ground level setbacks be subject of public rights of way.
- A tower setback (above podium) is expected on all sides.
- If the tower reaches a height of 90m, a minimum setback from the side boundary of 4.5m is required for the entire tower on any side. The proposal currently does not comply and the plans are to be amended to meet this requirement.
- The requirements within the Apartment Design Guide should be taken into consideration when considering building separation to neighbouring buildings.

7. Public Realm

Officer comments:

- Council seeks a meaningful response in the concept plans to CBD Strategy Key Element 24.
- Council seeks an enhancement of public realm on the subject site.
- Council seeks to maintain the existing pedestrian pathway adjacent to the western boundary which connects to Cambridge Lane to the south.
 - The 6.0m setback distance to the western boundary with deep soil planting is supported.
 - Any planting / landscaping is not to interrupt use of the shared path.
 - The proponent is requested to integrate the shared path into the design process and make it a feature of the proposal.
 - The ground floor plan and any future landscape plan, should reflect the above envisaged shared path – with all dimensions shown.
- In accordance with Key Element 24, public realm is to be accompanied by public rights of way to achieve a permanent public benefit. To this end, a plan should be provided showing all public rights of way proposed over the site with the Planning Proposal.

8. Affordable Housing

Officer Comments:

- A minimum of 4% affordable housing should be provided throughout the development (rather than together) in accordance with Council's existing LEP and DCP requirements.
- Council requires commitment to CBD Strategy Key Element 14 at Planning Proposal stage – with this affordable housing being within the residential floor space proposed.
- Any additional affordable housing contribution is encouraged as part of an offer to enter a Planning Agreement.

9. Landscaping

Officer Comments:

- The CBD Strategy seeks to balance redevelopment with greening the Chatswood CBD, particularly in the B4 zone.
- Any Planning Proposal should demonstrate a minimum 20% of the site area provided as soft landscaping in accordance with the CBD Strategy. This should be shown on plans and maximised at Ground Level. Green areas on upper levels, and green walls, in particular facing public areas such as Anderson Street, and the public pathway to the west, are also supported.
- As noted above, deep soil planting for trees is to be provided for setbacks 3m or greater (this includes the Anderson Street setback). Suitable planting is to be provided in deep soil areas.
- Green roofs are to be provided on roofs up to 30m.
- Trees outside of the subject site are to be retained and undamaged.
- Landscaping is encouraged along the western boundary.
- Landscape concept plans are required at Planning Proposal stage to indicate consistency with Key Elements 25 and 26 (with calculations provided) and these Notes.

10. General Access and Parking

Officer Comments:

- All vehicular access is to be provided from Day Street.
- Turntables are not supported and shall be removed from the plans.
- All loading and unloading must be accommodated within the site.
- Under the CBD Strategy Council seeks to rationalise and minimise vehicle access points to a site seeking to utilize the uplift available in the CBD Strategy.
- Key Element 35 a) seeks for loading and servicing (minimum MRV) to be provided within basement levels.
- Vehicles including trucks accessing the site should be able to enter and leave in a forward direction.
- A reduced car parking provision would be favoured.
- The proposal should include car share space(s) provision.
- Provision of bicycle parking and end-of-trip facilities at least as per Council's existing controls in Chapter C4 of *Willoughby DCP* is encouraged.

11. Floor Space at Ground Level

Officer comments:

- In accordance with Key Element 33, Council seeks to locate service functions such as loading and garbage in basement levels and maximise ground level floor space. It is requested this be designed accordingly.
- Relocation of service functions to basement provides opportunities to increase landscaping at ground level.

12. Overshadowing

Officer comments:

- The proposal must show overshadowing does not adversely impact neighbouring communal open spaces or the neighbouring heritage conservation area.

13. Contamination

Officer comments:

- It is requested that a Preliminary Contamination assessment be provided if a Planning Proposal is submitted.

14. Substation

Officers Comments:

- The presence of any substation on any boundary is to be minimised. The CBD Strategy requires such services to be integrated into the building. It is important to note that due to Australian Standards, although preferred, it may not be possible to locate a substation in the basement. If located on ground level, it must be located in an area that is not visually dominant from a public area.

15. Design Excellence

Officer comments:

- In accordance with the *Willoughby Design Excellence Policy* and *Willoughby Design Excellence Guidelines*, a Design Excellence Competition is required for proposals greater than 35m in height.

16. Public Art

Officer comments:

- A public art contribution will be required. In most cases, this is to be put into a consolidated council public art fund, with locations and works to be identified by Council.
- Council seeks commitment to public art in the Planning Proposal.

17. Planning Agreement

Officer comments:

- A Planning Agreement offer has not been put forward by the proponent. Council invites the proponent to enter into a draft planning agreement in accordance with Council's Planning Agreement Policy. A Letter of Offer is invited with any Planning Proposal.

18. Draft WDCP Controls

Officer comments:

- Site specific WDCP controls are required to ensure the principles used in developing the concept design are enforceable should the Planning Proposal proceed. Note: the WDCP will apply where issues are not covered in the site-specific WDCP provisions.

Timing

- If a Planning proposal is submitted based on these pre Planning Proposal Notes, comprehensive internal consultations will be undertaken, further meetings with the proponent may be required, as well as additional amendments, prior to the submission of a report to Council to determine whether the Planning Proposal should proceed to Gateway and public exhibition.

It is anticipated that the following reports are to be submitted to Council as part of any revised planning proposal:

| Discipline | Required |
|------------------------|---|
| Traffic | Traffic, parking and transport report |
| Heritage | Heritage report |
| Landscape Architecture | Landscape concept |
| Visual/View Analysis | Visual / View Analysis Report |
| Social/Economic | Social/Economic Report |
| Trees and vegetation | Arborist Report Report |
| Wind Impact | Wind Impact Assessment Report |
| Contamination | Preliminary assessment report to be submitted |
| Urban Design | Urban design Report |
| Planning | Planning Report |
| Civil and Services | High level stormwater concept plan |

Forms, Fees & Checklists including Electronic Application requirements
<http://www.willoughby.nsw.gov.au/Development/fees-forms---checklists/>

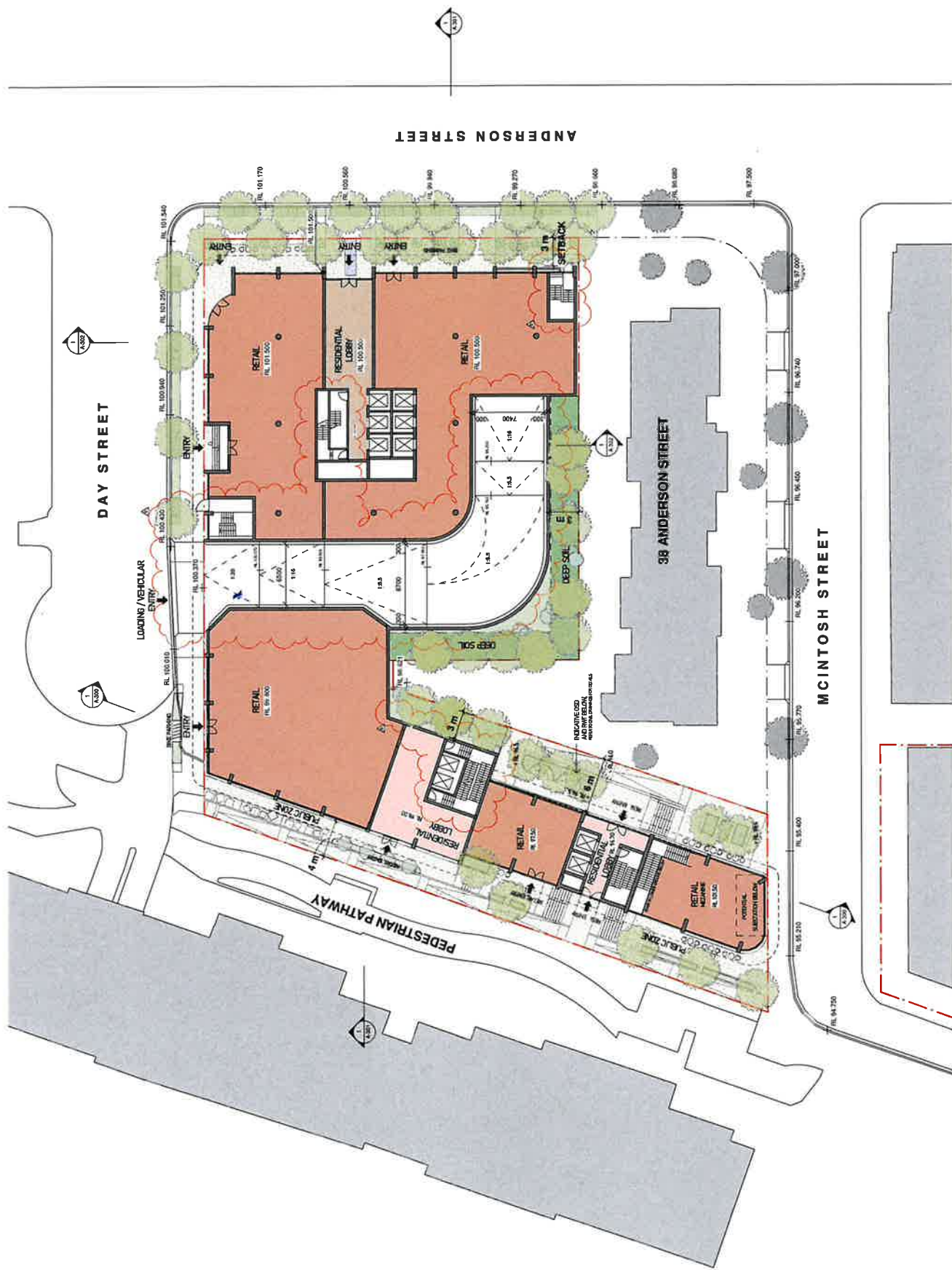
Planning Legislation & Guidelines
<http://www.willoughby.nsw.gov.au/Development/planrules/>

e-Planning Portal (Application Tracking)
<https://eplanning.willoughby.nsw.gov.au/pages/xc.track/searchapplication.aspx>

Pre-Planning Proposal Lodgement Meetings
<http://www.willoughby.nsw.gov.au/Development/do-i-need-approval/pre-lodgement-meetings/>

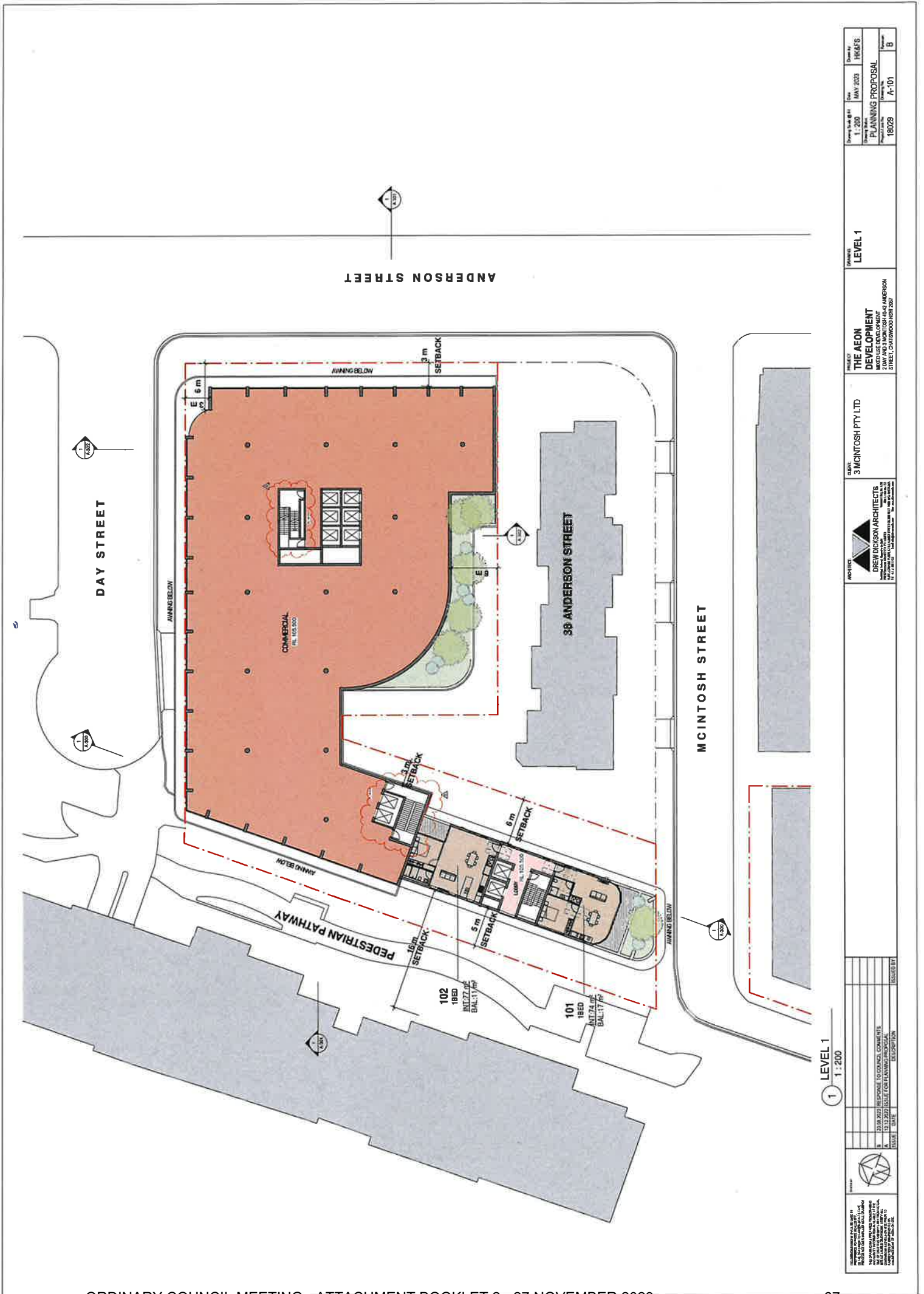
We thank you for attending the pre-lodgement meeting and assembling your proposal for Council's consideration. Council officers have used their best endeavours to assist you, but please be aware that other issues may arise during the processing of the planning proposal.

NO UNDERTAKING OR GUARANTEE CAN BE GIVEN THAT YOUR PLANNING PROPOSAL WILL BE APPROVED TO PROCEED TO A GATEWAY DETERMINATION WHEN IT IS LODGED.



1 GROUND FLOOR
1 : 200

| | | | | |
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| PREPARED BY: DREW JACKSON ARCHITECTS 20 DAY AND MCMINTOSH 40-42 ANDERSON STREET, CHRISTCHURCH 8017 2017 TEL: 03 378 8100 FAX: 03 378 8101 WWW.DREWJACKSONARCHITECTS.CO.NZ | ARCHITECT 3 MCMINTOSH PTY LTD | PROJECT THE AEON DEVELOPMENT 20 DAY AND MCMINTOSH 40-42 ANDERSON STREET, CHRISTCHURCH 8017 2017 | DRAWING GROUND FLOOR PLAN | DRAWN BY: HK/AFS |
| | | | | CHECKED BY: A-100 |
| DATE: 23/09/2023 | SCALE: 1:200 | PROJECT NO: 18029 | DRAWING NO: A-100 | SHEET NO: B |



ANDERSON STREET

DAY STREET

39 ANDERSON STREET

MCINTOSH STREET

PEDESTRIAN PATHWAY

102
18ED
BALLYVAH

101
18ED
BALLYVAH

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| | | | | | |
|--|--|---|------------------------------|-------------------------|-------------------------------|
|  <p>DREW DICKSON ARCHITECTS ARCHITECTS 2000-2001 BALLYVAH ROAD, BALLYVAH CO. DUBLIN 14, IRELAND TEL: 01 452 3222 FAX: 01 452 3223 WWW.DREW-DICKSON.COM</p> | <p>CLIENT: 3 MCINTOSH PTY LTD</p> | <p>PROJECT: THE AEON DEVELOPMENT</p> | <p>DATE: 1 2003</p> | <p>SCALE: A-101</p> | <p>DESIGNED BY: HK/EF</p> |
| | <p>PROJECT NO: 18029</p> | <p>DATE: MAY 2023</p> | <p>PROJECT NO: A-101</p> | <p>SCALE: B</p> | <p>DESIGNED BY: HK/EF</p> |

PROJECT: **LEVEL 1**

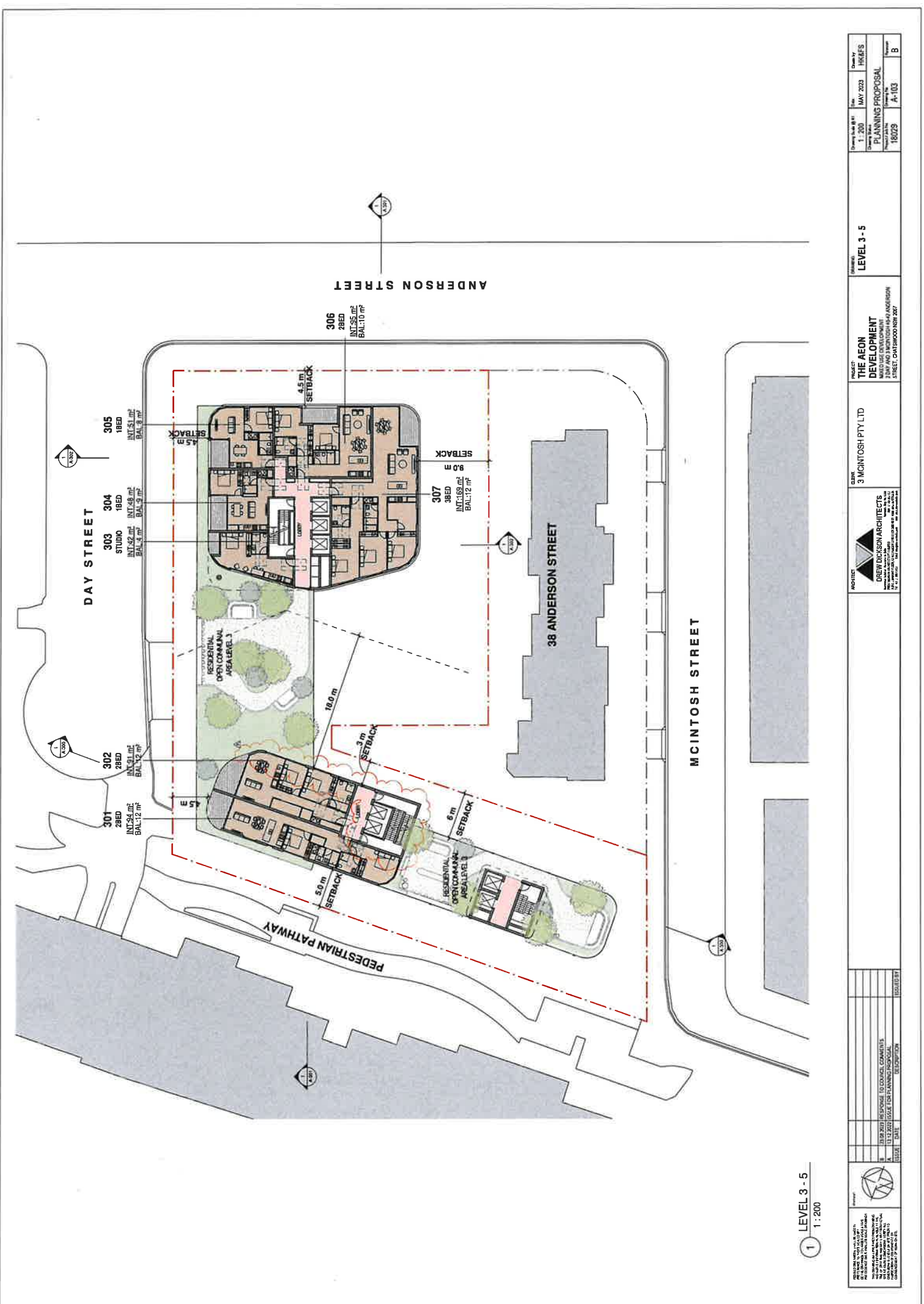
PROJECT ADDRESS: **THE AEON DEVELOPMENT**
 2, 3 & 4 MCINTOSH PTY LTD
 2, 3 & 4 MCINTOSH PTY LTD
 STREET, CHITWOOD NSW 2067

| NO. | DATE | DESCRIPTION |
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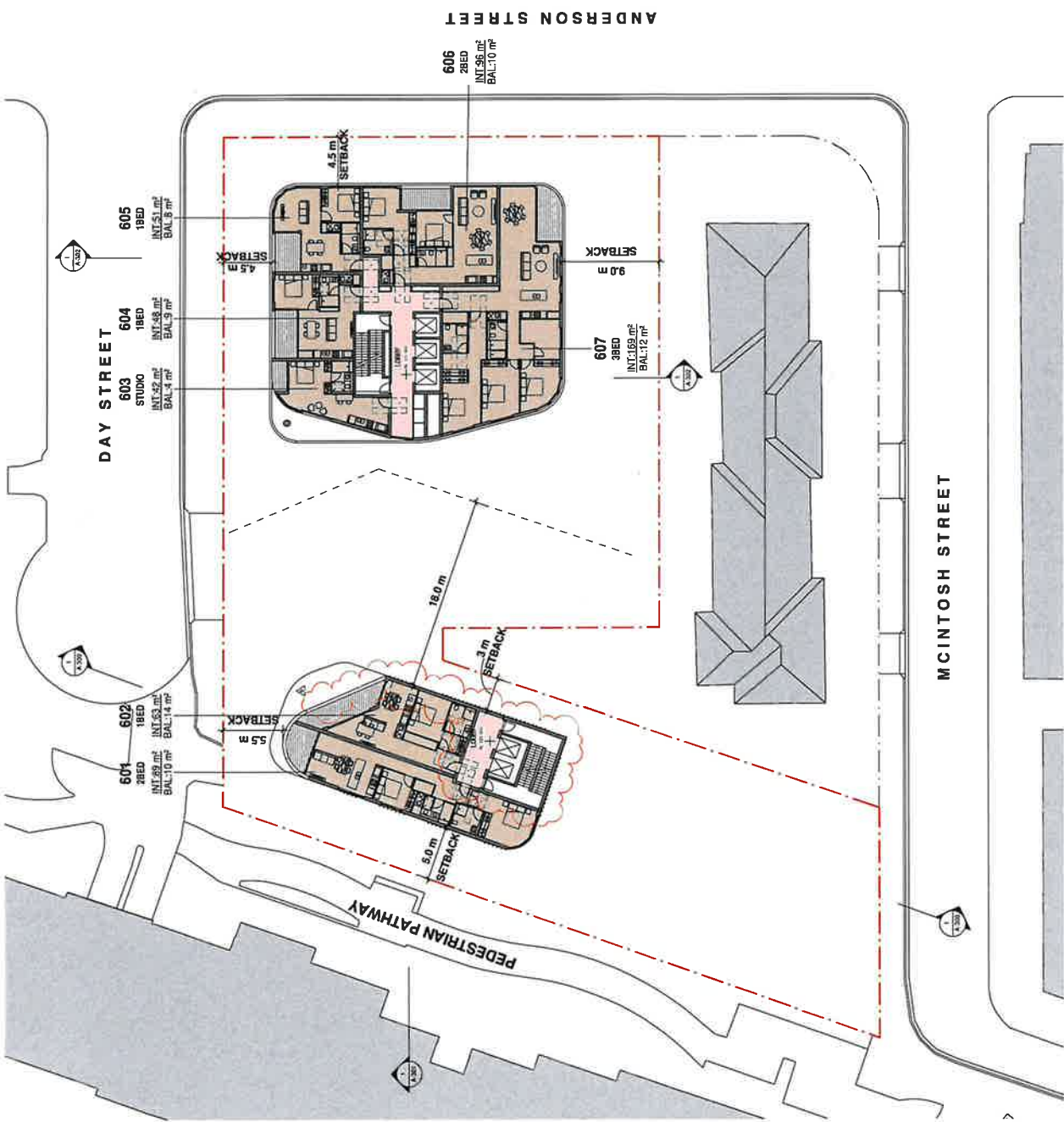
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| ARCHITECT DREW DICKSON ARCHITECTS 20 DAY AND 3 MCINTOSH H442 ANDERSON STREET, CARSWOOD NSW 2061 P: 02 9530 1100 F: 02 9530 1101 www.drewdickson.com.au | CLIENT 3 MCINTOSH PTY LTD | PROJECT THE AEON DEVELOPMENT MIXED USE DEVELOPMENT 20 DAY AND 3 MCINTOSH H442 ANDERSON STREET, CARSWOOD NSW 2061 | DRAWING LEVEL 2 | Drawing Scale 1 : 200 | Date MAY 2023 | Drawn by HK/BFS |
| | | | | Drawing No. PLANNING PROPOSAL | Issue No. A-102 | Scale B |
| ISSUE NO. DATE DESCRIPTION 1 13/05/2023 RELEASE TO CLIENTS COMMENTS 2 11/06/2023 ISSUE FOR PLANNING PROGRAM | ISSUE DATE DESCRIPTION 1 13/05/2023 | | | | | |



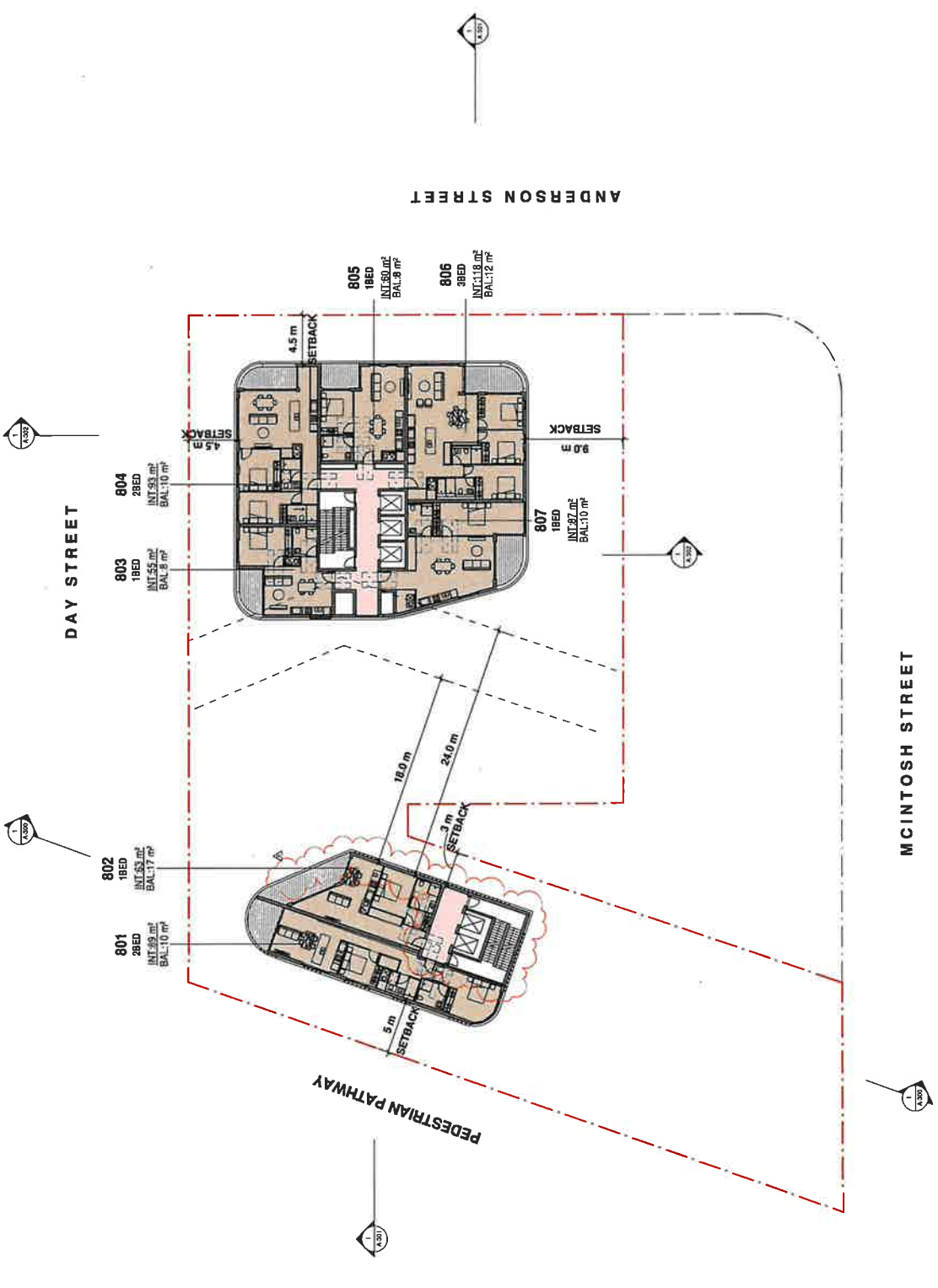
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| | | | | | | PROJECT NO: 180729 | SHEET NO: A-103 | TOTAL SHEETS: B |



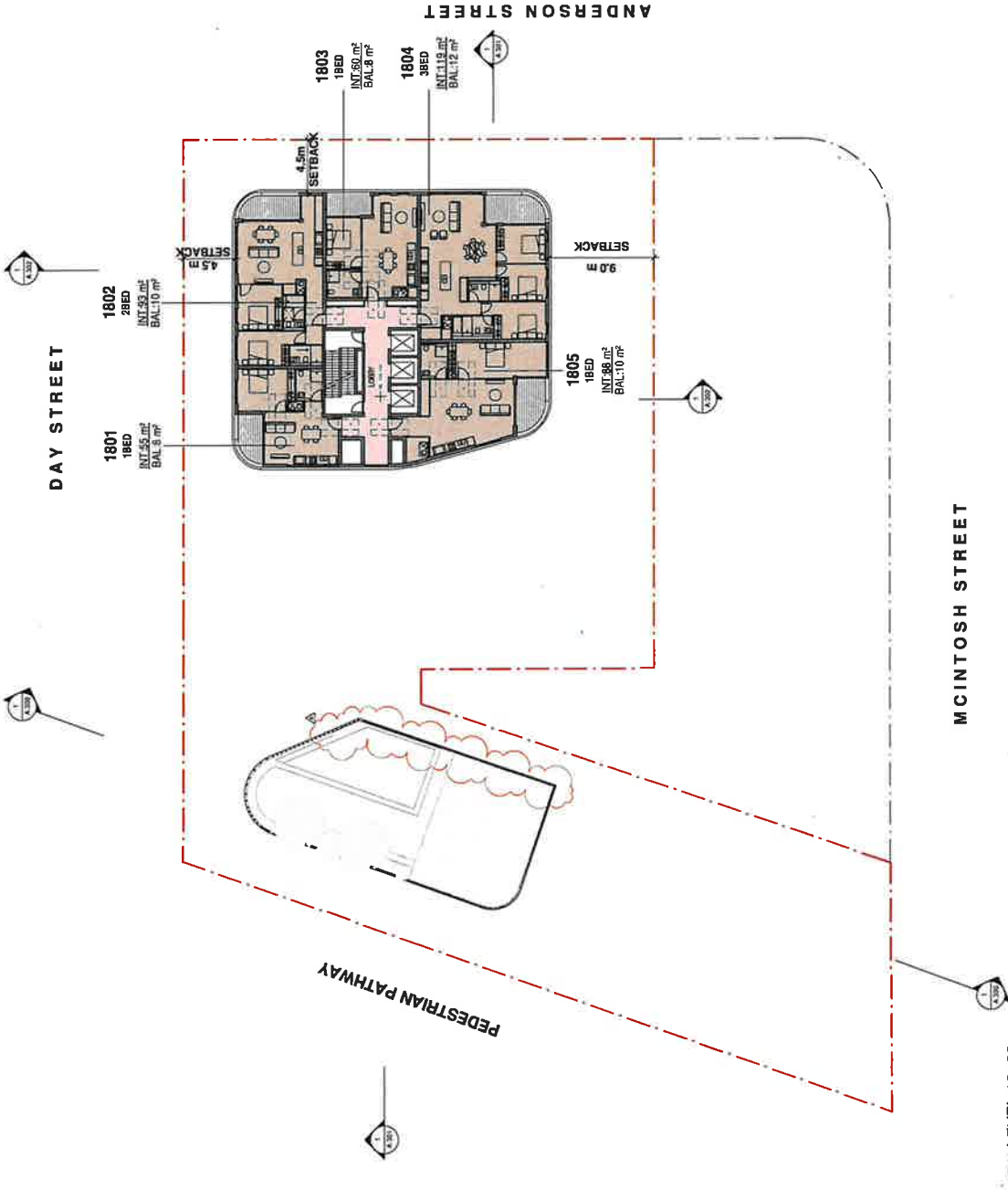
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| PROJECT THE AEON DEVELOPMENT 2 DAY AND 3 NIGHTS (16-17-18 ANDERSON STREET, GARTWOOD NEW 2017) | CLIENT 3 MCINTOSH PTY LTD | ARCHITECT DREW DICKSON ARCHITECTS <small>17/17 PEARSON ROAD, GARTWOOD NEW 2017</small> | DRAWING TITLE PLANNING PROPOSAL | DATE MAY 2023 | DRAWN BY AD |
| | | | PROJECT NO. 18079 | DRAWING NO. A-104 | REVISION B |



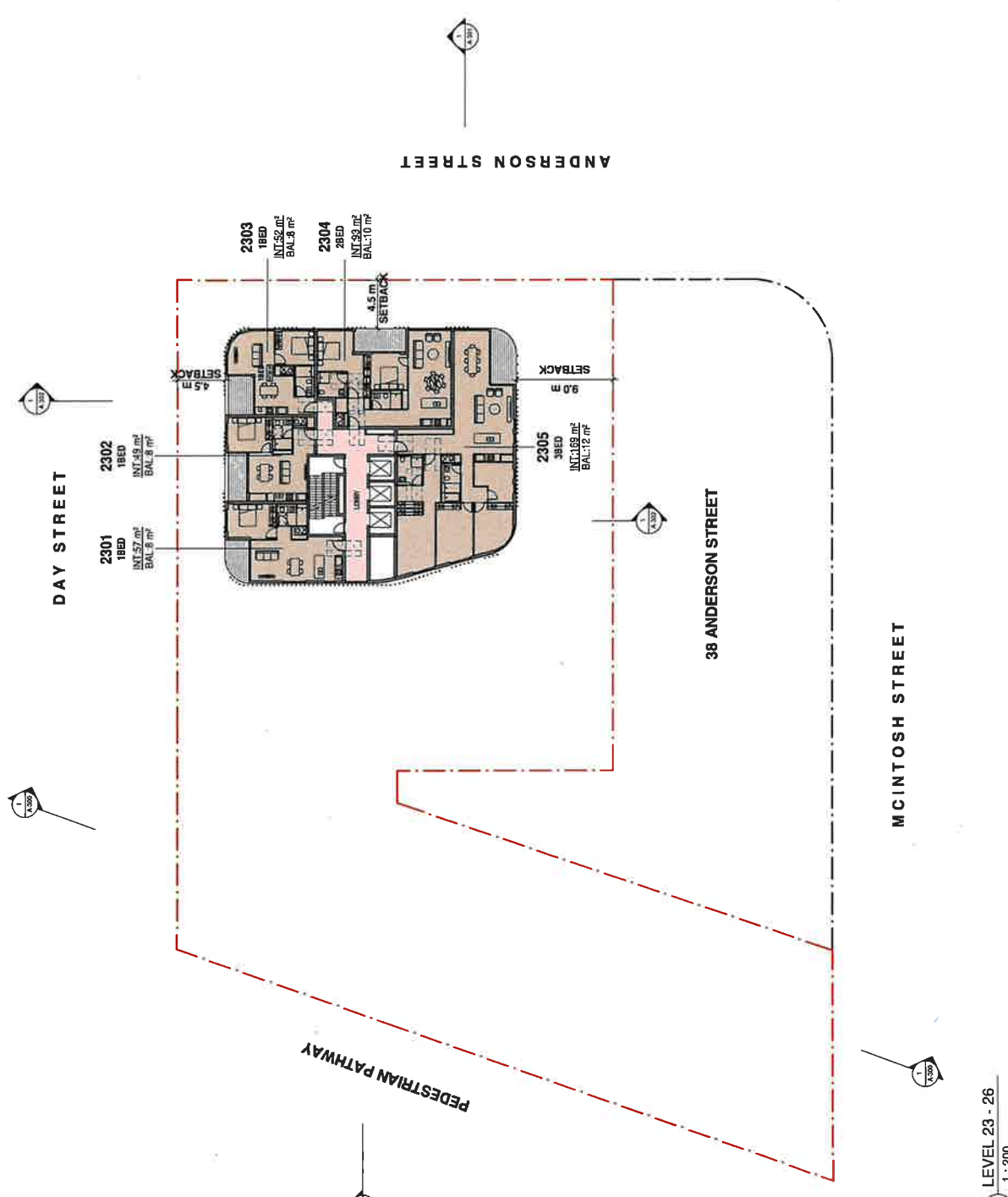
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| <p>PROJEC TION: LEVEL 8 - 12</p> | <p>DATE: 3 MCGINTOSH PTY LTD</p> | <p>PROJECT: THE AEON DEVELOPMENT</p> | <p>DATE: MAY 2023</p> | <p>BY: LH</p> |
| | <p>ARCHITECT: DREW DICKSON ARCHITECTS</p> | <p>PROJECT NO: 18029</p> | <p>CLIENT: PLANNING PROPOSAL</p> | <p>SCALE: A-105</p> |
| <p>DESCRIPTION: LEVEL 8 - 12</p> | <p>DATE: 13/11/2023</p> | <p>PROJECT NO: 18029</p> | <p>CLIENT: PLANNING PROPOSAL</p> | <p>SCALE: A-105</p> |
| <p>PROJECT NO: 18029</p> | <p>DATE: 13/11/2023</p> | <p>PROJECT NO: 18029</p> | <p>CLIENT: PLANNING PROPOSAL</p> | <p>SCALE: A-105</p> |



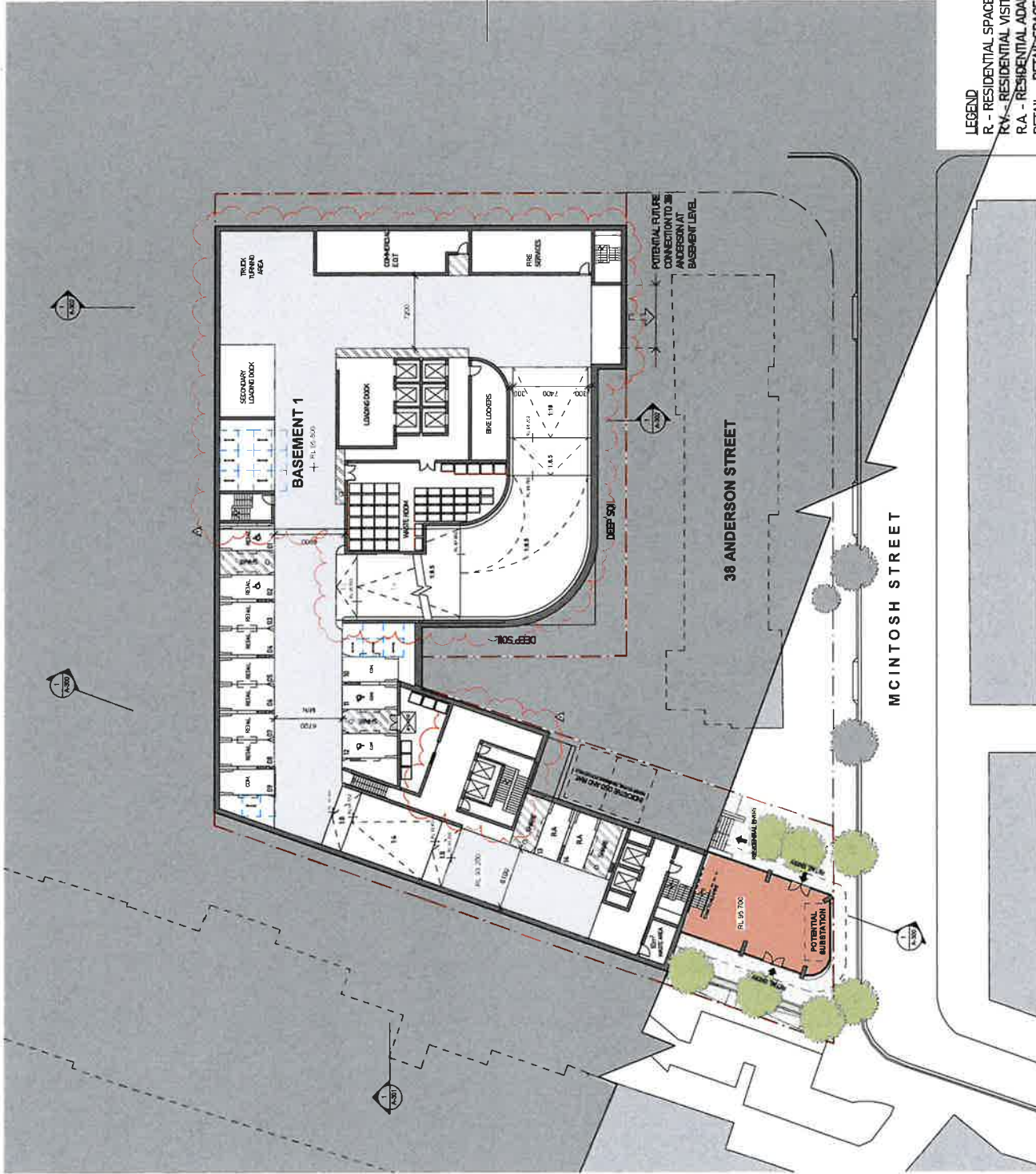
1 LEVEL 18-22
1:200

| | | | | | | | | |
|---|---|---|--|------------------------------------|-------------------------------|------------------|-------------|--------------------|
| <p>INTENT OF THIS PLAN IS TO PROVIDE A PRELIMINARY DESIGN FOR THE PROPOSED DEVELOPMENT. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE RESULTS OF ANY INVESTIGATIONS OR TESTS CONDUCTED. THE DESIGNER'S OBLIGATION IS LIMITED TO THE SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER ASPECTS OF THE PROJECT.</p> | <p>DREW DISSON ARCHITECTS 177 RIVERVIEW DRIVE, SUITE 101 MELBOURNE VIC 3046 PH: 03 9437 1111 WWW.DREWDISSONARCHITECTS.COM.AU</p> | <p>CLIENT 3 MCINTOSH PTY LTD</p> | <p>PROJECT THE AEON DEVELOPMENT 200V AND 3 MCINTOSH (18-22) ANDERSON STREET, CHATSWOOD NSW 2047</p> | <p>DATE LEVEL 18-22</p> | <p>SCALE 1:200</p> | <p>ISSUED BY</p> | <p>DATE</p> | <p>DESCRIPTION</p> |
| | | | | | | | <p>DATE</p> | <p>DESCRIPTION</p> |
| <p>DESIGNED BY</p> | | <p>DATE</p> | | <p>DESCRIPTION</p> | | <p>ISSUED BY</p> | | |
| <p>DATE</p> | | <p>DESCRIPTION</p> | | <p>ISSUED BY</p> | | <p>DATE</p> | | |
| <p>DATE</p> | | <p>DESCRIPTION</p> | | <p>ISSUED BY</p> | | <p>DATE</p> | | |



① LEVEL 23 - 26
1 : 200

| | | | | | | | | | | |
|---|--|---|--|---------------------|--------------------------|---|-----------------------------------|---|-----------------------|--------------------|
| <p>FOR PRELIMINARY USE ONLY. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE ARCHITECT. THE ARCHITECT'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.</p> | | <p>DATE: 23.08.2023 BY: [Signature]</p> | <p>DESCRIPTION: RESPONSE TO CONSULTANTS COMMENTS REVISION: 01 - DESIGN DEVELOPMENT</p> | <p>SCALE: 1:200</p> | <p>PROJECT NO: 18023</p> | <p>PROJECT NAME: THE AEON DEVELOPMENT</p> | <p>CLIENT: 3 MCINTOSH PTY LTD</p> | <p>ADDRESS: 2 JAY AND 3 MCINTOSH ROAD, ANDERSON STREET, CANTERBURY NSW 2027</p> | <p>DATE: MAY 2023</p> | <p>BY: EDWARDS</p> |
| | | | | | | | | | | |



- LEGEND**
- R - RESIDENTIAL SPACE (2.4M X 5.4M)
 - RV - RESIDENTIAL VISITOR SPACE (2.5M X 5.4M)
 - RA - RESIDENTIAL ADAPTABLE SPACE (COMPLIANT WITH AS 4299)
 - RETAIL - RETAIL SPACE (2.6M X 5.4M)
 - COM - COMMERCIAL SPACE (2.5M X 5.4M)
 - MOTORCYCLE - MOTORCYCLE SPACE (1.2M X 2.5M)

1 LOWER GROUND & BASEMENT 1
1: 200

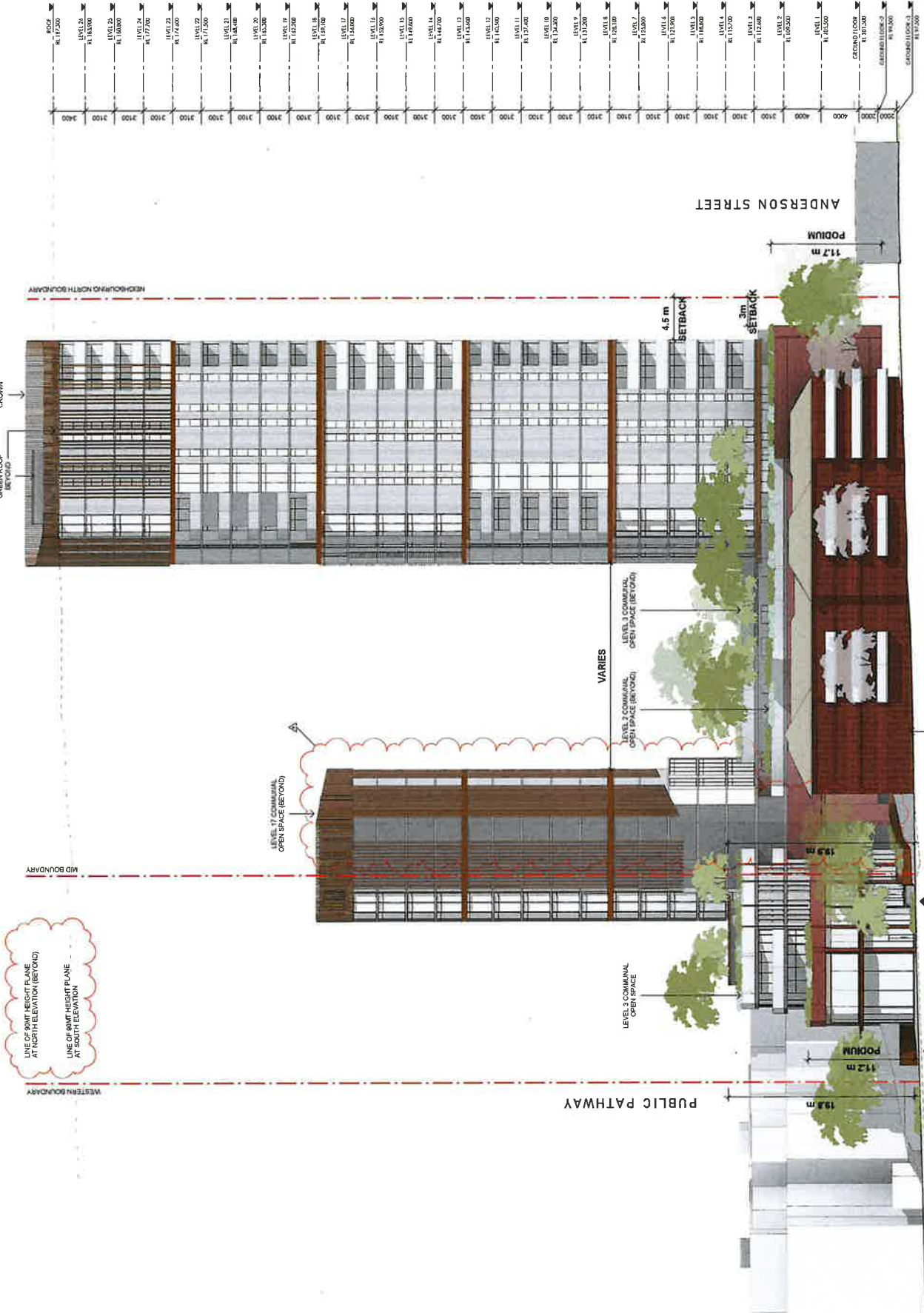
| | | | | | | |
|--|--|---|--|--|--|--|
| <p>BREWIDSON ARCHITECTS ARCHITECTS</p> | <p>CLIENT 3 MCINTOSH PTY LTD</p> | <p>PROJECT THE AEON DEVELOPMENT MIXED USE DEVELOPMENT 100 MCINTOSH STREET CHATEAUX STREET, CHATEAUXWOOD 16/07/2027</p> | <p>DATE 1: 200 MAY 2023</p> | <p>DRAWING NO. A-094</p> | <p>DATE MAY 2023</p> | <p>DRAWN BY JRG/S</p> |
| | | | | | | |
| <p>PROJECT NO. 100 MCINTOSH STREET CHATEAUXWOOD 16/07/2027</p> | <p>PROJECT NO. 100 MCINTOSH STREET CHATEAUXWOOD 16/07/2027</p> | <p>PROJECT NO. 100 MCINTOSH STREET CHATEAUXWOOD 16/07/2027</p> | <p>PROJECT NO. 100 MCINTOSH STREET CHATEAUXWOOD 16/07/2027</p> | <p>PROJECT NO. 100 MCINTOSH STREET CHATEAUXWOOD 16/07/2027</p> | <p>PROJECT NO. 100 MCINTOSH STREET CHATEAUXWOOD 16/07/2027</p> | <p>PROJECT NO. 100 MCINTOSH STREET CHATEAUXWOOD 16/07/2027</p> |



LINE OF SURVEY PLANE AT NORTHERN ELEVATION

1 NORTH ELEVATION - DAY STREET
1:200

| | | | | |
|--|-------------------------------|--|------------------|-------------------|
| PROJECT INFORMATION PROJECT NAME: THE AEON DEVELOPMENT PROJECT ADDRESS: 250-252 ANDERSON STREET CHATSWOOD NSW 2667 PROJECT NO: 16029 DRAWING NO: A-200 | CLIENT 3 MCGINTOSH PTY LTD | ARCHITECT DREWIDSON ARCHITECTS 10/110-112 ANDERSON STREET CHATSWOOD NSW 2667 PH: 02 9439 1111 WWW.DREWIDSONARCHITECTS.COM.AU | DATE: 12.05.2022 | DRAWN BY: HKBES |
| | | | DATE: 12.05.2022 | CHECKED BY: HKBES |
| SHEET TITLE: NORTH ELEVATION - DAY STREET | | SHEET NO: 1 OF 2 | | SCALE: 1:200 |
| PROJECT NO: 16029 | | DRAWING NO: A-200 | | DATE: 12.05.2022 |



1 DAY STREET
 ACCESS FROM MCINTOSH STREET
 PUBLIC PATHWAY
 RETAIL/RESIDENTIAL ENTRY
 NATURAL GROUND LINE
 38 ANDERSON STREET
 PODIUM 11.7 m
 19.9 m
 11.2 m
 19.8 m
 4.5 m SETBACK
 3m SETBACK
 TOWER CROWN
 LIFT OVERRUN AND GREEN ROOF BEYOND
 WESTERN BOUNDARY
 MID BOUNDARY
 NEIGHBOURING NORTH BOUNDARY
 ANDERSON STREET

| | | | | | | | | | | | |
|--|--|----------------------------|--|---|--|--|--|-------------------------------------|--|-----------------------------------|--|
| PROJECT: THE AEON DEVELOPMENT 2 DAY ANDERSON ST/38 ANDERSON STREET, CANTERBURY NSW 2067 | | CLIENT: 3 MCINTOSH PTY LTD | | ARCHITECT: DREWIDSON ARCHITECTS 10/100 WILSON STREET, CANTERBURY NSW 2067 PH: 02 9339 1111 WWW.DREWIDSON.COM.AU | | DRAWING: SOUTH ELEVATION - MCINTOSH STREET | | DATE: MAY 2023 DRAWING NO: A-202 | | SHEET: 18/6FS TOTAL SHEETS: 18 | |
| PROJECT: THE AEON DEVELOPMENT 2 DAY ANDERSON ST/38 ANDERSON STREET, CANTERBURY NSW 2067 | | CLIENT: 3 MCINTOSH PTY LTD | | ARCHITECT: DREWIDSON ARCHITECTS 10/100 WILSON STREET, CANTERBURY NSW 2067 PH: 02 9339 1111 WWW.DREWIDSON.COM.AU | | DRAWING: SOUTH ELEVATION - MCINTOSH STREET | | DATE: MAY 2023 DRAWING NO: A-202 | | SHEET: 18/6FS TOTAL SHEETS: 18 | |

1 SOUTH ELEVATION - MCINTOSH STREET
 1 : 200



EAST ELEVATION - ANDERSON STREET
1:200

| NO. | DATE | DESCRIPTION | DESIGNED BY |
|-----|------------|-----------------------------|-------------|
| 1 | 22-06-2023 | RESPONSE TO PUBLIC COMMENTS | |
| 2 | | ISSUE FOR PERMIT | |

| | | |
|--|--------------------------------------|---|
| ARCHITECT DREWIDSON ARCHITECTS 100/100 WILSON STREET, SUITE 101 MELBOURNE VIC 3007 PH: 03 9439 1000 WWW.DREWIDSONARCHITECTS.COM.AU | CLIENT 3 MCMINTOSH PTY LTD | PROJECT THE AEON DEVELOPMENT 2 AND 3 MCMINTOSH PTY LTD 5 STREET, CHARTWOOD VIC 3087 |
| DRAWING EAST ELEVATION - ANDERSON STREET | DATE MAY 2023 | DRAWN BY PM/FS |
| SCALE 1:200 | PROJECT NO. 18029 | DATE A-201 |
| PROJECT NAME PLANNING PROPOSAL | CLIENT A-201 | SCALE B |



1 WEST ELEVATION
1:200

| | | | | | | |
|---|--|-------------------------------|--|-------------------------|-------------------------|-----------------|
| PROJECT: THE AEON DEVELOPMENT MIXED USE DEVELOPMENT 3 STREET CHATSWOOD NSW 2067 | | DATE: 1:200 DATE: MAY 2023 | | SCALE: 1:200 | PROJECT: WEST ELEVATION | DRAWN BY: RJEFS |
| CLIENT: 3 MCINTOSH PTY LTD | | DATE: 1:200 | | PROJECT: WEST ELEVATION | PROJECT: WEST ELEVATION | DRAWN BY: RJEFS |
| ARCHITECT: BREWSTER & ARCHITECTS 300 COLLEGE STREET, SYDNEY NSW 2000 TEL: 02 9221 2200 WWW.BREWSTER-AND-ARCHITECTS.COM | | DATE: 1:200 | | PROJECT: WEST ELEVATION | PROJECT: WEST ELEVATION | DRAWN BY: RJEFS |
| PROJECT: THE AEON DEVELOPMENT MIXED USE DEVELOPMENT 3 STREET CHATSWOOD NSW 2067 | | DATE: 1:200 | | PROJECT: WEST ELEVATION | PROJECT: WEST ELEVATION | DRAWN BY: RJEFS |
| CLIENT: 3 MCINTOSH PTY LTD | | DATE: 1:200 | | PROJECT: WEST ELEVATION | PROJECT: WEST ELEVATION | DRAWN BY: RJEFS |
| ARCHITECT: BREWSTER & ARCHITECTS 300 COLLEGE STREET, SYDNEY NSW 2000 TEL: 02 9221 2200 WWW.BREWSTER-AND-ARCHITECTS.COM | | DATE: 1:200 | | PROJECT: WEST ELEVATION | PROJECT: WEST ELEVATION | DRAWN BY: RJEFS |
| PROJECT: THE AEON DEVELOPMENT MIXED USE DEVELOPMENT 3 STREET CHATSWOOD NSW 2067 | | DATE: 1:200 | | PROJECT: WEST ELEVATION | PROJECT: WEST ELEVATION | DRAWN BY: RJEFS |
| CLIENT: 3 MCINTOSH PTY LTD | | DATE: 1:200 | | PROJECT: WEST ELEVATION | PROJECT: WEST ELEVATION | DRAWN BY: RJEFS |
| ARCHITECT: BREWSTER & ARCHITECTS 300 COLLEGE STREET, SYDNEY NSW 2000 TEL: 02 9221 2200 WWW.BREWSTER-AND-ARCHITECTS.COM | | DATE: 1:200 | | PROJECT: WEST ELEVATION | PROJECT: WEST ELEVATION | DRAWN BY: RJEFS |



WILLOUGHBY
Local
Planning
Panel

**PLANNING PROPOSAL
RECORD OF ADVICE**

| | |
|---------------------------------|---|
| DATE OF ADVICE | 11 July 2023 |
| PANEL MEMBERS | Jacqueline Townsend (Chair), Trevor Bly, Julie Savet Ward, and Philippa Hayes |
| DECLARATIONS OF INTEREST | None |

Closed electronic meeting held at Willoughby City Council on 11 July 2023.

PLANNING PROPOSAL

Planning proposal **PP-2023/2** seeks an amendment to *Willoughby Local Environmental Plan 2012* to include a site-specific special provision for the subject land, 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood NSW 2067, that allows for a 4% affordable housing provision rather than the 10% proposed under the *Willoughby Local Environmental Plan 2012* review and the *Chatswood CBD Planning and Urban Design Strategy 2036*.

PANEL DISCUSSION

The Panel considered a number of issues including:

- compliance with the strategic framework,
- Percentage of affordable housing to be provided,
- History of Planning Proposal 2023/2 and comprehensive *WLEP 2012* review – resulting in *WLEP 2012* Amendment 34,
- Amalgamation with 38 Anderson Street, and
- Inconsistency with CBD Planning and Urban Design Strategy 2036 and *Willoughby Development Control Plan* requirements.


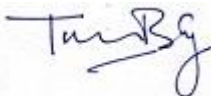


PANEL ADVICE

The Panel advises that while the proposal mostly meets the strategic framework it has failed to incorporate the increased affordable housing provision of 10%.

The Panel notes all landowners were notified of the increased affordable housing provision to 10% during the *WLEP 2012* exhibition period between 5 March and 7 June 2022. The Panel also notes that this proposal did not form part of the savings list as determined by Council at its meeting 12 December 2022.

For these reasons, the Panel does not recommend the planning proposal in its current form.

The Panel advises it is not satisfied that the planning proposal is worthy of being forwarded to the DP&E for a Gateway consideration having not demonstrated merit in relation to the affordable housing provision.

| PANEL MEMBERS | |
|---|---|
|  |  |
| JACQUELINE TOWNSEND (CHAIR) | TREVOR BLY |
|  |  |
| JULIE SAVET WARD | PHILIPPA HAYES |

O'Brien, Craig

From: matt.hurst@netzplan.com.au
Sent: Wednesday, July 26, 2023 3:16 PM
To: O'Brien, Craig
Cc: matt.hurst@netzplan.com.au; Shankie-Williams, Norma
Subject: (ECM:6874328) Planning Proposal 2023/002 (Portal Ref: PP2022-4316) 3 McIntosh, 2 Day, 40 & 42 Anderson Street (the AEON Site) - Clarification Request.

Categories: ECM
DocumentSetId: 6874328
DocumentVersion: 1

Dear Craig, or an alternative planning officer in your absence,

With regards to our Planning Proposal 2023/002 (Portal Ref: PP2022-4316) 3 McIntosh, 2 Day, 40 & 42 Anderson Street (the AEON Site), we seek confirmation of the following:

1. We understand that there is currently a difference of opinion between Council and the Project Proponent (our Client) with regards the value of the affordable housing component that should be applied to the site – and at this time (with regards to this email) I wish to park that issue to the side - for separate resolution in due course.
To be clear, this affordable housing component issue is not the subject matter that this email is attempting to address or resolve in any way.

This brings me to the actually subject matter for which we require confirmation:

2. Background - Having prepared 2 previous planning proposals for Willoughby City Council endorsement over the previous 6 years I am aware that there is usually a number of items that require further development and/or resolution that emerge post submission and lodgement, and these have previously been dealt with through an exchange of correspondence between Council staff (often yourself) and myself – this process has always resulted in the issues being adequately resolved to the Council staff's satisfaction which has subsequently lead to the recommendation that the proposals be endorsed by Council.
3. I note that we have not yet - to this date - received any correspondence from Council regarding the adequacy or sufficiency of our planning proposal for the AEON Site (notwithstanding the item at number 1 above). No such correspondence has been received either directly or via the NSW Planning Portal.
4. I am also well aware (based on prior experience) that it is highly unlikely that the planning proposal we have prepared and lodged is - in its initial form - perfect, adequate, and sufficient; and we fully expect that any such inadequacy or insufficiency would be resolved in the usual manner via an exchange of correspondence prior to any recommendations being finalised for Council to endorse (or otherwise) the proposal.
5. We are concerned that we have not received any correspondence in this regard in the 7 months that have elapsed since the planning proposal was submitted through the portal.

Hence:

6. Can you confirm that the adequacy and sufficiency of the planning proposal meets Council's requirements (other than with regards to the Affordable Housing requirement).
7. Please advise us if any other adequacy or sufficiency has not been satisfactorily meet. We will resolve any such matters with urgency.
8. Please confirm that we should not expect to be notified (or discover in the public notices and/or Council meeting agenda attachments) that our planning proposal has not been supported on the basis that it is either, incomplete, not adequate, or not sufficient to proceed or be supported (or any other matter of detail that might easily and reasonably be resolved through the usual exchange of correspondence).

Accordingly:

9. We expect to be notified - prior to the matter proceeding to further recommendation and endorsement - of any issues that require clarification, refinement or rectification.

Please advise accordingly if our planning proposal is currently adequate and sufficient to proceed with regards to any and all detail (other than the affordable housing discrepancy), or otherwise advise us where such inadequacy or insufficiency needs to be addressed – prior to the finalisation of the review period.

Please note that this email and its response will be regarded as OFFICIAL and part of the formal record of correspondence regarding this Planning Proposal and its progress through Council. A copy of this email will be posted onto the NSW Planning Portal item case for this Planning Proposal as “additional information” under the “other” categorisation.

We request that you respond within 5 business days (by Wednesday the 2nd of August) to ensure that we can continue to assist with moving this planning proposal forwards through the review process in a timely manner.

Please feel free to contact me directly to respond to this email.

With kind regards as always.

Matt Hurst
Director
Parade Consulting Pty Ltd
(M) 0419 306916



PLANNING AND INFRASTRUCTURE
Planning Unit

4 August 2023

Parade Consulting PTY Limited
PO Box 239
Potts Point NSW 2000
Att: Matt Hurst

Dear Matt,

**RE: Planning Proposal 2023/002 (Portal reference: PP2022-4316)
3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood**

I am writing to you regarding the Planning Proposal 2023/002 (Portal reference: PP2022-4316) for 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood, and your email to Council dated 26 July 2023.

Council wrote to you on 9 March 2023 identifying a fundamental issue with the Planning Proposal as submitted, being a proposed affordable housing provision of 4% of the residential gross floor area instead of 10%.

Since this letter to you, Council has been receiving and replying to a number of letters from Hones Lawyers, acting on behalf of 3 McIntosh Pty Limited (representing H, J and R Vakili), on the issue of affordable housing as follows:

- Hones Lawyers letters dated 20 March, 20 April, 7 June.
- Council letters in reply dated 3 April, 6 May, 21 June.

In addition a letter regarding the affordable housing issue was received by the Mayor from H, J and R Vakili on 27 March 2023. A response on behalf of the Mayor was issued by letter dated 3 April 2023.

In summary regarding the above:

- Council has been in communication with three parties regarding this Planning Proposal to date and it has been reasonably assumed that all correspondence has been available to all parties.
- There has been regular communication in regards the fundamental issue of affordable housing.

Willoughby City Council

Council officers had anticipated that the affordable housing issue would be satisfactorily resolved prior to any discussion of other issues, however this has unfortunately not been the case to date. As stated in the Council letter dated 21 June 2023 to the Hones Lawyers dated 7 June 2023:

“Council continues to reaffirm the importance of affordable housing and the relevance of 10% affordable housing provision with regards to Planning Proposal 2023/002.

As previously indicated, Council staff will proceed to conclude the assessment and report the Planning Proposal to a Council Meeting for a decision. The proponent will be advised of the meeting date when it has been identified.”

It is noted that Council has not received any further correspondence in regards this Planning Proposal from you, Hones lawyers or H, J and R Vakili since the Hones Lawyers letter of 7 June 2023 prior to your email of 26 July 2023.

In your email dated 26 July 2023, you state:

“Please advise accordingly if our planning proposal is currently adequate and sufficient to proceed with regards to any and all detail (other than the affordable housing discrepancy)”

In response, and excluding the fundamental affordable housing issue as requested, please note the following issues with this Planning Proposal and the accompanying documentation including the concept plans:

- All 1:1 non-residential floor space is to be located at ground level or above.
- Tower setbacks to all boundaries, including 38 Anderson Street, are to be in accordance with the Willoughby Development Control Plan (previously the *Chatswood CBD Planning and Urban Design Strategy 2036*). Based on the concept plans showing a 1.5m tower setback for Tower 2 (the western tower) to the boundary with 38 Anderson Street, the maximum height of Tower 2 should be 30m.
- All loading and unloading is to be located within basement levels, with non-residential floor space to be maximised at ground level.
- The inclusion of 38 Anderson Street is strongly encouraged as part of an amalgamated site with 3 McIntosh Street, 2 Day Street and 40 and 42 Anderson Street, in order to achieve a comprehensive approach to planning for this block (up to the 1 Day Street boundary), and to remove complications such as irregular shaped boundaries with neighbouring properties.
- Relevant documentation is to be updated to address the above issues, WLEP 2012 (Amendment 34, dated 30 June 2023) and WDCP and the revised car parking rates (as updated 31 July 2023).

To be clear and to assist you going forwards, there is a risk involved in updating the Planning Proposal to address the issues above while not satisfactorily addressing the fundamental issue of affordable housing.

Willoughby City Council

You are encouraged to satisfactorily address the fundamental issue as a priority, as already outlined in correspondence, as well as addressing the other issues identified in this letter.

Council will continue to progress this matter to a Council Meeting at a date yet to be determined. You will be advised when a date is confirmed.

Should you have any question in regards this letter please contact Craig O'Brien on 9777 7647.

Yours sincerely,



Norma Shankie-Williams
STRATEGIC PLANNING TEAM LEADER

Willoughby City Council
31 Victor Street
Chatswood NSW 2067

PO BOX 57 Chatswood NSW 2057
www.willoughby.nsw.gov.au

Phone 02 9777 1000 Fax 02 9777 1038
Email: email@willoughby.nsw.gov.au
ABN 47 974 826 099

O'Brien, Craig

From: matt.hurst@netzplan.com.au
Sent: Thursday, August 10, 2023 2:30 PM
To: O'Brien, Craig
Cc: Shankie-Williams, Norma; Noble, Mitchell
Subject: (ECM:6882181) Reply - RE: Planning Proposal 2023/002 (Portal Ref: PP2022-4316) 3 McIntosh, 2 Day, 40 & 42 Anderson Street (the AEON Site) - Response to Parade Consulting 4 August 2023
Attachments: Letter to Parade Consulting dated 4 August 2023.pdf
Categories: ECM

Dear Norma and Craig,

Thank you for your letter (attached) dated 4th of August 2023 replying to our emailed request for Clarification of issues which we sent on 26th of July 2023 pertaining to the ongoing development of our Planning Proposal for the AEON Site (Planning Proposal 2023/002 (Portal reference: PP2022-4316) 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood).

The matters raised in our email and Council's subsequent reply, relating to issues other than the Affordable Housing Component discrepancy, are the focus of this correspondence (noting that we will be addressing the resolution of the affordable housing discrepancy via separate correspondence).

Council's reply letter raised five (5) dot points each being an issue with the current content of the Planning Proposal which require further resolution. These I have listed in full below with our current proposed response which outlines the proposed resolution for each issue:

- *All 1 : 1 non-residential floor space is to be located at ground level or above.*
Our Response to this issue is proposed as follows: The Non-residential commercial (Retail) portion on the south east end of the proposed building as shown on plan A-093 – BASEMENT 1 & LOWER GROUND is actually located above ground level on McIntosh Street where the natural ground level is 5m below that of the Day street ground level. This component was listed on the summary sheets as Basement B1 and will be rectified so as to be shown as Lower Ground. The 60sqm area colour coded as commercial in the basement below tower 1 is for end of trip (EoT) cycling facilities located beside the bicycle lockers. This area will no longer be included as part of the commercial GFA, and 60sqm of commercial space will be added to either the ground floors or above. The EoT facilities will remain in the basement but will not be measured in the total Commercial floor space. We will submit amended plans once this has been completed.
- *Tower setbacks to all boundaries, including 38 Anderson Street, are to be in accordance with the Willoughby Development Control Plan (previously the Chatswood CBD Planning and Urban Design Strategy 2036). Based on the concept plans showing a 1.5m tower setback for Tower 2 (the western tower) to the boundary with 38 Anderson Street, the maximum height of Tower 2 should be 30m.*
Our response to this issue is proposed as follows: The eastern portion of Tower 2 (Western Tower) will be pushed back to a 3m setback from the 38 Anderson side Boundary in accordance with the WDCP requirements (Part L, Place Based Plans– S4.3.4.(b) on page 15 of WDCP), to achieve the max height of 60m for the proposed Tower 2 at the 1:20 setback to height ratio. We will review the floor plate of the tower and adjust the layout accordingly. We will submit amended plans once this has been completed.
- *All loading and unloading is to be located within basement levels, with non-residential floor space to be maximised at ground level.*
Our response to this issue is proposed as follows: Loading/Unloading will be relocated down to Basement level 1. Fire stairs are to be relocated following the Traffic Engineer's review & comments. Upon the receipt of the Traffic Engineers advice new plans will be prepared. We will submit amended plans once this has been completed.

- *The inclusion of 38 Anderson Street is strongly encouraged as part of an amalgamated site with 3 McIntosh Street, 2 Day Street and 40 and 42 Anderson Street, in order to achieve a comprehensive approach to planning for this block (up to the 1 Day Street boundary); and to remove complications such as irregular shaped boundaries with neighbouring properties.*

Our response to this issue is proposed as follows: We note that Council continues to share our ongoing frustrations regarding the inability to achieve consolidation of the proposed site with 38 Anderson Street Chatswood, and that Council's advice has remained unchanged regarding this issue throughout all previous pre-lodgement meetings for this project. We continue to attempt settlement of negotiations with the Owners of 38 Anderson Street. Further discussion with Council on this matter can be held if detailed updates of current proceedings are required. At this time we are unable to include 38 Anderson Street Chatswood into our consolidated project site or this current Planning Proposal. Should this change we will notify Council immediately and discuss appropriate amendments to the Planning Proposal subject to the timing of any such eventuality.

- *Relevant documentation is to be updated to address the above issues, WLEP 2012 (Amendment 34, dated 30 June 2023) and WDCP and the revised car parking rates (as updated 31 July 2023).*

Our response to this issue is proposed as follows: the proposed changes above will address the issues in accordance with the updated WLEP - updated 30th of June 2023. The proposed Carparking rates, shown with the concept plans supporting the planning proposal, will be updated to achieve better alignment with the recently revised car parking rates (which we note were only updated as recently as July 31, 2023 - well after the lodgement date of our planning proposal in December 2022). Our amended drawings reflecting these changes will be submitted once completed.

We will forward the amended plans both directly and via the PNSW Planning Portal as soon as they become available as a single package containing all the amendments discussed above.

We will shortly provide further correspondence with regards the Affordable Housing Component discrepancy - as we are currently awaiting further advice on that specific issue.

Summary of our proposed actions:

We will prepare amended plans to address the issues raised in points, 1, 2, 3 and 5, and will notify Council if circumstances pertaining to point 4 change.

Further correspondence will shortly be provided relating to the Affordable Housing discrepancy.

If you have any queries regarding the matters discussed above please contact me directly via email or on the phone number below.

With best regards as always

Matt Hurst
Director
Parade Consulting Pty Ltd
(M) 0419 306916

From: O'Brien, Craig <Craig.Obrien@Willoughby.nsw.gov.au>

Sent: Friday, August 4, 2023 4:57 PM

To: matt.hurst@netzplan.com.au

Cc: Shankie-Williams, Norma <Norma.Shankie-Williams@Willoughby.nsw.gov.au>; Noble, Mitchell <Mitchell.Noble@Willoughby.nsw.gov.au>

Subject: Planning Proposal 2023/002 (Portal Ref: PP2022-4316) 3 McIntosh, 2 Day, 40 & 42 Anderson Street (the AEON Site) - Response to Parade Consulting 4 August 2023

Hi Matt

Please note the Council letter dated today – replying to your email below.

Yours Faithfully

H&J Vakili

H&J Vakili
ABN 54 842 177 668

PO Box 1850
North Sydney NSW 2060

15th of August, 2023.

Dearest Norma,

Thanks for your letter of 4th August,

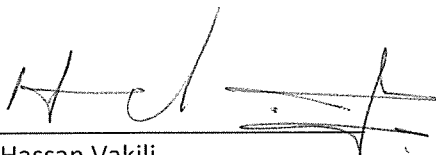
Since 2018 that we lodged our first Pre-Planning Proposal for a site comprising of 2 Day and 3 McIntosh, while Council assured us that the affordable housing control was 4%, they have insistingly asked us to amalgamate more sites to help with attaining a better outcome for the City of Willoughby.

Dear Norma, as you would appreciate, we have had three pre-planning proposals with the Council, starting at 2018 and ending in October 2022, in which we were consistently advised a 4% affordability.

I trust that you will appreciate my frustration that all of our feasibility and amalgamation were carried out based on that advice of 4% .

I sincerely hope that you can see our being caught in this unfortunate administrative mishap and I desperately hope that you would kindly put a rather positive comment with regards to this matter through to the Council meeting in which our Planning Proposal is going to be discussed.

Kind regards,



Hassan Vakili.

12.10 BULKY WASTE COLLECTION SERVICES

ATTACHMENTS: 2. ENGAGEMENT OUTCOMES REPORT

Engagement Outcomes Report on HOUSEHOLD BULKY WASTE COLLECTION SERVICE OPTIONS

November 2023

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Executive Summary

On 22 May 2023 Council resolved to consult with the community to better understand the needs of the resident to plan for household bulky waste collection services. Between 7 July 2023 and 11 August 2023 Council sought community feedback through the *Have Your Say* portal. Residents were asked for their feedback on whether they would like to retain the existing collection service or move to a new system of booked services made by the household.

Feedback was collated through the *Have Your Say* portal. Council used a number of touchpoints in order to make the community aware of the consultation period which include social media, print media, Council's website and 28,000 letterbox delivery of an information brochure detailing the options.

The *Have Your Say* engagement program resulted in 2,700 visits to the webpage, with 1,400 people downloading information about the different service options for the collection of bulky goods. A total of 878 surveys were submitted, along with 365 comments, and five detailed submissions received, two which are the submitted consented to them being published as part of this report. Of those 878 submissions, 748 lived in a single dwelling house, with the remaining 130 respondents living in a townhouse or unit.

Of the 878 residents who responded 555 preferred to retain the existing system. Based on the information provided, 63.2% community members preferred the current service where each household can access three clean-up collections each year on dates decided by the Council and one on a date decided by the household. In contrast, 323 residents supported the move to a new system. The majority of respondents resided in single unit households (748 or 85.2%) as opposed to multi-unit households (123 or 14% of respondents).

In September 2023 Council sort a deeper understanding of the feedback gathered through the *Have Your Say* engagement period. Council emailed 555 respondents who had responded that they preferred to remain with the existing system and asked if they would be willing to undertake a second interview with a researcher. 168 respondents agreed to be recontacted and provided telephone contact details. The researcher randomly selected 40 respondents to interview. Interviewees were asked three questions seeking their response as to whether they were likely or unlikely to change their support based on new information provided. The additional information centred on the approximate dollar figure savings expected each year by moving to the new service, the amount of anticipate tonnage reduction expected each year and a general question of whether or not they would now support a move to the new service.

The Bulky Waste Collection Service *Have your say* program had a high level of community engagement as evidenced by a large number of responses when compared with other engagement activities by Council. Residents clearly have a strong interest in how waste is managed and respondents who prefer not to change were statistically more likely to provide comments. Many comments focused on the importance of recycling and reducing landfill and creating a sense of community. This feedback will help shape future waste services offered by Council.

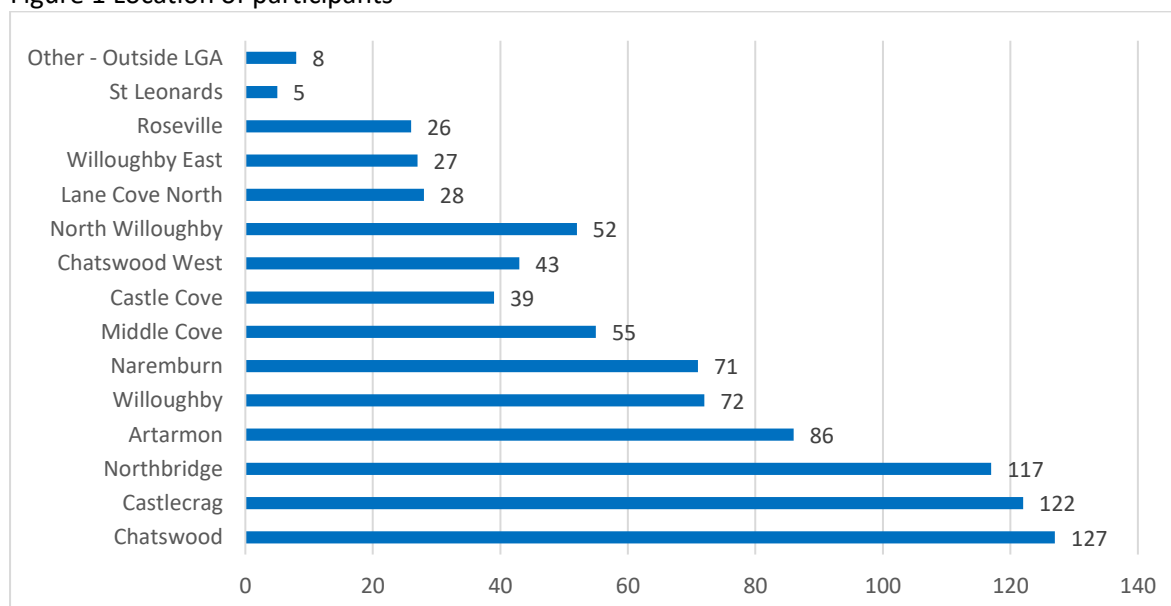
A full summary of engagement activities is listed at **Attachment A**.

Analysis of Engagement Outcomes

Location of participants

Figure 1 shows feedback was received from across all suburbs in the local government area, with the largest number of responses being from Chatswood, Castlecrag, and Northbridge.

Figure 1 Location of participants



Background of participants

Participants were asked to state in what capacity they were primarily responding to this engagement. Around 92.3% per cent of participants were responding as a Willoughby City Council resident and ratepayer, with also 5.4% per cent being a Willoughby City Council resident but not a ratepayer. A small number of respondents were ratepayers but did not live in the Willoughby City Council area.

Figure 2 Background of participants

| Participant type | Number | Percentage |
|---|------------|-------------|
| A Willoughby City resident and ratepayer | 810 | 92.3% |
| A Willoughby City resident, but not a ratepayer | 47 | 5.3% |
| A Willoughby City ratepayer, but do not live in Willoughby City | 16 | 1.8% |
| Organisation | 1 | 0.1% |
| Other | 4 | 0.5% |
| Total | 878 | 100% |

Overall support or opposition

Through *Have Your Say*, respondents were asked whether they supported or opposed the proposal to move to a fully booked system. Some 36.8% per cent were in support of a move to a fully booked service and 63.2% against the proposal.

Figure 3 Responses in support or against changes to the clean-up collection service

| Support for or against changes | Number | % |
|--|------------|-------------|
| Retaining the existing system, where each household can access three clean-up collections each year on dates decided by the Council, and one collection on a date decided by the household | 555 | 63.2% |
| Moving to a new system, where households can book four clean-up collections each year on dates selected by the household | 323 | 36.8% |
| Total | 878 | 100% |

Support by participant type

Analysis was conducted on the levels of support among different participant types. The survey captured participant's type when they were asked whether they supported or opposed the proposal. Of people who were a Willoughby City Council resident and ratepayer, some 36.3% per cent were in support, with 63.7% against the move to a fully booked system.

Of people who were a Willoughby City Council resident but not a ratepayer, some 44% per cent were in support, with 56% against

Figure 4 Results by participant type

| Participant type | Yes | No | % No | % Yes |
|---|-----|-----|-------|-------|
| A Willoughby City resident and ratepayer | 516 | 294 | 63.7% | 36.3% |
| A Willoughby City resident, but not a ratepayer | 26 | 21 | 55.5% | 44.5% |
| A Willoughby City ratepayer, but do not live in Willoughby City | 9 | 7 | 90% | 10% |
| Other (please specify) | 4 | 1 | 80% | 20% |

Once the initial preferred option was chosen, the survey asked respondents to select statements as to why they prioritised that option.

If the resident responded that they would like to stay with the current system, then 5 options were provided asking the resident to choose one or more answers that suited them. These self-populating answers and responses outlined in Figure 5.

Figure 5 Why respondents would like to stay with the current system

| List of answers | Number | % |
|--|--------|-----|
| Having scheduled collection days makes it easier for kerbside scavengers to pick up and recycle materials from the nature strip. | 396 | 32% |
| Like the different clean-up options (some scheduled by Council and one by Household) | 323 | 26% |
| No need to change | 238 | 19% |
| Means Council doesn't have to spend money educating people on the change. | 195 | 16% |
| Other | 92 | 7% |

Overall, 555 survey responses supporting the existing system were received. The most popular answer to question one is having a scheduled collection makes it easier for kerbside scavengers to pick up and recycle materials from the nature strip. A total of 71 comments were made in relation to this survey question. A full list of comments can be found in **Attachment B**.

If the resident responded that they would like to move to the new system, then 7 options were provided asking the resident to choose one or more answers that suited them. The self-populating answers can be found in Figure 6.

Figure 6 Why respondents would like to move to the new system

| List of answers | Number | % |
|---|--------|-----|
| More convenient – I can book clean-ups when I need them | 258 | 23% |
| Means the waste will be picked up more promptly, reducing unsightly waste impacts on the nature strip | 209 | 19% |
| Reduces illegal dumping | 203 | 18% |
| Reduced costs for ratepayers | 196 | 17% |
| Scavengers will have less opportunity to break up collection piles, which can cause local waterway and land pollution | 146 | 13% |
| Easier to understand, compared to the current system | 89 | 8% |
| Other (please specify) | 22 | 2% |

Overall, 323 responses were received supporting the change to a new service. The most popular reason for moving to the new system was its convenience as a collection could be booked when needed (258). A total of 56 comments were made in relation to this survey response. See **Attachment C** for a full list of comments.

Council took the opportunity to ask residents how many times they used the scheduled collection service. Figure 7 indicates how many time respondents used the scheduled service in the last 12 months. It should be noted that of the 464 respondents who indicated that they use the scheduled service every time, 22.6% were respondents who support the change to a fully booked service and 77.4% were respondent who wanted the service to remain the same.

367 respondents use the scheduled service two times or less. Of this, 49% are respondents who want the service to remain the same and 51% are respondents who support the change to a fully booked service. Analysis shows support for the service to remain the same are high users of the scheduled service.

Figure 7 How many times residents have used the scheduled clean-up in the last 12 months

| How many times have you used the scheduled clean-up | # used | % |
|---|--------|-------|
| Once | 129 | 14.7% |
| Twice | 238 | 27.1% |
| Every time | 464 | 52.8% |
| Other (please specify) | 47 | 5.4% |

Respondents were asked how many times in the last 12 months they had used their free booked clean up collection service on a date decided by the household. Figure 8 indicates that the majority of respondents have not use the free booked clean-up service.

Figure 8 How many times have you used the free booked clean-up

| Have you used the free booked clean up service? | Number | % |
|---|--------|-------|
| Yes | 179 | 20.4% |
| No | 699 | 79.6% |

Of the 179 respondents who had used the free booked clean up collection service on date decided by the household, 51% also supported the clean-up service remaining the same and 49% supported the change to a new service.

Respondents were asked how many times in the last 12 months they used the paid booked clean-up collection on a date decided by the household. Analysis showed that only 2% of respondents had used the paid booked service and 98% of respondents had not used the paid booked clean-up collection. Of the 18 respondents who had used the paid booked service 10 supported no change to the service and 8 supported the move to the new service.

Figure 9 Responses to the question have your used the paid service

| Have you used the paid booked clean up service? | Number | % |
|---|--------|-------|
| Yes | 18 | 2.1% |
| No | 860 | 97.9% |

Other comments made:-

As part of this engagement process, respondents were able to provide free text comments, which were not linked to survey responses, 365 comments of these were received. All comments are in **Attachment C**.

Submissions

The Have Your Say portal received five submissions. Four submissions were from residents and one submission was received from an out of area respondent who supports scheduled clean ups for the 'scavenging' opportunities it provides. The other four submissions are located in **Attachment D**.

Overall, there is support for keeping the existing service. A variety of reasons were provided to support the case for the existing service. One submission argued that residents will fail to book a service and will dump rubbish without a scheduled service. However, evidence from other councils that have moved to a fully booked service demonstrate that residents do change behaviour, use the booked service and Illegal dumping is not increased

Further, the respondent argues that multi-unit dwellings experience increased dumping as it is easier to be anonymous at an apartment block than at single houses. However multi-unit apartments are already hot spots for illegal dumping due to the anonymous nature of the household type. Ensuring our residents are educated on how to use a fully booked service and increasing their knowledge of other ways to manage unwanted goods will limit the dumping. Communication with building managers and regulatory action will also limit the amount of dumping occurring.

It was also claimed that a value-added aspect to the current service would be removed as the service provides greater opportunity for recovery and recycling of materials such as whitegoods and metals. Our current collection and processing contracts already provide recovery of whitegoods and metals. Current data from our processor, Veolia, reports 43% recovery rate from the material sent for processing. Council could use the savings from moving to a fully booked system to provide increased community education and reuse and recycling programs.

Full submissions can be found in **Attachment D**.

Re-contact Interviews

In September 2023, Council engaged a researcher to better understand the data gathered through *Have Your Say*. Council emailed 555 respondents from the survey and asked if they would be happy to be interviewed. 168 individuals agreed to be contacted and provided telephone numbers to be contacted on. These were provided to the researcher who randomly selected 40 participants that had a preference to continue the current system.

The objectives for this research was to:

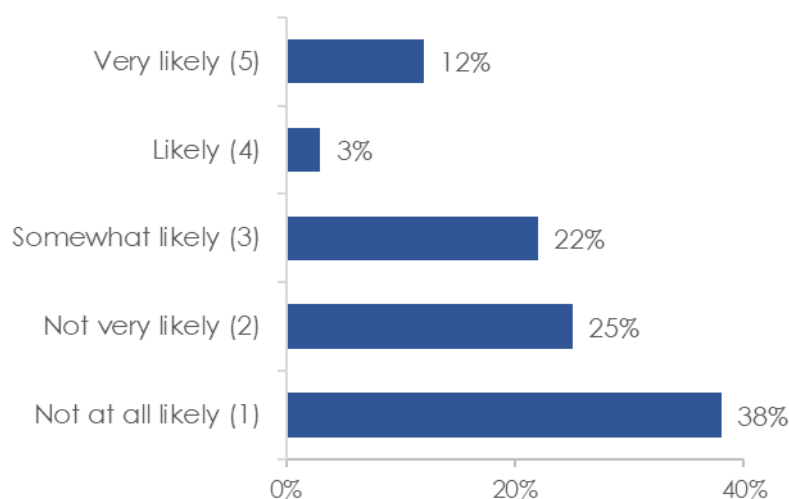
- Determine the likely or unlikely support for the proposed change to the bulky waste system based on additional information about the new option (waste reduction/cost reduction)
- Determine if there is any change to the overall preference for bulky waste collection type
- Identify reasons for preference

Participants in the telephone research were asked the following three questions:

Question one provided interviewees data on the anticipated reduction in tonnage of items going to landfill:

Q1 Studies have shown that Councils around Sydney and Australia have seen a 17% reduction in items going to landfill after implementing similar systems to the proposed new one. In Willoughby, this would represent an approximate tonnage of 367 tonnes being kept from landfill in a year. Based on this information, how likely or unlikely would you be to support the proposed new system?

Analysis of question one shows that when presented with the landfill saving information, just over a third (37%) were at least somewhat likely to support the new system. However, 63% were not very likely or not at all likely to support moving to the new system.

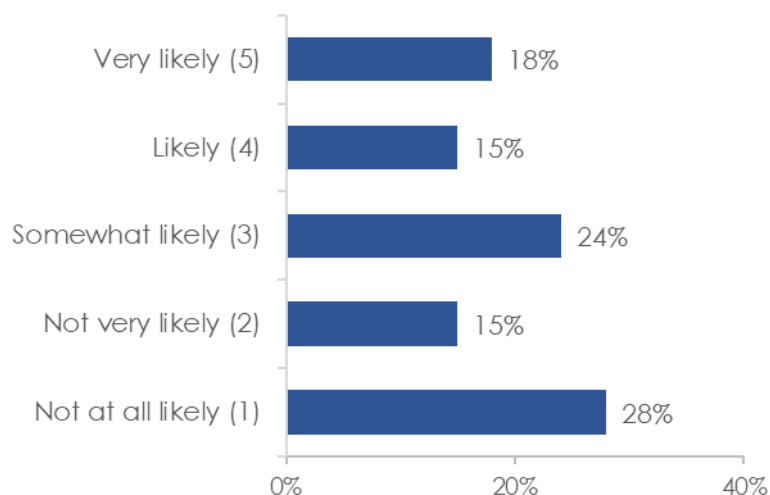


Question two provided the interviewee's with the dollar amount of savings that would be realized each financial year from moving to the new system. Again, respondents were asked how likely or unlikely they were to support the move given the additional information.

Q2. The savings from moving to the new system would be approximately half a million dollars and could be put towards waste programs such as the introduction of a food waste collection service, and hard to recycle materials such as soft plastics, polystyrene, clothing, electronics and mattress

collections. Based on this information, how likely or unlikely would you be to support the proposed new system?

Analysis of question 2 shows that once the participants were told about the likely savings from the new program (and how those savings can be redirected), 33% committed being likely or very likely to support the new system – and 57% were at least somewhat likely to support the new system. However 43% were unlikely to change their support from retaining the old system.



The final question posed to the interviewees asked for their overall likelihood of supporting a move to the new system. Overall, even with additional information provided 85% preferred to retain the existing system, 10% would likely now support the move to the new system and 5% did not mind either way.

Q3. Preference for bulky waste collection from the three options of move to a new system, keep existing system or do not mind either way:

| Customer Preference | % |
|---------------------------------|-------------|
| Retain the existing system | 85 |
| Move to the proposed new system | 10 |
| I don't mind either way | 5 |
| Total | 100% |

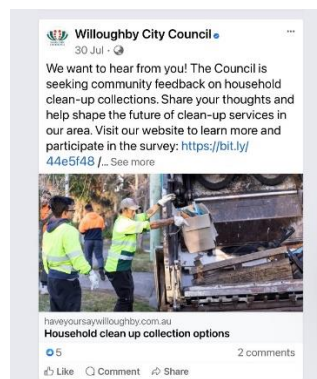
Summary of Sentiment

In response to the Council resolution of 22 May 2023, Council has conducted thorough and exhaustive research into the views of its residents on the bulky waste collection service. The engagement survey had one of the largest number participant rates for a Council engagement process. 878 surveys were received through the *Have Your Say* platform with 555 respondents supporting the retention of the current system and 323 supporting the move to a new system. Additional information was provided to 40 respondents who supported the retention of the current system, outlining in greater detail the financial and environmental benefits of moving to the new system. Results from the interviews found 85% still maintained their preferred option of retaining the existing system indicating that they appear to have strong views on the service.

Attachment A – More information about engagement process

- North Shore Times 1/8 page advertisement
- Survey was translated and available in Chinese (simplified), Chinese (traditional), Korean and Japanese
- 28,000 leaflets delivered to household letterboxes

Facebook posts x 6



Advertising Screen customer service foyer



Social media tile



www.haveyoursaywilloughby.com.au

Library Screen



Email footer



Around 28,000 households use Willoughby City Council's clean-up collection service to discard bulky waste, including furniture and small appliances.

Council is now considering changing the clean-up collection system.

We'd like you to tell us which of the following methods you would prefer:

- ① **Retain the existing system**, where each household can access three scheduled collections each year on dates decided by the Council, along with one collection on a date decided by the household; or
- ② **Move to a new system**, where households can book four clean-up collections each year on dates selected by the household.

This brochure compares the benefits of each collection method, and lets you know how you can provide feedback.



Contractors removing illegally dumped building materials during a clean-up collection.

Information in your language



The Council is seeking community feedback to determine the best method for household clean-up collections. Scan this QR code to learn more and to fill out a survey.

市議會正在征詢社區反饋意見以確定大件家庭垃圾收集的最佳方式。欲知詳情或參加此次問卷調查，請掃描以上二維碼。

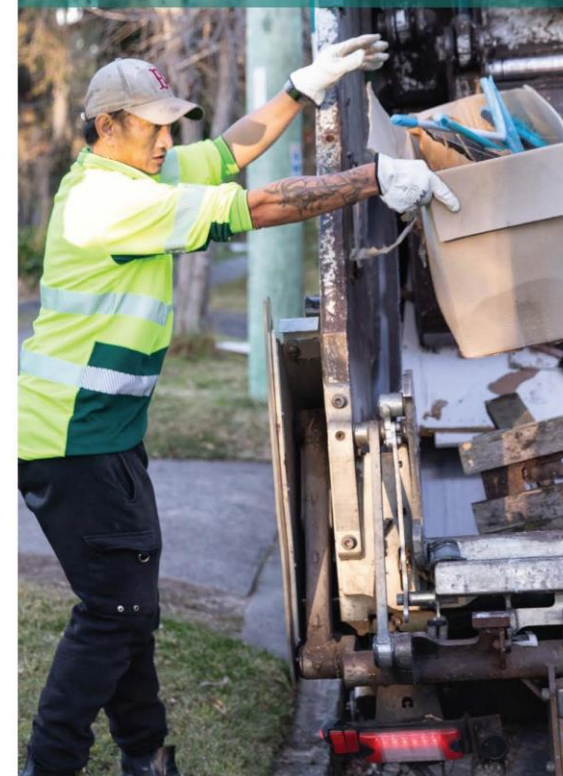
市議會正在就收集大件家庭垃圾的最佳方式徵求當地居民的回饋意見以做出決定。了解更多信息並填寫調查問卷，請掃描此二維碼。

카운슬에서는 대형 가정 쓰레기 수거를 위한 최선의 방법을 결정하기 위해 지역 주민들의 피드백을 구하고 있습니다. 더 자세한 내용을 알아보고 설문조사를 작성하려면 이 QR 코드를 스캔하세요.

카운슬은家庭中出る大ゴミの回収に関して最適な方法にしたいと考えています。地域(コミュニティ)の皆様意見を求めています。このQRCode(コード)をスキャンしてアンケートにお答えくださいませ。どうぞ宜しくお願い致します。



HAVE YOUR SAY ON THE BEST OPTION FOR CLEAN-UP COLLECTIONS



Benefits of moving to the new fully-booked system

» Greater convenience

Residents will be able to book a collection when they want it, not on a date chosen by the Council.

» Reduced illegal dumping

A recent audit of bulky waste indicated that around 40% of the waste currently collected from Council-scheduled collection days has been illegally added to the nature strip.

This is typically because, under the existing system, builders and tradespeople become aware of these collection days and use this as an opportunity to add waste to residents' collection piles, and sometimes residents include unauthorised waste when they are doing renovations.

» Reduced cost

Because of the expected reduction in illegal dumping collection expenses and other operational efficiencies, Council's costs will be nearly halved. This outcome would put downward pressure on the overall cost of residents' annual Domestic Waste Management Charge.

» More attractive streets

As there will be no more Council-scheduled collection days, nature strips will no longer be covered by rubbish for five to ten days while contractors work their way across local precincts.

» Less pollution

Scavengers will have less opportunity to break up collection piles, which can leave materials dispersed and therefore create wind-blown litter.

» An easier, simpler system

The existing system causes community confusion, usually when one resident leaves out waste for a booked collection, and other nearby residents see this and then leave out waste thinking it is a Council-scheduled collection period.



Benefits of staying with the existing system

» Recycling benefits

Many residents regard the Council-scheduled collections as an open-air recycling opportunity, where people can source and re-use materials. Many people enjoy this form of recycling, and the community spirit it brings. There is also a very visible element to seeing unused items rehoused.

» No need to educate community

Residents would not have to adjust to a new system, and the Council would not be required to undertake an education campaign to announce the changes. Residents would also continue to be able to plan ahead for the three Council-scheduled collection dates each year.



The new proposed clean-up collection system aims to reduce illegal dumping (such as the example shown above).



Example of a clean-up collection booked by a Willoughby resident.

Have your say before **11 August 2023** at www.haveyoursaywilloughby.com.au or scan the QR Code.



If there is any change to the collection service, this would not come into place until March 2024.

There is currently no change to the existing collection system.



Attachment B – Comments received in relation to why residents would like to stay with the current system

| Suburb | Comment |
|----------------|---|
| CASTLECRAG | There is a huge recycling benefit in the current system. The dates are public information; it greatly benefits people looking for second hand goods for re-use/repair/refurbishment |
| ARTARMON | A more convincing campaign for the proposed change was needed, with evidence to support the claim of illegal dumping. A cost comparison with adequate detail would be good to see, to support the proposal. |
| CHATSWOOD WEST | As a lot is recycled, current system reduces the quantity of rubbish ending up in landfill. Moving away from this will increase illegal dumping in our National Parks, which is way worse than someone adding to your rubbish pile. In my 15 years I have never had anyone adding to my rubbish pile, so I do not believe this happening in scale. |
| CASTLECRAG | As a retired woodworking shipwright I get huge satisfaction restoring quality hardwood furniture. Our home in Castlecrag, and also friends and family now have many wonderful pieces that I have, over the years, enjoyed sourcing off the street and restoring to top condition during those wonderful council clean up times. |
| WILLOUGHBY | At scheduled pick ups I am always shocked at the recyclable things people throw out - tonnes of cardboard, paint tin, gas bottles. Maybe regular emails can go to residents reminding them of services such as the recycling centre in Artarmon, the Coal Loader, Recycle Smart and Soft Landing. There is really no excuse to not recycle. |
| NAREMBURN | Being mother of a young child, I really enjoy being a kerbside scavenger to pick up and recycle kids toys which are usually in great condition. My kid also enjoys scavenging with me and picking out his toys....its his favourite part of the week and I teach him that this is good for the environment and that not all his stuff needs to come from shops! I also access FB and gumtree post where people post their council clean up contents to be picked up |
| CASTLECRAG | Concerned that individual pick ups will lead to more waste |
| ARTARMON | Council must prioritise a system that guarantees useful items are diverted from landfill. If schedules clean up only then council needs to provide a Kimbriki style tip shop to divert useful items from landfill wherever possible. |
| WILLOUGHBY | Current arrangement maximises recycling |
| CHATSWOOD | Don't want change - leave as is |
| WEST CHATSWOOD | Great recycling through current system with scavengers taking away much of the items thrown out.recycle/repurpose. Changing the current would mean there would be fewer opportunities for scavengers to take away items. |
| CASTLECRAG | Having an open system means greater cost to council which will be reflected in rates. Having an open system will also mean continuous junk on footpaths rather than just on set days. |
| CASTLECRAG | Having collections on dates decided by the household (as in Lane Cove) means all the waste goes to landfill, rather than scavengers very effectively recycling items put out for scheduled cleanups. |

| Suburb | Comment |
|------------------|--|
| WILLOUGHBY EAST | Having least items go to landfill should be paramount! |
| NORTHBRIDGE | I am a kerbside "treasure hunter" and save around 3 van loads per week from landfill in the Willoughby council area. I donate these goods to Lifeline Naremburn which has the additional benefit of funding the mental health lines which are chronically underfunded. From my experience of being both a resident and long time treasure hunter, I estimate around 40-50% of waste is collected each week by myself and fellow hunters prior to the Willoughby Council contractors trucks picking up the remainder. A move to on demand pickups has seen an increase in landfill and subsequent collection costs for Councils that have already moved to this model as hunters are not aware of collection bookings. I strongly oppose the change on both environmental and economic grounds and hope Council agrees. |
| ROSEVILLE | I am glad you acknowledge that scavengers (including myself) can find perfectly good things, take them, perhaps fix them up or recycle items so that usable items don't end up in landfill. Also Council has less to pick up. |
| NORTHBRIDGE | I feel less guilty for leaving just a couple of items out if it was a scheduled collection, but it probably wouldn't warrant calling out a truck and staff for small amounts |
| NORTH WILLOUGHBY | I have lived in Chaley street for past 60 years and have never had a problem with present system . |
| WILLOUGHBY | I lived in Neutral Bay previously and the system there was terrible and rubbish constantly dumped on the kerb. There was never a week when rubbish wasn't on the footpath. |
| CASTLE COVE | I recently put out quite a large collection of tools, timber, household items & toys, previously belonging to my children & deceased husband. Almost all were collected & hopefully given a second life. I put the items out several days prior to the Council Collection date, to allow for collection by others. |
| CASTLECRAIG | I see very many items being recycled on the clean up dates. I often rescue things and bring them to Vinnies, find someone who wants them or even have sold things on Facebook Marketplace. I go for walks on clean up dates and I have not really seen dumped material from tradies. |
| NORTH WILLOUGHBY | I think far more waste is recycled when there is a mass clean up collection and this is a great result. People come from other suburbs to look through piles. Residents should be responsible for keeping the pile tidy. If there is illegal dumping residents should be able to report it. I once had illegally dumped goods outside my house and I was able to contact the person responsible as they had their name all over various papers and files! I made them come back and take it away. Concerns over building waste can be addressed by Council by restricting these types of materials being put on the kerb side for clean up collections. Educate, give examples. Its pretty obvious when its building waste so just say these types of product won't be collected and give details for Kimbriki tip. For example a wooden pallet can be put out but not an old rotten fence in pieces. A pallet can be reused but the fence is just waste. The whole aim should be for goods that can be reused or recycled. Having a mass clean up brings more people out to have a look around through piles. Its a great attitude and no one should be criticised for it. Council, you have everyone's email address so there is no excuse for not being able to do cheap education about this. Keep to the current system and educate / restrict more about what can and can't go out to solve the building waste issue. |
| ARTARMON | I think if you rely on people booking their own pickups you'll find illegal dumping skyrocket. |

| Suburb | Comment |
|-----------------|--|
| NORTH RYDE | <p>I understand that I am a non-resident of Willoughby however as a keen environmentalist and self-professed “scavenger” for many years I strongly support the continuation of the current scheduled cleanups. I have a few thoughts on why the scheme should remain in place.</p> <p>1. Trucks will need to cover the whole LGA in order to collect the booked cleanups meaning more fuel and maintenance costs to the waste contractors fleet which will be passed on to the council. It will also mean more heavy vehicles on the streets posing a danger and nuisance to residents.</p> <p>2. While I don't have actual data, I only have personal anecdotal evidence of how much is averted from landfill by scavengers and thereby saving the council in landfill fees. On any given weekend day there are many people out driving by and collecting be it for scrap metal, furniture or electronics (like myself), filling up their cars and vans. When I see piles put out on Saturday I can honestly say that many are greatly diminished in size by the Sunday afternoon. I have a feeling that this has been under-appreciated in the council's cost saving analysis while the main focus has been on how much illegal dumping there is.</p> <p>3. Speaking of illegal dumping, I don't have the details on the audit that found that 40% of cleanups are illegally dumped material (I would be interested in seeing this if it is publicly available), again, I only have my own experience to proffer but I believe this to be greatly exaggerated, the vast majority of the items I see in scheduled cleanups appear to be legitimate household items. I also believe that the fully booked system will not fully deter illegal dumping as all it takes is a drive down a few streets at night before someone encounters a booked cleanup that they can add to. On the other hand it will make scavenging much more difficult as someone will need to drive around the whole LGA on a Sunday evening to visit every pile...not many scavengers are going to be that dedicated. And for scavengers like myself who will visit several council LGAs over a weekend for their scheduled cleanups, I will favor those councils that still have their scheduled cleanups and will skip any booked cleanups in Willoughby. I know of many people who use the scheduled cleanups to support charities and others who are struggling to make ends meet to support themselves. Taking away this opportunity will be a great loss.</p> <p>4. Encouraging people to rehome goods before their booked council cleanup is wishful thinking. Many people are either time-poor or not technologically inclined to advertise unwanted goods on gumtree or facebook marketplace. While there are some who do take the time to rehome, the reality is that many don't and ultimately perfectly good items go straight to landfill.</p> <p>5. I specialize in refurbishing computers and electronics. It is stated on the council's guidelines that electronics are not permitted in the cleanup piles however on any given week I find multiple electronic goods to refurbish and find new homes for (and I know for a fact I'm not the only scavenger doing this). I also have seen the contractor trucks putting e-waste into the trucks for landfill before I could save it. This is going under the council's radar and they are not fulfilling their obligations towards this waste stream.</p> |
| LANE COVE NORTH | <p>I used to live in Lane Cove Council and they run the alternative system, it was a nightmare, had to book at least 6 weeks in advance and that lead to heaps of dumping - there was crap on the verges ALL the time instead of a few times a year. Willoughby's current system is SO much better.</p> |

| Suburb | Comment |
|------------------|---|
| NAREMBURN | I would like to see more recycling options. Many things are thrown away that are still good for others to use. I think council should educate on where and how to recycle |
| CASTLECRAG | I'd like to see Council reduce the number of collections from 3 to 2 scheduled to try to encourage reduction of what gets disposed of as waste. We need to move away from disposing so much. |
| ARTARMON | I'd like to see more recycling of items put out for collection. The example picture of a scheduled cleanup contains items that are not waste, just unwanted... easily donatable or given away if advertised. The crushing trucks do not discriminate between real waste for landfill and that of lazy people who haven't tried to recycle. A brochure or email to residents with information for places like Reverse Garbage (who can pick up), Lifeline, StVdeP, Salvos, the Artarmon Recycling centre or Facebook sites to advertise on would reduce the amount of actual waste that council would be obliged to dispose of, thus reducing costs. |
| ARTARMON | If it's not broken no need to spend money to fix |
| CASTLECRAG | If we changed to individuals booking clean up collections, there would always be random materials on the reserves. With the present system, the materials are around for a week and then it is gone. Also it is an incentive to get organised when clean-up collections are scheduled. |
| CASTLECRAG | If we have the system of households booking four clean-up collections each we will end up with so much more going to landfill, there could be situations where there are piles of junk outside apartment buildings on a regular basis and having large trucks constantly doing one-off pickups doesn't seem cost effective and will result in so much more pollution. |
| WILLOUGHBY NORTH | Is there some way more of the items put out for Council collection could be recycled. There are a number of recycling places now that take household items. Everything in the Council collection gets smashed and it's excruciating and a terrible waste and terrible for landfill! |
| CASTLECRAG | It currently works. Also, we only have waste on the kerbs a limited number of times a year, not potentially all year round |
| NORTHBRIDGE | It's a problem when illegal rubbish is dumped for sure. How does the council address this issue? |
| CHATSWOOD | Make recycling easier |
| NORTHBRIDGE | Many times people put out good furniture, bikes etc with the thought that others will pick them up and recycle/reuse. This is much better than going into landfill. |
| CASTLE COVE | Much of the material is recycled or reused as people go through the pre collection |
| CHATSWOOD WEST | Need to crack down on illegal dumping. How can this be done, what penalties apply. |
| NORTHBRIDGE | One man's rubbish is another man's treasure! Quite often things that we put out got picked up and recycled thus reducing a lot of rubbish |
| NAREMBURN | Perhaps there could be 2 booked cleanups- and two general. I do loathe the waste. I appreciate that it can be unsightly- however so much would be thrown away simply because our affluent areas don't make the time to rehome their belongings. |
| CHATSWOOD | Personally it is a prompt for me to keep my property clean and to move on unnecessary items. I love the repurposing option with scheduled collections. |

| Suburb | Comment |
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| CHATSWOOD WEST | Please keep the existing system because it allows the community and larger community of recyclers to reuse and repurpose items that will go to landfills. Even if 10% of the items are recycled, this is a victory for the planet. A scheduled collection systems will mean that almost everything will go to the landfill. I am also in favour of a levy for the scheduled service. There must be some economic pain borne by anyone who has rubbish to contribute to this planet. This money collected should be used for extensive campaigns on educating the local population on the damage this unfettered consumption is causing to our planet. |
| CASTLECRAG | Scavengers do a lot of good recycling of unwanted items. It's great to see things taken for a second life. We feel less guilty too. |
| NORTHBRIDGE | Scheduled collections are a helpful visual reminder to the residents and scheduled collections do not require some authorised printouts or stickers. |
| CASTLE COVE | System works well as it is, thank you |
| CHATSWOOD | Thank you supporting recycle |
| MIDDLE COVE | The current system is predictable and reliable. The ability to also pre book one additional pick up provides sufficient flexibility for the odd/rare occasion where clean up timing is critical. No need to change. |
| ARTARMON | The current system strikes the right balance between having scheduled collection (which will maximise recycling opportunities) with the flexibility of three bookable collections. This is likely the most efficient approach for rate payers and Council. |
| NORTHBRIDGE | The majority of our rubbish gets recycled before the council collection. Much better than landfill. |
| WILLOUGHBY | The suburb will look like a rubbish tip if you have residents randomly have rubbish on the verges all thru the year. Now it's organised and 3 times a year is great and if your moving you can pre book which is perfect. |
| LANE COVE NORTH | To be honest I am happy with either option. The big advantage of the existing system is that we put out things we know are too good for waste, or know the council won't pick up (eg unused paints) as it saves a lot of time trying to get rid of it via Freecycle.org or eBay. We really hate the idea of things going to landfill, we much prefer if someone wants what we have - often what we think is rubbish is happily collected by scavengers. If you move to the new system perhaps have some sort of organised event a couple of times a year where people have the opportunity to give away items. Or do a hybrid of the old and new system, a couple of council pick ups and a couple of book it yourself. An online booking system is much preferable to calling up to arrange a pick up. |
| NORTH WILLOUGHBY | We have trucks coming by on the weekend before collection to look for items to recycle or upcycle. This saves useful items from going to landfill. For example, we have just put out a large timber table and dining chairs and they have gone within just a few hours. If we had wanted to recycle these items rather than going to landfill, we would have had to pay \$200-\$300 to have them collected by a private company. I'm not aware of any illegal dumping in our street. Illegal dumping could also still occur when residents book a personal collection and leave their items out. I wasn't aware that there was a free bookable service, so good to know - I've always paid for mine! |

| Suburb | Comment |
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| NAREMBURN | We should be doing everything we can to keep items out of landfill - the council's scheduled service helps treasure hunters know when items will be outside our homes. Council should also help promote Street Garage Sales on the weekend before a clean-up (maybe close off the street for one of the clean-ups each year) so treasure hunters are well aware, helping to bring them to our local area to take away our unwanted items - and likely also buying lunch, coffee, other things from local businesses while they are here treasure hunting - something like the 'Garage Sale Trail'. |
| NAREMBURN | While I don't rule out individual collections, we should be looking more closely at recycling companies who will collect our items. We should also educate people on recycling and reusing, donating etc. also incentives for those that reduce their waste and recycling. |
| WILLOUGHBY NORTH | You have made it very negative to stay with existing system with 'scavengers' rather than helpful 'recyclers keeping items from landfill'. Also your two photos depict the same inference - 1st one would be one of the worst situations using existing system and 2nd one would be one of the best situations. That way of explaining the systems is enough for me to stay with the old system - more importantly all items in that 2nd photo with the new system - it would be criminal not to recycle. |

Attachment C – Comments received in relation to why residents would like to move to a new system

| Suburb | Comment |
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| CHATSWOOD WEST | 3 collections per year would be sufficient |
| CHATSWOOD | 4 elective cleanups should cater for all types of waste. |
| CHATSWOOD | 4 per year is too many. 2 is better |
| ARTARMON | A sensible proposal |
| CASTLE COVE | All good |
| CHATSWOOD | Also helps with less traffic movements if a fourth garbage truck in the streets |
| CHATSWOOD | Apartment ability needs to be considered eg no parking zone in front of our building |
| CHATSWOOD | As long as the reduced cost is passed onto ratepayers, happy to support the new proposal |
| NORTHBRIDGE | As long as there are no extra fees for option B. |
| CASTLE COVE | As long as there is no cost to householder moving to the new system |
| ROSEVILLE | Being able to book your own pickups is an excellent solution, however if there could be more frequent scheduled pickups (like every 2 months during the first or last week of the month), that would also be better than the current system. |
| NORTHBRIDGE | Both systems have advantages. I usually mislay the form with the dates of collection so this was I can choose the date. I don't throw away stuff till it is really useless. |
| NAREMBURN | Bulk waste collections are important, so either system is fine |
| NORTHBRIDGE | Council needs to educate residents to ... Refuse, Reduce, Reuse, Repurpose, Recycle |
| CHATSWOOD | Council still needs some kind of system for cleaning up dumping and not-booked household waste that seems to be very common around unit blocks. I also find the green waste booking system difficult - when we have lots of waste there is no easy way to package lots of leaves, branches, cuttings that are acceptable for an extra council pick up. |
| MIDDLE COVE | <p>Current system encourages waste, as people just dump unwanted materials on the nature strip when they see it's their street's turn. There is no thought as to other potential uses. In addition, the collections all go to landfill, when there is plenty of recyclable material in collections (especially metal)</p> <p>If you do move to the new system, please could it be done in a way that recycles more of the collected material. So instead of it all being compacted together, maybe it could be separated at the point of collection.</p> <p>In addition, if there is a new system, there needs to be more opportunities to get recyclables collected, like the 'soft landings' mattress collection and 'recycle smart'. Maybe a metals collection service picking up everything that would be free to send to e.g. Kimbricki.</p> |
| NAREMBURN | Current system very bad, street looks like a dump for a week. People always put things out early, scavengers come too |
| MIDDLE COVE | <p>Don't need 4 times per year.</p> <p>3 is plenty.</p> |
| NORTHBRIDGE | Happy to move to new system as long as there is no future charge to residents. |

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| WILLOUGHBY NORTH | Happy to stay with the most cost-effective system |
| NAREMBURN | hard to arrange times when rubbish occurs to when collection is.. try and take to community recycling centre or throw out in smaller amounts into bins. I think a lot would just get thrown into bins as our apartment complex has two skip bins? |
| CASTLECRAG | How many booked collections are allowed in a year? We don't have a printer and are not intending on buying one. How will the printed labels change to support those who cannot print them? Will they no longer be required? |
| CASTLE COVE | How much is the reduction in cost to the ratepayer? |
| CASTLECRAG | I am used to the existing system but happy to advance with new ideas! |
| WILLOUGHBY | I booked a clean up the process was simple and it suited our timeliness as we missed the last clean up. Cleaner streets too. |
| ARTARMON | I do like that scavengers collect scrap metal and there is some rehoming of household items that occurs with the current system. I would hope that some recycling might occur with the new system and it all won't go into landfill. Perhaps Council could support the Progress Associations or Schools to hold second hand markets where items could be re-homed. |
| WILLOUGHBY | I don't regard the people that go through our rubbish as scavengers. If they have a use for the items, whether they resell them or use them they are doing us a service. I find the term derogatory. |
| NAREMBURN | I have recently moved to Willoughby Council from Nth Syd council where you could book as many collections as you wished on the "set" council cleanup days for your area. This meant rubbish was collected extremely quickly but you also knew the calendar cycle on which to book. I loved this system. It is also super frustrating that Willoughby doesn't have a designated Christmas tree collection like some other councils. |
| WILLOUGHBY | I hope it may reduce frequent illegal dumping in the small parking lot near me (at 162 Mowbray Road). Also, I am often away when the cleanup day is on and have to wait for 3 months for the next opportunity |
| CHATSWOOD | I like the council to make sure this is not more expensive than current system and is not an excuse to hike up rate. |
| NORTH WILLOUGHBY | I like to have the choice as long as I don't end up with fewer collections |
| CHATSWOOD | I like your new idea! We can put out our "rubbish" exactly when we want to rather than hold on to it till a Council 'collection-date' comes around. |
| ROSEVILLE | I note the Council Officer's assessment that the proposed new system will provide cost savings to Council and their belief that it will reduce illegal dumping on the nature strips. I see these two benefits as being compelling reasons for a change to the proposed new system. |
| CASTLECRAG | I think just allow 3 booked clean ups. |
| NORTHBRIDGE | I think North Sydney council have the best where monthly u can put waste out if u advise them. Much cleaner. |
| WILLOUGHBY | I think the current 2 cubic metres is insufficient given the size of some furniture items like lounges and beds, it should be increased to at least 3 cubic metres. |
| ST LEONARDS | I think the frequency needs to be increased from the current system to perhaps once every 2 months. Each of the three clean-up collections on dates decided by the Council we have seen mountains and mountains of items. It poses some risks on the pedestrian and children walking down the footpaths. |
| WILLOUGHBY EAST | I was sceptical originally but the ease of booking a mattress collection made everything easier from my perspective |

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| NAREMBURN | <p>I wish you'd start this sooner!</p> <p>My only concern would be if we were unable to book a session because of limited availability.</p> <p>Should be able to book online too.</p> |
| CHATSWOOD WEST | <p>I would like Council to give residents feedback on what items can be recycled and where they can take items that may be needlessly going to landfill e.g. mattresses. Many residents do not put items in easy to pick up bundles. If residents book a pick up they could be given this information before the pick up.</p> |
| MIDDLE COVE | <p>I would prefer NO household collections at all. It would be better for the environment if council diverted this money into more recycling facilities such as the one in Artarmon. They could also investigate ways to recycle a broader range of household items that just go into landfill.</p> <p>Council collections encourage laziness. Many residents don't even bother taking recyclables to recycling centres because they know council will pick them up off the verge. Having NO collections at all would force people to recycle their goods.</p> |
| ReNORTHBRIDGE | <p>If the new system is adopted I do hope that the reduced costs will be of benefit to the ratepayers.</p> |
| MIDDLE COVE | <p>Illegal tradie and home reno dumping is a major issue in our area</p> |
| WILLOUGHBY EAST | <p>Is there a volume limit under the new system and what is the time frame for collection under the new system?</p> <p>Will the streets look messy for longer under the new system with collections out at various times depending on need?</p> |
| NORTH WILLOUGHBY | <p>It will be nice if the recycling nature of the current system can be maintained somehow with the new system</p> |
| NORTH WILLOUGHBY | <p>It's disappointing that - unlike other councils - all of the bulk collection waste goes to landfill. I'd like council to look into what Ku-ring-Gai and other councils offer and plan to rollout similar initiatives to improve recycling and waste recovery rates.</p> |
| ARTARMON | <p>It's a pity to discourage the recycling of discarded items from the kerb as this is environmentally friendly and can offer an incentive for income for others. Most of the stuff we've ever put out has been collected before the Council comes which is good. However, I also appreciate that the methods of some of these same bounty hunters can be disrespectful of the neighbourhoods by scattering items. I have never had issues with illegal dumping but I know it happens.</p> |
| NORTH WILLOUGHBY | <p>KEEP IT SIMPLE...and keep costs low</p> |
| CHATSWOOD | <p>lived in Chatswood for many years but only used it recently due to house reno. Have never used it for at least 15 years living in Chatswood.</p> |
| ARTARMON | <p>Most ratepayers will not access 4 clean-ups a year - saving for council. Plus, this new system will be more resident responsive. A great idea.</p> |
| ROSEVILLE | <p>New system appears to be more needs based & more cost effective.</p> |
| NAREMBURN | <p>One potential issue with the fully-booked system could be that residents won't book regularly across the year, with likely "back-ended" demand late in the year creating demand overload.</p> |
| WILLOUGHBY | <p>See "other" above</p> |
| NAREMBURN | <p>SOUNDS LIKE A GREAT IDEA</p> |
| CHATSWOOD | <p>Thank you for seeing an alternative way for pick ups and giving the community the option to comment (though we may never forgive you for seeking off Devonshire St)</p> |
| MIDDLE COVE | <p>Thank you for thinking of a better system.</p> |

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| NORTHBRIDGE | The critical issue to achieve these benefits is for Council to set a performance target for collection. Otherwise you may have more rubbish all year round on the nature strips. Can you explain how you will report on your collection performance? |
| CHATSWOOD | The fixed dates for the current system have been very unhelpful for us. For example, when we needed to replace an item of heavy furniture, there was no Council pickup scheduled. We phoned the Council, but we were told that there was no booked service (free or paid) available either. It meant that the people who delivered the new item weren't able to move the old item onto the nature strip for us (they would have been happy to do it). They had to put it into our garage. The Council officer we spoke to said we would be fined if we put the item onto the nature strip. This is a serious problem for us because we are seniors and there is no way we can manage to move heavy items onto the nature strip ourselves for the next scheduled pickup date. In future, we would like to be able to arrange for pickups when we have help available to assist with the lifting. This would allow us to make use of the service. I am sure there are many other senior residents who are in the same situation. |
| NAREMBURN | The only issue is that there is problem always going to be a house with rubbish on the sidewalk rather than just one week a quarter where there is rubbish on the sidewalk. |
| NORTHBRIDGE | The only reservation I have with a new system is that in the past I have organised a collection, but it could only be done in 5-6 weeks - if the waste management company is unable to offer a more timely collection service (within 2 weeks) I would prefer to keep the current system. |
| CHATSWOOD | The services provided by council are excellent. Thank you. |
| NAREMBURN | These need to be free not paid clean ups |
| CASTLECRAG | This is a great idea |
| WILLOUGHBY | We are about to order our one free booked clean up service. |
| CHATSWOOD | We get a lot of tenants in our building who leave and just dump their rubbish on the nature strip and don't seem to book collections? It is very hard to know who has done it. Then others around the area add to the rubbish, it is very unsightly on both sides of our driveway and Demir leather entrance parking, and then the Brush Turkeys start scavenging and making a mess, it is unhygienic and unsightly and sometimes blocks our driveway access... |
| LANE COVE NORTH | We have a street Facebook group so could co-ordinate dates within 30-50 households to make it easier for council |
| ROSEVILLE | We need to add back a specific metal collections, there is no easy way to recycle this valuable resource. |
| CASTLECRAG | whichever option council decides upon i want it to remain free |
| CASTLECRAG | Why not start the new system? We've tried the old one for a long time, it's OK, but the new one is much better structured. |
| NAREMBURN | Will only book when significant amount so more likely to find recycling, reuse options before making a booking |
| NORTHBRIDGE | Will they both continue to be free? If we have to pay for the booking option then I'd rather stick to the current system |

Attachment D – Submissions received

Clean-up Collection Proposal

I am the Secretary for our 48-unit strata block at 14-16 Freeman Rd, Chatswood. Our neighbourhood has all strata blocks. I inform our residents about booking clean-ups for large items:

- With Council signage in our rubbish rooms,
- With information included in a resident handbook, and
- With regular emails imploring residents to book before putting anything on the street.

A week before each scheduled clean-up, I remind all residents of the schedule via email and via signage on the rubbish room doors. People are pretty good about putting stuff out then.

But when it comes to the times between scheduled clean-ups, nobody ever bothers to book, even though they have repeatedly been told to do so.

THE NEW SYSTEM WILL BE AN UNMITIGATED DISASTER!

Nobody will ever book, and without scheduled clean-ups, rubbish will be put out regularly. My wife is on a first-name basis with your rubbish department, calling for each instance of unbooked dumping – “*You again!*” – and the new system would generate many more instances.

Please, please, please keep the existing system for us (see next paragraph). In addition to the above reason, a scheduled system allows scavengers to reduce the volume of rubbish going to landfill.

I can see a possible advantage to the new system in neighbourhoods with all single-family houses. People there have an incentive to book a clean-up since the rubbish will be in their front yards. But there is no such incentive in strata neighbourhoods – it’s “Somebody Else’s Problem”.

SUGGESTION: Perhaps you can consider a hybrid system:

- Strata zones having scheduled clean-ups
- Single-family zones having booked clean-ups only

QUESTION: While I have you, I’d like to point out that an area between our building (14-16) and the adjacent building (18-20) is a frequent dumping site. I’ve noticed official Lane Cove Council “No Dumping” signs in Helen St south of Mowbray Rd. I’d love to have a similar sign in this location. Do you have them? Or should I make my own sign for the area? A bilingual English/Chinese sign would be great, as our building is about 80% Chinese with many residents unable to read English, and I suspect that 18-20 is similarly populated.

I am happy to discuss my opinions.

Brian Peck

RE: Response to requests for comments on best option for clean-up collections

Dear Council,

Here is my feedback on your proposal to move to a new system for the Council clean-up collection service.

I do not support the move to the proposed new system and want to retain the existing system. My reasons follow:

I have been a close observer of the collection cycle for many years and often will tour the neighbourhood to scout for useful items. What stands out to me in your brochure is the statement that *"40% of the waste currently collected from Council-scheduled collection days has been illegally added to the nature strip"*. I find this a gross exaggeration and completely misrepresents the actual situation. While there are some known spots where the volume of items can overwhelm the nature strip this is mostly always in areas of dense concentration of residents such as around unit complexes, cul-de-sacs, or dead-end streets where residents have to compete for space on the nature strip. I'm disturbed and annoyed since Council is already well aware of this concentration problem yet your brochure states this is illegal, when it is not – and this brochure has gone out to the community without any opportunity to refute this statement or provide the proper context.

The misrepresentation continues in the brochure with the photos presenting examples of *"illegal dumping"* and a *"booked clean-up collection"*. Again, there is no evidence that the items in the photo presenting illegally dumped items are in fact illegal – they are typical house hold items put out by the residents and just happens to be in this example a large volume. Equally, the example of a booked collection has clearly been staged for the photo and is not authentic as I have never seen such a pristinely presented collection. Comparing a large volume to a small volume is all you can deduce from these photos, however the brochure condemns the large volume incorrectly as *"illegal"* when it is not. At best both examples are at the extreme end of cases and do not present the general reality of the current system, but is being used by council to influence opinion to support the incorrect need to change the system. The use of misleading photos appears to be a common theme with Council as I've seen in other initiatives council using photos either without consent or with comments that are not supported by the subject in the photo. For example, council recently presented a photo of an elderly lady walking on a council verge in an attempt to show how a footpath was needed, however the lady in the photo strongly objected to the proposed footpath and for her image to be used without her consent.

I also refute the statement in your brochure that *"builders and tradespeople become aware of these collection days and use this as an opportunity to add waste to residents' collection piles"*. Again, as a keen observer of these collection piles I see very little evidence of building waste dumped by builders or tradespeople – not to say this doesn't happen, but the occurrence is very low and is mostly always associated with the residents themselves adding building waste to the collection pile. It's also known that council Rangers will tape-off and place removal stickers and inform the resident to remove such waste when it's place out (often in innocent ignorance of the restrictions). Again,

your brochure is misleading on this point and highlights this as a major problem when I submit it is not.

I'm perplexed at the statement that "*Council's costs will be nearly halved*" if the collections are moved to a fully-booked system. This may well be so as you've presented no information either way (ie what it costs now to what it might cost), however as a ratepayer I would wholly expect that any cost saving is immediately passed on as lower rates and not held in consolidated revenue with some vague lure that it might only result in some "*downward pressure*" on future costs. I don't feel this is good enough given this proposal is entirely driven by the promise of potential cost savings and these savings should be qualified and quantified so Council can be held to account when these savings are not achieved. Your brochure leaves me no wiser as to whether these savings will be material or not – nor is there any supporting information published or links to internal council analysis on this point that interested persons can refer to. So I have to ask the question – what is the project annual cost saving, and if material why is this not directly reflected in lower rates?

Your brochure also states that "*nature strips will no longer be covered by rubbish for five to ten days*". Once again this is a wholesale exaggeration as the average time taken to remove the piles is 2 – 3 days and very rarely if at all exceeds 5 days. So stating a 5 - 10 day time frame as normal is utterly wrong and again misleading that builds a false negative narrative on the current system.

I object to the derogatory use of the term "*scavengers*" when referring to those people who do us all an enormous value-added free service by seeing these piles as a useful resource and removing useful and recyclable items from landfill. This activity should be lauded and encouraged by Council so that the cost of collection is reduced as the volume of material collected is minimised, but more importantly valuable resources are saved from landfill. I congratulate those collectors who remove steel, recyclable items (especially from white goods), timber and useful items. I'm disappointed that Council is not actively working to change the paradigm here and setting the example towards a circular economy instead of condemning and portraying so-called "*scavengers*" as undesirables. I'm disappointed at the complete lack of progressive thinking at Council and expect much better.

Your statement that the current system causes "*community confusion*" when one resident leaves out waste for a booked collection which then mistakenly triggers others to do the same is another gross exaggeration and massively misrepresents the facts. While this behaviour might happen occasionally it is by no means a wholesale "*community confusion*" when at best occurs rarely and to the odd individual, not across the community. Once again the brochure heavily exaggerates to benefit the argument to change to a new system and is not at all giving a balanced view.

The brochure while listing every possible benefit to move to a new system, lists only 2 benefits of remaining with the current system. Important benefits that should have been listed to keep the current system include:

- preventing valuable resources from landfill. It is poorly understood that all the items placed out for collection are not sorted for recycling but instead go directly to landfill.
- minimising cost of collection to Council by reducing the volume of material going to landfill, particularly with items such as white goods which are sort after for their scrap value.
- promoting the circular economy and providing an income stream for those that need it by allowing them to collect, repair, reuse and resell items that would otherwise go to landfill.

- prevent a scenario where under the new scheme there is likely to always be some rubbish in a street arguably sitting for 5 – 10 days awaiting collection, rather than contain this to the few days of the current collection schedules

Finally, I find it utterly disingenuous that this initiative is handled by Council's "*Resource Recovery Team*" which wrongly implies that the thrown items are being processed to recover resources when the truth is these items are simply dumped at landfill with absolutely no attempt to recover any resources. The team name is again grossly misrepresenting its role and must be changed regardless of whether the new system is adopted or not.

In all, it is clear to me that council has already made-up-its-mind for a move to the new system and has created a brochure that is heavy on exaggeration and misrepresentation to create an altogether false narrative to support this goal. The brochure at first appears to present a balanced view on the pros and cons of each method however as detailed above this is not the case and council has manipulated reality to serve its own desire.

Council already has a deepening credibility problem with the Willoughby community and the approach to this new initiative demonstrates yet another failure to properly, honestly and fairly present and discuss matters with residents. I firmly do not support the move to the proposed new system of clean-up collection that has worked well for decades and does not need to change.

Sincerely

M. Harris

Other Submissions

To: Willoughby City Council

Re: Household clean up survey

To whom it may concern,

Thank you for the opportunity to have input on this topic. I live in Findlay Avenue Roseville and we recently had a household clean up collection.

I was disappointed that many of the residents disposed of items that should have been recycled; whitegoods, appliances, TV's, printers and computers for example. Also furniture items that could have been used by those in need. I believe that everything collected in the household clean up goes to landfill.

I am aware that there are recycling services available, such as Recycle Smart and the recycling centre at Artarmon. There are also online resources to facilitate giving / donating items, however these are often unofficial sources such as Facebook groups which many people would not be aware of.

Currently it is easier to dispose of all items into landfill than it is to recycle them, when of course the priority should be reversed. Recycling needs to be the easier option!

I believe the household clean up service should collect only items that are not readily recyclable. TV's, whitegoods etc. should not be collected. Residents should be aware that these items need to be recycled and not sent to landfill. Ideally council could offer a separate collection of recyclable items, and simply refuse to collect these items during the landfill collection.

Thank you for considering this opinion.

Att: General Manager
Willoughby City Council

Re: Proposed changes to Household Clean-up options

Dear Sir/Madam,

I am writing to oppose the proposed changes to the current household clean-ups. I don't feel the new option addresses the issues the community faces with goods going to landfill and not enough is proposed to tackle ongoing waste. I believe the proposal to make households book clean-ups, will just brush the issues under the carpet so to speak, and cause more potential problems including more dumped waste, more landfill, and less recycling of goods. The scheduled collection is also one less decision for households to make which is easier for those with very busy lifestyles.

I am regularly sickened by the amount of great quality items that are discarded to go to landfill. The only saving grace is the fact that often people collect these goods and reuse/on sell or donate them. A huge benefit of the current system is that much of the waste is collected before the trucks come by community members, recyclers, renovators, charity groups, artists, children, and scavengers (a deliberately ugly word that has been used in the brochure – but actually scavengers are very important in the life cycle of anything.)

I personally enjoy the community feel that comes with clean-ups. I have found great items from our council clean-ups and given them a new life. I know many other people who do this. The schools I have taught at regularly scout the clean-ups as a source of useful items for the classroom when budgets are tight. Most, if not all, the items I put out for rubbish collection are collected either by a metal recycler or someone else who sees them as useful. There is an unspoken acknowledgement that when items are put out for clean-up, it is like a free garage sale – this community recycling/reuse is a great community service – why change it?

If council is planning to move to a booking system, then the council also needs to take more responsibility of how the waste is managed, reused and recycled.

Some other options could include:

- two scheduled and 2 booked collections a year,
- provide households with easier recycling options - eg a toy collection, book collection, metals, fabric collections etc.
- ask ratepayers to split up their loads so more can be recycled and council sends different trucks/recyclers for these purposes.

Why go backwards and end up with more in landfill? Unless the council has a better option to stop unnecessary waste and good items from going to landfill, then keep the old system, please.

I understand that I am a non-resident of Willoughby however as a keen environmentalist and self-professed “scavenger” for many years I strongly support the continuation of the current scheduled cleanups. I have a few thoughts on why the scheme should remain in place.

1. Trucks will need to cover the whole LGA in order to collect the booked cleanups meaning more fuel and maintenance costs to the waste contractors fleet which will be passed on to the council. It will also mean more heavy vehicles on the streets posing a danger and nuisance to residents.
2. While I don't have actual data, I only have personal anecdotal evidence of how much is averted from landfill by scavengers and thereby saving the council in landfill fees. On any given weekend day there are many people out driving by and collecting be it for scrap metal, furniture or electronics (like myself), filling up their cars and vans. When I see piles put out on Saturday I can honestly say that many are greatly diminished in size by the Sunday afternoon. I have a feeling that this has been under-appreciated in the council's cost saving analysis while the main focus has been on how much illegal dumping there is.
3. Speaking of illegal dumping, I don't have the details on the audit that found that 40% of cleanups are illegally dumped material (I would be interested in seeing this if it is publicly available), again, I only have my own experience to proffer but I believe this to be greatly exaggerated, the vast majority of the items I see in scheduled cleanups appear to be legitimate household items. I also believe that the fully booked system will not fully deter illegal dumping as all it takes is a drive down a few streets at night before someone encounters a booked cleanup that they can add to. On the other hand it will make scavenging much more difficult as someone will need to drive around the whole LGA on a Sunday evening to visit every pile...not many scavengers are going to be that dedicated. And for scavengers like myself who will visit several council LGAs over a weekend for their scheduled cleanups, I will favor those councils that still have their scheduled cleanups and will skip any booked cleanups in Willoughby. I know of many people who use the scheduled cleanups to support charities and others who are struggling to make ends meet to support themselves. Taking away this opportunity will be a great loss.
4. Encouraging people to rehome goods before their booked council cleanup is wishful thinking. Many people are either time-poor or not technologically inclined to advertise unwanted goods on gumtree or facebook marketplace. While there are some who do take the time to rehome, the reality is that many don't and ultimately perfectly good items go straight to landfill.
5. I specialize in refurbishing computers and electronics. It is stated on the council's guidelines that electronics are not permitted in the cleanup piles however on any given week I find multiple electronic goods to refurbish and find new homes for (and I know for a fact I'm not the only scavenger doing this). I also have seen the contractor trucks putting e-waste into the trucks for landfill before I could save it. This is going under the council's radar and they are not fulfilling their obligations towards this waste stream.

Attachment E – Bulky Waste Collection Research – Recontact Interviews, September 2023

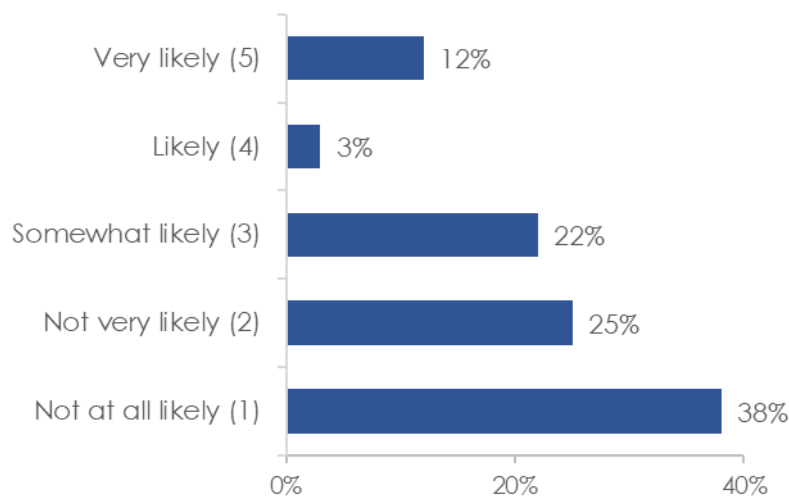
To better understand the data gathered through *Have Your Say*, Council commissioned a researcher to re-contact 40 participants that had a preference to continue the current system.

The objectives of this research was to:

- Determine support for the proposed change to the bulky waste system based on additional information about the new option (waste reduction/cost reduction)
- Determine overall preference for bulky waste collection type
- Identify reasons for preference

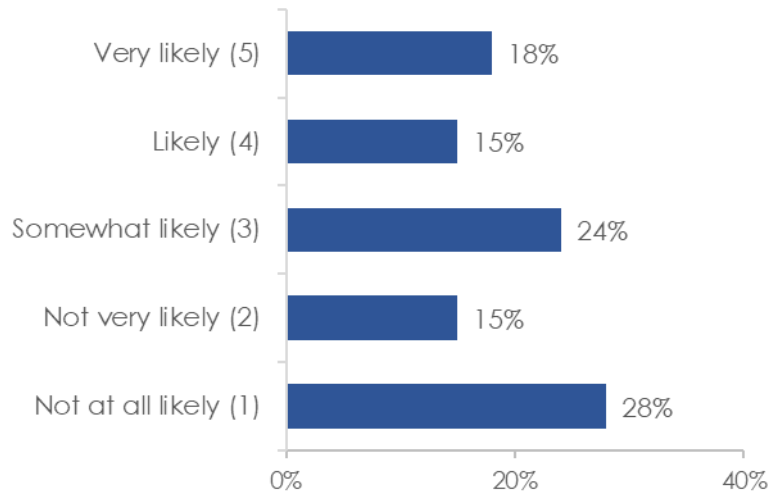
Participants in the telephone research were asked the following three questions:

Q1. Studies have shown that Councils around Sydney and Australia have seen a 17% reduction in items going to landfill after implementing similar systems to the proposed new one. In Willoughby, this would represent an approximate tonnage of 367 tonnes being kept from landfill in a year. Based on this information, how likely or unlikely would you be to support the proposed new system?



Analysis of question one shows that when presented with the landfill saving information, 15% were likely/very likely to support the new system – and in fact, just over a third (37%) were at least somewhat likely to support the new system.

Q2. The savings from moving to the new system would be approximately half a million dollars and could be put towards waste programs such as the introduction of a food waste collection service, and hard to recycle materials such as soft plastics, polystyrene, clothing, electronics and mattress collections. Based on this information, how likely or unlikely would you be to support the proposed new system?



Analysis of question 2 shows that once the participants were told about the likely savings from the new program (and how those savings can be redirected), 33% committed being likely or very likely to support the new system – and 57% were at least somewhat likely to support the new system.

Q3. Preference for bulky waste collection from the three options of move to a new system, keep existing system or do not mind either way:

| Customer Preference | Percentage |
|---------------------------------|------------|
| Retain the existing system | 85 |
| Move to the proposed new system | 10 |
| I don't mind either way | 5 |