



Willoughby City Council

ORDINARY COUNCIL

AGENDA

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

on 20 April 2020

commencing at 7:00pm

The Meeting is open to the Public

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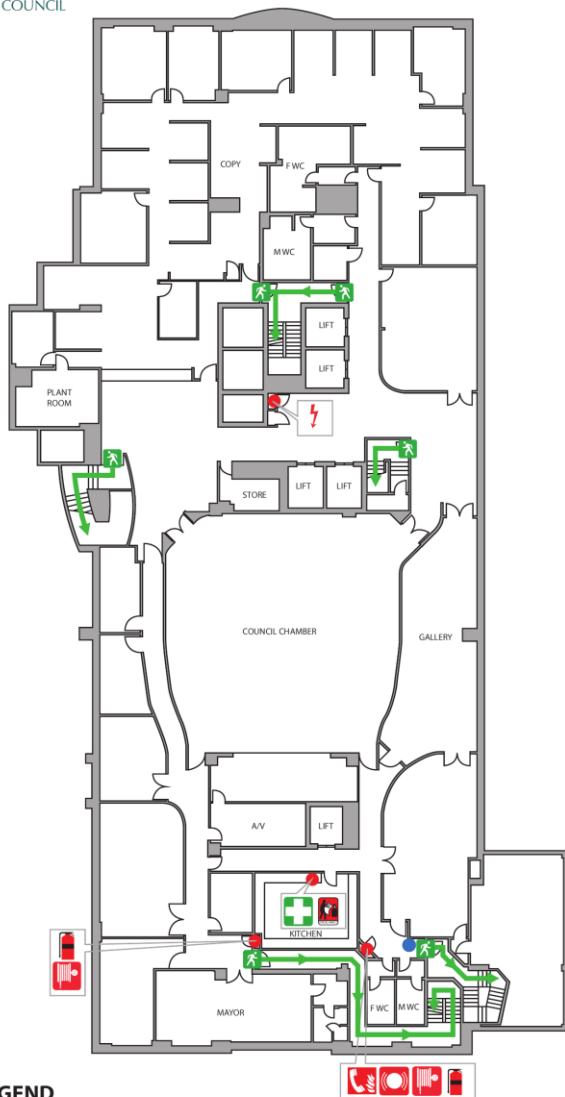
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WILLOUGHBY CITY COUNCIL

Level 6 Floor Plan



EVACUATION DIAGRAM | COUNCIL CHAMBERS



000 EMERGENCY Dial 000 for all emergency services
 Address: 31 Victor St, Chatswood
 Nearest Cross: Albert Ave

IN THE EVENT OF AN EMERGENCY

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

EVACUATION PROCEDURES

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

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

Listen carefully to any instructions provided by Wardens and Staff.

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

DO NOT PANIC

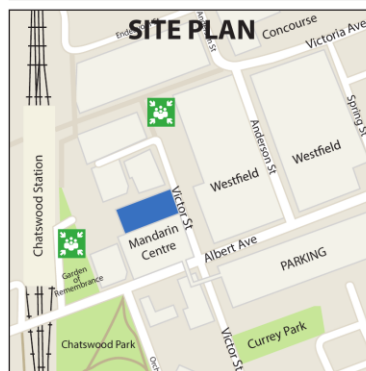
LEGEND

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

LEVEL 6

Assembly Area 1:
 Chatswood Mall, near Victor Street

Assembly Area 2:
 Garden of Remembrance



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 NOT DRAWN TO SCALE



COUNCIL CHAMBERS

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

Clr S Coppock

Clr C Tuon

Clr N Wright

Clr D Fernandez

Clr B Zhu

Clr H Eriksson

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Clr Rozos

Clr W Norton

Clr J Rutherford

Clr T Mustaca

Clr L Saville

Clr C Campbell
Deputy Mayor

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Council
Staff



Council Chamber Protocol

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

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

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

Members of the public attending a Council meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for two years. By attending a Council meeting, whether by addressing the Council or as an observer or other interested party, members of the public consent to this use of their image, voice and personal information.

- 1 OPEN MEETING – ACKNOWLEDGEMENT OF COUNTRY**
- 2 DISCLOSURES OF INTERESTS**
- 3 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held 9 March 2020, copies of which have been circulated to each member of Council, be confirmed.

That the Minutes of the Extraordinary Meeting of Council held 16 March 2020, copies of which have been circulated to each member of Council, be confirmed.

That the Minutes of the Extraordinary Meeting of Council held 30 March 2020, copies of which have been circulated to each member of Council, be confirmed.

- 4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

5 PETITIONS

6 OPEN FORUM — MATTERS NOT ON THE AGENDA

Open Forum allows members of the public to address Council for a maximum of three (3) minutes on any issues (but not on an item on the Agenda).

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - COVID-19 FINANCIAL SUPPORT

MEETING DATE: 20 APRIL 2020

1. PURPOSE OF REPORT

To seek Council's endorsement for lobbying Federal and State Governments to implement a range of economic stimulus measures and legislative changes to address the financial impact of COVID-19 on the local government sector.

2. DISCUSSION

In an attempt to lessen the impacts of COVID-19 on the community and businesses, the Federal Government has implemented a raft of measures. The economic response by the Government so far have targeted three main areas: individuals and households, business and the flow of credit. To date neither the Federal, nor the State Government have made any commitments to providing any stimulus packages to assist the local government sector to recover from the impacts of the pandemic.

The Federal and State Government have implemented an increasing series of limitations to social gatherings and personal movements to reduce the spread of COVID-19. These measures have resulted in a significant number of businesses and industries either being required to close or suffer significant reductions in revenue. Council has also suffered severe financial impacts resulting from the closure of revenue-generating Council facilities and services including the Willoughby Leisure Centre, The Concourse and the Zenith. The impacts of COVID-19 are rapidly escalating and Council is subject to indirect impacts arising from hardship being experienced by residents and businesses within the community who are having difficulty in making required rates and lease payments to Council.

The full financial impacts of COVID-19 on Council are yet to be determined, however these could be mitigated with the assistance of other levels of government to address:

1. The impacts of public health orders which have resulted in the closure of revenue generating facilities, or their continued operation with reduced patronage; both circumstances have resulted in significant loss of revenue.
2. The ability of councils to retain employees to ensure continuation of services to the community and the availability of a viable workforce which can provide a rapid response to the lifting of public health orders.
3. The provision of financial assistance to Council, to offset the cost of measures that have been implemented, to assist the local business community.

To mitigate the impact on our community and local economy, Council has established a support package of its own. Council resolved at its meeting on 30 March 2020 to put in place the following strategies to assist our local communities and the challenges they are facing:

1. Rental relief to tenants of Council owned properties for a period of up to six months by way of a waiver of rent for small business tenants in the food and hospitality industries and not for profits with an estimated financial impact of \$573,000.
2. The waiver of licenses and fees for all sporting organisations for a period of six months with an estimated financial impact of \$600,000.

3. The waiver for all businesses of environmental health inspection fees (excepting those directly relating to hygiene), fire safety fees, footway dining and advertising fees and a 50% fee reduction for Chatswood Mall Market stallholders, for a period of up to 6 months equating to approximately \$435,000.
4. The endorsement of discretionary measures relating to enforcement of some infringements where those discretions will not have an adverse impact on human health or safety, estimated to be \$55,000 in addition to any decrease due to reduced traffic for a period of up to three months.

In addition, Council is currently working through various options to support our staff to work from home; redeployment as a result of closed services; alternatives when there is no meaningful work available; and, to be safe in the work environment.

Given the main source of income for Council operations and services is rates, fees and charges and grant funding, many with restrictions on them, it will be difficult for Council to maintain the long term financial plan and the level of service our community is accustomed to. We are also mindful of the essential role we will have in rebuilding and supporting our communities when we emerge from COVID-19.

Councils need urgent financial assistance from the Federal Government and NSW State Government, the measures listed below would be effective and simple to implement:

1. Increasing the Financial Assistance Grants payments to at least 1% of Commonwealth Taxation Revenue to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
2. Bringing forward the timing of the Financial Assistance Grants payment to June 2020.
3. Immediate financial assistance to support the continued employment of council employees, especially in early education and child care.
4. Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs. Existing Federal funding programs include the Roads to Recovery, and Road Safety Blackspots programs. State programs include Fixing Local Roads and the Stronger Country Communities programs.
5. Extension of the Jobkeeper Payment to include council employees stood down due to the closure of council services and facilities.
6. Extension of the Federal and State governments' economic stimulus package to the local government sector-run leisure centres and child care centres that are currently experiencing a drop in revenue, or a total loss of revenue as is the case with Council's leisure centre.
7. A rebate / return to Councils of State Government Levies including Waste Management levy, Emergency Services levy, Parking levies and Planning levies.
8. A commitment that the State Government will underwrite any rates due to council that cannot be collected due to COVID-19.
9. Provide greater flexibility for rate increases that may be applied by Councils including a review of the two year limit in legislation.

10. Extension of the pensioner rates subsidy to cover 100% of rebates provided to pensioners. The State Government to fund the shortfall in rate rebate provided to pensioners by Council to the amount of \$204,574. New South Wales is the only state in Australia that requires local government to fully fund pensioner rebates.
11. Extension of major infrastructure grants beyond the current six month period for a further six months.
12. Increased provision of small business support programs with a removal of red tape.
13. Council access to TCorp funds at the low interest rate of 2% to address operating costs, loans to be paid back over a 10 year term, with Councils having the ability to fund the interest component of the loan with a one off special rate variation above the rate cap.
14. Amend legislation to allow varied timeframes for the meeting of integrated planning and reporting requirements for the 2020/21 operational plan and budget. This would enable reconsideration and redrafting of the operational plan and budgets to more accurately reflect the impacts of COVID-19.
15. Deferral or removal of the requirement that councils have matching funds when commencing infrastructure projects.
16. Refinement of Federal Government's Mandatory Code of Conduct for commercial leasing, providing councils with the option to defer rather than waive rentals. In addition, exclude large national or multinational corporations with sufficient reserves from any waiver or deferral.
17. Extend the 31 October 2020 deadline for lodgment of 2019/20 Financial Statements to the Office of Local Government. This is to acknowledge the difficulties in performing the audit and resolving issues while working remotely.

The full economic impacts of COVID-19 are yet to be determined. Notwithstanding, Council has demonstrated how we share the burden of this pandemic with other businesses and levels of government. We recognise that the services and infrastructure we provide are essential to rebuilding the economy and supporting the resilience of our communities. With the implementation of the measures outlined above, the burden on the long term financial sustainability of Council, the direct impact on ratepayers, and our staff can be lessened at this crucial time.

3. MOTION

That Council:

1. **Call on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.**
2. **Call for packages incorporating measures as outlined in the Mayoral Minute.**
3. **Commend the NSW and Federal Governments on their stewardship during this crisis and commitment to working in partnership to protect community health and sustain local economies through this crisis.**
4. **Write to these Federal and State Member(s):**

-
- a) Prime Minister the Hon Scott Morrison MP, Federal Treasurer the Hon Josh Frydenberg MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese and Federal Shadow Minister for Local Government Jason Clare MP

 - b) NSW Premier the Hon Gladys Berejiklian MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, NSW Opposition Leader Jodi McKay MP and NSW Shadow Minister for Local Government Greg Warren MP

to request their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.

5. Endorse Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.

6. Advise LGNSW President Linda Scott of the adoption of this Mayoral Minute.

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT**9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY****10 MATTERS REQUIRING ELABORATION OR DEBATE**

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

11 PUBLIC FORUM — MATTERS ON THE AGENDA

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

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12 REPORTS OF COMMITTEES

12.1 MINUTES - WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING HELD 27 AUGUST 2019

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES - WILLOUGHBY PARK CENTRE ADVISORY COMMITTEE MEETING HELD 27 AUGUST 2019
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	CHRISTINE WAYGOOD - FACILITY & PROGRAM TEAM LEADER
CITY STRATEGY OUTCOME:	3.2 – CREATE RECREATION SPACES FOR ALL
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

To provide Council with the minutes of the Willoughby Park Centre Advisory Committee meeting held 27 August 2019.

2. OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Willoughby Park Centre Advisory Committee meeting held 27 August 2019.

3. BACKGROUND

Willoughby Park Centre Committee is comprised of Community representatives and Councillors. The Committee aims to provide support and assistance to Willoughby City Council to ensure that Willoughby Park and Willoughby Park Centre continue to meet the needs of the community.

4. DISCUSSION

The Willoughby Park Advisory Committee met on 27 August 2019. An agenda with three formal items was tabled at the meeting. The Willoughby Park Advisory Committee meeting minutes are attached as Attachment 2.

5. CONCLUSION

The Committee members have viewed and adopted the minutes. It is recommended that Council receive and note the attached minutes of the Willoughby Park Advisory Committee meeting.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	3.2 – Create recreation spaces for all.
Business Plan Objectives, Outcomes/ Services	To enable a network of community leadership that establishes shared goals and inclusive strategies to achieve them.
Policy	The contents of this report and the provided attachments comply with Council's Advisory Committees Policy.
Consultation	Consultation has occurred with the Willoughby Park Centre Advisory Committee members on the contents of this report.
Resource	Officer attendance at meetings amounting to 3 hours per month.
Risk	The level of risk associated with the contents of this report is low, with insignificant consequences under Council's Risk Management Framework.
Legal	Not applicable.
Legislation	Not applicable.
Budget/Financial	Officer's attendance at meeting and preparation of documentation is considered in current year operational budget.



WILLOUGHBY CITY COUNCIL

MINUTES OF MEETING

MEETING NAME: Willoughby Park Advisory Committee

LOCATION HELD: Community Room 2, Willoughby Park Centre

MEETING CHAIR: Mayor Gail Giles-Gidney

DATE OF MEETING: 27 August 2019

1. PRESENT

Mayor Gail Giles-Gidney, Cr Norton, Ms Vicky Lord – East Willoughby Pre-School Representative, Tony Bellia - Willoughby Park Sporting Fields Hirers, Ted Wilson – Middle Harbour Progress Association Representative, Chris Pointer – Willoughby Park Centre Hiring Clubs/Groups.

2. APOLOGIES

Cr Rutherford, Cr Rozos, Mr Roger Worsley – Willoughby Park Bowling & Bocce Club, Richard Lund - Community Representative.

3. OFFICERS IN ATTENDANCE

Julie Whitfield – Open Space Co-ordinator
Chris Waygood – WPC Team Leader
Tania Stark – Community Engagement / Stakeholder Specialist
Samantha Charlton - Governance, Risk & Corporate Planning Manager

4. DECLARATIONS OF INTEREST

Nil

5. ADVISORY COMMITTEE REVIEW

Tania Stark provided an overview of the Advisory Committee Review.

6. CORRESPONDENCE

Nil

7. MANAGER'S REPORT

Chris Waygood presented the Manager's Report.

Programs

Term 3 statistics:

- 9 Term programs were run across the facilities
- 80 enrolments

Facility

- Continuing increased utilisation
- Work completed on replacement windows for the Mills Room

Events

- Fauna Fair 31st March 2019

8. GENERAL BUSINESS

Julie Whitfield advised that 170 responses were received from consultation for the Willoughby Park playground renewal. A concept design is being prepared for public exhibition on Have Your Say in October 2019. The work is funded to be completed by June 2020.

Vicky Lord advised that the pre-school landscaping project was complete – some concerns re protection of new plantings.

Julie Whitfield clarified Council's policy re line markings on sports fields.

9. COMMITTEE NEWS

Judo Club news: Alex Womersley
Gold Medal at NSW State Championships
Bronze Medal at the Sydney International Competition.

Marcus Truppel
Two Silver Medals for Kata at the Sydney International Competition.

Jon Woods
Silver Medal at the BJJ World Masters Competition.

10. MEETING CLOSE:

6.50pm. Next meeting scheduled 6pm 25th February, 2020.

12.2 MINUTES - WILLOUGHBY SENIORS' ADVISORY COMMITTEE MEETING HELD 12 NOVEMBER 2019

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES - WILLOUGHBY SENIORS' ADVISORY COMMITTEE – 12 NOVEMBER 2019
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ELLEN MILLER - COMMUNITY VENUES & SERVICES TEAM LEADER
CITY STRATEGY OUTCOME:	2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

To provide Council with the minutes of the Willoughby Seniors' Advisory Committee meeting held Tuesday 12 November 2019.

2. OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Willoughby Seniors' Advisory Committee meeting held Tuesday 12 November 2019.

3. BACKGROUND

The aim of the Willoughby Seniors' Advisory Committee is to develop, maintain and promote independent living for aged people and their carers in the Willoughby Local Government Area. The committee is comprised of a minimum of Willoughby City Councillors and community representatives with attendance by the Community Services and Venues Team Leader.

4. DISCUSSION

The Willoughby Seniors Advisory Committee meeting minutes are attached as Attachment 2.

5. CONCLUSION

The Committee members have viewed and adopted the minutes. It is recommended that Council receive and note the minutes of the Willoughby Seniors' Advisory Committee meeting.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.3 – Celebrate and encourage our diversity.
Business Plan Objectives, Outcomes/ Services Policy	<p>To enable a network of community leadership that establishes shared goals and inclusive strategies to achieve them.</p> <p>The contents of this report and the provided attachments comply with Council's <i>Advisory Committees Policy</i>.</p>
Consultation	Consultation has occurred with the Seniors' Advisory Committee members on the contents of this report.
Resource	Officer attendance at meetings and administration amounting to 3 hours per staff member per month.
Risk	The level of risk associated with the contents of this report is low, with insignificant consequences under Council's Risk Management Framework.
Legal	Not applicable
Legislation	Not applicable
Budget/Financial	Officer's attendance at the meeting and preparation of documentation is considered in the current year' operational budget.



MINUTES OF MEETING

MEETING NAME:	SENIORS' ADVISORY COMMITTEE
LOCATION HELD:	DOUGHERTY COMMUNITY CENTRE, 7 VICTOR STREET CHATSWOOD
DATE:	TUESDAY 12 NOVEMBER 2019
MEETING CHAIR:	Clr Wendy Norton
TIME OF MEETING:	2pm to 3.30pm

1. ATTENDANCE

Present

Mayor Gail Giles-Gidney	Councillor
Cr Wendy Norton	Councillor (Chairperson)
Leith Cooper	Social Worker
Judith Ryan	Chatswood East Progress Association
Laurie Grundy	Resident LGA

Apologies

Cr Lynn Saville	Councillor
Tony Humphrey	SPERANZA
Jordana Goodman	Resident LGA
Denise Park	Resident LGA
Kate Valente	Volunteer Co-ordinator
Tara Russell	AHWW Co-ordinator

Officers in Attendance

Ellen Miller	Community Venues & Services Team Leader
Vladimir Grepl	Governance Officer

2. DECLARATIONS OF INTEREST

Nil

3. ACCEPTANCE OF THE MINUTES

The minutes of the previous meeting were accepted as a correct representation of the content.

Moved: Laurie Grundy

Seconded: Cr Norton

Carried

4. BUSINESS ARISING FROM MINUTES

4.1 Advisory Committee Review

Governance Officer provided information on the Access Committee's Draft Policy and Terms of Reference. Committee were informed there would be no changes to Committees until the end of the current term of Council.

Committee were advised to provide comments on both the Policy and Terms of Reference by completing the survey which had been previously distributed to them.

Committee were advised that the closing date for the survey was 19 November with the survey results presented to Council on 9th December.

4.2 Loop Bus Service

Committee requested an update on progress in relation to LOOP bus-stops audit.

Action: Council Officer to provide information at the next Committee meeting.

5. SERVICE UPDATES

5.1 At Home with Willoughby Co-ordinator

Report tabled.

The new marketing material for the AHWW Community Services was distributed to Committee members.

5.2 Lower North Shore (LNS) Volunteer Coordination

Report tabled.

Committee were informed that AHWW had nominated volunteers for both the Trent Zimmerman and NSW Premier Volunteer Awards.

5.3 Sector Support

Report tabled.

CV&S Team Leader provided information to Committee on activities planned for the Seniors Week.

Committee were informed that AHWW Team participated in the Northern Sydney Aged Care Expo.

6. BUSINESS ARISING FROM THE UPDATES

Nil

7. GENERAL BUSINESS

7.1 Social Inclusion Week – Art Competition

Council Officer provided information on the upcoming Social Inclusion Week – Connect Collaborate Celebrate Art Competition.

Committee were advised that the winners of the competition would be announced at a morning tea on International Day of People with Disability.

7.2. Dementia Friendly Café – Chatter Cino

Committee were informed that 8 families had attended and were provided with information and supports through the Dementia Friendly Café.

CV&S Team Leader informed the Committee she was currently working on establishing the Dougherty Community Centre as a dementia friendly environment and had organised a meeting with Dementia Australia to move this forward.

7.3 Council Officer's Reports

Committee requested that the Council Officer's reports be attached to the Minutes for Council Meetings.

Action: Reports will be sent with Minutes.

Meeting closed: 4.15pm

Next meeting: Tuesday 11 February 2020 at 2 pm

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12.3 MINUTES - ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD 13 NOVEMBER 2019

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – ACCESS AND INCLUSION ADVISORY COMMITTEE – 13 NOVEMBER 2019
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

To provide Council with the minutes of the Access and Inclusion Advisory Committee meeting held 13 November 2019.

2. OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Access and Inclusion Advisory Committee meeting held 13 November 2019.

3. BACKGROUND

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

4. DISCUSSION

The Access and Inclusion Advisory Committee met on 13 November 2019. An agenda with three formal items was tabled at the meeting. The Access and Inclusion Advisory Committee meeting minutes are attached as Attachment 2.

5. CONCLUSION

The Committee members have viewed and adopted the minutes. It is recommended that Council receive and note the attached minutes of the Access and Inclusion Advisory Committee meeting.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.7 – Promote accessible services for the community.
Business Plan Objectives, Outcomes/ Services Policy	To ensure the delivery of the <i>Disability Inclusion Access Plan 2017 - 2021</i> . The contents of this report and the provided attachments comply with Council's <i>Advisory Committees Policy</i> .
Consultation	Consultation has occurred with the Access and Inclusion Advisory Committee members on the contents of this report.
Resource	3 hours per staff member per month.
Risk	The level of risk associated with the contents of this report is low, with insignificant consequences under Council's Risk Management Framework.
Legal	Not applicable
Legislation	<i>Disability Inclusion Act 2014</i>
Budget/Financial	Officer's attendance at meeting and preparation of documentation is considered in current year operational budget.

**MINUTES OF MEETING****MEETING NAME: ACCESS AND INCLUSION ADVISORY COMMITTEE****LOCATION HELD: DOUGHERTY COMMUNITY CENTRE, 7 VICTOR ST
CHATSWOOD****DATE: WEDNESDAY 13 NOVEMBER 2019****MEETING CHAIR: Cllr Wendy Norton****TIME OF MEETING: 4pm – 5:30pm**

1. ATTENDANCE**Present**

Cllr Wendy Norton	Willoughby Councillor
John Mills	Community Representative
Jordana Goodman	Community Representative
Mark Tonga	Community Representative
Audrey Thomas	Community Representative
Helen Woodman	Community Representative
Julie Greening	Community Representative

Apologies

Cllr Lyn Saville	Willoughby Councillor
Susan Hartley	Community Representative
Julia Norton	Community Representative
Maria La Greco	Community Representative
Denise Park	Community Representative
Peter McMurray	Council Officer

Officers in Attendance

Ellen Miller	Community Venues and Services Team Leader
Kate Drysdale	Senior Ranger
Paul Collings	Works Manager

2. DECLARATIONS OF INTEREST

Nil

3. ACCEPTANCE OF THE MINUTES

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

4. BUSINESS ARISING FROM THE MINUTES

4.1 Spring Street Disability Parking

Traffic and Transport Officer met with Mark Tonga at the Spring Street site to discuss disability parking spaces alternatives.

Action: CV&S Team Leader to follow-up with Traffic and Transport Team Leader with regards to him providing a definitive timeframe for this issue to be resolved.

4.2 Transport Strategy

No updates at present.

Action: Traffic & Transport Team Leader to provide update at next meeting.

4.3 Disability Parking

Senior Ranger spoke to Committee with regards to the disability parking arrangements and monitoring of spaces at the RNSH site.

Committee were informed that Council Rangers are vigilant in reporting misused permits (5-10) weekly and in issuing fines to people without permits parking in the disability bays.

Action: Senior Ranger to provide information to CV&S Team Leader about parking at the RNSH site including Wilson parking for publishing on the Council's People with Disability webpage.

5. ACCESS AWARD NOMINATIONS (BPP)

The Mayor discussed the possibility of a 'Recognition Award' with Council's Media, Marketing and Events Manager.

Action: CV&S Team Leader to follow up by the next meeting.

6. CORRESPONDENCE

Nil

7. BUSINESS ARISING FROM CORRESPONDENCE

Nil

8. GENERAL BUSINESS

8.1 Artarmon Community Gardens Parklands

David Paine gave a presentation on the work been undertaken at the above site. Currently there are 8 raised garden beds with a distance of 1.4 metres between each bed to allow people using mobility aids to move through the garden beds with ease.

Issues the Garden Committee hope to resolve in the future are access to accessible toilets, accessible parking spaces and storage facilities.

The Committee thanked David for the update and requested that he provide an update in 2020 on the progress of the site.

8.2 Community Engagement and Development Applications

Key Consultation and DA coming up include:

- Playground Improvement Plan for Denizen Playground, Castle Cove.
- 3rd Parking Permit proposal for Torrens Title dwellings
- Integrated Transport Strategy (Feb March 2020)
- Proposed Castle Cove to Chatswood Bicycle Facilities
- Proposed Pacific Highway shared Pedestrian and Bicycle link
- Seeking feedback on new Council Website (Feb March 2020)

8.3 Pedestrian Crossing at Hercules and Oscar Streets

Committee discussed the increased pedestrian traffic crossing at Hercules and Oscar Streets since the opening of the new Aldi store. Committee discussed the possibility of installing a pedestrian crossing or refuge at this site.

Action: No update at present. Strategic Transport Planner to investigate further and report back at next meeting.

8.4 Farewell to Paul Collings

Committee thanked Paul for all his hard work over the years and wished him well with his future endeavours.

Meeting closed: 5:30pm

Next meeting: Wednesday 12 February 2020, 4pm to 5.30pm

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13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

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15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 LEGAL SERVICES REPORT MARCH 2020

ATTACHMENTS:	1. IMPLICATIONS 2. LEGAL SERVICES REPORT MARCH 2020
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

To present for noting the legal services report for March 2020.

2. OFFICER'S RECOMMENDATION

That Council receives the legal services report for March 2020.

3. BACKGROUND

At its meeting on 9 March 2020 Council resolved:

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

This report presents the first of the legal services reports for Council's consideration.

4. DISCUSSION

The report is comprised of four tables for the different categories of matters:

- 1. Reviews of decisions and complaints such as GIPA and privacy matters.**
- 2. Civil claims** to include:
 - 2.1** contractual claims by and against Council, property and leasing disputes, as well as claims by and against Council for property damage or personal injury and defamation proceedings; and
 - 2.2** participation in any class actions.
- 3. Compliance actions and prosecutions.**
- 4. Planning appeals** to be collated from reports being provided by external law firms.

5. CONCLUSION

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

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	The provision of a monthly report is related to the work undertaken by the Legal Counsel and the Governance, Risk and Corporate Planning team.
Policy	Not applicable.
Consultation	Internal consultation is in place to gather the relevant information.
Resource	Provided from within existing staff resources and from reports provided by external legal providers.
Risk	Information in this report has been presented in a manner that does not breach an individual's right to privacy or compromise Council's prospects.
Legal	The purpose of this report is to inform Council on current legal proceedings; in order to ensure that Council is not disadvantaged in legal proceedings information regarding legal implications has not been included.
Legislation	Not required by legislation.
Budget/Financial	This is within approved budget.

Current Litigation and Claims Report

April 2020

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

Matter No or Ref	Court or Tribunal	Counter Party	Type of Matter	Status	Law Firm/s or Counsel engaged if any	Comments
2020/00004227	NSW Civil and Administrative Tribunal (NCAT)	Mr John Hooper	Review of GIPA determination with respect to fees and extent of material to be provided.	Listed for mediation 5 May 2020	No	Application is for range of material relating to Code of Conduct complaints against Councillors and staff. Some material has been determined for release whilst other material has been determined not to be released under the GIPA Act.
2020/00070133	NCAT	Mr Stuart Coppock	Review of GIPA determination	Listed for initial case conference 21 April	No	Application is for range of material relating to Code of Conduct complaints. Some material has been determined for release whilst other material has been determined not to be released under the GIPA Act.

1

2. Civil Claims - Contractual or property inc. leasing disputes, contractual claims by and against Council as well as claims by and against Council for property damage or personal injury, defamation proceedings and any class actions

Matter No or Ref	Court	Counter Party	Type of Matter	Status	Law Firm/s	Insurer	Comments
2019/00096207	NSW District Court	Mr John Hooper	Defamation proceedings.	Mr Hooper is seeking to amend his statement of claim. Council will agree but subject to conditions not acceptable to Mr Hooper. Whether Council's proposed conditions should apply to the amended defence has been argued before Judge Gibson (20 Feb 2020) still awaiting judgement. Outcome of mediations reported to Council 28 Nov 2019.	RGS Lawyers appointed by Council's insurers	StateWide Mutual	Mediations (2) have not resolved the matter. Council is defending the matter.
N/A	N/A	BAMM Medical Centres Pty Ltd- BAMM Group	Lease dispute with Tenant	Ongoing dispute with tenant.	Pikes & Verekers	No	Rent arrears are substantial.
L0029244	NSW District Court	Mr Bradley Armstrong	Trip and fall whilst delivering goods - Mills Lane at Chatswood Chase	An order for a settlement conference has been set down for end May 2020.	Mills Oakley	StateWide Mutual	Council's financial exposure is limited to its insurance deductible.

Matter No or Ref	Court	Counter Party	Type of Matter	Status	Law Firm/s	Insurer	Comments
NSD215/2019	Federal Court	Lead Plaintiffs The Owners – Strata Plan No 87231 v 3A Composites GmbH & Halifax Vogel Group Pty Ltd, Federal Court of Australia, Proceeding number NSD215/2019 (“Alucobond Combustible Cladding Class Action”)	Council is participating as a Funded Group Member in the Alucobond Combustible Cladding Class Action in relation to Alucobond installed at The Concourse.	Lead plaintiff actions are still progressing through the preliminary stages.	William Roberts Lawyers instructed by litigation funders Omni Bridgeway (Previously IMF Bentham).	Not applicable	Council has elected to participate as a funded member so no financial exposure to Council, but if Council recovers damages a proportion will be paid to litigation funder and William Roberts Lawyers.

3. NIL

4. Planning Appeals

Matter No or Ref	Court or Tribunal	Counter Party	Type of Matter/ Property	Status	Law Firm/s engaged if any	Comments
LEC 2018/00243687	Land and Environment Court	Freedom Development Group Pty td	Class 1 appeal deemed refusal of boarding house at 16 Warners Avenue, Willoughby.	At hearing judgment in favour of Council 28 January 2020; appeal dismissed.	HWL Ebsworth Kirston Gerathy/ Justin Koprivnjak.	After significant reduction in the bulk and scale of the development the applicant was still unable to satisfy Council's acoustic concerns. This formed the basis of the Appeal being dismissed. Council's costs will be met by the applicant - agreement re these costs being developed.
LEC 2019/50933 -	Land and Environment Court	Jun Qian -	Class 1 appeal against refusal of 26 room boarding house with basement parking at 42 & 44 Elizabeth St Artarmon.	Hearing held 13 and 14 January 2020. Judgement handed down on 19 February 2020 by Commissioner Horton. Appeal upheld.	HWL Ebsworth Kirston Gerathy/John Merlino.	Significant change to the built form occurred during the Appeal process including providing a break between two building elements, increasing vegetated area and improving solar access to properties to the south. Notwithstanding, Council still maintained significant concerns in respect to the proposal. Commissioner Horton however, did not concur with Council's experts and instead found that the development had a

Matter No or Ref	Court or Tribunal	Counter Party	Type of Matter/ Property	Status	Law Firm/s engaged if any	Comments
						positive effect on the conservation Area and amenity issues were satisfied.
LEC 2019/112220	Land and Environment Court	Edward Doueih	Class 1 appeal against refusal of 80 place Childcare centre 678 Willoughby Road, Willoughby.	Matter listed for conciliation conference on 12 December 2019 and held, conciliation terminated. Listed for hearing on 17 and 18 August 2020.	HWL Ebsworth Kirston Gerathy/ John Paul Merlino.	Council's significant concerns with the proposal were not satisfactorily addressed in the conciliation process so the matter is proceeding to hearing.
LEC 2019/00234535	Land and Environment Court	CWG Property Pty Ltd	Class 1 appeal deemed refusal of modification application seeking deletion of condition in relation to 24 hour gym operating at 150 Mowbray Road, Willoughby.	DA deferred by WLPP meeting to allow further acoustic testing and report – yet to be finalised. Conciliation conference held on 24 March 2020.	HWL Ebsworth Kirston Gerathy/ John Paul Merlino.	At the Conciliation Conference it was agreed by both parties that further acoustic testing should be conducted by the applicant.

15.2 COUNCILLORS' SUPERANNUATION DISCUSSION PAPER

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMATHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

To inform Council of the *Councillor Superannuation Discussion Paper* issued by the Office of Local Government and the invitation for comment by the public and Councillors.

2. OFFICER'S RECOMMENDATION

That Council:

1. Receive the report on the *Councillor Superannuation Discussion Paper*, and
2. Note that the public and Councillors can make their submissions directly to the Office of Local Government by 8 May 2020.

3. BACKGROUND

The Office of Local Government (OLG) has issued a *Councillor Superannuation Discussion Paper* and is seeking comments on the options in the paper by 8 May 2020. The paper is available at the OLG website <https://www.olg.nsw.gov.au/programs-and-initiatives/councillor-superannuation-discussion-paper/>.

4. DISCUSSION

The OLG has explained in its circular on the release of councillor superannuation discussion paper that the release has been prompted by concerns raised by mayors and councillors that the ineligibility of councillors to receive superannuation payments is inequitable and is a deterrent to more women and younger people standing as candidates at council elections.

The discussion paper seeks the views of councils and others on the following four options:

1. maintaining the status quo – mayors and councillors can continue to voluntarily contribute a portion of their fees to a complying superannuation fund of their choice.
2. mandate the current voluntary situation – amend the *Local Government Act 1993* (the Act) to make it compulsory for councils to pay a portion of the mayors' and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillor.

3. amend the Act to allow councils to voluntarily pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the mayor's and councillors' fees – this means that the payment of councillor superannuation in addition to their fee would be at each council's discretion, allowing the council to take into account the council's resources and the local community's views, or
4. amend the Act to make it compulsory for councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the mayor's and councillors' fees.

The OLG is encouraging councils to inform their local communities about the discussion paper and to encourage members of the community to make submissions.

Council has included an item in Have You Say discussion on the topic of councillor superannuation, suggesting that members of the public send their submissions direct to OLG which is consistent with OLG's request. Councillors have also been advised of the ability to make submissions through internal email communication.

This consultation format has been devised to encourage the public and Councillors to forward their views directly to the OLG.

5. CONCLUSION

Through this report and a consultation project on Council's *Have Your Say* website in April 2020 Council is supporting the promotion of the discussion paper and encouraging responses to the offered options.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	The Governance, Risk and Corporate Planning team supports reporting on initiatives from the Office of Local Government.
Policy	Not applicable.
Consultation	On consultation through <i>Have Your Say</i> in April.
Resource	Not applicable as the topic is at the consultation stage. See under Budget/Financial below for estimated costs provided by the OLG.
Risk	Not applicable.
Legal	Not applicable.
Legislation	No legislative impacts at stage, which is consultation on four options.
Budget/Financial	There are no provisions in the current or the forthcoming budget to accommodate councillor superannuation payments in addition to the mayor's and councillors' fees. A budget review would be required.

The *Councillor Superannuation Discussion Paper* provides the following comparison of superannuation contribution \$ amounts that would be made on the maximum annual fee in each category of council at a rate of 9.5% over 1 term (4 years) and 2 terms (8 years). Willoughby City Council is in the "metropolitan small" category.

Category	Number of Councils in Category	Councillor/Member Maximum Annual Fee	4 years at 9.5%	8 years at 9.5%
Metropolitan Small	11	20,280	7,706	15,412

The *Discussion Paper* also provides a table of the average annual \$ cost to councils of making a 9.5% superannuation contribution for mayors and councillors:

Category	Councils in Category	Average annual cost of paying 9.5% superannuation contribution for mayors and councillors
Metropolitan Small	11	21,541

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15.3 PETITIONS UPDATE

ATTACHMENTS:	1. IMPLICATIONS 2. LISTING OF PETITIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	PATRICIA SHELDRAKE – GOVERNANCE MEETING ADMINISTRATION OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

To present to Council the biannual report regarding the status of petitions presented to Council.

2. OFFICER'S RECOMMENDATION

That Council:

1. Review and note the updated listing of petitions.
2. Note that future updates will be provided to Councillors on a six monthly basis via the Councillor weekly email system.

3. BACKGROUND

Petitions presented to Council are tabled at council meetings and referred to the relevant officer for consideration. An updated listing of petitions showing their status is presented to Council biannually.

4. DISCUSSION

Petitions are presented to Council in accordance with Council's petitions policy.

5. CONCLUSION

This report informs Councillors of the status of petitions presented to Council.

As the petitions update is for review and noting it is recommended that future updates be provided to Councillors via the weekly email system on a biannual basis.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	The governance team maintains information to update Council on the status of petitions.
Policy	This matter relates to Council's Petitions Policy adopted by Council on 8 May 2017.
Consultation	Consultation is determined by the relevant officer during the assessment period.
Resource	Governance officers' time in preparing information for Councillors. Council Officers' time as part of the assessment process.
Risk	Not applicable.
Legal	Not applicable.
Legislation	Not applicable.
Budget/Financial	Within adopted 2019/20 budget for development applications.

PETITIONS UPDATE TO MARCH 2020

ATTACHMENT 2

DATE	SUBJECT OF PETITION	REFERRED TO/RESOLUTION	STATUS
24/06/19	Smoke free zone in Wilkes Avenue, Artarmon Petition in support.	That Council receive and note the petition from local businesses in support of a smoke free zone in Wilkes Avenue, Artarmon and refer it to the Planning & Infrastructure Director for consideration.	The Notice of Motion from Councillor Wright, which was considered at the Council meeting held 24 June 2019, resolved: That Council declare Wilkes Avenue, Artarmon and the associated laneway behind the old Artarmon Library, smoke free zones. Signage has been installed in Wilkes Avenue, Artarmon. Complete
24/06/19	Unrestricted parking arrangements on south side of Edinburgh Road west of Eastern Valley Way Petition to maintain unrestricted parking arrangements	That Council receive and note the petition from head petitioner Taylor Tsieng on behalf of residents opposing restricted parking arrangements in Edinburgh Road and refer it to the Planning & Infrastructure Director for consideration.	The petition was referred to Planning & Infrastructure Division as part of assessment process. The Local Traffic Committee had considered two previous related petitions and its recommendations, made following liaison with the then Roads & Maritime Services (RMS) who was the project owner, were approved by Council at its meetings respectively on 10 September 2018 and 11 February 2019. The issues raised in the petition tabled at the 24 June 2019 Council meeting were the same as those raised in the first two petitions. The head petition was advised that parking restrictions in Edinburgh Road, south side of road, west of Eastern Valley Way had been considered by the Local Traffic Committee and Council on three occasions. The third Council decision approved the implementation of the street parking restrictions in accordance with the RMS request for this project and, accordingly there is no proposal to further review Council's decision Complete

PETITIONS UPDATE TO MARCH 2020

ATTACHMENT 2

<p>22/07/19</p>	<p>Artarmon Bowling Clubhouse Petition to retain clubhouse and apply Option 1 -</p>	<p>Action petitioned for – Consistent with the spirit in which the Bowling Club site was given by its members, we the undersigned want the clubhouse retained to provide an indoor space where all the community including the elderly can appreciate the Reserve in all weathers and can take part in educational, recreational and social activities that complement the environmental values of the Reserve.</p>	<p>Council resolved at the meeting held on the 24 June 2019: That Council:</p> <ol style="list-style-type: none"> 1. Recognise the contribution of the Artarmon Bowling Club Citizens Panel and the completion of their task and endorse the cessation of the Artarmon Bowling Club Citizens Panel. 2. Expand the use of existing community facilities to endorse a Section 4.55 application for DA amendment of Artarmon Kids Cottage community centre for general community use and to increase hireable hours by 28.5 hours per week. 3. Endorse the demolition of the former Artarmon Bowling Clubhouse and the development of the former Artarmon Bowling Clubhouse site as a community pavilion. 4. Consider bringing forward, at next quarter budget review, \$150,000 of cypres projects funds to the 2019/20 financial year that are now in the long-term financial plan for the 2020/21 financial year for the demolition of the former Artarmon Bowling Clubhouse and the design and approval of a community pavilion. 5. Ensure that the honour boards or other memorabilia are preserved and consideration be given to their incorporation into future development
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PETITIONS UPDATE TO MARCH 2020

ATTACHMENT 2

			<p><i>of the site.</i></p> <p>A rescission motion moved at the Council meeting held 22 July 2019 was lost.</p> <p>DA2019/254 was issued for demolition of the former Artarmon Bowling Club building and landscaping of the building footprint upon completion of demolition. Development with consent granted 29 October 2019.</p> <p>Complete</p>
17/10/19	<p>41 Wood Street, Chatswood DA2019/29 Petition opposing development proposal.</p>	<p>That Council receive and note the petition from residents opposing the development of 41 Wood Street, Chatswood DA-2019/29 and refer it to the Planning & Infrastructure Director for consideration.</p>	<p>The petition was referred to Planning & Infrastructure Division as part of the assessment process. The development application was approved.</p> <p>Complete</p>
17/10/19	<p>Seniors SEPP development – 26 Crabbes Avenue, North Willoughby DA2019/247 Petition opposing development proposal.</p>	<p>That Council receive and note the petition from residents opposing a seniors SEPP development to be built at 26 Crabbes Avenue, North Willoughby – DA-2019/247 and refer it to the Planning & Infrastructure Director for consideration.</p>	<p>The petition was referred to Planning & Infrastructure Division as part of the assessment process. The application is currently being considered as part of the assessment process by the Development Officer.</p> <p>Action ongoing</p>
11/11/19	<p>Local action on climate change Petition in support</p>	<p>That Council receive and note the petition from residents supporting local action on climate change.</p>	<p><i>Our Green City Plan 2028 (Plan)</i> was adopted by Council in June 2019. On 17 October 2019 Council resolved to recognise and declare that we are in a state of climate emergency that requires immediate action by all levels of government and noting the petition from residents supporting local action on climate change Council is currently looking at how targets can be met sooner.</p> <p>Action ongoing.</p>

PETITIONS UPDATE TO MARCH 2020

ATTACHMENT 2

11/11/19	503 Victoria Avenue, Chatswood DA2019/266 Petition opposing demolition of existing structures and construction of four storey commercial building.	That Council receive and note the petition from residents opposing the development of 503 Victoria Avenue, Chatswood DA-2019/266 and refer it to the Planning & Infrastructure Director for consideration as a submission in respect to the application.	The petition was referred to Planning & Infrastructure Division as part of assessment process. The application for the demolition of existing structures on site and construction of a four storey commercial building was lodged on 9 September 2019. The petition is being assessed by the Development Officer as part of the development application process. Action ongoing.
09/12/19	Alleyne and Smith Streets, Chatswood Traffic and parking concerns	That Council receive and note the petition from residents detailing traffic and parking concerns in Alleyne and Smith Streets and refer it to the Planning & Infrastructure Director for consideration.	Issues identified by residents in the petition have been investigated and were considered reasonable. Accordingly, signposting changes have been implemented in Alleyne Street and the intersection Alleyne Street and Smith Street. The head petitioner has been advised of Council's actions. Complete.
09/03/20	446 Victoria Avenue, Chatswood DA2020/7	That Council receive and note the petition from residents opposing the development of 466 Victoria Avenue, Chatswood DA-2020/7 and refer it to the Planning & Infrastructure Director for consideration as a submission in respect to the application.	The development application for demolition of the existing structure and concept approval for a building envelope for a commercial development incorporating Chatswood RSL Club is being assessed by Council's Development Officer as part of the development application process. The determining body for this matter is the Sydney North Planning Panel for determination. Action ongoing.

15.4 INVESTMENT REPORT FOR THE MONTH OF MARCH 2020

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2019) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	GREG MCDONALD - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

To detail the Council's bank balances and investment portfolio performance as at 31 March 2020.

2. OFFICER'S RECOMMENDATION

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 March 2020.

3. BACKGROUND

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

This report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's *Investment Policy*.

4. DISCUSSION

The *Investment Policy* adopted by Council at its meeting on 9 December 2019 applies to all investments from that date.

A summary of Council's holdings as at 31 March 2020 is included in **Attachment 1** (Financial Implications) with details of holdings and counterparty analysis included in **Attachment 3**.

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

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

The key financial indicators for Council's investment holdings at 31 March 2020 include:

Combined Bank Balance	\$7.3M
Investment Holdings	\$169.5M
Total Cash and Investments	\$176.8M
Return on Investments	1.9%, (0.72% above benchmark of 1.18%) (Refer to Attachment 3 – Figure 1).
Actual Interest Return (Month)	\$270K (\$23K under than \$293K budget) (Refer to Attachment 3 – Figure 2).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of \$2.787K is \$147K favourable to Year to Date budget of \$2.640K.

5. CONCLUSION

Council's investment holdings at 31 March 2020 have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, the *Investment Policy* adopted by Council on 9 December 2019, *Ministerial Investment Order* issued February 2011 and Division of Local Government (as it was then known) *Investment Policy Guidelines* published in May 2010.

IMPLICATIONS	COMMENT
Business Plan Objectives, Outcomes/ Services	5.1 – Be honest, transparent and accountable in all that we do
Policy	This report relates to Council's <i>Investment Policy</i> which safeguards Council's investment portfolio.
Consultation	Not applicable.
Resource	Council's bank balances and investment holdings are managed within existing staff resources within the Finance Unit.
Risk	Investments in this report have been considered in light of adopted risk management guidelines around the preservation of capital, diversification, market interest rates, liquidity and maturity risks.
Legal	Not applicable.
Legislation	In accordance with Clause 212 of <i>Local Government (General) Regulation 2005</i> , a monthly report will be provided to Council, detailing the investment portfolio in terms of performance, portfolio balances and net returns compared to industry benchmarks.
Budget/ Financial	<p>The monthly investment report details the interest income for the month and any other relevant information required by Council.</p> <p>Council's Cash and Investments holdings at 31 March 2020 were \$177M and Interest returns are on track to exceed the annual budget of \$3.5M.</p>

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

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

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	Portfolio Maximum %	Actual Allocation this month %
AAA to AA +/-	A1+	100	41
A +/-	A1	70	17
BBB +/	A2	40	37
BBB -	A3	10	0
Unrated	Unrated	8	5

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

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

Figure 2 - Maximum exposure to a single financial institution as a % of total portfolio

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	Institution Maximum %	Actual Allocation this month %
AAA to AA +/-	A1+	30	20
A +/-	A1	10	6
BBB +/	A2	10	7
BBB-	A3	4	0
Unrated	Unrated	3	3

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

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

Figure 3 – Interest Rate Comparison for 31 March 2020

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio	<u>1.90%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index	<u>1.18%</u>
Above Benchmark Return	<u>0.72%</u>

Figure 3 shows the average interest rate achieved by Council on its investment portfolio compared with the average Bloomberg AUSBond Bank Bill Index for the month. Council's return has outperformed the benchmark by 0.72%.

Figure 4 – Investment Return for 31 March 2020

<u>Description</u>	<u>Interest Achieved (\$K: \$000's)</u>
Council Actual Interest Return	\$270K
Budgeted Return	<u>\$293K</u>
Under Budgeted Return	\$23K

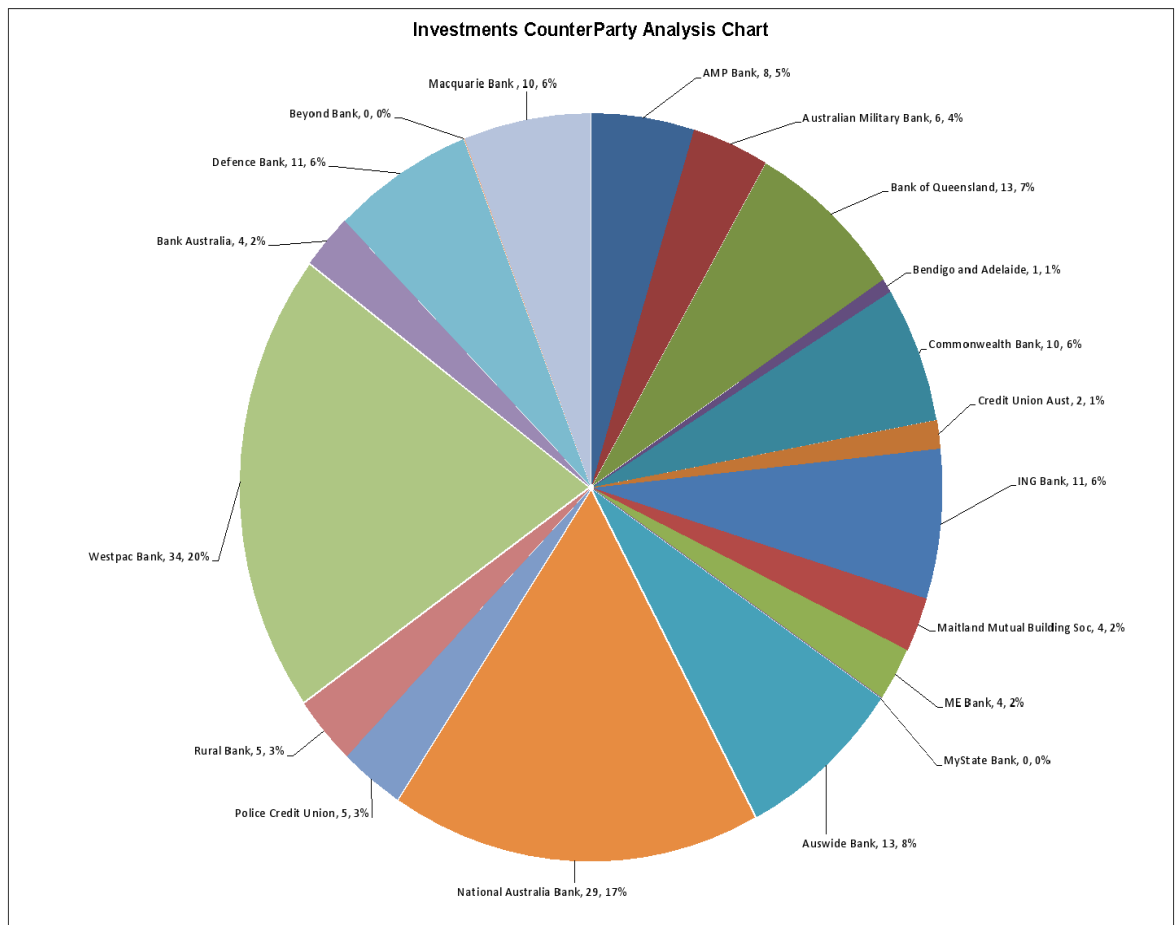
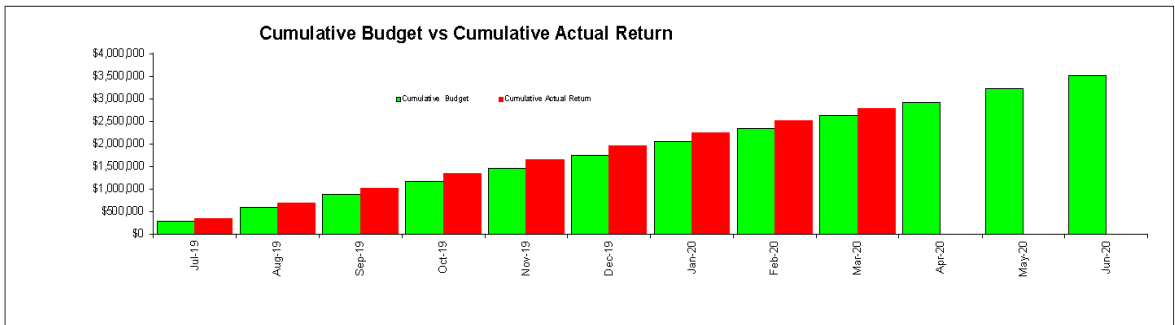
Figure 4 provides a comparison of the actual interest return on investments for the month with the budget and shows that the monthly return is \$23K under the budgeted.

ORDINARY COUNCIL MEETING

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount \$	Return % p.a.	Monthly Income \$	Investment Date	Mature & Reset Date	Period/ Matur. Date
Macquarie Bank (44995)	A1	TD	2,000,000	1.65%	1,808	12/03/2020	12/11/2020	6 mths
Defence Bank (45132)	A2	TD	2,000,000	1.80%	1,282	19/03/2020	18/03/2021	12 mths
Total Current Investments, Monthly Interest and Weighted Return		Inv	169,526,897	1.90%	267,408			
Other Cash and Monthly Interest (11am STMM)		Cash	7,291,158		2,889			
Total Cash & Investments			176,818,055		270,298			
Benchmark: Bloomberg AUSBond Bank Bill Index				1.18%				
Investments Margin above Benchmark				0.72%				

Investments Maturity Period	0-3 Months	4-12 Months	> 12 Months	Total \$	chk. s/b e 0
Amount	31,526,897	91,000,000	47,000,000	169,526,897	0
% of Total	18.6%	53.7%	27.7%	100%	

Cash & Investments Return:	Budget \$	Actual \$	Var \$
Current Month	293,284	270,298	- 22,986
Year to Date	2,639,561	2,786,784	147,223



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PLANNING & INFRASTRUCTURE DIRECTORATE

15.5 PROPOSED HERITAGE ITEMS

ATTACHMENTS:	1. IMPLICATIONS 2. GATEWAY DETERMINATION 3. SUMMARY OF SUBMISSIONS 4. UPDATED INVENTORY SHEETS (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome from the exhibition of the Planning Proposal to list 8 properties as heritage items and to obtain Council's endorsement to proceed with the amendment to *Willoughby Local Environmental Plan 2012*.

2. OFFICER'S RECOMMENDATION

That Council:

1. **Amend *Willoughby Local Environmental Plan 2012* (WLEP 2012) in accordance with the *Environmental Planning and Assessment Act 1979* as follows**
 - 1.1 **List the following properties in Schedule 5 as items of local significance;**
 - 11 Padulla Place Castle Cove
 - 8 The Bulwark Castlecrag
 - 13 The Citadel Castlecrag
 - 2 The Tor Walk Castlecrag
 - 14 The Tor Walk Castlecrag
 - 126 Greville Street Chatswood
 - 1A North Arm Road Middle Cove
 - 8 First Avenue Willoughby East
 - 1.2 **List the property at 80 The Bulwark, Castlecrag in Schedule 5 as an item of State significance;**
 - 1.3 **Add the properties listed in 1.1 above to the Heritage Map;**
 - 1.4 **Add the following properties to the Dual occupancy Restriction Map;**
 - 11 Padulla Place Castle Cove
 - 8 The Bulwark Castlecrag
 - 2 The Tor Walk Castlecrag
 - 14 The Tor Walk Castlecrag
 - 1A North Arm Road Middle Cove
2. **Not amend the Dual Occupancy Restriction Map to include 8 First Avenue, Willoughby East as was proposed in the exhibited Planning Proposal;**

3. **Remove the tennis court at 8 First Avenue, Willoughby East from the Heritage Map;**
4. **Forward the Planning Proposal to the Department of Planning, Industry & Environment for finalisation; and**
5. **Not proceed with the proposal to make Eddy Road and De Villiers Avenue a Heritage Conservation Area.**

3. BACKGROUND

On 27 August 2018, Council considered a report on a Planning Proposal seeking to list eight properties as heritage items of local significance located at:

- 11 Padulla Place Castle Cove
- 8 The Bulwark Castlecrag
- 13 The Citadel Castlecrag
- 2 The Tor Walk Castlecrag
- 14 The Tor Walk Castlecrag
- 126 Greville Street, Chatswood
- 1A North Arm Road Middle Cove
- 8 First Avenue Willoughby East

The Planning Proposal also included:

- a change of status of the property at 80 The Bulwark from a local to State heritage item, and
- proposed heritage conservation area for Eddy Road and DeVilliers Avenue West Chatswood.

It was resolved to proceed with the public exhibition of the proposed heritage items only. It was also resolved to hold a public education forum for the affected residents in the proposed conservation area outlining implications of a Heritage Conservation Area status.

This report provides a summary of feedback from the submissions and from the outcomes of the public forum and makes recommendations for new listings for Council's consideration.

4. DISCUSSION

In accordance with the Council resolution of 27 August 2018, the Planning Proposal to list proposed heritage items was referred to the Department of Planning, Industry & Environment and a Gateway Determination was received on 22 October 2018 (Attachment 2).

The proposed conservation area was removed from the Planning Proposal and a public education forum was arranged.

The Planning Proposal was informed by the recommendations in *Willoughby City Council – Heritage Study Review* (the Heritage Study) carried out by Architectural Projects in August 2018.

Public Education Forum Eddy Road / DeVilliers Avenue

Affected residents were notified that the proposed conservation area was being considered at the 27 August 2018 Council Meeting. A number of residents from the proposed conservation area at Eddy Road / De Villiers Avenue addressed the meeting.

All properties affected by the proposal to list this part of Chatswood as a Heritage Conservation Area were invited to a public information meeting in the Council Chambers on the evening of 28 November 2018. A presentation was made by Council staff informing residents of the implications of living in a conservation area, including benefits and constraints. Two guest speakers provided an independent view of living in a conservation area. James Snodgrass of Forsyth Real Estate provided a real estate view on property values. Claire Carter of Contemporary Architecture provided a heritage architect view on alterations and addition options.

About 25 residents attended the session. No voting was taken on the night and opinions for and against were heard. However, the overall outcome of the discussion was not in favour of listing.

Regarding the proposed conservation area, the *Heritage Study* had concluded that,

"....The area was assessed by the consultants on 27 February 2018. Fieldwork found that the area had a reasonably high degree of integrity with 70% of properties contributing to the heritage character, and 46 out of 70 being highly intact. 24% of properties are considered neutral, in their contribution to the area, and only 6% were noted detracting.....Recommend that Council proceed with the listing of the area as a Conservation Area..."

The Willoughby Local Planning Panel had provided advice on the Planning Proposal on 17 August 2018 and commented that,

"..The Panel observed that the area is less unified than the consultant's narrative seems to suggest and the quality of both individual and groups of California Bungalows and other inter-war period homes are not outstanding. The Panel notes that as the area is not exceptional overall, listing may dilute the value of existing heritage conservation areas. Nevertheless, the Panel recommends that exhibition proceed in order that community and public views be received and considered by Council...."

A *Conservation Area Review* carried out by Council in 1998, had previously looked at making a section of Eddy Road a conservation area – to a smaller extent than most recently proposed. Its conclusion was similar to the Planning Panel advice. The 1998 review found the street to represent

"...a typical interwar streetscape... equal to many other streetscapes in the near vicinity, and is of lower integrity than other representative examples within the City that are currently identified as Conservation Area..."

The current Planning Proposal has progressed through exhibition without the proposed conservation area. Feedback from residents at the public education forum has been considered. This reflects the cautious approach advised by the Planning Panel that listing of this area may dilute the value of existing conservation areas.

It is recommended not to pursue this matter.

Submissions to the Public exhibition of the Proposed Heritage Items

A public exhibition of the proposed heritage items took place between 6 June 2019 until 4 July 2019.

A summary of feedback can be viewed at Attachment 3

- Two submissions supported the listing of 126 Greville Street – one from a local resident and one from Chatswood West Ward Progress Association.
- Two submissions from the owners of 1A North Arm Road objecting to the listing of their property.

- One submission from the owners of 8 First Avenue supporting the listing but recommending changes to the wording of the inventory form and requesting the property be removed from the Dual Occupancy Restriction Map. Concerns were stated that heritage listing might prohibit the ability to make alterations and additions to accommodate a growing family were also raised.
- One submission from the owners of 13 The Citadel correcting factual commentary from the Heritage Report / draft inventory form for the property. Also concerns that heritage listing would prohibit alterations and additions were raised. Another submission from Andre Porebski (the architect who designed this property) thanking Council for the nomination and providing additional information and drawings.
- Several submissions from Polly Seidler regarding 14 The Tor Walk correcting factual commentary from the Heritage Report / draft inventory form for the property.
- A letter from the National Trust regarding 11 Padulla Place advising Council of the National Trust listing of this property.
- A submission from the Rural Fire Service (RFS) who had no objections. (It was a requirement of the Gateway Determination to notify the RFS as four properties are located on bush fire prone land).
- A submission from the NSW Heritage Office raised no comments to the proposed listings.

Individual meetings were held with owners who raised concerns regarding their property. At each of the meetings, Council staff emphasised that many of the maintenance and alterations works and possible additions the owners anticipated could be carried out. It was made clear that Council staff will work with residents to assist with the application of the WLEP 2012 heritage incentive clause. Development assessment fees are waived for heritage items. However, for some residents, the need to submit a heritage impact statement and the extra layer of controls was still of concern as many of the intended alterations / additions discussed could potentially be exempt or complying, on properties that are not listed.

The property owners of 1A North Arm Road strongly object to their property being listed. The Heritage assessment prepared by Architectural Projects acknowledged the high level of integrity of the dwelling with a distinct architectural form not common to this area. The potential listing was assessed against the principles of *The Burra Charter: The Australian ICOMOS Charter for places of Cultural Significance 1999* as well as *The NSW Heritage Assessment Procedure*. This assessment indicated its worthiness for listing. Council officers have considered the owner's objection and have concluded to concur with the independent heritage review and recommend proceed to listing. It is considered that Clause 5.10 Heritage Conservation of *WLEP 2012* would provide the flexibility for the owners to make future alterations and additions.

Changes arising from feedback

Each heritage item has an inventory form which provides a description of the property including a statement of its significance, physical description and historical notes. These are compiled in accordance with guidelines provided by the NSW Office of Environment and Heritage. Draft inventory forms were exhibited using information contained within the *Heritage Study* prepared by Architectural Projects. In submissions where the owners questioned or updated the information within the inventory forms, this was checked, corrected and updated. The updated Inventory forms for 14 The Tor Walk, 8 First Avenue and 13 The Citadel can be viewed at Attachment 4. Track changes are included to demonstrate the amended wording. An updated version of the *Heritage Study* for 14 The Tor Walk is also included at Attachment 4.

All low density residential heritage items are included on the Dual Occupancy Restriction Map unless justified otherwise. The request in the submission from the owners at 8 First Avenue, to be removed from the Dual Occupancy Restriction Map is supported. The property includes a tennis court to the rear that does not contribute to the heritage significance of the dwelling and is not a critical part of the curtilage of the proposed heritage item. It is recommended that the tennis court be removed from the Heritage Map as requested by owners. Properties at 18 The Citadel and 80 The Bulwark are already included on the map being located within a Heritage Conservation Area.

Removal of 8 First Avenue from the Dual Occupancy Map is a change from what was exhibited. The Department of Planning, Industry and Environment advises that any changes made from an exhibited draft Planning Proposal need to be clarified in a Council resolution.

5. CONCLUSION

Following exhibition and having regard to submissions, it is concluded that eight properties should proceed to listing. Updates have been made to the Heritage Inventory Forms to include information received during the exhibition period. It is also appropriate to update the status of one existing heritage item from Local to State significant.

Following the discussion from the public information session and taking into account the heritage assessment and the Willoughby Local Planning Panel advice, it is not considered appropriate to pursue the proposed conservation area for Eddy Road, De Villiers Avenue.

The next step will be to forward the Planning Proposal to the Department of Planning, Industry & Environment for finalisation. Subsequently, the properties will be listed in *WLEP 2012* as heritage items of local significance. 80 The Bulwark will be amended from Local to State significance.

IMPLICATIONS	COMMENT
City Strategy Outcome	2.2 Respect and celebrate our history and heritage sites.
Business Plan Objectives, Outcomes/ Services	To ensure this Planning Proposal is in line with the <i>Willoughby Housing Strategy, A Metropolis of Three Cities</i> and the <i>North District Plan</i> in that it identifies, conserves and enhances environmental heritage.
Policy	<i>Willoughby Local Environmental Plan 2012.</i>
Consultation	Public consultation took place from 6 June until 4 July 2019.
Resource	Consultancy services and internal Council staff resources.
Risk	Risk of loss of property and / or heritage character.
Legal	The Planning Proposal would amend <i>Willoughby Local Environmental Plan 2012.</i>
Legislation	<i>Environmental Planning & Assessment Act 1979.</i>
Budget/Financial	Work is within budgets allocated. Consultancy services were required in addition to staff services.



PP_2018_WILLO_003_00/IRF18/5286

Ms Debra Just
General Manager
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

Dear Ms Just

Planning proposal [PP_2018_WILLO_003_00] to amend Willoughby Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to list new heritage items and amend an existing heritage item.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 9.1 Direction 3.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to consideration being given to finalising the plan.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority as Council has not demonstrated that all landowners are supportive of the proposed heritage listings.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Lawren Drummond assist you. Ms Drummond can be contacted on 9274 6185.

Yours sincerely


Amanda Harvey 22/10/18
Director, Sydney Region East
Planning Services

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2018_WILLO_003_00): to list new local heritage items and amend an existing heritage item.

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Willoughby Local Environmental Plan (LEP) 2012 to list new local heritage items and amend the status of an existing heritage item should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) include the proposed map amendments to Willoughby LEP 2012 Heritage Maps and Dual Occupancy Restriction Maps;
 - (b) update the objectives and intended outcomes of the planning proposal to reflect the intention to restrict the development of dual occupancy on several of the sites; and
 - (c) update the project timeline.
2. Consultation is required with the landowners during community exhibition.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Office of Environment and Heritage; and
 - The NSW Rural Fire Service.

Note: In accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the NSW Rural Fire Service prior to community consultation, and if necessary, amend the planning proposal accordingly.

PP_2018_WILLO_003_00 (IRF18/5286)



Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated *22nd* day of *October* 2018.

A handwritten signature in black ink, appearing to read 'Amanda Harvey'.

Amanda Harvey
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

PP_2018_WILLO_003_00 (IRF18/5286)



PP_2018_WILLO_003_02/IRF20/556

Debra Just
CEO
Willoughby Council
PO Box 57
CHATSWOOD NSW 2057

Dear Ms Just,

Planning proposal PP_2018_WILLO_003_02 – Alteration of Gateway Determination

I refer to your letter seeking an extension of time to complete planning proposal PP_2018_WILLO_003_02 for the Willoughby Heritage Review.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 22 October 2018 for PP_2018_WILLO_003_02 (since altered). The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Nick Armstrong, A/ Senior Planning Officer, North District to assist you. Mr Armstrong can be contacted on 8275 1219.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Luke Downend'.

Luke Downend
Acting Director, North District
Greater Sydney, Place and Infrastructure

Encl: Alteration of Gateway Determination

13 FEB'20 8:06



**Planning,
Industry &
Environment**

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2018_WILLO_003_002)

I, Acting Director, North District at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 22 October 2018 (since altered) for the proposed amendment to the Willoughby Local Environmental Plan 2012 as follows:

1. Delete:

“condition 3”

and replace with:

a new condition 3: “The time frame for completing the LEP is by 22 August 2020”

Dated 11 day of February 2020.

A handwritten signature in black ink, appearing to read "Luke Downend".

**Luke Downend
Acting Director, North District
Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**

PP_2018_WILLO_003_02 / IRF20/556

ATTACHMENT 3 SUMMARY OF SUBMISSIONS

Summary of who made a submission:

Proposed Heritage item	Submissions received
11 Padulla Place Castle Cove	None
13 The Citadel Castlecrag	1 from the owner 1 from the Architectural company who designed the property
8 The Bulwark Castlecrag	None
2 The Tor Walk Castlecrag	None
14 The Tor Walk Castlecrag	1 (not from the owners)
126 Greville Street, Chatswood	2 (not from the owners)
1A North Arm Road Middle Cove	2 from the owners
8 First Avenue Willoughby East	1 from the owners
80 The Bulwark	None

Name	Property comments relate to	Summary of submission	Officers comments
Sue Mcperson	126 Greville Street, Chatswood	This property and the surrounding ground is a significant and historic site. The buildings are a fine example of brutalist architecture. The surrounding ground has many native plants and provides habitat for local native fauna.	Noted
Chatswood	126 Greville Street, Chatswood	This is a great example of a 'brutalist' style public building	Noted

ATTACHMENT 3 SUMMARY OF SUBMISSIONS

Name	Property comments relate to	Summary of submission	Officers comments
West Ward Progress Association		(reminiscent of major Canberra buildings). It was purpose built as a hearing laboratory and the valuable fabric of both much of the interior and exterior remains intact. It is of tremendous significance to the West Ward community having been constructed on the site of a historical rifle range.	
The Frischknecht family	1A North Arm Road Middle Cove	<p>Objects to the listing.</p> <p>Several safety issues provided including all railing designs, bridge access to the house, void internal stair case and heating issues with central flu. Roof continuously leaks Exploring different roof designs which need to alter the design of the roof to stop the leaks. Leaking roof is ongoing issue with health and financial implications. Expansion of the top level would potentially eliminate this problem. House has very little thermal mass and cools and heats quickly. Not currently energy efficient and cannot be retrofitted given the materials used.</p> <p>Concerned that heritage listing would be more difficult to make these alterations.</p> <p>The architect (Paul Frischknecht) was the husband and father of the current owners. The design was innovative and special for its time. However, it would be ironic if Paul’s own house became fixed in a moment of time – a concept which he opposed. He viewed the built environment to meet the needs of its present inhabitants. Strongly support that others learn from Paul’s innovative thinking, particularly in relation to minimizing the damage to the surrounding bush. However, this learning and exploration can be much better achieved via a virtual tour</p>	<p>On 19 September 2019, a meeting was held between the owners and Council officers to discuss their submission and issues raised.</p> <p>The property owners were advised that heritage listing would not preclude any safety issues. Nor would it prevent any alterations or additions.</p> <p>The owners concluded that regardless of any heritage incentives, they felt there was no upside for their property to become listed and strongly object.</p> <p>The Heritage assessment prepared by Architectural Projects acknowledged the high level of integrity of the dwelling with a distinct architectural form not common to this area.</p>

ATTACHMENT 3 SUMMARY OF SUBMISSIONS

Name	Property comments relate to	Summary of submission	Officers comments
		<p>of the house and its philosophy. The physical structure is quite inaccessible to visitors given its steep bushland setting, invisibility from the road and it being surrounded by private property on three sides and dense bush on the fourth.</p> <p>It would have pleased Paul greatly for his design and former home to contribute to innovation in how historical design philosophy and aesthetic is communicated to today's architects and planners. This would best be achieved by a method other than a traditional heritage listing.</p> <p>Listing would result in the onerous requirement of obtaining a heritage impact statement for any modifications or additions. With possible rejection due to heritage considerations.</p> <p>Any proposals to modify the house by our family would be sympathetic with the current design and aim to use the same, or equivalent materials (this may be limited by availability of materials or lack of suitability due to poor thermal properties). Have no intention to change the look or the feel of the home.</p> <p>The property is not visible from the streetscape.</p>	<p>It is recommended to concur with the independent heritage review and proceed to listing.</p> <p>Clause 5.10 Heritage Conservation of <i>WLEP 2012</i> would provide the flexibility for the owners to make future alterations and additions.</p>
Lill and Lucas Jenner	8 First Avenue, Willoughby	<p>Concerned regarding restrictions for alterations and additions if property was listed.</p> <p>Needs upgrading and maintenance.</p> <p>Concerns for privacy issues as neighbouring properties can do complying development on their blocks - particularly</p>	<p>On 26 June 2019, a meeting was held between the owners and Council officers to discuss their submission and issues raised.</p>

ATTACHMENT 3 SUMMARY OF SUBMISSIONS

Name	Property comments relate to	Summary of submission	Officers comments
		<p>regarding the northern boundary to which the main living areas of the dwelling face.</p> <p>Would like the potential to apply for dual occupancy on the area currently occupied by the tennis court.</p> <p>Original approval by architect Peter Hall included a second storey which was amended and not acted on. Would like the option to include a second storey as originally approved to accommodate a growing family.</p> <p>Provides additional heritage advice from heritage consultant Graham Brooks.</p> <p>Requests removal from the dual occupancy map. Also requests removal of the area occupied by the tennis court from the listing.</p> <p>Requests amendment to the draft inventory form to exclude reference to the tennis court.</p> <p>Delete reference to items of lesser significance – brown bathroom tiles</p> <p>Add a section called management recommendations that will make it clear internal items of lesser and higher significance.</p> <p>Expand the 2 storey reference to make future awareness that 2nd storey is acceptable.</p> <p>A Building Biology Assessment (an environmental audit) was also submitted for information which made recommendations for internal alterations and maintenance work.</p>	<p>It is agreed that the tennis court does not contribute to the heritage significance of the dwelling and that reference to it in the inventory sheet be modified. It is acknowledged that any application to construct a new dwelling on the area currently occupied by the tennis court could occur with sympathetic design to the heritage item.</p> <p>It is noted that access arrangements would need to be negotiated before such a development could occur.</p> <p>It is recommended to remove the property from the Dual Occupancy Restriction Map</p> <p>An updated inventory sheet has been drafted as recommended by Graham Brooks.</p> <p>However the proposed section on “...Future alterations and additions could include “ is not recommended as it is very specific of what could be carried out in the future.</p> <p>It is understood that it is the intention of this section is to provide flexibility to the owners. However,</p>

ATTACHMENT 3 SUMMARY OF SUBMISSIONS

Name	Property comments relate to	Summary of submission	Officers comments
			<p>its inclusion could have the reverse effect, being too specific. It is preferable to maintain the inventory sheets as a factual account of what currently exists rather than pre-empt proposal details that may or may not occur.</p> <p>Clause 5.10 of WLEP 2012 would provide the flexibility for the owners to make future alterations and additions.</p>
Paterson Family	13 The Citadel	<p>Owner provided additional information to update the factual information in the inventory statement particularly regarding the house siting and design.</p> <p>Concerns regarding the need to engage professionals to prepare a heritage impact statement is an imposition.</p> <p>Concerns regarding an endless list of sometimes subjective considerations to be addressed in any applications to make changes to the house.</p> <p>The house will inevitably need to be updated over time.</p> <p>Itemises interior room changes made in the 1990s.</p> <p>Unreasonable to think that sympathetic alterations and additions could not be made in the future. If the LEP /DCP can or could be interpreted to have such an effect then opposed to the listing.</p>	<p>On 9 September 2019, a meeting was held between the owner and Council officers to discuss the submission and issues raised.</p> <p>Whilst support in principle was indicated by the owners, concerns were raised regarding how to proceed with maintenance and future alterations.</p> <p>Inventory Sheet has been updated to take account of owner's recommended rewording.</p>

ATTACHMENT 3 SUMMARY OF SUBMISSIONS

Name	Property comments relate to	Summary of submission	Officers comments
Alex Porebski	13 The Citadel	<p>This property was designed by Andre Porebski Provides additional information including original photos by Max Dupain more recently by Michal Nicholson. Also provide original drawings prepared by the office (previously Andre Porebski & Associates). Andre would like to thank Council for the consideration of this property as a heritage item.</p>	<p>Noted and thanks for providing this additional information.</p>
Polly Seidler	14 The Tor Walk	<p>Commentary / objections on 2016 alterations which provided infill under cantilevered balcony. Considers this unsympathetic and un-Seidler and recommends this could be removed and restored.</p> <p>Provides commentary specifically on the 2019 DA for alterations and additions</p> <p>Corrects a number of facts contained in the Heritage Review prepared by Architectural Projects including:</p>	<p>A DA for alterations and additions was considered and approved in 2019. The assessment recognised the draft heritage item status of the property. It was concluded that the proposed alterations and additions were satisfactory.</p> <p>Council’s Heritage Officer considered the objection to the proposal sent in by Polly Seidler when considering the Development Application. The DA was considered acceptable and was subject to conditions.</p> <p>The section of the Heritage Review re 14 the Tor Walk was re-worded & updated by Architectural projects to</p>

ATTACHMENT 3 SUMMARY OF SUBMISSIONS

Name	Property comments relate to	Summary of submission	Officers comments
		<p>Eg p23 claims that the house is example of ring plan variation. Seidler firm architect Colin Griffiths who worked on house said that ring plan houses (with kitchen in centre) were not done on houses with sloping roof because it was too difficult to have an opening in middle of sloping roof</p> <p>States that Harry Seidler objected to the term “international style” (heritage report p22) – instead of this misnomer - instead say “modern movement” or “mid century modern” to describe the classification.</p> <p>Provides various quotes from Harry Seidler on this topic.</p> <p>Highlights original internal features of the dwelling. Including</p> <ul style="list-style-type: none"> • Seidler designed metal fireplace is the only one that remains • The living room hovering cabinet • White cream wall mounted bullet head lights on interior on south wall. • the remaining western side of kitchen has original Seidler-design kitchen bench and cabinet with coloured sliding door. the upper cabinet at least should be preserved • red entry door • free standing coffee table <p>Photographs / plans included in the submission</p> <p>Questions copyright of photographs included in the</p>	<p>include Polly Seidler’s comment. The draft heritage inventory sheet was also updated with this information.</p> <p>The listing would include original interiors and fixtures which require approval before removal.</p>

ATTACHMENT 3 SUMMARY OF SUBMISSIONS

Name	Property comments relate to	Summary of submission	Officers comments
	11 Padulla Place	<p>Heritage Review and requests an update to acknowledge copy right to Penelope and Polly Seidler</p> <p>In mint condition worthy of state heritage register.</p>	<p>The property has recently been listed by the National Trust. The Heritage Review found the property to be of local significance. This has formed the basis for the current Planning Proposal Exhibition. However, this will not preclude a future amendment for consideration to change the status of the property to state.</p>
National Trust	All	<p>Supports all of the listings. Notes the listing of 80 The Bulwark as a State item. Notes that the property is also listed on the National Trust register.</p>	noted
National Trust	11 Padulla Place	<p>Additional correspondence noting that 11 Padulla has been listed on the Trust Register.</p> <p>Submission notes that listing by the National Trust does not have any legal force. However, it is recognised as an authoritative statement of the historical, architectural importance or other value of a building, site, item or area and by listing, the Trust hopes to advise the public of the value of Australia's national heritage.</p>	Listing noted
Heritage office	All	<p>Supports the administrative update for 80 the Bulwark to State item.</p> <p>Notes the proposal to prohibit dual occupancy.</p>	The proposal to include certain properties on the dual occupancy restriction map does not apply to all

ATTACHMENT 3 SUMMARY OF SUBMISSIONS

Name	Property comments relate to	Summary of submission	Officers comments
		Encourages the identification and listing of new heritage items and amendments to LEPs which provide for greater heritage protection, provided that all necessary due diligence, assessments and notifications have been undertaken. Prior to finalisation of the planning proposal Council should be satisfied that this is the case.	
Rural Fire Service	All	No objections	

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15.6 COUNCIL SUBMISSION ON WESTERN HARBOUR TUNNEL EIS

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT WILLOUGHBY COUNCIL EIS SUBMISSION (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NORMA SHANKIE-WILLIAMS – STRATEGIC PLANNING TEAM LEADER
CITY STRATEGY OUTCOME:	2.1 ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 2.4 REDUCE PARKING AND TRAFFIC CONGESTION 2.5 CREATE FAMILY FRIENDLY NEIGHBOURHOODS THAT CONNECT PEOPLE
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

To seek Council endorsement for submission of the attached response to the Environmental Impact Statement (EIS) on the proposed Western Harbour Tunnel and Warringah Freeway Upgrade to Transport for NSW.

2. OFFICER'S RECOMMENDATION

That Council endorse the attached submission in response to the Environmental Impact Statement (EIS) on the proposed Western Harbour Tunnel and Warringah Freeway Upgrade project for lodgement with Transport for New South Wales (TfNSW).

3. BACKGROUND

A briefing on the draft submission regarding the EIS for the proposed Western Harbour Tunnel and Warringah Freeway Upgrade was provided to Councillors on 14 April 2020. This report presents the final submission for Council's endorsement.

4. DISCUSSION

Transport for New South Wales (TfNSW) has released an EIS for the proposed Western Harbour Tunnel and Warringah Freeway upgrade linking Lilyfield in the south to North Sydney and the future Northern Beaches Link in the north. (Refer Figure 1). Submissions were invited to be sent to TfNSW until 30 March 2020, however it has been confirmed that Willoughby City Council's submission will be accepted and considered after that date.

The Project provides a motor vehicle focused infrastructure upgrade that supports additional north-south movement across Sydney Harbour. The current motor vehicle harbour crossings, Sydney Harbour Tunnel and Sydney Harbour Bridge, experience significant congestion during the weekday morning and afternoon peak periods which impact on motor vehicle travel times.

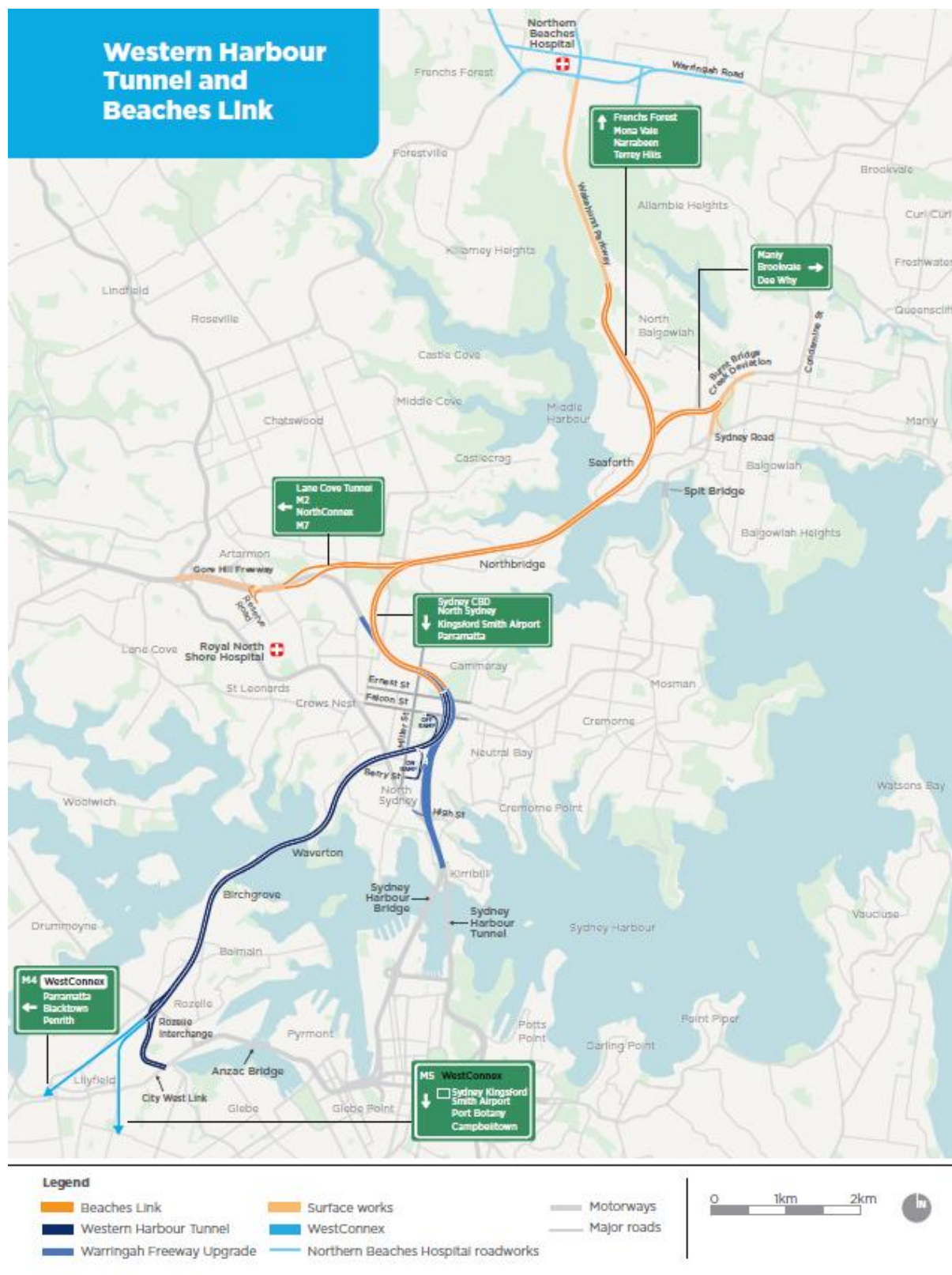


Figure 1 - Western Harbour Tunnel and Northern Beaches Link (WHT EIS Jan 2020 TfNSW)

The western section of the project, Miller Street, Cammeray to Willoughby Road, Naremburn is within the Willoughby local area. This section of the project has been largely overlooked with regard to improvements for public transport and active transport. The access restrictions proposed along the Warringah Freeway will have the highest impact on Willoughby Council's road network.

It is important to note that Council's own recently endorsed *Willoughby Local Centres Strategy to 2036* and draft *Integrated Transport Strategy 2019* highlight a strong desire to improve liveability and accessibility by reducing congestion and increasing transport choice, with a strong emphasis on active and public transport, which would not be assisted by the current project proposal.

The EIS has been reviewed with design issues and opportunities identified to improve whole-of-transport outcomes and to minimise the long term impacts on Willoughby's communities and different user groups likely to use the project.

Whilst it is recognised that the project provides benefits for cross-harbour motor vehicle movement, it is considered that in light of the number and scale of issues of concern to Willoughby's communities, Council should strongly advocate that improvements be included as part of a revised project design.

Following a review of the TfNSW Reference Documents, the attached submission (Attachment 2) identifies the impacts on Willoughby Council's residents, assets and businesses caused by the Western Harbour Tunnel and Warringah Freeway Upgrade project.

The submission provides a summary of impacts as detailed in the EIS, offers commentary on the proposed design and identifies issues requiring further clarification and justification. The NSW State Government is invited to respond to these issues upon receipt of Council's submission with a view to developing a revised and less impacting project.

In summary the issues relate to:

- Strategic Planning Matters
- Communication and engagement
- Northern Beaches Link
- Noise and Vibration
- Social Impacts
- Environment
- Traffic and Transport Matters
- Design Issues and Improvement Opportunities
- Construction Traffic Management

Project Impacts identified

Project impacts and concerns have been assessed and identified across a range of areas and are individually addressed in Council's submission.

In summary, the broader concerns include:

- The EIS and project scope are exclusive of the Northern Beaches Link project (the EIS for this being expected at a future date), therefore preventing a holistic understanding of the cumulative impacts and operational issues for both projects;

- A lack of attention to the cumulative effect of the Western Harbour Tunnel and Northern Beaches Link projects with Metro rail projects and other new and planned major motorways is of concern. Each project has been treated separately and the resulting socio-economic impact on the broader Willoughby community from these projects is not being addressed;
- Inadequate briefing or consultation with Council by TfNSW when the EIS was released, apart from confirming arrangements for display of the EIS at Council premises. In particular, no staff or Council briefings have been offered. Input from Council's traffic and transport subject matter experts has not been sought at any stage of the project;
- Opportunities for enhanced environmental performance have not been adequately considered with regard to impacts on air and water quality, biodiversity, energy and sustainable procurement initiatives;
- Traffic modelling only considers operational performance and predictions for 10 years after project completion, which is considered inadequate for a facility with a design life of over 50 years;
- The project is a motor vehicle solution and not a complete transport system approach. The latter would have addressed all transport modes including public transport and active transport;
- An unacceptable lowering of road safety performance in a number of areas due to increased traffic flows and forced weaving manoeuvres;
- The bicycle network that interacts with the project within the Willoughby local area is important, but not addressed. Such measures are required to ensure it is connected, safe and at an acceptable design standard;
- The vision in the Greater Sydney Commission's North District Plan focuses on the achievement of a 30-minute city where public transport is used by people to move most efficiently between work, services and home. The project does not align with this vision;
- An overarching principle is evident that worsening of traffic in the local context is acceptable due to the overall benefits provided by the whole project. This position is not supported as it will lead to the transfer of the problem into other areas and other agencies, including Councils, while offering no support to achieve a solution;
- Clarification of traffic modelling assumptions and their inclusion of a range of planning and future land use scenarios for growing strategic centres including the Willoughby LEP and Northern District Plan should be provided;
- The project does not consider or support Council's recently released draft *Integrated Transport Strategy 2019* which highlights a strong desire to reduce congestion, improve accessibility and increase transport choice;
- The project's strategic alignment is deficient in its consideration of the role the Tunnel should play in the broader State Road network, in particular its future role in freight access to major freight transport facilities including Port Botany and Sydney International and Domestic Airports;
- Opportunities are missed to redefine and consolidate motorway names and alphanumeric numbering systems that better reflect the priority of the new and connecting motorway projects that traverse Sydney;
- The possible removal of the existing T2 Transit lane is not supported as it will downgrade road based public transport priority and support single occupant vehicle movement;

- Changes to Gore Hill Freeway access arrangements will likely increase traffic on Willoughby Road and impact local centre operations that are underpinned by a transport system requiring low vehicle flows;
- Street parking removal to increase road capacity through the introduction of clearway restrictions is being implemented by TfNSW across Sydney. Any potential for introduction of new and extended clearway restrictions along Willoughby Road and Penshurst Street and the Willoughby South and Naremburn local centres is strongly opposed;
- There is the potential for a significant increase in regional traffic using the non-State road network (rat running) leading to an unacceptable lowering of safety levels and amenity on roads including Mowbray Road, Mowbray Road West, Hampden Road and Herbert Street;
- Council is considering a number of initiatives that have an impact on road network management within the Artarmon Industrial Area and the proposed TfNSW changes to the local road network in this area should have been developed with Council's input, and
- The construction phase, within a complex, highly trafficked, congested and multimodal road environment will lead to a temporary worsening of the travel conditions along Warringah Freeway with the potential to impact the Willoughby local area.

5. CONCLUSION

The Western Harbour Tunnel and Warringah Freeway Upgrade project is a city shaping project that, if implemented, will have a significant impact on traffic and transport movement within the Willoughby local area.

The Project provides a motor vehicle focused infrastructure upgrade that supports the north-south movement across Sydney Harbour. The current motor vehicle harbour crossings, Sydney Harbour Tunnel and Sydney Harbour Bridge, experience significant congestion during the weekday morning and afternoon peak periods and impact on motor vehicle travel times.

Council's own recently endorsed and draft *Integrated Transport Strategy 2019* highlight a strong desire *Willoughby Local Centres Strategy to 2036* to improve liveability and accessibility by reducing congestion and increasing transport choice with a strong emphasis on active and public transport, which would not be assisted by the current TfNSW proposal.

The western section of the project, Miller Street, Cammeray to Willoughby Road, Naremburn is within Willoughby Council. This section of the project has been largely overlooked in regards to improvements for public transport and active transport. The access restrictions proposed along the Warringah Freeway have the highest impact on Willoughby Council's road network.

The EIS has been reviewed with design issues and improvement opportunities identified to improve the whole-of-transport outcomes and to minimise the long term impacts on the Willoughby community and different user groups likely to use the project.

The submission identifies a range of issues and concerns requiring attention and flags improvements, clarifications and justifications for which Council should strongly advocate as inclusions in project delivery.

ATTACHMENT 1

IMPLICATIONS	COMMENT
Community Strategic Plan	2.1 – Enhance Transport choices and connections throughout the City 2.4 – Reduce parking and Traffic congestion 2.5 - Create family friendly neighbourhoods that connect people
Business Plan Objectives, Outcomes/ Services	Clear and defensible planning documents to provide a framework for future planning and development decisions.
Policy	<i>Willoughby City Local Strategic Planning Statement Draft Integrated Transport Strategy 2019</i>
Consultation	Cross divisional discussions across various Business Units
Resource	Internal Council Staff from Traffic and Transport, Strategic Planning, Environment, Compliance and Media & Communications
Risk	Poor planning outcomes into the future. Damaging impacts on Willoughby local centres and road network. Poor community input and beneficial outcomes regarding liveability, health and wellbeing.
Legal	Not applicable
Legislation	Environmental Planning and Assessment Act 1979
Budget/Financial	This submission has been prepared within existing staff budgets.

COMMUNITY, CULTURE & LEISURE DIRECTORATE

15.7 O.H. REID RESERVE DRAFT MASTER PLAN - FOR PUBLIC EXHIBITION

ATTACHMENTS:	1. IMPLICATIONS 2. O.H. REID CITIZENS PANEL REPORT (TO BE DISTRIBUTED SEPARATELY) 3. O.H. REID RESERVE DRAFT MASTER PLAN
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ROGER FAULKNER – OPEN SPACE PROJECTS OFFICER
CITY STRATEGY OUTCOME:	5.5 MAKE IT EASY FOR CITIZENS TO PARTICIPATE IN DECISION MAKING
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

To place the *O.H. Reid Reserve Draft Master Plan* on public exhibition.

2. OFFICER'S RECOMMENDATION

That Council:

1. Place the *O.H. Reid Reserve Draft Master Plan* on public exhibition.
2. Receive a further report after the conclusion of the public exhibition for the *O.H. Reid Reserve Draft Master Plan*.

3. BACKGROUND

The purpose of the O.H. Reid Reserve Master Plan is to develop a long term plan that will guide the development of the sportsground, playground, associated amenities and car park over the next 10 to 15 years. The aim of the plan is to provide improved recreational opportunities for the local and district communities.

At the Council meeting of 25 February 2019 it was resolved:

That Council:

1. *In response to community concerns, defer any decision regarding the installation of lights at OH Reid Reserve until the master planning process is completed in February 2020.*
2. *As part of the consultation process, endorse the formation of a Citizens Panel by June 2019 to inform and guide the development of the OH Reid Reserve master plan.*

3. *Delegate the development of the Terms of Reference, including indicative membership, of the aforementioned Citizens panel to a committee consisting of the three West Ward Councillors, the Mayor, and General Manager.*
4. *Be provided with terms of reference with a timeline by July 2019.*

Subsequent to this resolution, on 11 June 2019, it was resolved:

That Council:

- a. *Note the Draft Terms of Reference and timeline for the OH Reid Reserve Citizens Panel.*
- b. *Refer the Draft Terms of Reference to the Citizens Panel at their first meeting for their review.*
- c. *Delegate authority to the West Ward Councillors, the Mayor and the General Manager to sign off on any alterations to the Terms of Reference and the selection of the Citizen's Panel members.*
- d. *Be informed of the final Terms of Reference and members of the Panel.*

This report addresses the requirement to seek Council approval prior to publicly exhibiting draft Master Plans for public open space.

4. DISCUSSION

Citizens Panel

Following the Council resolution of 11 June 2019, a Citizens Panel consisting of ten community members was formed. Four Monday evening sessions were convened with the Panel between August and October 2019.

The objectives of the Panel, as stated in the approved Terms of Reference, were to recommend a Draft Master Plan for O.H. Reid Reserve to Council by April 2020 by:

- Applying the Community Strategic Plan, Council principles for decision making and Council strategic plans for recreation and other core relevant strategies and plans, to the development of O.H. Reid Reserve Master Plan.
- Giving consideration to all perspectives of the multiple stakeholders in an objective and considered manner.
- Considering the recreation uses and demands on O H Reid Reserve and potential impacts of intensified use, traffic, parking, environment (where not addressed by the Reserve Action Plan) and residential amenity.

The Citizens Panel Report is **Attachment 2**.

Draft Master Plan

Key principles of the Draft Master Plan are:

- to continue its primary role as a local level park
- to provide improved recreational opportunities for the local and district communities

The Draft Master Plan is **Attachment 3**.

The key features of the Draft Master Plan are drawn from the Citizens Panel Report and include:

1. Sportsground
 - Improving the drainage, irrigation, levels and natural turf surface
 - Installing an underground water storage tank to increase irrigation capacity
 - Renewing the synthetic cricket wicket with a standard size wicket
 - Improved seating for spectators
2. Basketball half court
 - Increasing the variety of recreation activities by providing a half court with multiple sport markings.
3. Amenities
 - Upgrading the amenities pavilion to comply with current Australian Standards for Access and Mobility AS1428. Improvements could include an accessible path to the building and accessible toilets/ change rooms, water bubblers and a small canteen.
 - Providing improved sports storage
 - Installing more park seats and improve shade cover for outside the pavilion.
4. Playground
 - Renewing the playground (currently scheduled for 2026/27) as per Playground Asset Management Plan, including consideration of shade protection over the picnic tables and some play equipment where appropriate.
 - Improving drainage during the scheduled renewal works.
5. Car park and traffic
 - Implementing key recommendations from the WCC Car Park Audit 2019 to comply with the Australian Standard AS2890.1-2004 (Off Street Car Parking)
 - Improving vehicle access and movement, such as a drop-off point and turning circle
 - Improving parking capacity
 - Improving congestion and safety on the Reid Drive approach to OH Reid Reserve.
6. Off-leash dog exercise
 - Continuing to manage the sportsground as a dog off-leash area when organised sport is not in progress
 - Improving the standard and provision of dog water bowls
 - Installing more regulatory signs near entrances to main bush tracks.
7. Bushland interface
 - Maintaining and preserving the surrounding bushland areas as per the Urban Bushland Plan of Management 2014 and the O.H. Reid Reserve Action Plan (for the bushland) 2018.

Actions recommended by the Citizens Panel that have not been included in the Draft Master Plan include:

1. Fencing between the playground and the car park to separate children and dogs
 - The playground is located at a distance from the car park and provides a reasonable safety buffer. The regulatory signage stipulates that dogs are not permitted within 10 metres of a playground, whether on-leash or off-leash.
2. Fencing of the sportsground to discourage dogs and balls entering bushland
 - In 2019 Council installed a higher fence along the southern boundary of the sportsground adjoining bushland.
3. Cricket practice nets
 - The lack of safe space adjoining the sportsground for a minimum 2 practice nets is the primary reason for not including them in the Draft Master Plan.
4. Use recycled water to irrigate the oval
 - While the use of recycled water from stormwater harvesting is supported, it is not cost-effective at O.H. Reid Reserve due to the small catchment size and high cost for a relatively small sportsground.

Some actions in the Citizens Panel report have not been included in the Draft Master Plan as they are considered to be operational or maintenance issues.

Sportsground Floodlights

The main factor supporting the preparation of the Draft Master Plan was the community concern regarding the potential installation of floodlights at O.H. Reid Reserve.

Consequently, floodlights have not been included in the Draft Master Plan due to the reasons outlined in the Citizens Panel report (Attachment 2).

The *NSROC Regional Sportsground Strategy Review (2017)* emphasises a need to increase capacity of existing sportsgrounds to enable more public access to grounds for community sport. Council has previously supported this initiative by installing floodlights at Bicentennial Oval, Willoughby Park No.2, Mowbray Public School Oval, and Castle Cove Oval No 2. In 2018 Council did not support installation of floodlights at Bales Park.

Financial implications

Preliminary 2020 cost estimates for the works proposed in the draft Master Plan are:

- Improvements to sports facilities - \$477,000
 - Improvements to playground and park landscape - \$271,000
 - Improvements to car park - \$122,000
 - Renovation of the pavilion - \$450,000
- Total funds required: \$1,320,000

Potential funding sources for the Master Plan are:

- Long Term Financial Plan - the implementation of the Master Plan - \$500,000
 - Long Term Financial Plan- the renewal of the playground - \$240,000
 - Long Term Financial Plan - the sportsground renovation - \$500,000
- Total funds currently nominated for the Master Plan improvements: \$1,240,000

While there is a future funding gap of \$80,000, the delivery of the site improvement works outlined in the Master Plan will be subject to funding availability when the Long Term Financial Plan is reviewed and the annual Capital Works Program is prepared.

It is recognised, however, that the current economic climate will have implications for the upcoming Operational Plans and Budgets and that the works are subject to prioritisation and funding availability.

Public consultation

Following Council's approval to exhibit the draft Master Plan, officers will:

- Place a notice in the *North Shore Times*
- Notify the Chatswood West Progress Association and other key stakeholders
- Letterbox drop neighbours
- Set up a survey on the Willoughby *Have Your Say* page
- Notify Citizen Panel members.

Due to the current COVID-19 restrictions on the community, the usual exhibition period of 21 days will be extended to 42 days. After the exhibition period, a report will be presented to Council outlining the results of the community consultation and will include a recommendation for the O.H. Reid Reserve Master Plan.

5. CONCLUSION

The *O.H. Reid Reserve Draft Master Plan* is ready for exhibition to the community. The draft Master Plan is primarily based on the report written by the community panel in late 2019.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	3.3 – Promote an active and healthy lifestyle. 5.5 – Make it easy for citizens to participate in decision making.
Business Plan Objectives, Outcomes/ Services	The Master Plan addresses improvements to the park by sportsground renovation, playground renewal and car park upgrade. The works are intended to promote a healthy and active lifestyle and create recreation spaces for all.
Policy	Open Space and Recreation Plan 2013; NSROC Regional Sportsground Strategy Review 2017.
Consultation	The Citizens Panel of 10 people was convened in July 2019 and met for 4 sessions between August and October 2019.
Resource	Consultation and finalisation of the Master Plan will be delivered by internal resources.
Risk	The level of risk associated with the contents of this report is low, with moderate consequences under <i>Council's Risk Management Framework</i> .
Legal	Not applicable.
Legislation	Consistent with the requirements of the <i>Local Government Act 1993</i> .
Budget/Financial	Works proposed in the Master Plan would be subject to future bids.

O.H. REID RESERVE MASTER PLAN

Attachment 3



LOCALITY MAP

LEGEND

	Vehicular Access
	Playground area
	Building
	Playing fields
	Car parking
	Active recreation
	BBQ / picnic areas
	Water sustainability
	Railway to River Walk

ACTIONS

- 1 Sportsground**

The main oval is used for a wide range of Summer and Winter Sports, particularly cricket and football (soccer). Future sportsground improvements include:

 - Improving the drainage and irrigation, levelling the ground, and renewing the natural turf surface (as per Council's Sportsgrounds Asset Management Plan)
 - Installing an underground water storage tank to increase irrigation capacity
 - Renewing the synthetic cricket wicket with a standard size wicket
 - Improved seating for spectators.
- 2 Basketball half court**

 - Increasing the variety of recreational activities by providing a half court with basketball and netball rings.
- 3 Amenities**

 - Upgrading the amenities pavilion to comply with current Australian Standards for Access and Mobility AS1428. Improvements could include an accessible path to the building, accessible toilets/ change rooms, and accessible water bubblers
 - Providing improved sports storage and a small canteen
 - Installing more park seats and improving shade cover for outside the pavilion.
- 4 Playground**

 - Renewing the playground (currently scheduled for 2026/27) as per Council's Playground Asset Management Plan, including consideration of shade protection over the picnic tables and some items of play equipment where appropriate
 - Improving drainage during the scheduled renewal works.
- 5 Car park and traffic**

Council will implement key recommendations from the Willoughby City Council Car Park Audit 2019 for O.H. Reid Reserve to comply with the Australian Standard AS2890.1-2004 (Off Street Car Parking). For example, this includes:

 - Improving vehicle access and movement, such as a drop-off point and turning circle or reversing bay
 - Improving pedestrian safety and access to the sportsground and playground
 - Improving parking capacity
 - Improving congestion and safety on the Reid Drive approach to OH Reid Reserve, such as lower speed limits or parking restrictions.
- 6 Off-leash dog exercise**

The sportsground will continue to be a dog off-leash area except when organised sport is in progress. Improvements include:

 - Perimeter line marking for shared off-leash use during particular organised sporting activities, as approved by Council
 - Improving the standard and provision of dog water bowls
 - Installing more regulatory signs near entrances to main bush tracks.
- 7 Bushland interface**

 - Maintaining and preserving the surrounding bushland areas as per Council's Urban Bushland Plan of Management 2014, and the O.H. Reid Reserve Action Plan (for the bushland) 2018.



O.H. REID RESERVE - MASTER PLAN

DRAFT
MARCH 2020

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15.8 SPORTS FACILITIES PLAN OF MANAGEMENT - ADOPTION

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. SPORTS FACILITIES PLAN OF MANAGEMENT (TO BE DISTRIBUTED SEPARATELY)3. PUBLIC HEARING REPORT (TO BE DISTRIBUTED SEPARATELY)4. COMMUNITY FEEDBACK
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD - OPEN SPACE CO-ORDINATOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

To approve the Willoughby City *Sports Facilities Plan of Management* dated November 2019.

2. OFFICER'S RECOMMENDATION

That Council approve the Willoughby City *Sports Facilities Plan of Management* dated November 2019.

3. BACKGROUND

On 9 December 2019, Council approved the public exhibition of the *draft Plan of Management for Sports Facilities*. The public exhibition period extended from 6 February – 19 March 2020 and included the prescribed public hearing on 25 February 2020.

This report covers the results of the public exhibition and the public hearing and recommends changes to the draft Plan of Management for Council's consideration.

4. DISCUSSION

The new *Plan of Management for Sports Facilities* provides detailed information about the management of sportsgrounds, sports courts and golf courses throughout the City.

The new Plan (**Attachment 2**) outlines the management issues to be addressed by performance targets for:

- Demographics and demand
- Infrastructure
- Usage impacts
- Service standards and maintenance
- Administration
- Finance

Public Hearing

The public hearing report (**Attachment 3**) presents the public consultation process undertaken by Council as required by the *Local Government Act 1993*.

The Public Hearing report by Parkland Planners P/L makes the following recommendations:

- *Retain the proposed categorisations as Sportsground shown on the categorisation maps for each reserve in the Draft Plan of Management, because there is no compelling reason to change the categorisation.*
- *Amend the categorisation maps which were publicly exhibited to remove the lines within the Sportsground category boundary.*

Community feedback

Community feedback on the draft *Sports Facilities Plan of Management (Attachment 4)* was received from 15 residents and 3 sport and school organisations.

Issues raised were varied across the management issues, directions and action plan.

Site specific comments were:

- Talus Street Reserve and the car park adjacent to the tennis courts – the car park should be included in the category ‘sportsground’.
- Bales Park Oval – concern that floodlights might still be installed at the ground.
- Chatswood Rotary Athletic Field – its potential for being a sports training site and for increased passive recreation.

General comments in submissions mentioned:

- Inclusion of cycling in references to sport facilities, car parking and disabled parking.
- Support for more synthetic fields
- Need for an indoor sports facility
- AFL needing an additional venue

Amendments to the Plan of Management

The following amendments have been made to the Sports Facilities Plan of Management in response to submissions:

Figure 1 - Community submissions and Council response

Community submissions	Council response
Include bicycle parking in <i>Table 8- Scale and intensity of permissible uses and developments</i>	Agreed. Amend Table 8 to read: Car and bicycle parking.
Should include mention of cycling facilities along with car facilities and disabled facilities.	Agreed. Amend 5.4 Usage Impacts-Table 16 to read: Implement traffic and parking management measures at high demand sites, and include bicycle facilities.

Community submissions	Council response
<p>Concern that floodlights may still be considered for unlit grounds eg Bales Park Oval under the Plan even though Council has already rejected the proposal for lights. Concerned that lights and synthetic grass would be installed on the sportsground (5)</p>	<p>Amend Table 14 –Performance Target to delete the words: 'Continue capital works program to install floodlights at unlit grounds'.</p> <p>Amend Table 15 –Performance Target <i>Floodlighting is provided at prioritised sites to provide for improved capacity to read:</i> Complete a Sportsground Action Plan for each sportsground to incorporate new lighting for un-lit sports courts. Un-lit grounds require approval by Council before being included in a Sportsground Action Plan.</p>

Section 40(2)(b) of the *Local Government Act 1993* allows Council to adopt an amended Plan of Management without public exhibition if it is of the opinion that the amendments are not substantial. It is considered that the amendments proposed are not substantial.

5. CONCLUSION

The new *Willoughby City Sports Facilities Plan of Management* covers the public sport facilities in the City and canvasses the many management issues that facilitate community use.

The community has considered the Plan and provided feedback. Concerns raised during the public exhibition period have been addressed. The Sport Facilities Plan of Management does not require further public exhibition.

The amended Plan is ready for adoption by Council.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	To work with the community to create diverse, active and vibrant places so that our City is inclusive, connected and resilient.
Policy	<i>Willoughby Open Space and Recreation Plan 2013. NSROC Regional Sportsgrounds Strategy Review 2017. Sportsgrounds Asset Management Plan 2017.</i>
Consultation	<p>The draft Plan of Management was publicly exhibited for a period not less than 42 days being 6 February – 19 March 2020. During this exhibition period a public hearing was held on 25 February 2020 at the Dougherty Community Centre.</p> <p>Three representatives from sport organisations attended the public hearing on 24 February 2020. Eighteen submissions were received by the closing date of 19 March 2020.</p>
Resource	The public hearing was chaired by an independent person as prescribed by the <i>Local Government Act 1993</i> . Support for the hearing was provided by 2 Council staff.
Risk	The level of risk associated with this report is low, with moderate consequences under <i>Council's Risk Management Framework</i> .
Legal	Council's exhibition of the draft Plan of Management fulfils its legal requirements under Sections 36, 38 and 40A of the <i>Local Government Act 1993</i> .
Legislation	<i>Local Government Act 1993, Local Government (General) Regulation 2005, Crown Land Management Act 2016. Native Title Act 1993.</i>
Budget/Financial	The document was undertaken by a recreation planning consultant, and was funded from the operational budget. An independent consultant was engaged to chair the public hearing and was funded from the operational budget.

Attachment 4

CONSULTATION SUMMARY - SPORTS FACILITIES PLAN OF MANAGEMENT

SUPPORT FOR SPORTS FACILITIES PLAN OF MANAGEMENT	
Community submissions	Council response
13 respondents supported or mostly supported the Plan of Management.	Noted
3 respondents did not support the Plan of Management.	
2 respondents did not specify/ did not answer.	

MANAGEMENT DIRECTION	
Community submissions	Council response
There is no planning for the building of an indoor multi-sport facility in the Willoughby LGA. There are no studies about usage of sports facilities.	Planning for the Gore Hill Park Indoor Sports Centre (6 courts) has been underway since the Gore Hill Park Master Plan was adopted in 2016. A Business Case for the Gore Hill Indoor Sports Centre will be undertaken in 2020 to ascertain demand, usage levels and costs.
An example of the shift in sport trends 'from competitive team sport to individual fitness and social sport' is the increase in cycling and the need for increased off-road cycling routes and infrastructure.	Cycling for commuting and recreation is addressed in the WCC Willoughby Bike Plan, and the 2017 Bike Plan Update. The POM addresses sports facilities located on Council owned/ managed land and are categorised as 'sportsground' under the Local Government Act 1993.
As cricket grounds are under pressure from hard wearing winter sports, consider trialling hybrid turf in heavier use areas.	Hybrid turf is an option for high impact zones on a sportsground and is considered when field renovations are proposed for asset renewals.
Concern about the car park usage on site at Talus St Reserve tennis court - becoming a commuter car park.	Current signs in the car park are for 4 hour limits Mon- Fri (7am -6pm) and Sat (7am-12pm) to deter commuter parking.
Where disruptions to the use of grounds when upgrades occur, that timely communication to relevant hirers occur.	Council notifies hirers at least 6 months prior to ground renovations/ upgrades being undertaken.
Where increase in hirer fees occur due to lighting and turf upgrades that timely communication to relevant hirers occur.	Annual fees are subject to public exhibition each year. Fee increases are kept to a minimum to align with the community's ability to pay.
Interest in joint ventures with schools, churches etc as a solution to current space limitations for sport facilities.	Noted.

Concern that changes proposed are hiding an alternative Council agenda; what are the cost of the proposed changes.	Management Directions reflect the current Council policies and practices; there are no new management directions proposed due to the finite number of sportsgrounds and limited opportunities to change existing practices.
Some demographic generalisations are incorrect. Northern Suburbs Little Athletics has 650 for athletes between ages 5-16. There is 50/50 gender split. UTS Norths has 480 current members, ages 8-85.	Noted.

BASIS FOR MANAGEMENT	
Community submissions	Council response
Include bicycle parking in <i>Table 8- Scale and intensity of permissible uses and developments</i>	Agreed. Amend Table 8 to read: Car and bicycle parking.
High passive use of Rotary Athletic Field. Strong growth with recreation use such as ParkRun. Requires better changerooms.	A draft Master Plan for the Athletic Field site includes a range of improvements which support passive recreation use.

ACTION PLAN	
Community submissions	Council response
Cricket club keen to be involved with action plans to be developed for Beauchamp Park and Chatswood Park Ovals.	Sports hirers of grounds are stakeholders and are consulted with ground improvements, and future Sportsground Action Plans for each sport facility.
Should include mention of cycling facilities along with car facilities and disabled facilities.	Agreed. Amend 5.4 Usage Impacts-Table 16 to read: Implement traffic and parking management measures at high demand sites, and include bicycle facilities.
Concern that floodlights may still be considered for unlit grounds eg Bales Park Oval under the Plan even though Council has already rejected the proposal for lights. Concerned that lights and synthetic grass would be installed on the sportsground (6)	Amend Table 14 –Performance Target <i>Optimal capacity of existing and new sports facilities is achieved</i> to delete the words: ‘Continue capital works program to install floodlights at unlit grounds’. Amend Table 15 –Performance Target <i>Floodlighting is provided at prioritised sites to provide for improved capacity</i> to read: Complete a Sportsground Action Plan for each sportsground to incorporate new lighting for un-lit sports courts, and for un-lit grounds only if approved by Council.

Action Plan seems to have an ulterior motive to set the scene for pushing out smaller clubs and sports for the benefit of larger sports eg soccer.	Council supports all community sports and seeks to accommodate all booking requests
As running is the basis of most land based sports, Rotary Athletic Field has the opportunity to be a 'Sports Training Site'.	A draft Master Plan for the Athletic Field site includes a range of improvements which support passive recreation use and sports training and fitness.

OTHER COMMENTS ON THE PLAN OF MANAGEMENT

Community submissions	Council response
Commends the Plan of Management regarding upgrade of facilities to meet growing population and demand for sport.	Noted
Synthetic fields have allowed football to increase female and immigrant player numbers and older player numbers.	The conversion to synthetic turf has increased the capacity of, and access to, existing sportsgrounds for the community.
Should be further synthetic field upgrades and more sharing of facilities between sporting codes to ensure demand is met.	Council has limited the number of synthetic fields in the LGA to 4 ovals, with potentially another site at Willoughby GHS subject to DET support and available funds. Any future conversions would require community consultation and review of the Synthetic Fields Management Plan.
Cycling is most accessible sport; huge uptake if facilities are provided. The Plan should include this sport.	Cycling predominantly occurs on-road or along off-road paths within parks/ reserves and not at a specific facility. Cycle/ shared paths will be included in a future Parks Generic Plan of Management.
Need for indoor cricket practice nets as supplement in pre-season and wet weather. Potential to incorporate into an indoor sports centre.	A Business Case for the Gore Hill Indoor Sports Centre will be undertaken in 2020 to ascertain demand, usage levels and costs. The feasibility of including indoor cricket nets will be assessed within the Business Case.
Sandy areas around synthetic cricket wickets need regular checking as the sand gets displaced by kids/ dogs and creates a trip hazard for players.	This is an operational matter.
Consider limiting the use of grounds in summer by traditionally winter sports due to the impact on grounds.	Given population growth in the City and encouragement to get fit, it is not feasible to limit the use of grounds for community sport. The exception would be where Government water restrictions impact on the resilience of grounds.
AFL needing another venue due to increased demand. Small scale venues for Auskick, junior training and match days; also needs	Sportsgrounds in the City are finite in number, with limited opportunities to increase ground numbers. Most grounds are

full size fields for senior games.	suitable for multiple sports use however there are no opportunities to create a full size senior AFL ground.
AFL queries current ground allocations and actual usage levels to ensure ideal utilisation.	This issue is addressed when booking applications are made each season so that grounds are fully utilised – or could be shared by 2 hirers.
AFL ask that corrections are needed for Table 8- Scale and intensity of permissible uses and development- in respect to Gore Hill Oval and a weekly rest day and use of the amenities block on weekends.	There is an over-riding condition in Table 8 which refers to the intensity / hours of use being 'subject to any facility specific management plan...' In the case of Gore Hill Oval, it is subject to the Synthetic Sportsgrounds Management Plan which sets specific hours of use for the oval.
UTS Athletics Club provide a summary of work to date on the site and desired improvements for the future.	Noted

15.9 MEMORIAL PLAQUE - CHRISTOPHER JOHN HOPWOOD

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD - OPEN SPACE COORDINATOR
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

To approve the placing of a memorial plaque in memory of Christopher John Hopwood at the Griffin Fountain at the junction of Edinburgh Road and The Sortie Port, Castlecrag.

2. OFFICER'S RECOMMENDATION

That Council approve the request for a memorial plaque to be placed in memory of Christopher John Hopwood at the Griffin Fountain in Castlecrag.

3. BACKGROUND

Council has a policy for placing memorials in public places. The policy requires Council approval before installation.

The Castlecrag Progress Association (CPA) Committee recently had a small plaque made in memory of Christopher John Hopwood and is seeking Council's permission to have it placed at the Griffin Fountain in Castlecrag.

4. DISCUSSION

Chris' wider involvement in community affairs included the campaign to retain the Castlecrag Infants School that saved the site from medium density development in the early 1990s. He was part of the community volunteer labour force which rebuilt the Haven Amphitheatre stage and undercroft in 1992. He also maintained the bushy triangle on the corner of The Citadel and Edinburgh Road.

The brass plaque has been made. It is approximately 12 x 20 cm. The Castlecrag Progress Association wish to have the plaque fixed to a rock, partly buried in the soil around the Fountain and of sufficient mass to deter vandalism or removal.

5. CONCLUSION

The proposal complies with Council's policy *Public Domain Memorial and Local Site Acknowledgement*. It has no direct financial implications for Council and will provide a place where the local community can visit, reflect and remember.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.2 – Respect and celebrate our history and heritage sites.
Business Plan Objectives, Outcomes/ Services	The recommendations of this report support the Culture and Leisure Business Plan outcome to support a City that is connected and inclusive, active, healthy, creative and safe.
Policy	<i>Public Domain Memorial and Local Site Acknowledgement Policy (2007).</i>
Consultation	Not applicable
Resource	Castlecrag Progress Association will be providing the resources for the installation of the plaque.
Risk	The level of risk associated with the contents of this report is low, with insignificant consequences under <i>Council's Risk Management Framework</i> .
Legal	Not applicable.
Legislation	Not applicable.
Budget/Financial	Castlecrag Progress Association will be funding the purchase and installation of the plaque.

16 NOTICES OF MOTION

16.1 NOTICE OF MOTION - PLANNING DECISIONS

RESPONSIBLE OFFICER:	CHRIS BINNS – PLANNING & INFRASTRUCTURE DIRECTOR (ACTING)
AUTHOR:	NORMA SHANKIE-WILLIAMS – ACTING PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	20 APRIL 2020

1. PURPOSE OF REPORT

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

2. MOTION

That Council:

1. **Writes to the Minister for Planning Rob Stokes MP and the Premier Gladys Berejiklian to express its opposition to the recent changes to the Environmental Planning and Assessment Act which grant the Minister unprecedented powers to override planning decisions made by local councils.**
2. **Notes that:**
 - a) **Recognises that planning decisions should be community led and that local councils are best placed to make decisions about planning that is appropriate for their local area and constituents;**
 - b) **Understands that even in times of economic and health crisis, planning approvals should consider the impact of development on the environment, local communities or neighbouring residents;**
 - c) **Recognises that existing oversight powers are in place to make sure profit motivated property developers don't impose undue costs on our community and environment; and**
 - d) **Recognises that extending permissible construction hours has the potential to severely disrupt compulsory work and learn from home arrangements.**

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

The State Government has amended section 10.17 of the Environmental Planning and Assessment Act (EPA Act) to give the government unprecedented powers to override planning decisions during the COVID 19 pandemic for at least the next 6 to 12 months.

Under the legislation, the NSW Planning Minister can authorise development to be carried out on land without the need for any approval under the Act or consent from any person

Orders made by the NSW Planning Minister will have effect regardless of any environmental planning instrument or development consent.

This means that decisions made by local councils, independent planning panels or even regional planning panels can be overruled by the Planning Minister for any reason or no reason at all. These approvals cannot be reversed when the pandemic is over.

4. OFFICER'S RECOMMENDATION

That Council write to the Minister for Planning, Rob Stokes MP, seeking confirmation that all Orders made under the terms of *COVID-19 Legislative Amendments (Emergency Measures) Act 2020* will cease to have effect following the end of the State of Emergency for the COVID-19 pandemic, and buildings constructed using those measures during the pandemic will be removed.

5. OFFICER'S COMMENTS

COVID-19 Legislation Amendments (Emergency Measures) Act 2020 gives the Minister for Planning temporary powers to make orders authorising development to be carried out on land without any approval under the EP&A Act or consent from any person. These powers are designed to provide flexible planning and environmental responses to a rapidly changing public health crisis.

Under a new Section 10.17 of the Act the Minister has extended the hours of operation of retail premises and home-based industries and businesses by permitting them to operate at any time. Powers are also available to allow land and existing buildings to be used in response to the crisis for purposes such as medical facilities and related infrastructure. An example would be distribution centres to meet the food, grocery and essential items needs of the population in self-isolation. An order could also approve development otherwise prohibited on the land.

The Minister's power is not unlimited however and cannot be used to approve development simply for the purposes of economic stimulus.

The Minister can only make an order if he:

1. Has consulted the Minister for Health and Medical Research; and
2. Is reasonably satisfied that the making of the order is necessary to protect the health, safety and welfare of members of the public during the COVID-19 pandemic.

As a temporary measure, this power can only be exercised for a period of six months (up until 25 September 2020) or for up to 12 months if prescribed by the *Environmental Planning and Assessment Regulation 2000*. Following that period the emergency power will have no effect.

It is unclear if this will result in approvals granted for the construction and use of buildings to also cease with removal of those buildings being required, and as such the Minister should be contacted to confirm this point.

Following that advice it may then be appropriate to approach the Minister on this issue.

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16.2 NOTICE OF MOTION - 5G TECHNOLOGIES

RESPONSIBLE OFFICER: GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER

CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 20 APRIL 2020

1. PURPOSE OF REPORT

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

2. MOTION

That Council:

1. Does not currently support the proposed upgrade that will facilitate 5G technologies and continues to support a moratorium on the installation of 5G technology infrastructure until the previously requested information is provided, including:
 - a) identification of and commitment by a State or Federal Government body to do a comprehensive review of the cumulative impacts of the 5G technology,
 - b) identification of who holds responsibility for the on-going monitoring of any cumulative impacts,
 - c) commitment from the State Government to review the current planning processes for the installation of small cells and consideration of any possible improvements.

2. Invoke the Precautionary Principle and reject the ARPANSA Standard as “evidence” of 5G safety by:
 - (i) formally opposing all 5G upgrades to existing towers
 - (ii) formally opposing all small cell installations (as these are an integral part of the 5G roll-out and are intended to be upgraded to 5G)
 - (iii) calling on the State and Federal governments to:
 - a. impose a moratorium on 5G deployment
 - b. undertake a comprehensive review of the cumulative impacts 5G technology
 - c. identify who holds responsibility for the ongoing monitoring of cumulative impacts of 5G technology
 - d. facilitate the deployment of safer wired telecommunications options for service provision, with wireless as an adjunct only where necessary
 - e. amend telecommunications legislation to empower local governments and communities to determine mobile phone base station deployments.

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

The deployment of 5G in the absence of adequate safety testing is a violation of the Precautionary Principle.

An urgency motion was unanimously passed by the Byron Shire Councillors on the 19th March 2020.

Council minutes:

https://byron.infocouncil.biz/Open/2020/03/PLAN_19032020_MIN_1154.PDF

The siting of towers emitting EMR has been an on-going concern to local residents and workers within WCC, exacerbated recently by the proposal for 5G at 754 Pacific Highway.

4. OFFICER'S RECOMMENDATION

That Council note the information provided on the Parliamentary Inquiry into 5G in Australia and the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) submission to the inquiry.

5. OFFICER'S COMMENTS

On the 13 September 2019 the Minister for Communications, the Hon Paul Fletcher MP asked the Standing Committee on Communications and the Arts to inquire into and report on the deployment, adoption and application of 5G in Australia. The terms of reference for the Committee were limited to:

1. Investigation of the capability, capacity and deployment of 5G;
2. Understanding the application of 5G, including use cases for enterprise and government.

The ARPANSA submission to the inquiry noted that while the terms of reference focused on the technology and its application, health authorities around the world have examined the scientific evidence for health effects with current research noting no established evidence of health effects from radio waves used in mobile telecommunications, including the roll-out of the 5G network.

Dr Gillian Hirth, ARPANSA's Chief Radiation Health Scientist and Deputy CEO has advised that *"We are aware of concerns from some members of the public about potential health impacts from 5G, it is our assessment that 5G is safe and does not present any health concerns"*.

Submissions to the Committee were required to be lodged by the 1 November 2019. The Committee has conducted to date hearings involving regulators, researchers and industry leaders in a number of fields and public hearings across Australia. It is expected that the inquiry will be finalised in the first half of this year.

It should be noted that even though 5G will succeed 4G, it will not replace 4G, both networks will exist simultaneously. 5G is focused on mobile data and promises three major improvements:

1. Faster network speeds; 5G networks will be capable of download speeds up to 20 Giga bits per second (Gbps). The 5G specification states that individual users should see a minimum download speed equivalent to the fastest NBN speed of 100Mbps. That provides, at a minimum, the fastest internet speeds on mobile devices including phones, tablets and other 'smart' devices.
2. Lower latency; latency is best described as the time it takes information to get from your phone to the internet and back again. The typical latency for a 4G network is around 60 milliseconds, whereas 5G could decrease this to as low as 1 millisecond. This significant decrease in latency will be vital for smart technologies which require control without delay such as smart traffic controllers, where every millisecond delay is critical.
3. More simultaneous connections; 5G will allow more devices to connect to the network at the same time. While smartphone usage continues to grow, a network that supports more simultaneous connections especially important because 5G is set to facilitate new developments in smart cities, connected machinery, and smart devices.

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17 CONFIDENTIAL MATTERS

17.1 CONFIDENTIAL - LEGAL SERVICES REPORT MARCH 2020

ATTACHMENTS:	1. IMPLICATIONS 2. LEGAL SERVICES REPORT MARCH 2020 (CONFIDENTIAL)
RESPONSIBLE OFFICER:	GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	20 APRIL 2020

REASON FOR CONFIDENTIALITY

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

This report provides Councillors with information that assists them to understand the status of current legal matters. Some of this information is confidential and contains personal information that cannot be disclosed by Council. On balance, the information that is confidential, that would disclose a person's personal information, that discloses Council's costs while Council is in litigation or breaches a person's privacy is best placed in a confidential report.

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17.2 CONFIDENTIAL - PUBLIC EXHIBITION OF VOLUNTARY PLANNING AGREEMENT RELATING TO PLANNING PROPOSAL AT WALTER STREET AND WILLOUGHBY ROAD

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT PLANNING AGREEMENT DATED APRIL 2020
RESPONSIBLE OFFICER:	CHRIS BINNS – PLANNING & INFRASTRUCTURE DIRECTOR (ACTING)
AUTHOR:	SYLVANIA MOK – CONTRIBUTIONS SPECIALIST
CITY STRATEGY OUTCOME:	3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO 5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	20 APRIL 2020

REASON FOR CONFIDENTIALITY

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

This report needs to be confidential in order for Council to consider and receive advice on the terms of a formal commercial agreement in which Council is a party. If this information was disclosed, the information may be accessible to the other party, thus placing Council at a disadvantage in the formulation of the agreement. On balance, the public interest is best served if the commercial information is kept confidential until the agreement is completed.

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18 QUESTIONS WITH NOTICE

18.1 QUESTIONS ON NOTICE FROM COUNCILLOR SAVILLE - COUNCIL OPERATIONS

RESPONSIBLE OFFICER: GREG MCDONALD – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER

CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 20 APRIL 2020

QUESTION

1. Have any staff been stood down, or offered reduced/flexible hours, and if so, are arrangements in place for their jobs to be retained?

No staff have been stood down. As per the Chief Executive Officer's email to Councillors, most casuals from closed venues have been provided with letters setting out that there are no shifts available at this time.

2. Have any staff been seconded to any other areas or levels of government, for example Social Services?

No staff have been seconded to any other areas or levels of government.

3. Is council continuing to implement plans and projects, for example the WCC Community Plan, Green City Plan?

Council is continuing to implement plans and projects.

4. How council explored potential for community meetings to continue by Zoom or other means?

All Advisory Committee and Community Information Seminars have been suspended and many matters relating to their Terms of Reference are in hiatus due to social isolation. Council does not currently have the capacity to service these community meetings while also servicing the majority of staff working from home. Community members can voluntarily remain in contact if they wish by establishing their own informal meetings via various free platforms.

5. Has council explored continuation of community education programmes etc. to be continued by Zoom or other means?

Council's Youth Services are exploring online options for young people to remain engaged during the Covid-19 restrictions. Willoughby Leisure Centre is providing online fitness sessions from a third party provider to members to enable them to continue with their fitness regime. Council's Library Services provide access to e-resources and streaming services for members to access a broad range of resources. Council's website continues to provide environmental education information and links.

6. How will council ensure continuation of other activities such as the LEP that require public consultation?

Council's Strategic Planning Team is continuing to progress work towards the draft Local Environment Plan (LEP). It is not anticipated that a draft LEP or Development Control

Plan (DCP) will be on exhibition until early 2021. Work is currently being undertaken on the Industrial Lands Strategy which will be reported to Council in May, following which it will proceed to exhibition. Officers will seek to determine the best way to engage with the community which may include on-line workshops, presentations and/or Q & A sessions.

19 CONCLUSION OF THE MEETING

NIL