



# **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 8 March 2021  
commencing at 7:00pm

The Meeting is open to the Public

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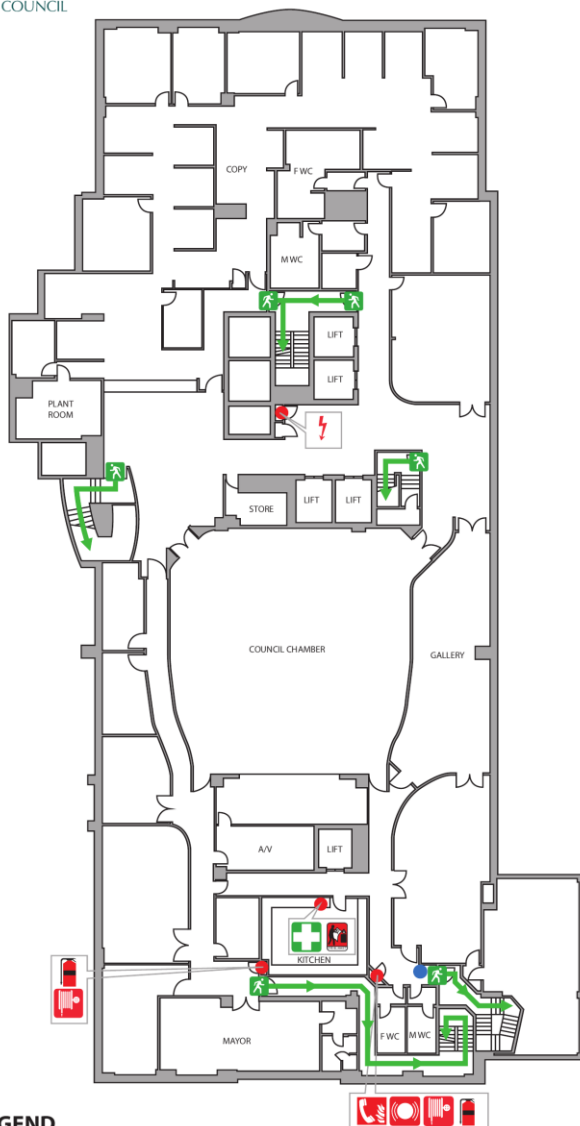
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# WILLOUGHBY CITY COUNCIL

## Level 6 Floor Plan



### EVACUATION DIAGRAM | COUNCIL CHAMBERS



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

**IN THE EVENT OF AN EMERGENCY**

**R**emove any person from danger  
**A**lert staff and others  
**C**onfine smoke/fire and close doors  
**E**xtinguish fire, if safe to do so -  
 If not, assist others and move to the Emergency Assembly Area.

**EVACUATION PROCEDURES**

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

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

Listen carefully to any instructions provided by Wardens and Staff.

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

**DO NOT PANIC**

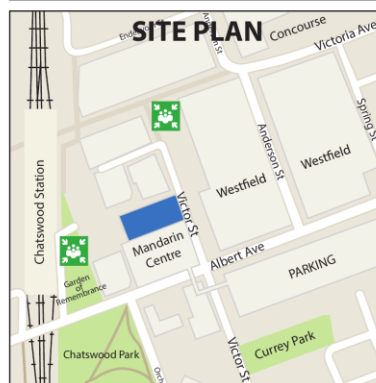
**LEGEND**

	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



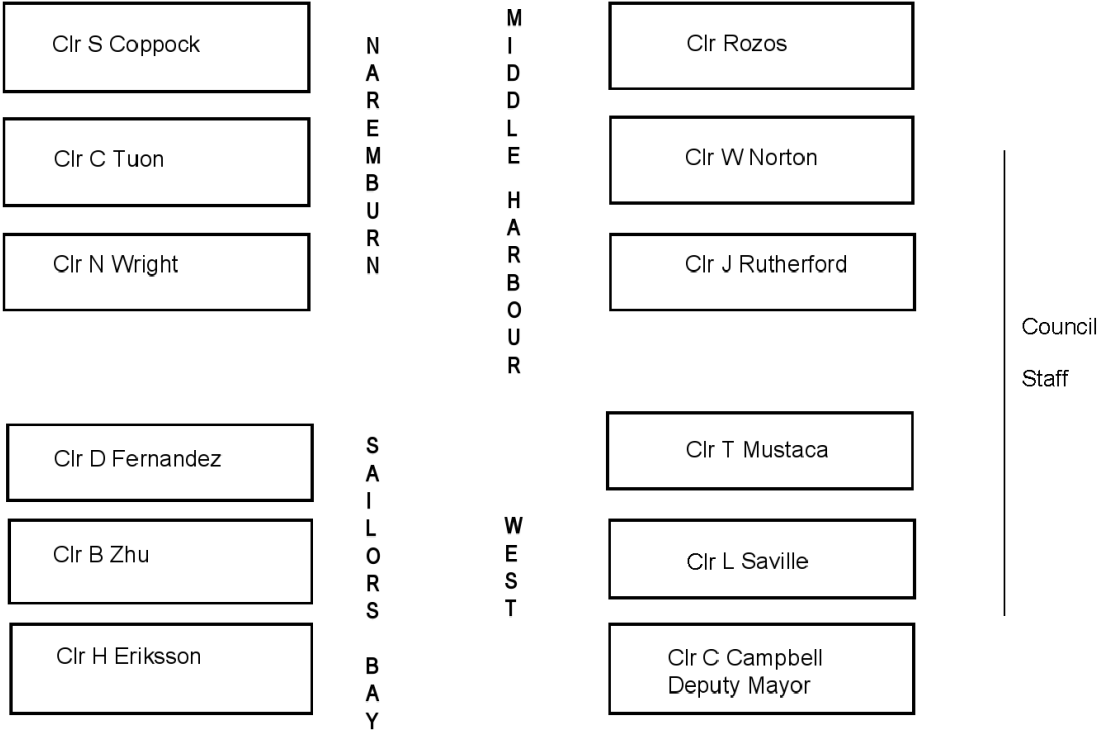
www.beawarenolutions.com.au      Date of Issue: 12-2014  
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NOT DRAWN TO SCALE



# COUNCIL CHAMBERS

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





## 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.

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- 1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY**
- 2 DISCLOSURES OF INTERESTS**
- 3 CONFIRMATION OF MINUTES**
- 4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE  
BY COUNCILLORS**



## 5 PETITIONS

### 5.1 PETITION - CHATSWOOD GOLF CLUB SENIORS DEVELOPMENT

<b>RESPONSIBLE OFFICER:</b>	<b>LINO DI LERNIA – INTERIM CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>8 MARCH 2021</b>

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#### 1. PURPOSE OF REPORT

To table a petition received in regards to the Chatswood Golf Club Seniors Development.

#### 2. OFFICER'S RECOMMENDATION

**That Council receive and note the petition opposing the Chatswood Golf Club Senior Development.**

#### 3. DISCUSSION

The petition of 1,600 signatories has been submitted via Change.org which advises that they are seeking to stop development across wildlife corridors in Sydney, in particular the corridor in West Chatswood.

A copy of the petition has been distributed to Councillors. Members of the public may inspect a copy of the petition at Council offices or via Change.org  
<https://www.change.org/p/ban-new-development-in-sydney-s-wildlife-corridors-stop-massive-tree-loss>

#### 4. CONCLUSION

The petition is presented for noting by Council.

**6 OPEN FORUM — MATTERS NOT ON THE AGENDA**

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

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

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

**11 PUBLIC FORUM — MATTERS ON THE AGENDA**

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

**12 REPORTS OF COMMITTEES****13 DEFERRED MATTERS****14 CORRESPONDENCE**

## 15 REPORTS FROM THE OFFICERS

### CUSTOMER & CORPORATE DIRECTORATE

#### 15.1 INVESTMENT REPORT FOR MONTH OF FEBRUARY 2021

ATTACHMENTS:	<ol style="list-style-type: none"><li>1. IMPLICATIONS</li><li>2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2020)</li><li>3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS</li></ol>
RESPONSIBLE OFFICER:	LINO DI LERNIA - INTERIM 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:	8 MARCH 2021

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#### 1. PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 28 February 2021, under section 625 of the *Local Government Act 1993*.

#### 2. OFFICER'S RECOMMENDATION

**That Council receive the Statement of Bank Balances and Investment Holdings as at 28 February 2021.**

#### 3. BACKGROUND

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

In accordance with Clause 212 of *Local Government (General) Regulation 2005*, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's *Investment Policy*.

#### 4. DISCUSSION

The *Investment Policy* adopted by Council at its meeting on 14 December 2020 applies to all investments from that date.

A summary of Council's holdings as at 28 February 2021, is included in **Attachment 1** (Financial Implications) with details of holdings and counterparty analysis included in **Attachment 3**.

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

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

The key financial indicators for Council's investment holdings at 28 February 2021 include:

Combined Bank Balance	\$10.6M
Investment Holdings	\$170.1M
Total Cash and Investments	<b>\$180.7M</b>
Return on Investments	1.20%, (1.19% above benchmark of 0.01%) (Refer to <b>Attachment 3</b> – Figure 1).
Actual Interest Return (Month)	\$155K (\$5K better than \$150K budget) (Refer to <b>Attachment 3</b> – Figure 2).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of \$1,590K is \$35K favourable to Year to Date budget of \$1,555K.

### Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 28 February 2021 was \$180.7m. Of this amount, \$161.20m, or 89% is restricted to be spent on specific purposes. This leaves \$19.5m or 11% of unrestricted cash and investments for working capital purposes.

Figure 1 shows the breakdown of cash and investments

#### Figure 1 – Restricted versus unrestricted cash and investments as at 28 February 2021

Restriction Category	Total cash and investments as at 28 February 2021 (\$'m)	Percentage of Total Portfolio %
Internally Restricted	\$67.7M	37
Externally Restricted	\$93.5M	52
Unrestricted	\$19.5M	11
<b>Total</b>	<b>\$180.7M</b>	100

## 5. CONCLUSION

Council's investment holdings at 28 February 2021, have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, the *Investment Policy* adopted by Council on 14 December 2020, *Ministerial Investment Order* issued February 2011 and Division of Local Government (as it was then known) *Investment Policy Guidelines* published in May 2010.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes/ Services</b>	Maximise interest rate returns and comply with all relevant legislation.
<b>Policy</b>	This report relates to Council's <i>Investment Policy</i> which safeguards Council's investment portfolio.
<b>Consultation</b>	Councillors received a briefing on the Investment Policy on 7 December 2020. It is not deemed necessary to consult on each standard monthly investment report.
<b>Resource</b>	Council's bank balances and investment holdings are managed within existing staff resources within the Finance Unit.
<b>Risk</b>	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.
<b>Legal</b>	There are no legal considerations applicable to this report.
<b>Legislation</b>	The Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested under <i>Section 625</i> of the <i>Local Government Act 1993</i> .
	In accordance with Clause 212 of <i>Local Government (General) Regulation 2005</i> , this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's <i>Investment Policy</i> .
<b>Budget/ Financial</b>	The monthly investment report details the interest income for the month and any other relevant information required by Council.
	Council's Cash and Investments holdings at 28 February 2021 were \$180.7M and Interest returns are on track to exceed the annual budget of \$2,132M.

## ATTACHMENT 2

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

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

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	Portfolio Maximum %	Actual Allocation this month %
AAA to AA+/- (Or major banks)	A1+	100	55
A+ / A	A1	70	10
A- / BBB+ / BBB	A2	50	31
BBB-	A3	10	0
Unrated	Unrated	10	4

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

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

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

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	Institution Maximum %	Actual Allocation this month %
AAA to AA+/- (Or major banks)	A1+	30	29
A+ / A	A1	20	6
A- / BBB+ / BBB	A2	15	8
BBB-	A3	5	0
Unrated	Unrated	5	4

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

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

**Figure 3 – Interest Rate Comparison for 28 February 2021**

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio	<u>1.20%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index	<u>0.01%</u>
Above Benchmark Return	<u>1.19%</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 1.19%.

**Figure 4 – Investment Return for 28 February 2021**

<u>Description</u>	<u>Interest Achieved (\$K: \$000's)</u>
Council Actual Interest Return	\$155K
Budgeted Return	<u>\$150K</u>
Over Budgeted Return	<u>\$5K</u>

Figure 4 provides a comparison of the actual interest return on investments for the month with the budget and shows that the monthly return is \$5K better than budget.



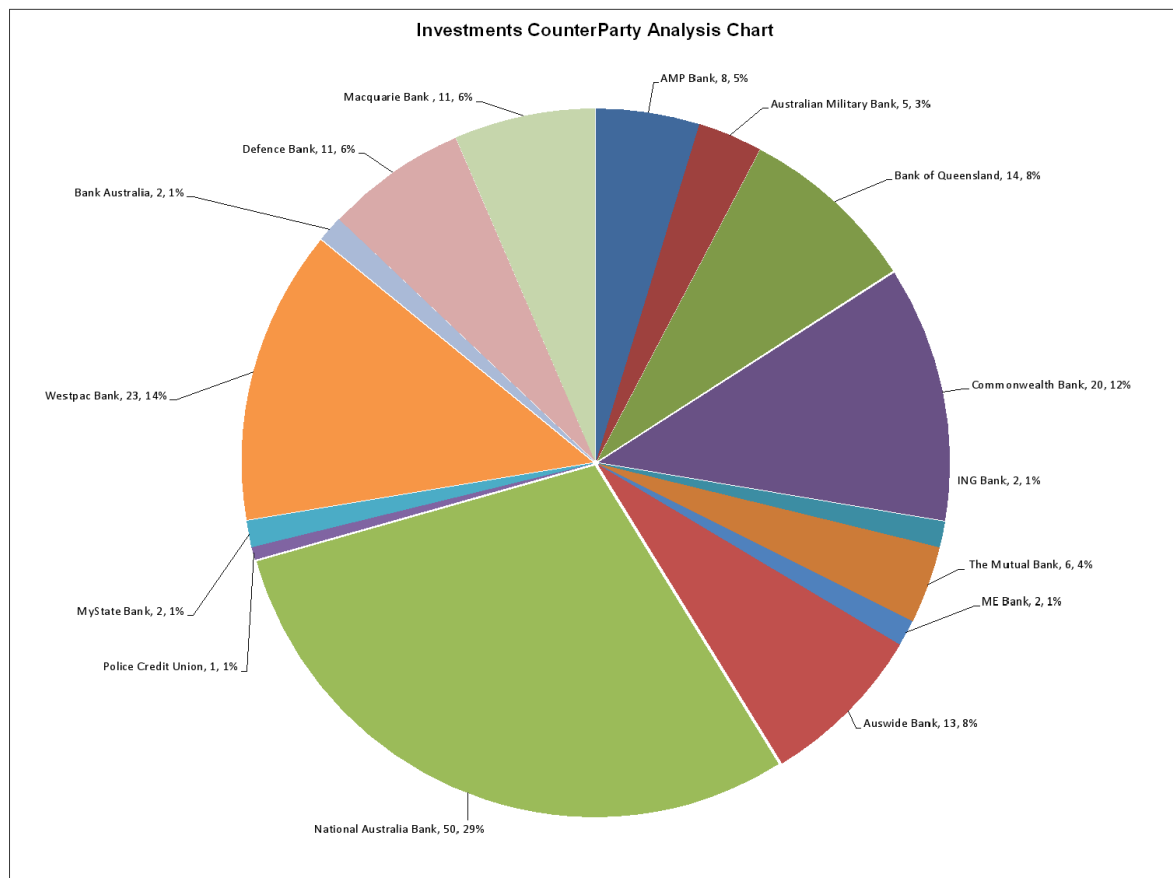
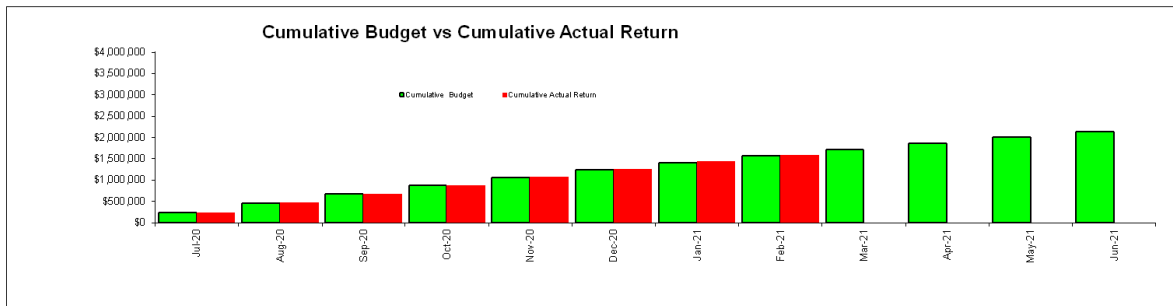


Investment Report for February 2021

Council Holdings and Counterparty Analysis

ATTACHMENT 3

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount \$	Return % p.a.	Monthly Income \$	Investment Date	Mature & Res et Date	Period/ Matur. Date
Benchmark: Bloomberg AU\$Bond Bank Bill Index				0.01%				
Investments Margin above Benchmark				1.19%				
<b>Investments Maturity Period</b>	<u>0-3 Months</u>		<u>4-12 Months</u>		<u>&gt; 12 Months</u>		<b>Total \$</b>	<b>chk.s/ba.0</b>
Amount	26,000,000		100,050,963		44,000,000		170,050,963	0
% of Total	15.3%		58.8%		25.9%		100%	
<b>Cash &amp; Investments Return:</b>	<u>Budget \$</u>		<u>Actual \$</u>		<u>Var. \$</u>			
Current Month	149,294		154,516		5,222			
Year to Date	1,555,210		1,589,976		34,766			



## 15.2 SUPPLEMENTARY QUARTERLY REPORTING - DECEMBER 2020 - QUARTER 2

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. LEGAL EXPENSES 3. THE CONCOURSE FINANCIAL PERFORMANCE 4. CROWN RESERVES 5. CY PRES SCHEME RESERVES 6. DEVELOPER CONTRIBUTIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINO DI LERNIA – INTERIM CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>STEPHEN NAVEN – CHIEF FINANCIAL OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>08 MARCH 2021</b>

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### 1. PURPOSE OF REPORT

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

### 2. OFFICER'S RECOMMENDATION

**That Council note the supplementary quarterly reports for the quarter ended 31 December 2020 (Quarter 2).**

### 3. BACKGROUND

The Quarterly Budget Review Statement required under legislation was approved by the Council on 09 February 2021.

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

### 4. DISCUSSION

Figure 1 lists the specific reporting schedules contained in attachments to this report.

**Figure 1: Supplementary information (This report)**

<b><u>Supplementary reporting – December 2020 Report</u></b>		
<u>Attachment</u>	<u>Attachment Description</u>	
2	Legal Expenses	Supplementary
3	The Concourse Financials and Consultants comparison	Supplementary
4	Crown Reserves	Supplementary
5	Cy Pres Scheme Reserves	Supplementary
6	Developer Contributions	Supplementary

Highlights of the supplementary information for the second quarter (December) of the 2020/21 financial year include:

- Legal Expenses for the year to date 31 December 2020 are \$393K compared to the year-to-date budget of \$383K (refer **Attachment 2**).
- Year to Date operating result for The Concourse before Library, Depreciation and Interest is a surplus of \$931K compared with a year to date budget surplus of \$1.0M. This results in a negative variance of \$79K. This is largely due to Covid-19 business support relief granted by Council (refer **Attachment 3** – item 3.2).
- A strong balance sheet for The Concourse with Total Equity of \$312.2M after taking into account all liabilities including debt of \$37.9M at Fair Value (refer **Attachment 3** – item 3.1).
- Council's provisional subsidy on Crown Reserves for the 6 months to 31 December 2020 was \$958K (refer **Attachment 4**).
- The combined closing balance of the two Cy Pres Scheme Reserves at 31 December 2020 is \$2.6M (refer **Attachment 5**).
- The balance of Developer Contributions (S7.11/ S7.12/ S94/ S94A/ VPA) Reserves at 31 December 2020 is \$59.9M (refer **Attachment 6**).

## 5. CONCLUSION

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

## ATTACHMENT 1

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

QUARTERLY BUDGET REVIEW 2020/2021 - DECEMBER QUARTER

Legal Expenses -Planning and Infrastructure

ATTACHMENT 2

Address	WCC Officer	Status	Solicitor	Solicitors Ref.	Matter	Date Solic. engaged	CL decis.	Staff Rec.	Fees Pd Priv Yrs	Paid Jul 20- Jun 21	Total Costs to date	Solic.Est (excl. barrister/consult.)	Council's revised Estimate	Bal to be Paid	Total Ltd Legal Cost Recovery
<b>LAND AND ENVIRONMENT COURT</b>															
12 & 19 Amaroo Ave	AV	SOFAC filed. Conciliation conference listed for 1 April 2021.	HWLE	KMG-1014117	WCC ats Thirdi Castle Cove Pty Ltd - LEC 2020/00270766 - Class 1 proceedings. Refusal of Development Consent proposing seniors housing facility comprising 15 independent living units, associated parking and landscaping.	14/10/2020	Refusal	Refusal	\$0	\$4,934	\$4,934	\$9,432	\$9,432	\$4,499	
96 Beaconsfield Rd	MT	Potential prosecution for unlawful removal of trees. Matter Closed	HWLE	KMG-963600	WCC -w- Natalie Cunneen and Robert Luck. Prosecution for unlawful heritage trees removal - LEC Class 5	2018			\$13,153	\$14,978	\$28,131	\$53,885	\$53,885	\$25,754	
78 Chandos St	BG/IA	Civil enforcement proceedings halted as correspondence with the Owners Corporation indicated that rectification works are commencing.	Maddocks	M/W.J.W.D.82552 97	WCC ats Owners Corporation SP91045 - Class 4 - Enforcement of Order 3160 (replacing all the building's external aluminium composite panels with acceptable aluminium panels) which has not been completed with.	2/10/2020			\$0	\$10,021	\$10,021	\$25,000	\$25,000	\$14,979	
8 Dowel Street	MF	Modification application lodged and refused. Instructions to progress and warning letters sent requesting undertakings. Appeal against refusal of modification. Ongoing communications with Applicant/ family members as unrepresented litigations seeking service. Judgment has been reserved and parties have submitted written submissions in reply. Proceedings have been re-listed for directions on 11 December 2020. Prior to and post judgment Council has advised that additional works have been carried out onsite.	HWLE	KMG-946589	Class 4 - WCC ats Kana Helou - Order no. 3044. Compliance action - failure to comply with terms of development approval and development control order - unlawful works in Heritage Conservation area DA 2019/22	14/08/2019	Refused	Refused	\$9,760	\$23,874	\$33,634	\$50,797	\$50,797	\$17,163	
82-86 Eastern Valley Way	CN	Section 34 conciliation conference held on 14 September 2020. No agreement reached. Expert evidence filed. Matter listed for hearing on 2 & 3 March 2021.	MC	PXV-136485	Class 1 - Land and Environment Court proceedings against Luaco Property Pty Ltd - LEC 2020/160587 - DA 2019/253 - Refused by WLPP		Refused	Refused	\$0	\$2,570	\$2,570	\$23,550	\$23,550	\$20,981	
233 Edinburgh Road	MB	Agreement was reached after significant negotiations during conciliation conference. Agreement was executed and provided to Court and Commissioner. Judgment to be delivered on 23 December 2020.	HWLE	KMG-948009	Class 1 Appeal -WCC ats D Likouhi & H Bezanethak - LEC 2019/00260878 DA 2019/185	23/08/2019	Deferred	commence ment by WLPP	\$0	\$10,953	\$10,953	\$74,154	\$74,154	\$83,201	
15A Hart Stret	MB	Judgment handed down on 28 September 20. Appeal dismissed, judgment sent to Council on 30 September 20. Matter to be closed.	McCabe	PXV-136484	Class 1 LEC 2020/142239	4/06/2020	Refused	Refused	\$0	\$10,280	\$10,280	\$12,550	\$12,550	\$2,270	
19 Hampden Road	PC/RS	Amended plans provided by Applicant as part of the section 34 conference which satisfied Council's concerns. Section 34 Agreement entered into. Residents notified. Section 8.15 (3) costs order made. Council's costs thrown away calculated and offer on costs put.	HWLE	KMG 917837	Class 1 - WCC ats Kon Vourtozoumis - Class 1 development appeal against deemed refusal of 19 room boarding House in Artamon. LEC 2018/381545 DA 2018/189	8/01/2018	Refused by WLPP		\$20,406	\$588	\$20,992	\$22,492	\$22,492	\$1,500	Expecting recovery cost

QUARTERLY BUDGET REVIEW 2020/2021 - DECEMBER QUARTER

Legal Expenses -Planning and Infrastructure

ATTACHMENT 2

Address	WCC Officer	Status	Soil citor	Soil citors Ref.	Matter	Date Solic. engaged	CL decis.	Staff Rec.	Fees Pd Prv Yrs	Paid Jul 20- Jun 21	Total Costs to date	Solic.Est (excl. barrister/consult.)	Council's revised Estimate	Bal to be Paid	Total ltd Legal Cost Recovery
84A Hampden Road	Chi	Section 34 conciliation conference on 22 September 2020 was terminated. Hearing on 30 and 31 March 2021. Orders submitted for expert evidence on 3 December 2020. Orders made 11 December 2020.	Lindsay Taylor Lawyers	WCC20006	Council ats Feng, 84A Hampden Rd, Artamon Land and Environment Court of NSW	23/06/2020	Refused	Refused	\$0	\$32,488	\$32,488	\$45,000	\$45,000	\$12,512	
4 Hollywood Crescent	MT	Advice provided 11 May 2020 Note: related to Class 1 appeal below. Enforcement will not occur whilst pending outcome of the Class 1 appeal.	HWLE	KMG-961021	Enforcement advice re alleged unlawful works and failure to comply with development control order re Roof tiles in Heritage Conservation area.	15/04/2020			\$0	\$3,691	\$3,691	\$28,000	\$28,000	\$24,310	
4 Hollywood Crescent	MT	Section 34 conciliation conference has been terminated. The proceedings have been listed for hearing on 8 and 9 February 2021. Sole issue is heritage which involves construction of the development consent. Applicant has indicated that further attempts will be made to try and reach an agreement.	HWLE	KMG-963090	WMC ats Champion & Anor - Class 1 appeal against Council's issue of Development Control Order. DA 2018/229.	28/04/2020			\$10,623	\$4,561	\$15,184	\$30,184	\$30,184	\$15,000	
150 Mowbray Road	CN	Judgment made on 04 Sept 2020. Appeal Upheld. Modification DA is approved subject to conditions. Matter Closed.	HWLE	KMG-946557	LEC 2019/00234535 - Under Appeal Class 1 : Appeal/Modify condition 18 to allow the gymnasium to operate 24 hours on a permanent basis - DA 2017/240/A	13/08/2019		Refusal	\$38,202	\$14,746	\$52,948	\$82,183	\$82,183	\$9,235	
47 Neerim Road	CL	Compliance has been achieved and proceedings are no longer required. Matter closed.	MC	134448	Willoughby V Castle Cove Holdings; Non-compliance of Swimming Pool. Council have recently identified places and structures not permitted within the enclosed pool area, including a cabana and change room which includes a shower and toilet.	8/01/2020			\$1,593	\$1,608	\$3,201	\$3,201	\$3,201	\$0	
1-43 The Postern	AV	S34 Agreement filed on 4 December 2020. Decision to be published on 15 December 2020. Matter will then be complete and can be closed.	Maddocks	MJW-MNN-8195367	Willoughby City Council ats Bridgelane Property 16 Pty Ltd - Land and Environment Court Proceedings No. 2020/155414 - DA 2020/85	4/06/2020			\$0	\$25,443	\$25,443	\$37,220	\$37,220	\$11,777	
24 Raeburn Ave		Matter listed for conciliation conference on 13 November 2020. Conciliated agreement reached acceptable to Council and orders made for remedial works and landscaping.	HWLE	KMG-1007009	LEC2020/00247753 - Class 1 appeal against Council order issued in relation to part built decking around pool without consent.	4/09/2020			\$0	\$4,620	\$4,620	\$12,287	\$12,287	\$7,647	
34 Stratford Road	CN	Judgment handed down on 6 August 2020 in accordance with Section 34 Agreement. Matter closed. Upheld with amended conditions.	McCabe Curwood	PXV-134738	LEC 2020/00016928 - DA 2019/101	6/02/2020			\$9,754	\$7,402	\$13,156	\$13,156	\$13,156	\$0	
161 Victoria Ave	MT	Applicant has appealed against refusal of a Building Information Certificate, deemed refusal of a Development Application and also the issue of a Development Control Order. Statement of Facts and Contentions in these matters are due to be lodged with the Court on 18 February 2021	HWLE	KMG-10083347	Class 1 appeal against Council order issued in relation to internal layout changes and increased staffing to brothel not in accordance with development consent. - Appeal against WCC's refusal of BIC - LEC 2020/00227729	11/09/2020		Refusal	\$0	\$3,215	\$3,215	\$7,450	\$7,450	\$4,236	

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ATTACHMENT 2

Address	WCC Officer	Status	Solicitor	Matter	Date Solic. engaged	CL decis.	Staff Rec.	Fees Pd Priv Yrs	Paid Jul 20- Jun 21	Total Costs to date	Solic.Est (excl. barrister/consult.)	Council's revised Estimate	Bal to be Paid	Total Ltd Legal Cost Recovery	
282-284 Victoria Ave	FC	Section 34 Judgment made upholding appeal made on 21 August 2020. Application amended to satisfy Council and its consultants and costs thrown away ordered. Costs calculation undertaken, letter sent to applicant. Applicant response seeking reconsideration of costs - response to make counter offer instead. Awaiting instructions also on applicant's proposal to modify to amend condition for payment of contributions prior to DC as per ministerial direction.	HWLE	KMG-928146	Class 1 Appeal - Deemed refused shop top. Land & Environment Court Proceedings 2019/86793. DA 2018/430. WCC ats UT.	26/03/2019	Refusal	Refusal	\$86,358	\$23,173	\$109,531	\$141,531	\$141,531	\$32,000	
16 Warners Av	JM	Class 1 proceedings - deemed refusal of boarding house. Judgement in favour of Council 28 Jan 2020, appeal dismissed. Letter seeking agreement on costs sent 24/2/2020. Email response on 7 March 2020 seeking breakdown of costs claimed. Counter offer of \$30,000 accepted. Awaiting payment into trust.	HWLE	KMG-900017	Class 1 Appeal - Land & Environment Court Proceedings 2018/00243887. DA 2018/191.	10/08/2018	Refusal	Refusal	\$125,821	\$566	\$126,387	\$127,887	\$127,887	\$1,500	Expecting recovery cost
678 Willoughby Rd	AV	Full hearing on 23-25 March 2021.	HWLE	KMG-931189	Class 1 Appeal against refusal of 80 place Childcare centre - Land & Environment Court Case 19/112220 - DA 2019/12	15/04/2019	Refusal	Refusal	\$51,828	\$57,118	\$108,946	\$133,946	\$133,946	\$25,000	
<b>Total - Land and Environment Court</b>										<b>\$363,498</b>	<b>\$256,823</b>	<b>\$620,321</b>	<b>\$913,882</b>	<b>\$913,882</b>	<b>\$293,562</b>
<b>LOCAL COURT</b>															
		MT	Matter listed for mention on 23 November 2020 at the Downing Centre Local Court. Sentence delivered on same date, defendant ordered to pay Council legal fees.	Lindsay Taylor Lawyers	WCC20008	WCC ats Peter Lewis Batchem re Companion Animals Control Order	7/08/2020		\$0	\$6,064	\$6,064	\$6,064	\$6,064	\$0	
		MT	The Magistrate dismissed this matter at a Hearing on 9 December 2020. The matter involves a complex legal framework and some ambiguity. Council may appeal the court's determination but it has been decided not to pursue the matter. The matter is now closed.	Lindsay Taylor Lawyers	WCC20002	WCC ats Canley Enterprises Pty - Breach of Heavy Vehicles Law	15/05/2020		\$2,130	\$8,052	\$8,182	\$15,000	\$15,000	\$6,818	
58	Minnimura Road Northbridge	MT	Advice provided on 12 August 2020. Matter Closed.	Lindsay Taylor Lawyers	WCC20007	Council's Powers of Entry into Private Property	30/07/2020		\$0	\$2,867	\$2,867	\$3,300	\$3,300	\$434	
		MT	The defendant was convicted and sentenced on 15 October, 2020. Court ordered the defendant to pay five (5) Fines and \$2,000 toward Council's legal costs. Matter is now closed.	WWSB	AH-SB 220037	WCC ats Fortune Place Chinese Restaurant PL			\$0	\$850	\$850	\$0	\$0	\$0	
56	Kameruka Rd	MT	Matter Ongoing	WWSB	KW-SB 219332	WCC ats Mishra - Failure to demolish building			\$0	\$1,119	\$1,119	\$0	\$0	\$0	
		MT	Council prosecuted the matter on 5 November, 2020 and the court ordered the defendant to pay two (2) Fines and contribute \$2,500 toward Council's legal costs. Matter is now closed.	WWSB	KW-SB 220221	WCC ats Michael Leamont (Leamont Constructions) Offence, Polluting water, under S120 of the Protection of Environment Op Act -	17/07/2020		\$0	\$2,954	\$2,954	\$0	\$0	\$0	
		MT	Matter Closed	WWSB	KW-SB 220273	WCC ats Lancelot Pty Ltd - Breach of Condition 12 of Development Consent	9/09/2020		\$0	\$1,602	\$1,602	\$0	\$0	\$0	
		MT	Matter Closed	Chatswood Law	88259	WCC ats Pivient Super Strategies Pty Ltd. Breach of use of Mobility Parking Scheme Card			\$0	\$3,636	\$3,636	\$0	\$0	\$0	
<b>Total - Local Court</b>										<b>\$2,130</b>	<b>\$24,944</b>	<b>\$27,074</b>	<b>\$24,364</b>	<b>\$24,364</b>	<b>\$7,251</b>
<b>MISCELLANEOUS LEGAL SERVICES</b>															

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Legal Expenses -Planning and Infrastructure

ATTACHMENT 2

Address	WCC Officer	Status	Solicitor	Solicitors Ref.	Matter	Date Solic. engaged	CL decis.	Staff Rec.	Fees Pd Yrs	Paid Jul 20- Jun 21	Total Costs to date	Solic.Est (excl. barrister/consult.)	Council's revised Estimate	Bal to be Paid	Total Ltd Legal Cost Recovery
		Client File	HWLE	KMG-503026							\$32	\$32			
			Illion	941007545	Company extract Pasagard Cuisine						\$33	\$33			
			Illion		Business Verification report - Strata Plan 43919						\$12	\$12			
			Illion		Company searches						\$214	\$214			
<b>Total - Miscellaneous Legal Services</b>										<b>\$0</b>	<b>\$291</b>	<b>\$291</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>ADVICE</b>															
27	Strathallen Ave Channel Nine Site	CM	DA 2020/96 - Determined - application approved subject to conditions.	HWLE	KMG-992658	Advice regarding rear lanes (driveway)				\$0	\$2,123	\$2,123			
				MC	PXV-135728	Review and Advice on Planning Agreement	9/04/2020			\$0	\$954	\$954			
211	Pacific Highway - Gore Hill park			HWLE	KMG-987478	Advice re draft Deed of Agreement				\$0	\$1,636	\$1,636			
	Gore Hill Park	JS	Deed for Construction Works executed by the parties	HWLE	KMG-987534	Proposer to carry out Works upon the Public Carpark in Gore Hill park for International Chinese School -				\$0	\$19,829	\$19,829			
	Gore Hill Technology Park	NS	Council to Finalise statement of evidence. Ongoing case management	Lindsay Lawyers	WCC18001	Advice regarding costs provided to Council 12 March 2020. Further advice provided on 18 June 2020. Awaiting any further instructions.	10/05/2016			\$81,904	\$2,053	\$83,957			
2-6	Kooronga Road		Awaiting further instructions from Council.	HWLE	BSO-1001881	Advice and assistance in the interpretation of conditions of consent requiring registration of easements over adjoining land	6/08/2020				\$1,510	\$1,510			
142	Deepwater	MF	Documents being reviewed and legal advice is being prepared. The legal advice is due to be provided to Council in February, 2021.	HWLE	KMG-1005028	Advice regarding potential Class 4 - WCC at Korosh and Saoussan Imani - Site currently has a third occupancy without Development Consent. Applications lodged to regularise the works but were refused by Council.	24/08/2020				\$869	\$869			
<b>Total - Advice</b>										<b>\$81,904</b>	<b>\$28,973</b>	<b>\$110,876</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



QUARTERLY BUDGET REVIEW 2020/2021 - DECEMBER QUARTER

Legal Expenses -Planning and Infrastructure

ATTACHMENT 2

Address	WCC Officer	Status	Sollicitor	Sollicitors Ref.	Matter	Date Solic. engaged	CL decis.	Staff Rec.	Fees Pd Prv Yrs	Paid Jul 20- Jun 21	Total Costs to date	Solic.Est (excl. barrister/consult.)	Council's revised Estimate	Bal to be Paid	Total ltd Legal Cost Recovery
									Prv Yrs <sup>2</sup>	Actual	Bud Ytd	Bud Tot			
									Total - Land and Environment Court	\$363,488	\$256,823				
									Total - Local Court	\$2,130	\$24,944				
									Total - Miscellaneous Legal Services	\$0	\$291				
									Total - Advice	\$81,904	\$28,973				
									<b>July 2020 to Dec 2020 Total Expenditure</b>	<b>\$447,531</b>	<b>\$311,030</b>				
									Other Corporate Legal Expense	\$81,878					
									<b>Total - ALL Expenditure</b>	<b>\$392,908</b>	<b>\$383,240</b>	<b>\$84,159</b>			
									<u>Other Corporate Legal Expenses</u>						
									Mayor & Council	\$0					
									Governance & Policy Admin	\$63,113					
									The Concourse - Venue Management	\$8,711					
									Property Services	\$3,935					
									Culture & Leisure	\$0					
									People & Culture	\$8,120					
									Traffic & Transport	\$0					
									Rates and Revenue Collection	\$0					
									<b>Total</b>	<b>\$81,878</b>					
									* Note: The figures only include the total legal costs of previous years for the listed cases of this report						

QUARTERLY BUDGET REVIEW 2020/2021 - DECEMBER QUARTER

ATTACHMENT 3.1

## THE CONCOURSE FINANCIALS

Income Statement for the period 1 July 2020 to 31 December 2020				Statement of Financial Position as at 31 December 2020		
	2020/2021	2019/2020	YTD Comparison		2020/2021	2019/2020
	31-Dec-20	31-Dec-19	FY 2021 vs FY 2020		31-Dec-20	31-Dec-19
	Actual \$	Actual \$	Increase / (Decrease)		Actual \$	Actual \$
<u>Income from Continuing Operations</u>				<u>Current Assets</u>		
Rates & annual charges	500,000	1,100,000	(600,000)	Investment securities	14,828,750	17,214,062
Users charges & fees	216,883	580,300	(363,417)	Receivables	1,718,607	250,026
Interest on Investments	107,300	157,190	(49,890)	Other Assets	-	15,777
Other revenues	1,684,157	2,208,046	(523,889)	Total Current Assets	16,547,357	17,479,865
Grants & contributions - non capital purposes	-	254,606	(254,606)	<u>Non-Current Assets</u>		
Total Income from Continuing Operations	2,508,341	4,300,142	(1,791,802)	Property, Plant & Equipment	281,321,440	270,071,655
<u>Expenses from Continuing Operations</u>				Investment Properties	53,532,850	49,902,854
Employee Costs	1,281,432	1,604,191	(322,759)	Total Non-Current Assets	334,854,290	319,974,509
Materials & Contracts	150,891	322,066	(171,175)	<u>TOTAL ASSETS</u>		
Borrowing Costs	643,710	1,032,194	(388,484)		351,401,646	337,454,375
Depreciation & Amortisation	1,822,515	1,764,431	58,084	<u>Current Liabilities</u>		
Other Operating Expenses	2,016,563	2,099,719	(83,156)	Payables	252,888	359,689
Total Expenses from Continuing Operations	5,915,112	6,822,601	(907,489)	Interest bearing liabilities*	1,097,722	1,057,236
Surplus (deficit) from Ordinary Activities before Revenue for Capital Purposes	(3,406,771)	(2,522,458)	(884,313)	Provisions	945,016	1,034,739
Grants & contributions - capital purposes	-	-	-	Total Current Liabilities	2,295,627	2,451,664
Surplus (deficit) from Ordinary Activities	(3,406,771)	(2,522,458)	(884,313)	<u>Non-Current Liabilities</u>		
				Interest bearing liabilities*	36,847,561	37,789,497
				Provisions	15,859	14,850
				Total Non-Current Liabilities	36,863,419	37,804,347
				<u>TOTAL LIABILITIES</u>		
					39,159,046	40,256,010
				<u>NET ASSETS</u>		
					312,242,601	297,198,364
				<u>EQUITY</u>		
				Retained Earnings	239,486,318	242,511,763
				Revaluation Reserve	43,364,753	28,748,529
				Council Subsidy	29,391,530	25,938,072
				Total Equity	312,242,601	297,198,364

\*Note: Interest bearing liabilities include the amortised cost on the \$30M Dexia borrowing. The Dexia payout figure calculated at 31 Dec 2020 was \$52.9M which reflects the additional cost that would be incurred should the loan be terminated early.

QUARTERLY BUDGET REVIEW 2020/2021 - DECEMBER QUARTER

ATTACHMENT 3.2

## THE CONCOURSE BUDGET COMPARISON

Income Statement for the period 1 July 2020 to 31 Dec 2020

	Original Budget 2020-2021 Net Result Surplus / (Deficit)	Original Budget YTD 31 Dec 20 Surplus / (Deficit)	Actuals YTD 31 Dec 20 Surplus / (Deficit)	Comparison Difference Surplus / (Deficit)
The Concourse - Venue Management	(944,240)	(472,120)	(467,025)	5,095
The Concourse - Facility Management	(113,446)	(56,723)	(48,184)	8,539
The Concourse - Precinct Management	(128,682)	(64,341)	(43,313)	21,029
The Concourse - Carpark Management	(67,356)	(33,678)	(62,729)	(29,051)
The Concourse - Retail	3,267,337	1,633,669	1,563,762	(69,907)
The Concourse - Urban Screen	(10,200)	(5,100)	(9,988)	(4,888)
The Concourse - Art Space	17,649	8,825	(1,219)	(10,043)
Century Venues*	-	-	-	-
Net Surplus/(Deficit)	2,021,062	1,010,531	931,306	(79,225)
<b>The Concourse Sub Total - Surplus/(Deficit)</b>				
<b>Before Interest, Depreciation and Overhead Costs</b>	<b>2,021,062</b>	<b>1,010,531</b>	<b>931,306</b>	<b>(79,225)</b>
<u>Interest</u>				
Interest on Loans	(1,533,995)	(766,998)	(733,315)	33,683
Interest on Loan (Amortised Cost)	(725,000)	(362,500)	89,605	452,105
<b>The Concourse Surplus/(Deficit) After Interest</b>	<b>(237,933)</b>	<b>(118,967)</b>	<b>287,596</b>	<b>406,563</b>
<u>Surplus (deficit) from Ordinary Activities before Revenue for Capital Purposes</u>				
Depreciation (excl Library)	(2,610,448)	1,305,223.95	(1,305,224)	-
Overhead Costs (excl Library)	(435,393)	(217,697)	(203,785)	13,912
<u>Other Income</u>				
CBD Rates and Compliance	1,000,000	500,000	500,000	-
Fair Value on Investment Properties	1,000,000	-	-	-
Interest on Investments	247,102	123,551	107,300	(16,251)
<b>The Concourse Sub Total - Surplus/(Deficit) before Capital Contributions</b>	<b>(1,036,672)</b>	<b>(1,018,336)</b>	<b>(614,113)</b>	<b>404,223</b>
Other Capital Contributions	-	-	-	-
<b>The Concourse Sub Total - Surplus/(Deficit) after Capital Contributions</b>	<b>(1,036,672)</b>	<b>(1,018,336)</b>	<b>(614,113)</b>	<b>404,223</b>
<u>Library Services</u>				
Library Services	(3,986,982)	(1,993,491)	(1,903,835)	89,656
Depreciation	(1,034,581)	(517,291)	(517,291)	(0)
Overhead Costs	(864,061)	(432,031)	(371,533)	60,498
<b>The Concourse Surplus/(Deficit) Including Library</b>	<b>(6,922,296)</b>	<b>(3,961,148)</b>	<b>(3,406,771)</b>	<b>554,377</b>

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

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QUARTERLY BUDGET REVIEW 2020/2021 – DECEMBER QUARTER

ATTACHMENT 4

**Crown Reserves - Income and Expenditure**

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

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

<u>Crown Reserve Name:</u>	<b>Income</b>	<b>Expenditure</b>	<b>Surplus (Deficit)</b>
Artarmon Reserve	\$ 12,518	\$ 152,260	\$ (139,742)
Beauchamp Park	\$ 9,824	\$ 141,152	\$ (131,327)
Chatswood Park	\$ 13,871	\$ 374,943	\$ (361,072)
Chatswood Rotary Athletics	\$ -	\$ 510	\$ (510)
Cleland Park	\$ 27,607	\$ 10,678	\$ 16,929
Clive Park	\$ 675	\$ 3,725	\$ (3,050)
Elizabeth Park	\$ -	\$ 50	\$ (50)
Explosives Reserve	\$ -	\$ 12,487	\$ (12,487)
Gore Hill Park	\$ 423,117	\$ 391,523	\$ 31,595
Naremburn Park	\$ 7,088	\$ 30,921	\$ (23,833)
Northbridge Park	\$ 24,037	\$ 100,651	\$ (76,614)
O.H Reid Reserve	\$ -	\$ 2,500	\$ (2,500)
Sailors Bay Park	\$ 5,023	\$ 1,811	\$ 3,212
Talus Street Reserve	\$ 19,666	\$ 8,092	\$ 11,574
Warners Park	\$ -	\$ 500	\$ (500)
Warrane Reserve	\$ -	\$ 2,500	\$ (2,500)
Willoughby Park	\$ 82,500	\$ 349,788	\$ (267,288)
<b>Total Crown Reserves</b>	<b>\$ 625,927</b>	<b>\$ 1,584,091</b>	<b>\$ (958,164)</b>

QUARTERLY BUDGET REVIEW 2020/21 - DECEMBER QUARTER

ATTACHMENT 5

**CY Pres Scheme Reserves as at 31 December 2020**

The combined closing balance of the two Cy Pres Scheme Reserves at 31 December 2020 is \$2.6M.

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

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

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

<u>Financial Summary: Cy Pres Scheme Reserve</u>	<u>Scheme 1</u>	<u>Scheme 2</u>	<u>Total \$</u>
Opening Balance – 1 July 2020	2,765,293	1,005,799	3,771,092
Income - Interest Earned	18,235	6,633	24,868
Expenditure - Legal Expenses	0	0	0
Project Expenditure	(1,208,919)	-	(1,208,919)
Closing Balance – 31 December 2020	<u>\$1,574,609</u>	<u>\$1,012,432</u>	<u>\$2,587,041</u>

YTD Developer Contributions by Location										Developer Contributions over \$10,000 during the December Quarter			
Location	S94A CBD	S94 Non/CBD	Open Space Recreation	Community Facilities	Recreation Facilities	Active Transport & Public Domain	Plan Administration	S7.12 CBD	S7.12 Non/CBD	Development Application Number	Address	Suburbs	Amt \$
Artarmon	-	35,347	-	-	-	-	-	-	96,781	CC/2020/295	238 Eastern Valley Way	NORTH WILLOUGHBY	11,045
Castle Cove	-	-	-	-	-	-	-	-	9,060	DA/2020/121	3 Wyvern Avenue	ROSEVILLE	11,045
Castlecrag	-	20,910	-	-	-	-	-	-	19,233	CC/2020/332	92 Baroona Road	NORTHBRIDGE	11,045
Chatswood	-	20,726	177	3,330	17,315	942	326	-	89,949	CC/2020/368	1310 Greville Street	CHATSWOOD	11,045
Lane Cove	-	-	-	-	-	-	-	-	-	APP/DA-2018	21 Coorabin Road	NORTHBRIDGE	22,753
Middle Cove	-	-	-	-	-	-	-	-	11,340	APP/DA-2019	54 Chandos Street	ST LEONARDS	72,761
Naremburn	-	64,322	89	1,665	8,858	471	163	-	22,848	APP/61/2020	52 Minnamurra Road	NORTHBRIDGE	11,528
North Willoughby	-	8,415	89	1,665	8,858	471	163	-	34,039	CC/301/2020	38 Laurel Street	WILLOUGHBY	10,170
Northridge	-	32,077	89	1,665	8,858	471	163	-	148,038	APP/R7/2020	6 Artarmon Road,	ARTARMON	36,004
Roseville	-	957	89	1,665	8,858	471	163	-	46,440	CC/340/2020	7 Cambridge Street	NORTH WILLOUGHBY	12,573
St Leonards	-	74,562	-	-	-	-	-	-	5,268	APP/51/2020	17 Coolwin Road	NORTHBRIDGE	27,905
Willoughby	-	990	-	-	-	-	-	-	62,218				
<b>YTD Contributions</b>	-	<b>258,308</b>	<b>531</b>	<b>9,890</b>	<b>51,945</b>	<b>2,026</b>	<b>979</b>	-	<b>574,004</b>				

QUARTERLY BUDGET REVIEW 2020/2021 - DECEMBER QUARTER

ATTACHMENT 6

Developer Contributions as at 31 December 2020

**Financial Summary: Developer Contributions**

Opening Balance – 1 July 2020	60,620,036
Income: Interest/Earns	399,760
Core Hill VPA	-
<b>Income: Developer Contributions</b>	<b>-</b>
CBD (S94A)	-
Non CBD (S94A)	258,308
Open Space Recreation (S7.11)	531
Community Facilities (S7.11)	9,890
Recreation Facilities (S7.11)	51,945
Active Transport & Public Domain (S7.11)	2,026
Plan Administration (S7.11)	979
CBD (S7.12)	-
Non CBD (S7.12)	574,004
	1,298,345
Expenditure	(2,038,414)
<b>Closing Balance – 31 December 2020</b>	<b>59,879,967</b>

**Reserve Balances as at 31 December 2020:**

S94	7,165,973
S94A	18,014,724
S7.11	77,940
S7.12	1,382,651
Core Hill	30,126,352
Thomas	2,871,877
Frederick	240,449
<b>Total Reserve Balances</b>	<b>59,879,967</b>

**Comments:**

The balance of Developer Contributions (S7.11/ S7.12/ VPA) Reserves at 31st December is \$59,967. The financial summary shows the opening balance for the year together with income and expenditure for the quarter as well as the closing balance.

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

**15.3 THE CONCOURSE TENANCIES REPORT (TO BE CIRCULATED SEPERATELY)**

**ATTACHMENTS:** 1. IMPLICATIONS

**RESPONSIBLE OFFICER:** LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** LINO DI LERNIA – INTERIM CUSTOMER & CORPORATE DIRECTOR

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

**MEETING DATE:** 8 MARCH 2021

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*The report will be circulated separately.*

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## 15.4 MOTIONS FOR SUBMISSION - NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - 20 - 23 JUNE 2021

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. RATIONALE OF MOTION – COUNCILLOR SAVILLE</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINO DI LERNIA – INTERIM CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CHARLTON – GOVERNANCE, RISK &amp; CORPORATE PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>8 MARCH 2021</b>

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### 1. PURPOSE OF REPORT

To seek consideration of motions for submission to the National General Assembly of Local Government that is being held in Canberra on 20 – 23 June 2021.

### 2. OFFICER'S RECOMMENDATION

That Council:

- 1. Note the upcoming National General Assembly of Local Government on 20-23 June 2021.**
- 2. Consider the following motion:  
That the National General Assembly of Local Government call on the Federal Government to include 'cultural burns' as a means of bushfire management within the National Natural Disasters Arrangements report by the Royal Commission.**

### 3. BACKGROUND

Council considered a report on 8 February 2021, which advised that the National General Assembly (NGA) of Local Government is being held in Canberra on 20 – 23 June 2021; and sought that consideration by Councillors of their attendance and motions for submission.

### 4. DISCUSSION

The theme for the 2021 NGA is "Working Together for Our Communities" which emphasises the importance of partnerships in building and maintaining resilience in councils and our communities.



**Motions**

In brief, to be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally
2. not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic national importance and should be discussed at a national conference
3. be consistent with the themes of the NGA
4. complement or build on the policy objectives of our state and territory local government association
5. be submitted by a council which is a financial member of their state or territory local government association
6. propose a clear action and outcome i.e. call on the Australian Government to do something
7. be a new motion that has not already been debated at an NGA in the preceding two years not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

The rationale for the motion “Cultural Burns” presented by Councillor Saville is attached at **Attachment 2** to the report.

**Attendance**

Councillors Giles-Gidney, Campbell, Eriksson, Rozos and Saville have nominated to attend the conference.

**5. CONCLUSION**

The National General Assembly provides the opportunity for Council to raise motions of importance to our community, LGA and the sector. It is therefore recommended consideration be given to the submission of the motions.

## ATTACHMENT 1

<b>IMPLICATIONS</b>	<b>COMMENT</b>
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	The Governance Team facilitates the attendance of council representatives and submission of motions to the conference.
<b>Policy</b>	Councillors' attendance at conferences is enabled by provisions in Council's policy "Mayor and Councillors – Expenses and Facilities Policy". Section 3.1 deals with attendance at seminars and conferences. Section 3.1.1 notes that the National General Assembly is included in the annual program of conferences, and that attendance is subject to Council selecting its representatives by resolution at an open Council meeting.
<b>Consultation</b>	A report was provided to the February Council Meeting seeking consideration of motions for submission to the conference.
<b>Resource</b>	This process is facilitated by existing resources within the Governance Team.
<b>Risk</b>	Attendance to the National General Assembly provides the opportunity for Council to raise motions of importance to our community and the sector; while providing networking opportunities for Willoughby Councillors.
<b>Legal</b>	There are no legal implications.
<b>Legislation</b>	There are no legislative implications.
<b>Budget/Financial</b>	This is within an approved budget.

**ATTACHMENT 2****NATIONAL LOCAL GOVERNMENT CONFERENCE MOTION – COUNCILLOR LYNNE SAVILLE****Motion**

That the conference supports 'cultural burns' as part of bushfire management.

**Supporting Information Provided by the Councillor on the Motion**

Local governments need the resources and government support to explore relevance, risks and potential benefits from introduction of cultural burns within their LGAs, including funding, training and resources required to implement these practices locally.

Bushfires devastated large areas of Australia from late 2019-to early 2020 during which time 33 people lost their lives, over 1B animals were killed by fire, 12M hectares of national parks, forests and rural lands were burned and 3,094 houses were destroyed.

[https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1920/Quick\\_Guides/AustralianBushfires](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1920/Quick_Guides/AustralianBushfires). Many other people suffered serious injury. The catastrophic bushfires were unprecedented in Australia.

Many local government areas including Willoughby, are endowed with extensive bushland reserves, for which councils are responsible to manage. Indeed, our residents place high value on care and management of these reserves. Many hectares of bushland in local government areas across the Sydney Basin, & NSW generally have been destroyed by bushfire over the years.

Planning is integral to be better prepared for, and reduce risk from future bushfires within many LGA across Australia. This may involve collaboration with RFC, neighbouring LGAs, ROCs, and Aboriginal organisations.

'Cultural burning' as distinct from 'hazard reduction' 'back burning' has been discussed in the media, however there is need for clear strategy and guidance to enable this to occur within LGAs across Australia. The intent of this motion is to initiate such a process.

It has been predicted that bushfires may become more frequent, more extreme, unpredictable and that future bushfire seasons may start earlier and last longer. There is growing interest in 'cultural burning' as part of fire management, based on, & drawing on Aboriginal knowledge and expertise of the practices.

Cultural burning: For tens of thousands of years, Australian flora and fauna evolved in the presence of fire, indeed they depend on it for regrowth and regeneration. Much of this fire was lit by Indigenous Australians who – for at least 50,000 years – lit small fires as they moved around the landscape. This helped them hunt for food, clear pathways and regenerate the bush.

With European settlement came a change to the traditional Indigenous way of life, and burning was interrupted. These fire regimes in concert with waves of invasive species resulted in the dramatic decline of small mammal species as well as some bird, reptile, amphibian and plant species.

Without regular people-lit fires in the cooler months, dry grass builds up and provides fuel for much bigger bushfires caused by lightning at other times of the year. These hotter, larger fires have a devastating effect on vegetation and animals in their path, and they release huge volumes of greenhouse gases into our

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Page 1

atmosphere. ([https://www.natureaustralia.org.au/what-we-do/our-priorities/climate-change/climate-change-stories/fighting-fire-with-fire/?gclid=EAlaIqobChMImrPD7L6J6QIV2I2PCh1MRAIQEAAYASACEglqrfD\\_BwE](https://www.natureaustralia.org.au/what-we-do/our-priorities/climate-change/climate-change-stories/fighting-fire-with-fire/?gclid=EAlaIqobChMImrPD7L6J6QIV2I2PCh1MRAIQEAAYASACEglqrfD_BwE))

For thousands of years, the Aboriginal people of Australia have been following their cultural practices including the use of fire to care for their Country. 'Cultural Burning' is a contemporary term used to define this traditional practice.

Cultural Burning practices were developed by Aboriginal people to enhance the health of the land and its people. It includes burning (or prevention of burning) for the health of particular plants and animals. It may involve patch burning to create different fire intervals or be used specifically for fuel and hazard reduction purposes. Fire may be used to gain better access to country, to clean pathways, control invasive weeds or to maintain cultural responsibilities.

Cultural Burning involves the application of culturally informed knowledge and ecologically sensitive techniques in the use of fire that are appropriate for the diverse range of landscapes and ecosystems that exist in Australia.

Koori Country Firesticks Aboriginal Corporation is an organisation that practices and passes on the knowledge of traditional burning and reviving these ancient techniques of caring for Country (Our Mother Earth) in NSW. This knowledge and these skills have been shared by Aboriginal Elders of Country where the traditions of burning have been handed down by their ancestors. (<http://www.walkaboutpark.com.au/aboriginal-culture/cultural-burning>)

***For thousands of years, the Indigenous people of Australia set fire to the land.***

Long before Australia was invaded and colonised by Europeans, fire management techniques - known as "cultural burns" - were practiced.

The cool-burning, knee-high blazes were designed to happen continuously and across the landscape. The fires burn up fuel like kindling and leaf detritus, meaning a natural bushfire has less to devour.

Since Australia's fire crisis began last year, calls for better reintegration of this technique have grown louder. But it should have happened sooner, argues one Aboriginal knowledge expert. "The bush needs to burn," says Shannon Foster, a knowledge keeper for the D'harawal people - relaying information passed on by her elders - and an Aboriginal Knowledge lecturer at the University of Technology Sydney (UTS). (<https://www.bbc.com/news/world-australia-51043828>)

***Indigenous fire practitioners have warned that Australia's bush will regenerate as a "time bomb" prone to catastrophic blazes, and issued a plea to put to use traditional knowledge which is already working across the top end to reduce bushfires and greenhouse gas emissions.***

"This is a time bomb ticking now because all that canopy has been wiped out," says Oliver Costello of the national Indigenous Firesticks Alliance. "A lot of areas will end up regenerating really strongly, but they'll return in the wrong way. We'll end up with the wrong species compositions and balance.

"That's why we need to get Indigenous fire practices out into the landscape in the coming months, to start to read the country and look at areas that need restoration burning in the short term." As Australia comes to terms with this season's catastrophic fires, Indigenous practitioners like Costello are advocating a return to "cultural burning".

What is cultural burning? Small-scale burns at the right times of year and in the right places can minimise the risk of big wildfires in drier times, and are important for the health and regeneration of particular plants and animals.

Different species relate to fire in different ways, Costello explains. Wombats, for example, dig burrows to escape, while koalas climb into the canopy.

“When you understand the fire relationships they have, their own fire culture, then you are really applying the right fire for that culture so that you’re supporting the identity of that place. “When you do that, you get more productive landscapes, you get healthier plants and animals, you get regeneration, you discourage invasive elements, which are sometimes native species that might belong in the system next door.

“It’s so important to apply that right fire for right country, so you can maintain the right balance.” (<https://www.theguardian.com/australia-news/2020/jan/19/right-fire-for-right-future-how-cultural-burning-can-protect-australia-from-catastrophic-blazes>)

*Other helpful references include:*

- <https://indigenousx.com.au/cultural-burning-is-about-more-than-just-hazard-reduction/>  
Shaun Hooper
- <https://www.abc.net.au/news/2020-01-30/aboriginal-cultural-burning-funding-for-bushfire-mitigation/11910464>
- <https://www.abc.net.au/news/2020-01-09/indigenous-cultural-fire-burning-method-has-benefits-experts-say/11853096>
- <http://albuquerque.firebehaviorandfuelsconference.com/wp-content/uploads/sites/13/2019/04/Michelle-McKemey-Sydney.pdf>

## 15.5 LEGAL SERVICES REPORT MARCH 2021

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. LEGAL SERVICES REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINO DI LERNIA – INTERIM CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CHARLTON – GOVERNANCE, RISK &amp; CORPORATE PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>8 MARCH 2021</b>

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### 1. PURPOSE OF REPORT

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

### 2. OFFICER'S RECOMMENDATION

**That Council receive the legal services report for March 2021.**

### 3. BACKGROUND

On 9 March 2020, Council resolved:

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

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

### 4. DISCUSSION

The report 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.
  - 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
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	The provision of a monthly report is related to the work undertaken by the Legal Counsel and the Governance, Risk and Corporate Planning team.
<b>Policy</b>	This report is produced pursuant to a resolution of Council.
<b>Consultation</b>	Internal consultation is undertaken to produce the report.
<b>Resource</b>	Provided from within existing staff resources and from reports provided by external legal providers.
<b>Risk</b>	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.
<b>Legal</b>	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.
<b>Legislation</b>	<p>On 25 March 2019 Council resolved to delegate to the Chief Executive Officer the functions of the Council under the <i>Local Government Act 1993</i> and any other legislation conferring functions on the council, with the exception of functions which are required by legislation to be performed by the governing body of the Council and certain other matters specified in the instrument of delegation.</p> <p>The function and or actions proposed to be exercised by the Chief Executive Officer in this report are not specified in the restrictions or limitations of the instrument of delegation and as such the Chief Executive Officer has authority to exercise the proposed function or action.</p> <p>In accordance with this delegation the Chief Executive Officer is authorised to manage litigation and claims.</p>
<b>Budget/Financial</b>	This is within approved budget.



## ATTACHMENT 2

## Current Litigation and Claims

## Report March 2021

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

Court or Tribunal /Matter No or Ref	Counter Party	Type of Matter	Status last month	Status this month	Law firm/ counsel engaged	Comments last month	Comments this month
NSW Civil & Administrative Tribunal (NCAT) 2020/00004227	Mr John Hooper	Review of GIPA determination with respect to fees and extent of material to be provided.	Council is yet to receive the Tribunal's decision.	No Change	Lindsay Taylor Lawyers	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.	No Change
NCAT /2020/00070133	Mr Stuart Coppock	Review of GIPA determination.	Council is yet to receive the Tribunal's decision.	No Change	Lindsay Taylor Lawyers	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.	No Change

NOTE: Text in colour highlighting shows updated information since last report

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

Court /Matter No or Ref	Counter Party	Type of Matter	Status last month	Status this month	Law firm/ counsel engaged	Insurer	Comments last month	Comments this month
NSW District Court – 2019/00096207	Mr John Hooper	Defamation proceedings.	Case was before the Court for directions on the 10 December 2020. As parties cannot agree on categories of documents for discovery a hearing has been set for 18 February 2021.	A dispute over the scope of documents which must be disclosed between the parties was listed for hearing before the Court on 18 February 2021. The hearing was deferred to allow further documents to be filed and for documents not in dispute to be produced. The matter is listed for further directions on 1 April 2021.	RGS Lawyers appointed by Council's insurers	StateWide Mutual	As parties cannot agree on categories of documents for discovery a hearing has been set on 18 February 2021.	The 18 February 2021 hearing was deferred to allow further documents to be filed and for documents not in dispute to be produced. The matter is listed for further directions on 1 April 2021.

NOTE: Text in colour highlighting shows updated information since last report

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Matter No or Ref	Counter Party	Type of Matter	Status last month	Status this month	Law firm/ counsel engaged	Insurer	Comments last month	Comments this month
N/A	BAMM Medical Centres Pty Ltd- BAMM Group	Lease dispute with tenant.	Council is seeking information to assess BAMM's eligibility for rent relief.	BAMM has yet to supply the requested information and negotiations are continuing.	Pikes & Verekers	N/A	Negotiations are continuing.	No change.

NOTE: Text in colour highlighting shows updated information since last report

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Matter No or Ref	Counter Party	Type of Matter	Status last month	Status this month	Law firm/ counsel engaged	Insurer	Comments last month	Comments this month
Federal Court – NSD215/2019	Lead Plaintiffs The Owners – Strata Plan No 87231 v 3A Composites GmbH & Halifax Vogel Group Pty Ltd, Federal Court of Australia, Proceeding number NSD215/2019 (“Alucobond Combustible Cladding Class Action”)	Council is participating as a Funded Group Member in the Alucobond Combustible Cladding Class Action in relation to Alucobond installed at The Concourse.	Lead plaintiff actions are still progressing through the preliminary stages.	No change.	William Roberts Lawyers instructed by litigation funders Omni Bridgeway (Previously IMF Bentham).	N/A	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.	No change.

NOTE: Text in colour highlighting shows updated information since last report

## 3. Compliance actions and prosecutions

Matter No or Ref	Counter Party	Type of Matter/ Property	Status last month	Status this month	Law firm/ counsel	Comments last month	Comments this month
Land & Environment Court – 2020/00123138	Champion & Seeto	Class 1 appeal 4 Hollywood Crescent, North Willoughby.	Following the Court allowing Council and the owner to consult and agree on a suitable colour and treatment for the roof a Section 34 Conference was held on 22 July 2020. No agreement was reached. The matter is scheduled for hearing on 8-9 February 2021.	Section 34 Conference with Land & Environment Court of NSW with agreement for a modified Development Control Order.	HWL Ebsworth - David Gunter.	Appeal against Council's Development Control Order.	Modified Development Control Order period of compliance is sixty (60) days.

NOTE: Text in colour highlighting shows updated information since last report

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## 4. Planning Appeals

Matter No or Ref	Counter Party	Type of Matter/ Property	Status last month	Status this month	Law firm/ counsel engaged	Comments last month	Comments this month
Land & Environment Court – 2020/00173203	Yi Feng	Class 1 appeal deemed refusal at 84A Hampden Road, Artarmon.	Conciliation Conference terminated as resolution not reached. Hearing set down for March 2021.	No change.	Lindsay Taylor Lawyers	No comment.	No change.
Land & Environment Court – 2019/112220	Edward Doueihy	Class 1 appeal against refusal of 80 place child care centre 678 Willoughby Road, Willoughby.	Matter listed for conciliation conference on 12 December 2019 and held, conciliation terminated. Listed for hearing on 23, 24 and 25 March 2021.	No change.	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.	No change.
Land & Environment Court – 2019/ 260878	Daryoush Litkouhi and Homira Bezanehtak	Class 1 appeal 233 Edinburgh Road, Castlecrag.	Awaiting outcome of S34 Conciliation Conference.	No change.	HWL Ebsworth - JP Merlino.	Was initially an appeal against deemed refusal. WLPP approved the application. The applicant subsequently amended the Appeal opposing conditions imposed by WLPP.	No change.

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Matter No or Ref	Counter Party	Type of Matter/ Property	Status last month	Status this month	Law firm/ counsel engaged	Comments last month	Comments this month
Land & Environment Court – 2020/160587	Luxeco Property Pty Ltd	Class 1 appeal deemed refusal for townhouse development at 82-86 Eastern Valley Way, Willoughby.	Conciliation Conference was held on 14 September 2020 without resolution. The Registrar has completed submissions and the matter is listed for hearing on 2 and 3 March 2021.	No change.	McCabe Curwood	Statement of Facts and Contentions to be filed 28 July 2020.	No change.
Land & Environment Court – 2020/155414	Bridgelane Property 16 Pty Ltd	Class 1 appeal deemed refusal at 3 The Postern, Castlecrag.	The Applicant filed a motion seeking leave to amend its application, which was submitted on 1 October 2020. The matter is listed for a full hearing on 16 March 2021.	No change.	Maddocks lawyers	No comment.	No change.
Land & Environment Court – 202000270766	Thirdi Group Castle Cove Pty Ltd	Class 1 Appeal against refusal of seniors living development at 12 and 19 Amaroo Crescent Castle Cove.	The conciliation conference is listed for 1 April 2021 with a second directions hearing on 8 April 2021.	No change.	HWL Ebsworth	No comment.	No change.

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**PLANNING & INFRASTRUCTURE DIRECTORATE****15.6 COUNCIL SUBMISSION - BEACHES LINK AND GORE HILL FREEWAY CONNECTION PROJECT ENVIRONMENTAL IMPACT STATEMENT**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. DRAFT COUNCIL SUBMISSION ON EIS (INCLUDED IN ATTACHMENT BOOKLET) 3. COMMUNITY SENTIMENT – ANALYSIS REPORT (INCLUDED IN ATTACHMENT BOOKLET)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – ACTING PLANNING AND INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANDREW GILLIES – STRATEGIC TRANSPORT PLANNER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.1 ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 2.4 REDUCE PARKING AND TRAFFIC CONGESTION 5.2 DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES</b>
<b>MEETING DATE:</b>	<b>8 MARCH 2021</b>

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**1. PURPOSE OF REPORT**

To seek Council endorsement of the attached draft submission to the Department of Planning, Industry and Environment on the Environmental Impact Statement for the Beaches Link and Gore Hill Freeway Connection project.

**2. OFFICER'S RECOMMENDATION**

**That Council endorse the submission to the Department of Planning, Industry and Environment on the Environmental Impact Statement for the Beaches Link and Gore Hill Freeway Connection project.**

**3. BACKGROUND**

Council endorsed a submission on the Environmental Impact Statement (EIS) for the Western Harbour Tunnel and Warringah Freeway Upgrade (WHT/WFU) at its meeting of 20 April 2020. The WHT/WFU project was approved by the Minister for Planning and Public Spaces on 21 January 2021.

The EIS for the Beaches Link and Gore Hill Freeway Connection (BL/GHFC) project was released on 9 December 2020 with the exhibition period closing on 1 March 2021. Officers have sought an extension to 15 March 2021 which has been granted.

Briefings were held by the Transport for NSW project team on the WHT/WFU project with the Mayor Giles- Gidney, Chief Executive Officer and relevant Council staff on 4 November 2020, and subsequently on the BL/GHFC project on 18 November 2020. A further briefing was provided to Councillors on 10 December 2020 regarding the BL/GHFC.



This report presents Council's draft submission on the Environmental Impact Statement for the Beaches Link and Gore Hill Freeway Connection project for Council's review and endorsement.

#### 4. DISCUSSION

The Western Harbour Tunnel and Beaches Link (WHT/BL) program of works ('the Program') comprises two separate but related projects:

- *The Western Harbour Tunnel and Warringah Freeway Upgrade (WHT/WFU)* project comprises a new motorway tunnel connection across Sydney Harbour, and an upgrade of the Warringah Freeway to integrate the new motorway infrastructure with the existing road network; and
- *The Beaches Link and Gore Hill Freeway Connection (BL/GHFC)* project comprises a new motorway tunnel connection across Middle Harbour from the Warringah Freeway and Gore Hill Freeway to the Burnt Bridge Creek deviation at Balgowlah and Wakehurst Parkway at Killarney Heights. The project also includes a surface upgrade of Wakehurst Parkway from Seaforth to Frenchs Forest and upgrade and integration works to connect to the Gore Hill Freeway and Reserve Road at Artarmon.

The Program is being led by Transport for NSW (TfNSW) as the proponent.

The submission in **Attachment 2** is structured in line with the 28 chapters of the Beaches Link and Gore Hill Freeway Connection project EIS. Under the section for each chapter of the EIS, key issues are listed in the left column, comments and discussion are provided in the middle column, and Council staff recommendations to address the issues (or mitigate the impacts) are listed in the right column.

The most significant issues and concerns arising from a review of the BL/GHFC EIS include:

- **Strategic context and project need** including the lack of publicly available Business Case to justify the project.
- **Environmental impacts** including vegetation removal, biodiversity impacts, groundwater, water quality, flooding and potentially contaminated land.
- **Dredging & sediment** disturbance in Middle Harbour including construction methodologies for coffer dams and tunnel units.
- **Air quality** including ventilation stacks, public health and real-time monitoring.
- **Construction** including impacts on Council assets, noise, dust, vibration and construction traffic.
- **Operational traffic impacts** especially in and around Artarmon / Reserve Road once the project is completed.
- **Active and public transport** including detours during construction and adequate facilities provision, post-construction.
- **Property** impacts including property acquisition in the Artarmon industrial area.
- **Social and economic** impacts including the loss of part of Flat Rock Reserve and business impacts in the Artarmon industrial area.
- **Heritage** impacts on Aboriginal and non-Aboriginal sites including Clive Park, Northbridge.

- **Site reinstatement** and future options for the Flat Rock Drive temporary construction site, post-construction.

### **Community sentiment**

TfNSW is the agency responsible for community consultation on the BL/GHFC project. However, Council staff conducted a poll of community sentiment on the *Have Your Say* section of Council's website. The poll question was: *"Do you support the proposed Beaches Link and Gore Hill Freeway Connection?"*

The poll sought to understand the diversity of community views on the project to inform Council's submission. It was not intended to be a consultation process of behalf of Transport for NSW, nor is it statistically valid.

**Attachment 3** contains the results of the poll. There were 274 responses to the poll. Overall, 73% of respondents opposed the BL/GHFC project and 27% were in support. Of the 27% in support, 15% supported the project as it is currently proposed, while the remaining 12% supported the project if changes were made.

Staff also held a virtual meeting with local Progress Associations on 2 February 2021 to understand and incorporate their key issues into the submission.

## **5. CONCLUSION**

The Western Harbour Tunnel and Beaches Link Program is a city-shaping project that, if built, will have significant traffic and transport, environmental, social and economic impacts on the Willoughby community. Following the recent approval of the Western Harbour Tunnel and Warringah Freeway Upgrade project, the Beaches Link and Gore Hill Freeway Connection project is now under assessment by the Department on Planning, Industry and Environment. Council staff have drafted a submission on the EIS as contained in **Attachment 2**.

This submission identifies key issues and presents the results of a community poll. It is recommended that TfNSW (as the Proponent) and the Department of Planning, Industry and Environment (as the assessment/consent authority) address these issues in the Response to Submissions, prior to any project approval and on an ongoing basis.

<b>IMPLICATIONS</b>	<b>COMMENT</b>
<b>City Strategy Outcome</b>	2.1 Enhance transport choices and connections throughout the city 2.4 Reduce parking and traffic congestion 5.2 Demonstrate leadership and advocacy for local priorities
<b>Business Plan Objectives, Outcomes/ Services</b>	Clear and defensible planning documents to provide a framework for future planning and development decisions.
<b>Policy</b>	<i>Our Future Willoughby 2028 – Community Strategic Plan (CSP)</i> <i>Willoughby City Local Strategic Planning Statement (LSPS)</i> <i>Willoughby Integrated Transport Strategy (ITS) 2036</i> <i>Our Green City Plan 2028 – Sustainability Action Plan for Willoughby City Council</i>
<b>Consultation</b>	Cross-divisional discussions across various Business Units, proactive discussion with Progress Associations and Community polling via <i>Have Your Say</i> on Council's website.  Council staff attended virtual information sessions run by the TfNSW project team. Council's Environment unit also had meetings and discussions with relevant members of the TfNSW project team and Northern Beaches Council to discuss key environmental issues.
<b>Resource</b>	Internal Council staff including strategic planning, traffic and transport, environment, compliance and community engagement
<b>Risk</b>	Poor planning outcomes into the future Impacts on Willoughby's local centres, transport network and environment Inadequate community input regarding liveability, health and wellbeing
<b>Legal</b>	There are no legal issues arising from this report.
<b>Legislation</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>Budget/Financial</b>	The submission has been prepared within existing staff budgets

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**15.7 APPOINTMENT OF PANEL MEMBER - SYDNEY NORTH PLANNING PANEL****ATTACHMENTS: 1. IMPLICATIONS****RESPONSIBLE OFFICER: CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR****AUTHOR: IAN ARNOTT – PLANNING MANAGER****CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO****MEETING DATE: 8 MARCH 2021**

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**1. PURPOSE OF REPORT**

To seek Council endorsement to request the Department of Planning, Industry and Environment to appoint a second alternate Council expert representative to the Sydney North Planning Panel through to June 2021.

**2. OFFICER'S RECOMMENDATION**

**That Council request the Department of Planning, Industry and Environment to appoint Mr James Harrison as Council's second alternate expert representative on the Sydney North Planning Panel through to 30 June 2021.**

**3. BACKGROUND**

Council at its meeting of 8 February 2021, considered a report in respect to Council appointments to State and Regional Planning Panels. Council resolved at this meeting to retain existing representatives for the Sydney North Planning Panel (SNPP) through to June 2021. At least one Council representative on the SNPP is required to have expertise in planning or a nominated related profession. Council's current representatives on the SNPP are the Mayor, with the alternate being the Deputy Mayor and Ms Linda McClure, with the alternate being Ms Norma Shankie-Williams. SNPP members, including Council representatives are paid by the Department of Planning, Industry and Environment (DPIE).

The DPIE has issued advice through email on 18 February 2021, that both Linda McClure and Norma Shankie-Williams have declared a conflict of interest in a matter scheduled to be considered in April. The nature of the conflict relates to past involvement in the proposal. DPIE has advised of its willingness to appoint an alternate member so that the Council can have full representation for consideration of the application. It has also indicated that such an appointment can remain as an alternate should future need arise.

It is recommended that Council take this opportunity to nominate a second alternate expert representative for the SNPP through to June 2021.

#### 4. DISCUSSION

Having regard to time constraints for full representation on the upcoming panel meeting, officers contacted Mr James Harrison to ascertain his willingness to represent Council in this capacity. Mr Harrison was chosen to be approached having regard to his previous association with Council through the Willoughby Local Planning Panel (WLPP) and his likely availability due to his recent retirement from full time employment. He has indicated his willingness to undertake the role should Council so desire.

Mr Harrison has been an expert member of the WLPP since its inception in 2018 and has performed these duties in a considered and professional manner. He is a Fellow of the Planning Institute of Australia with over 35 years of professional experience in both consultancy and at the highest level of a major Metropolitan Council. James has recently retired as a Director of Ethos Urban, a position he has held for the past 17 years, and prior to that Director of Planning and Building at South Sydney Council for nine years. His expertise includes managing and leading teams of professionals on a broad range of planning projects including Local Environmental Plan preparation, master plans, Major Projects under Part 3A, State Significant Development Proposals, negotiating Voluntary Planning Agreements, due diligence advice and being a town planning expert in proceedings in both the Land and Environment Court and Supreme Court on planning matters and land compensation claims.

As Council has been provided with an opportunity to request appointment beyond just one meeting it is desirable to provide for a second alternate expert representative through to June 2021 should a similar scenario arise. In accordance with the resolution of Council on 8 February 2021, a further report will be forwarded to Council prior to June in respect to ongoing appointments to both the WLPP and SNPP post June 2021.

It is recommended that Council request the DPIE to appoint Mr James Harrison as Council's second alternate expert representative for the Sydney North Planning Panel (SNPP) through to 30 June 2021.

#### 5. CONCLUSION

Council's expert representative on the Sydney North Planning Panel (SNPP), Ms Linda McClure and alternate representative Ms Norma Shankie-Williams have both declared a conflict of interest in an upcoming proposal. The Department of Planning, Industry and Environment (DPIE) have invited Council to nominate a second alternate representative to enable Council to have full representation. It has also indicated that such appointment can remain as an alternate should future need arise.

It is recommended that to ensure full representation from Council that Council resolve to request the DPIE to appoint Mr James Harrison as the alternate Panel Member on the SNPP through to June 2021. Mr Harrison has been a valued member of the Willoughby Local Planning Panel (WLPP) since 2018 and is available due to his recent retirement from full time work.

## ATTACHMENT 1

<b>IMPLICATIONS</b>	<b>COMMENT</b>
<b>City Strategy Outcome</b>	5.1 Be honest, transparent and accountable in all that we do.
<b>Business Plan Objectives, Outcomes / Services</b>	This is a requirement of the <i>Environmental Planning and Assessment Act 1979</i> .
<b>Policy</b>	This report has no policy implications.
<b>Consultation</b>	Internal discussion and assessment of procedure relating to advice received.
<b>Resource</b>	This report generates no resource implications.
<b>Risk</b>	Risks associated with running the Sydney North Planning Panel without full representation from Willoughby Council.
<b>Legal</b>	This is a legal requirement for all councils.
<b>Legislation</b>	Requirement established by the <i>Environmental Planning and Assessment Act 1979</i> .
<b>Budget/Financial</b>	This report generates no additional budget or financial implications.

**COMMUNITY, CULTURE & LEISURE DIRECTORATE****15.8 GORE HILL INDOOR SPORTS CENTRE - BUSINESS CASE**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. GHISC BUSINESS CASE (INCLUDED IN ATTACHMENT BOOKLET)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DARREN WOOD – DESIGN &amp; INFRASTRUCTURE DELIVERY MANAGER ANGELA CASEY – CULTURE AND LEISURE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE</b>
<b>MEETING DATE:</b>	<b>8 MARCH 2021</b>

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**1. PURPOSE OF REPORT**

To note the business case for the Gore Hill Indoor Sports Centre and seek approval to progress to the planning and design phase of the project.

**2. OFFICER'S RECOMMENDATION**

That Council:

- 1. Note the business case findings for the Gore Hill Indoor Sports Centre.**
- 2. Progress to the planning and design phase of the project for Option 2 including retention of the existing at grade car parks as the preferred option.**
- 3. Note the current available capital funding is \$46M and that Council should actively seek external funding to meet the projected capital funding shortfall.**
- 4. Note a further report will be presented to Council when the design and consultation has progressed to the Development Application stage.**

**3. BACKGROUND**

Council provides sports facilities for community sport at a local and district level. The Gore Hill Indoor Sports Centre (GHISC) represents the second stage of the Gore Hill Park redevelopment to address the need for indoor community sport facilities.

In Stage 1, the oval was re-orientated to east west to accommodate the requirements of a new indoor sports facility in Stage 2. Stage 2 includes the construction of an indoor sports facility, underground parking and integration with the Oval.

Councillors received briefings on the Gore Hill Indoor Sports Centre on 17 August and 7 December 2020. Those briefings discussed the options for consideration and the processes required to progress a business case that will give evidence and direction toward a preferred development option for further design and consultation.

This report provides the business case for the Gore Hill Indoor Sports Centre and seeks to progress to the planning and design phase of the project.

#### **4. DISCUSSION**

The project objectives of Stage 2 are to deliver an indoor sports facility that:

- optimises sporting opportunities
- maximises community participation
- supports local precinct growth
- is financially sustainable
- makes efficient use of open space.

Council's consultants, Capital Insight Pty Ltd, have now prepared a business case to assist with the development of Stage 2. The business case has been reviewed by relevant staff.

The purpose of the business case is to:

- comprehensively explore the most suitable concept design for the indoor sports centre
- forecast project costs, affordability and long-term financial impact
- understand the project risks and procurement pathway for the next project phase
- confirm Council's capacity to progress to the next stage of the project

The business case is provided at Attachment 2. The business case findings are summarised below.

##### **Demand including Stakeholder Consultation**

The consultants reviewed stakeholder feedback, population projections, national participation data and industry benchmarks to quantify unmet indoor court demand, at a local and district and level.

The consultants interviewed local service providers, government organisations and 18 sporting clubs and associations representing 17,000 members to help define future demand for Stage 2. A follow-up letter confirmed user data, needs, proposed fees and willingness to pay. The consultants also spoke with Lane Cove and North Sydney City Councils, NSW Office of Sport, NSW Health, TAFE NSW and Gore Hill Cemeteries Trust.

In summary, the stakeholder consultation found that current levels of demand exceeds facility supply for indoor sports. Projecting forward, this supply-demand imbalance grows when demand associated with population growth to 2036 is included. Current levels of participation and the quality of participation opportunities are constrained by access to facilities for all the sports represented in the stakeholder consultation.

These projections accord with the findings of the Northern Sydney Regional Organisation of Councils (NSROC) regional sportsground study.

A summary of the stakeholder consultation is in Section 3.5 of the business case at Attachment 2.



Sport Australia undertakes a national survey (AusPlay) to record the participation in sport by the Australian population. The results of this survey informed the projected participations per annum for indoor sports courts.

Many community sports played within the Willoughby LGA are organised on a district level across multiple Council areas including Willoughby, North Sydney, Lane Cove and Mosman. The analysis in Figure 1 includes these LGAs, as well as a portion of the population from City of Sydney, Northern Beaches, Hunters Hill, Ryde and Hornsby.

**Figure 1: Forecast district demand for additional indoor courts**

District demand for indoor Sports courts	2021	2036
Based on catchment population, assumed Indoor court capacity, equivalent participation capacity, per capita indoor court demand benchmark (conservative)	15 courts	10 courts

The forecast demand also takes account other planned indoor court developments, which will be in use before 2036. Included in this, is the new five court indoor facility at the Lane Cove Golf Course site, proposed by Lane Cove Council.

The demand and sensitivity analysis summary is in Section 3.4 of the business case at Attachment 2.

### Project Funding

Figure 2 outlines the available project funding for Gore Hill Indoor Sports Centre Stage 2. The VPA funding is restricted for use on the construction of an indoor sports facility at Gore Hill.

**Figure 2: Capital funding summary**

Funding Source	Funding (\$ millions)	Description	Status
VPA2_R	\$14.7	Funds from Gore Hill VPA	Reserved
VPA2_R	\$14.8	Funds from Gore Hill VPA	Reserved
VPA2_R	\$0.7	Interest Earned as of 30 June 2020	Reserved
VPA2_R	\$1.1	Interest on VPA (~1% Apr) to 2036	Forecast
s7.11 / s7.12	\$7.5	1/6 total per S.M. & WLIC Plan 2019 based on \$45m	Allocated
EL	\$0.5	Funding allocated in LTFP	Allocated
s94A (non CBD)	\$0.3	Gore Hill Technology Park Indoor Sports Centre and Community Facilities	Allocated
CARPARK_MGT	\$3.2	Current reserve from GHP car parking revenues to June 2020	Reserved
CARPARK_MGT	\$3.1	Future revenue from GHP car parking projected to June 2024	Forecast
<b>Total</b>	<b>\$45.9</b>		

### Option Analysis

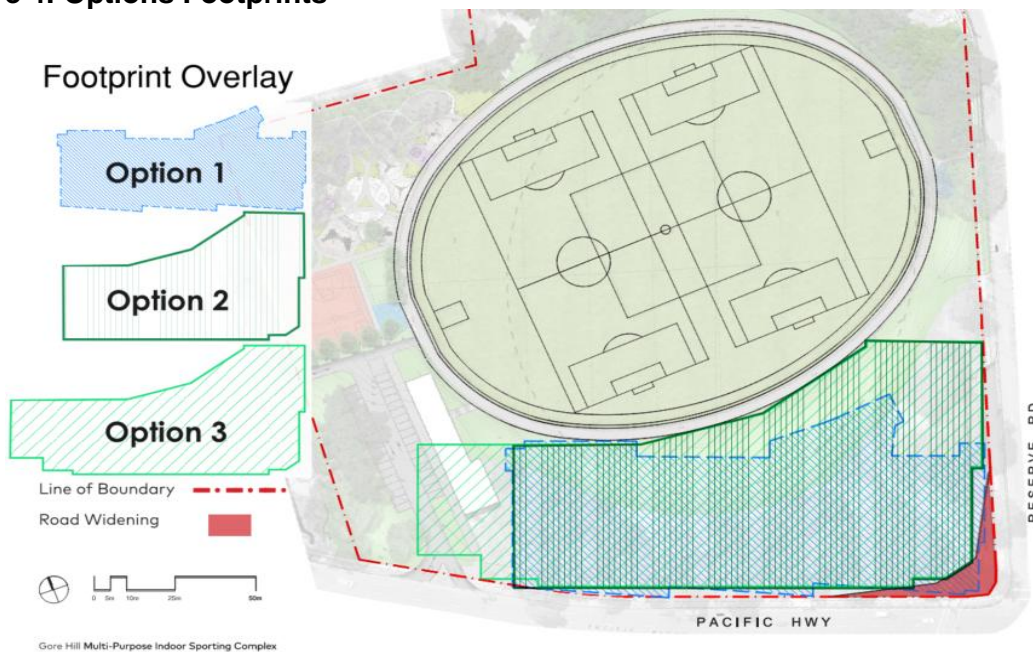
Three shortlisted options were developed and evaluated in the Business Case. Figure 3 is a consolidated summary and comparison of the three options.

Figure 3: Options Summary

		Option 1 (2016 Concept Fixed)	Option 2 (Mid Range)	Option 3 (Maximum)
Indoor Courts	<ul style="list-style-type: none"> <li>netball</li> <li>basketball</li> <li>volleyball</li> </ul>	6 Courts (5,490 sqm)	6 Courts (5,490 sqm)	8 Courts (7320 sqm)
Rooftop Recreation	<ul style="list-style-type: none"> <li>school</li> <li>casual sport training</li> </ul>	X	X	7320 sqm
Sports Hall	<ul style="list-style-type: none"> <li>gymnastics</li> <li>martial arts</li> <li>dance</li> </ul>	X	1,100 sqm	1,100 sqm
Health & Fitness	<ul style="list-style-type: none"> <li>gym</li> <li>group fitness</li> </ul>	X	255 sqm	255 sqm
Multi Purpose	<ul style="list-style-type: none"> <li>meetings</li> <li>programs</li> <li>clubs</li> </ul>	150 sqm	290 sqm	590 sqm
Café		103 sqm	370 sqm	370 sqm
Retail Lease Space		730 sqm	250 sqm	250 sqm
Carparking		351 Spaces	372 Spaces	541 Spaces
<b>Capital Cost</b>		<b>\$63.6m</b>	<b>\$65.9m</b>	<b>\$97.1m</b>

Figure 4 illustrates the footprint overlay of the three alternatives.

Figure 4: Options Footprints



A preferred option was determined using a combination of both qualitative and quantitative analysis. Figure 5 illustrates a summary of the options comparison over a 20-year period.

**Figure 5: Options Comparison**

	<b>Option 1</b> Local/District <b>(\$63.6m)</b>	<b>Option 2</b> Local/District <b>(\$65.9m)</b>	<b>Option 3</b> Regional <b>(97.1m)</b>
Qualitative Evaluation	<b>2.6</b>	<b>3.6</b>	<b>4.1</b>
Cost Benefit Analysis $\geq 1.0$	<b>0.9</b>	<b>1.1</b>	<b>1.1</b>
Financial analysis: net cash result over 20 years	<b>\$7.8m</b>	<b>\$11.3m</b>	<b>(\$11.7m)</b>

The qualitative analysis assessed the three options against the project's objectives. Option 3 ranked highest. It is marginally preferred when compared to Option 2 from an economic perspective. Both Option 2 and Option 3 have a positive cost-benefit ratio of 1.1.

As illustrated in Figure 2, \$46M of capital is currently reserved for the project. The financial analysis detailed in Figure 5 assumes a further \$20M of funding is available from internal capital reserves and external sources. Based on this assumption, there is no gap between secured funding and the projected capital costs for Option 1 and 2. Using this model, when lifecycle capital costs are considered, Option 1 and 2 return a surplus. With a net cash loss of \$11.7M over a 20-year period, Option 3 is not viable.

Using a combination of qualitative and quantitative analysis, Option 2 is preferred due to affordability, value for money and relative ability to meet future demand. Option 2 includes 6 indoor courts, a multi-purpose sports hall and meeting space as well as retail lease space and car parking to serve the centre's needs.

### Capital funding sensitivity

Capital funding assumptions have a very significant impact on the net cash result in regards to affordability of the Options. Figure 6 shows the impact on the net cash result over a 20-year period if no additional internal or external capital funding is secured to supplement the available \$46M and borrowing is required.

**Figure 6: Sensitivity Analysis – Available capital funding \$46M: balance borrowed**

	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
Financial analysis: net cash result over 20 years*	<b>(\$11.2m)</b>	<b>(\$10.2m)</b>	<b>(\$42m)</b>

While Option 2 remains the most affordable, under this scenario it would cost \$10.2M over 20 years or \$510,000 per annum to operate Option 2, when the cost of servicing debt is included.

### An alternative approach to fund Option 2

All options tested in the business case, assume the current parking allocation within the Gore Hill Oval northern and southern carparks is included within the sports facility i.e. they are removed as part of the redevelopment. Figure 7 illustrates the location of these car parks.

Given the financially unsustainable scenario of borrowing significant amounts for Option 2, which is not recommended by staff, an alternative approach is to retain the existing car parks to serve current and future demand. This will reduce the capital cost by approximately \$8M and increase overall carpark revenue by approximately \$1.3M over the 20-year period.

Officers calculated these revenue projections using the annual income currently secured from the northern car park. The northern car park is a valuable income-generating source that serves hospital visitors and staff as well as park users. The southern car park generates no revenue.

**Figure 6: Northern and southern car park locations**



Officers analysed the financial impact on the net cash result over a 20- year period, using the capital cost saving of \$8M that results from retaining the car parks. The analysis assumes 80% of the north car park revenue is directed to the sports facility and balance into the broader Gore Hill Oval precinct. The results are in Figure 8.

**Figure 8: Financial impact of retaining the car parks in Option 2**

<b>Option 2</b> Revised capital cost estimate <b>(\$57.9)</b>	Net cash result over a 20 –year period
\$46m capital available (\$11.9M loan required)	<b>(\$0.3m)</b>
All capital available (no loan)	<b>\$12.6m</b>



With no additional available capital funding and the need for an \$11.9M loan, this alternative approach would cost Council \$0.3M over 20 years. Council can avoid a negative financial scenario by actively seeking external funding to meet the projected \$11.9M funding shortfall, avoiding the need to borrow to fund the project. It is strongly recommended that Council avoid borrowing if at all possible.

If total capital funds are secured, Option 2 with the retention of the existing at grade car parks, presents as a positive financial scenario, with the indoor sports facility predicted to return an annual surplus of almost \$400k. Commentary on this approach is contained in Section 5.9 of the business case at Attachment 2.

The approach would require an amendment to the *Gore Hill Park Concept Plan 2016* and the Crown Land Minister's endorsement.

### External funding opportunities

Securing external capital funding improves the financial viability of the preferred alternative, Option 2.

External funding opportunities include the St Leonards Crows Nest Special Infrastructure Contributions (SICs) program. This NSW Government program recovers some of the cost of infrastructure through developer contributions. Additional funding opportunities may become available through state or federal grants schemes or partnerships.

### Next Steps

It is recommended that Council progress to the planning and design phase of the project for Option 2 including retention of the existing at grade car parks as the preferred Option. While full funding is not currently available, Council has sufficient levels of funding to warrant progressing to the next stage. A report will be presented to Council when the design and consultation has progressed to the Development Application stage, providing for a further opportunity for Council to assess the financial viability of the project prior to progressing to the next stage.

The broad project program below indicates the current initiation phase of the project and the next steps.



## 5. CONCLUSION

Council provides sports facilities for community sport at a local and district level. Stage 2 of the Gore Hill Park redevelopment provides an opportunity for Council to contribute significantly to addressing district indoor sporting needs. Consultants have prepared a business case that comprehensively explores the most suitable concept design for the indoor sports centre. The business case concludes that Option 2 is preferred due to affordability, value for money and relative ability to meet future demand. The financial viability of Option 2 improves if the current Gore Hill Oval northern and southern carparks are retained to serve current and future demand. Council should actively seek external capital funding to improve the financial viability of Option 2.

## ATTACHMENT 1

<b>IMPLICATIONS</b>	<b>COMMENT</b>
<b>City Strategy Outcome</b>	3.3 – Promote an active and healthy lifestyle
<b>Business Plan Objectives, Outcomes / Services</b>	Forms Part of the 2020-2021 Operational Plan. Building and Investment Property.
<b>Policy</b>	There are no policy implications applicable to this report.
<b>Consultation</b>	Stakeholder consultation with 18 sporting associations representing 17,000 members, with a follow up confirmation. In addition, stakeholders from Willoughby, Lane Cove and North Sydney City Councils, NSW Office of Sport, NSW Health, TAFE NSW and Gore Hill Cemeteries Trust were consulted as in developing the business case.
<b>Resource</b>	Internal staff resources will be used to manage the development of the design with external service providers.
<b>Risk</b>	The risk assessment for the business case identified 60 discrete risks with treatments for mitigation. No identified risks posed a significant threat to the project that would prevent it from proceeding. Identified risks will be proactively managed by the project governance team through the subsequent project phases.
<b>Legal</b>	There are no legal implications applicable to this report.
<b>Legislation</b>	A tender process will be undertaken to procure consulting services to develop the design of the GHISC, in accordance with the <i>Local Government Act 1993</i> .
<b>Budget/Financial</b>	The project forms part of the approved operations plans for Willoughby Council 2020 -2021 financial year. Funding of \$662,000 for the design of the Gore Hill Indoor Sports Centre is available in the 2020/2021 financial year.

## 16 NOTICES OF MOTION

### 16.1 NOTICE OF MOTION 03/2021 - PACIFIC HIGHWAY PEDESTRIAN AMENITY

<b>ATTACHMENTS:</b>	<b>1. REPORT - NOTICE OF MOTION – PACIFIC STREET STREETScape – 24 FEBRUARY 2014</b> <b>2. MINUTE ITEM - NOTICE OF MOTION – PACIFIC STREET STREETScape – 24 FEBRUARY 2014</b> <b>3. REPORT - NOTICE OF MOTION – PACIFIC STREET STREETScape – 14 APRIL 2014</b> <b>4. MINUTE ITEM - NOTICE OF MOTION – PACIFIC STREET STREETScape – 14 APRIL 2014</b> <b>5. MINUTE ITEM - NOTICE OF MOTION – PACIFIC STREET STREETScape – 14 APRIL 2014</b>
<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – ACTING PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DARREN WOOD – DESIGN AND INFRASTRUCTURE DELIVERY MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS</b>
<b>MEETING DATE:</b>	<b>8 MARCH 2021</b>

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#### 1. PURPOSE OF REPORT

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

#### 2. MOTION

**That Willoughby City Council develops a strategy for, and provides funding to improve the amenity, streetscapes and footpaths, with tree planting and vegetation, within WCC, along Pacific Highway between Boundary Road and St. Leonards.**

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

The intent of the motion is to progress and consolidate previous plans for street tree planting within Willoughby City Council particularly along the Pacific Highway.

We as a Council need to consider the presentation of the Central Business District (CBD) along the Pacific Highway, to visitors as well as residents. The Pacific Highway needs visual improvement, to better present the CBD, and at the same time, provide shade, cooling, amenity and water retention.

For a variety of reasons, areas of footpath and nature strip along the Pacific Highway have not been upgraded for many years, including near the Seymour building, opposite Chatswood Primary School, and alongside the Artarmon Industrial area.



There are sections of the Pacific Highway devoid of vegetation, some sections with few trees, and/or with little or no nature strip.

Trees and planting along the verge would provide shade, reduce sun exposure, and encourage more people to walk, by improving the amenity.

The motion recognises that it is time to develop a consistent approach to the Pacific Highway streetscape.

It proposes that as a priority the section of the Pacific Highway footpath between Fullers Road and Mowbray Road (both sides) be upgraded, consistent with the plantings on the east side of the Highway near Brown Street.

Furthermore, the planting of appropriate trees and understorey would reduce heat island effect, cooling the walkways, and improving conditions to encourage people to walk. Increased soft landscape along the highway would provide more opportunity for water retention, reducing runoff.

***In reference to the ordinary Council meeting of 24 February 2014, Notice Of Motion - Pacific Highway Streetscape***

In summary, the intent of the motion was to improve amenity of the highway with consideration of:

- presentation of the CBD
- amenity
- shade
- encourage walkability
- temperature control
- water retention.

The responsibility for the footpaths, verges and any street trees remains with the relevant Council.

The motion is aligned with Council claims to improve pedestrian amenity, streetscapes, connectivity and habitat.

It aligns with key Greater Sydney Commission strategies to encourage walkable neighbourhoods, the green grid and to increase urban tree canopy.

At the time, Willoughby City Council on 24 February 2014 unanimously passed Councillor Lynne Saville's proposal for a strategy to improve the amenity, streetscapes, and footpaths along the Pacific Highway as it passes through the Willoughby City LGA. In April, Councillors Mustaca, Coppock and Wright, whose Wards the highway passes through and Councillors Eriksson, Giles-Gidney, Hooper, Rozos and Rutherford voted down the recommendation of the Officer's to begin to fund the process.

Pacific Highway is in desperate need of urban re- design with appropriate plantings to provide shade, and footpaths.

There is opportunity to reconsider this motion and provide much needed funding to enable a very worthwhile project, consistent with government directions and Council policy.

#### 4. OFFICER'S RECOMMENDATION

**That the funding of the proposed Pacific Highway pedestrian amenity project be referred to the Operational Plan and Budget considerations for 2021/22.**

#### 5. OFFICER'S COMMENTS

Council's *Chatswood CBD Planning and Urban Design Strategy to 2036* and the associated *Chatswood CBD Public Domain Plan* guide the opportunities for improved pedestrian amenity, footpaths, active transport, tree planting and vegetation along the Pacific Highway between Fullers Road and Mowbray Road.

Council staff are currently preparing a detailed design for a 3.3 kilometre shared path along the eastern side of the Pacific Highway between Mowbray Road and Herbert Street, St Leonards. The design work is funded by the Department of Planning, Industry and Environment Active Transport Links program. The draft design is expected in July 2021. This design will also guide future construction works should funding become available.

Options for a shared path along the eastern side of the Pacific Highway from Mowbray Road to Boundary Street are also moving into the early stages of feasibility and concepts for future design consideration. This continued corridor enables longer term active transport network connections with adjoining Local Government areas.

Given a four metre setback along both sides of the section of the Pacific Highway between Mowbray Road and Fullers Road, there is a realistic opportunity to integrate a shared path on the eastern side with attractive streetscape solutions. Both sides of the highway could benefit from improved pedestrian amenity through an enhanced range of pavement treatments, street trees, display planting, public art and street furniture.

Council has a 10-year streetscape improvement program for multiple locations that currently extends to 2024/25, with funding identified in Council's *Long Term Financial Plan*. Streetscape improvements along Pacific Highway between Boundary Road and St. Leonards are not currently part of the existing program.

It is anticipated that private development proposals fronting the Pacific Highway between Mowbray Road and Fullers Road will incrementally contribute to a significant portion of streetscape and pathway improvement works over time.

Should no redevelopment occur along the Chatswood CBD section of the Pacific Highway, indicative costs for Council funded streetscape works between Fullers Road and Mowbray Road alone are in the order of:

- Detailed design - \$300,000
- Construction - \$8,800,000 (assuming construction costs of \$1000 per sq/m and four-metre wide works both sides of the roadway, over a length of 1100 metres).

Given the significant shortfalls of revenue arising from the impacts of COVID-19, it is recommended that Council consider any request for new or expanded funding in the context of its overall financial position as part of the Operational Plan and Budget process for 2021/22.

**22.2 NOTICE OF MOTION - PACIFIC HIGHWAY STREETScape****RESPONSIBLE OFFICER: NICK TOBIN – GENERAL MANAGER****AUTHOR: NICK TOBIN – GENERAL MANAGER****MEETING DATE: 24 FEBRUARY 2014****Purpose of Report**

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

**Motion**

THAT Willoughby City Council develops a strategy for, and provides funding to improve the amenity, streetscapes and footpaths, with tree planting and vegetation, within WCC, along Pacific Highway between Boundary Road and St. Leonards.

**Background**

The intent of the motion is to progress and consolidate previous plans for street tree planting within WCC (previously Mr Jeff Organ was officer in charge) particularly along the Pacific Highway.

We as a council need to consider the presentation of the CBD along the Pacific Highway, to visitors as well as residents. The Pacific Highway needs visual improvement, to better present the CBD, and at the same time, provide shade, cooling, amenity and water retention.

For a variety of reasons, areas of footpath and nature strip along the Pacific Highway have not been upgraded for many years, such as near the Seymour building, near the garage at the corner of Boundary Street and opposite Chatswood Primary School.

There are sections of the Pacific Highway devoid of vegetation, other sections with few trees, and/or with little or no nature strip.

Trees and planting along the verge would provide shade, reduce sun exposure, and encourage more people to walk, by improving the amenity.

The motion recognises that it is time to develop a consistent approach to the Pacific Highway streetscape.

It proposes that as a priority the section of the Pacific Highway footpath between Fullers Road and Mowbray Road (both sides) be upgraded, consistent with the plantings on the east side of the Highway near Brown Street.

Furthermore, the planting of appropriate trees and understorey would reduce heat island effect, cooling the walkways, and improving conditions to encourage people to walk.

Increased soft landscape along the highway would provide more opportunity for water retention, reducing runoff.

## ORDINARY COUNCIL MEETING

24 FEBRUARY 2014

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In summary, the intent of the motion is to improve amenity of the highway with consideration of:

- presentation of the CBD
- amenity
- shade
- encourage walkability
- temperature control
- water retention

**General Manager's Comments**

Prior to community funding, a report on options should be considered by Council.

**OFFICER'S RECOMMENDATION**

That a report be prepared outlining costs and options for implementation of a streetscape improvement program for the Pacific Highway.

**22.2 NOTICE OF MOTION - PACIFIC HIGHWAY STREETScape**

**RESPONSIBLE OFFICER:** NICK TOBIN – GENERAL MANAGER  
**AUTHOR:** NICK TOBIN – GENERAL MANAGER  
**MEETING DATE:** 24 FEBRUARY 2014

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**Purpose of Report**

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

THAT Willoughby City Council develops a strategy for, and provides funding to improve the amenity, streetscapes and footpaths, with tree planting and vegetation, within WCC, along Pacific Highway between Boundary Road and St. Leonards.

**RESOLUTION**

**That a report be prepared outlining costs and options for implementation of a streetscape improvement program for the Pacific Highway.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

**Against the Resolution:** Nil.

## 22 NOTICE OF MOTION

### 22.1 NOTICE OF MOTION - PACIFIC HIGHWAY STREETScape

RESPONSIBLE OFFICER: GREG WOODHAMS - ACTING GENERAL MANAGER

AUTHOR: PAUL COLLINGS - ACTING INFRASTRUCTURE  
SERVICES MANAGER  
JULIE WHITFIELD - OPEN SPACE MANAGER

CITY STRATEGY LINK: 3.1.2 QUALITY LIVING AMENITY FOR RESIDENTS

MEETING DATE: 14 APRIL 2014

#### Purpose of Report

A Notice of Motion was received by Cllr Saville and resolved on 24 February 2014

#### Background

Council resolved on 24 February 2014:

*That a report be prepared outlining costs and options for implementation of a streetscape improvement program for the Pacific Highway.*

#### Discussion

The length of the Pacific Highway within the Willoughby City Council local government area boundary is 5.5 kilometres. The highway is a State Road and is maintained from kerb to kerb by the NSW Government / Roads and Maritime Services. Over half of this highway length (3.5 kms) borders with Lane Cove Council (from Mowbray Road to St Leonards).

The responsibility for the footpaths, verges and any street trees remains with the relevant Council. On sections of the Highway where overhead power lines exist, Ausgrid have taken responsibility for the pruning / removal of trees affecting the electricity grid.

#### Conclusion

Given the extent and scope of the work outlined in the Council resolution, it is recommended that the work be subject to the engagement of a suitably qualified landscape architect/ urban designer as currently Council does not have the available resources to complete such a report.

#### ACTING GENERAL MANAGER'S RECOMMENDATION

That funds of \$25,000 be considered in the draft 2014/15 Council budget to engage a suitably qualified urban landscape professional to undertake site analysis, concept options and costings for streetscape improvements for the Pacific Highway within the Willoughby City Council LGA.

## 22 NOTICE OF MOTION

### 22.1 NOTICE OF MOTION - PACIFIC HIGHWAY STREETScape

RESPONSIBLE OFFICER:	GREG WOODHAMS - ACTING GENERAL MANAGER
AUTHOR:	PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES MANAGER JULIE WHITFIELD - OPEN SPACE MANAGER
CITY STRATEGY LINK:	3.1.2 QUALITY LIVING AMENITY FOR RESIDENTS
MEETING DATE:	14 APRIL 2014

#### Purpose of Report

A Notice of Motion was received by Cllr Saville and resolved on 24 February 2014

#### Background

Council resolved on 24 February 2014:

*That a report be prepared outlining costs and options for implementation of a streetscape improvement program for the Pacific Highway.*

#### ACTING GENERAL MANAGER'S RECOMMENDATION

That funds of \$25,000 be considered in the draft 2014/15 Council budget to engage a suitably qualified urban landscape professional to undertake site analysis, concept options and costings for staged streetscape improvements for the Pacific Highway within the Willoughby City Council LGA.

#### RESOLUTION

That funds of \$25,000 be considered in the draft 2014/15 Council budget to engage a suitably qualified urban landscape professional to undertake site analysis, concept options and costings for staged streetscape improvements for the Pacific Highway within the Willoughby City Council LGA.

MOVED COUNCILLOR SAVILLE

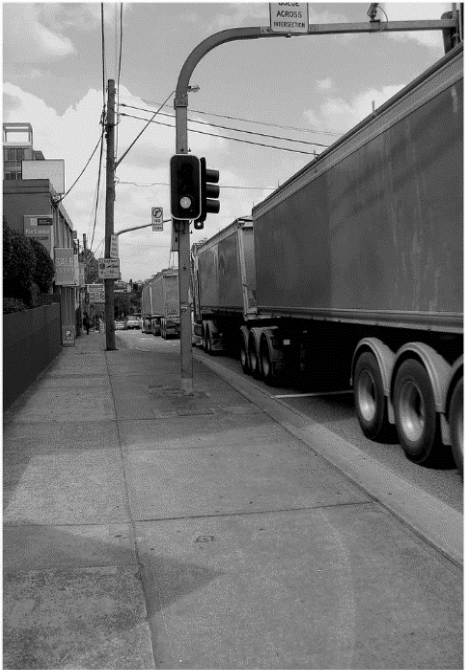
SECONDED COUNCILLOR SLOANE

**LOST**

#### Voting

**For the Resolution:** Councillors Saville, Norton and Sloane.

**Against:** Councillors Rozos, Eriksson, Mustaca, Giles-Gidney, Rutherford and Hooper.



Chatswood CBD Pedestrian Amenity Pacific Highway



**16.2 NOTICE OF MOTION 02/2021 - TRAFFIC MANAGEMENT AND PEDESTRIAN SAFETY CAMPAIGN**

<b>RESPONSIBLE OFFICER:</b>	<b>CHRIS BINNS – ACTING PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>GORDON FARRELLY - TRAFFIC &amp; TRANSPORT TEAM LEADER, PLANNING &amp; INFRASTRUCTURE</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS</b>
<b>MEETING DATE:</b>	<b>8 MARCH 2021</b>

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**1. PURPOSE OF REPORT**

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

**2. MOTION**

**That Council undertakes a traffic management and pedestrian safety campaign to reduce current levels of incidence of motor vehicle accident death and injury within the Willoughby LGA.**

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

Local residents and visitors are experiencing motor vehicle accident related injuries and death, which have renewed calls for better traffic management and improvement to driver behaviour within our LGA.

Please follow the links to the following article which identifies serious traffic hotspots, with a substantial number of 'hotspots' within the Willoughby LGA. Residents have approached Council to urge better traffic and safety management, over many years.

The current levels of motor vehicle accident related death and injury within Willoughby City Council (WCC) indicate need for better traffic management and improvements to driver behaviour. Risky driver behaviour is frequently observed in Chatswood.

Local hotspots in WCC include:

- Albert Ave,/ Pacific Highway, Chatswood
- Herbert St. / Pacific Highway, St. Leonards
- Mowbray Rd. / Centennial Ave, Lane Cove North
- Archer St.,/ Victoria Ave, Chatswood
- Ellis St.,/ Pacific Highway, Chatswood
- Archibold Rd
- Boundary St, Roseville.

This information was published in the Daily Telegraph – [Revealed: the north shore's 50 worst blackspots for serious, fatal crashes](#)

#### 4. OFFICER'S RECOMMENDATION

That Council continue to support traffic management and road safety behaviour campaigns to maximise safety for all road users in Willoughby Local Government Area through the employment of a dedicated Road Safety Officer and other road safety initiatives as part of TfNSW and Council's road safety programs.

#### 5. OFFICER'S COMMENTS

An analysis of the safety performance in Willoughby Local Government Area (LGA) for the period 2015 – 2018 reveals that there is a decreasing trend in the number of injury crashes over this period. Crash self-reporting, including self-reported injuries began in October 2014, preventing the use of earlier data in this analysis.

**Number of crashes by fatal/injury/non-casualty classification in Willoughby LGA 2015-2018 and 2019\***

	2015	2016	2017	2018	2019*
<b>Fatal</b>	1	1	4	2	1
○ <b>Serious injury</b>	46	49	33	38	34
○ <b>Moderately injured</b>	43	57	45	48	28
○ <b>Minor/Other injured</b>	63	59	46	29	35
<b>Total injury</b>	152	165	124	115	97
<b>Non-injury (tow away)</b>	66	57	59	48	25
<b>Total number of crashes</b>	219	223	187	165	N/A

\* 2019 includes Quarter 1, 2 and 3 only

Traffic management and road safety behaviour campaigns play an important role in improving road user safety. Direction provided by the *Road Safety Plan 2021* and collaboration with Transport for New South Wales (TfNSW), including the joint employment of a Road Safety Officer, has demonstrated road safety benefits to Willoughby.

TfNSW's aspirational target is zero fatalities and serious injuries on our roads by 2056. TfNSW's *Road Safety Plan 2021* provides the direction and key focus areas for road safety in New South Wales. This strategy is utilised by Council as its primary platform for road safety in Willoughby City Council (WCC).

Willoughby City Council employs a Road Safety Officer (RSO) in partnership with TfNSW as part of the Local Government Road Safety Program. The work undertaken by the RSO is informed by crash data, demographic information, strategic priorities and an understanding of future development trends and changes in the transport network. Projects and initiatives include targeted education, awareness, encouragement, enforcement and safety performance monitoring programs in order to generate a culture of 'safety thinking' within the minds of all users of the transport network in the Willoughby LGA.

Council supports TfNSW in its campaigns to increase safety for all road users such as pedestrians with the 'Look out before you step out' campaign and Road Safety Week.

In 2020/21 \$17,000 has been allocated in the road safety program (\$12,000 from TfNSW) and (\$5,000 from Council) to deliver the following initiatives by Council across the LGA:

- Pedestrian safety is identified as a road safety high priority area in the LGA, and has recently been targeted in the Chatswood Central Business District with the 'Cross safely – what's the rush' campaign coordinated by WCC media officers and the Road Safety Officer over the Christmas-New Year period. The campaign used a combination of physical signage, social media and mainstream media channels (including a CH9 News item) to deliver a strong road safety message to all road users and will provide a template for future campaigns targeting other 'hot-spots' for pedestrian safety in the LGA.
- Other road safety initiatives that may increase safety for motor vehicle users include ongoing programs of free child car seat checks and 'Helping learner driver' supervisor workshops which present an opportunity to distribute TfNSW road safety educational material to drivers. Schools are also a conduit to the driving public, and the Road Safety Officer actively engages with local schools providing road safety material for distribution to their communities. The RSO also works with the Department of Health to share road safety messaging to older adults via community programs. Road rules awareness sessions with Police in attendance at MOSAIC are planned as part of Seniors Week in April 2021.
- Collaboration with neighbouring local governments, Police and TfNSW on road safety campaigns.
- Providing information on Council's website with links to TfNSW Centre for Road Safety web site.

The 'Cross safely – what's the rush' campaign will directly support safe pedestrian behaviours at the Archer Street and Victoria Avenue, Chatswood and Albert Avenue and Pacific Highway Chatswood crossings, as well as other intersections in Chatswood CBD.

Preliminary review of the crash data of the intersections along Pacific Highway, Boundary Street and Centennial Avenue revealed that the majority of the crashes are occurring along these roads and relate to motor vehicles. TfNSW is responsible for these roads and the abovementioned Road Safety Plan 2021 guides safety campaigns.

Although written and broadcast campaigns are successful, future years will hopefully see COVID-19 recede and allow a return to more traditional physical events to raise road safety awareness in the community. There will also be more face to face opportunity to collaborate with neighbouring Councils, Police and TfNSW.

Should Council wish to do more than the current program, further funding would need to be secured through the 2021/22 Operational Plan and Budget process.

## 17 CONFIDENTIAL MATTERS

### 17.1 CONFIDENTIAL - THE CONCOURSE TENANCIES REPORT

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINO DI LERNIA – INTERIM CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>LINO DI LERNIA – INTERIM CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>8 MARCH 2021</b>

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#### REASON FOR CONFIDENTIALITY

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and
- (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 is confidential as disclosure of information in it could put Council at a commercial disadvantage in its future dealings with tenants at The Concourse and would also make public commercially confidential information pertaining to the tenancies.

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**17.2 CONFIDENTIAL - LEGAL SERVICES REPORT MARCH 2021**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. LEGAL SERVICES REPORT (CONFIDENTIAL)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINO DI LERNIA – INTERIM CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CHARLTON – GOVERNANCE, RISK &amp; CORPORATE PLANNING MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>8 MARCH 2021</b>

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- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This report provides Councillors with information that assists them to understand the status of current legal matters. The release of this information would provide person(s) with whom Council conducts business or parties that are subject to legal proceedings details of Council's legal strategy, intentions and expenditure. On balance, it is not in the public interest to release information that, if disclosed, would compromise Council's legal prospects.

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**17.3 CONFIDENTIAL - GORE HILL INDOOR SPORTS CENTRE**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. GHISC BUSINESS CASE EXCERPTS (CONFIDENTIAL) 3. GHISC BUSINESS CASE - FINANCIAL IMPACT OF RETAINING CAR PARKS (CONFIDENTIAL)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DARREN WOOD – DESIGN &amp; INFRASTRUCTURE DELIVERY MANAGER ANGELA CASEY – CULTURE AND LEISURE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.3 – PROMOTE AN ACTIVE AND HEALTHY LIFESTYLE</b>
<b>MEETING DATE:</b>	<b>8 MARCH 2021</b>

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This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and (d)(ii) 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.
- (d) commercial information of a confidential nature that would, if disclosed--
  - (ii) confer a commercial advantage on a competitor of the council

This report provides Councillors with information that assists them to understand the Gore Hill Indoor Sports Centre Business Case. The release of this information would provide financial details of the construction and operation of the facility to person(s) with whom Council proposes to conduct business. On balance, it is not in the public interest to release information that, if disclosed, would compromise the construction and operations of the Gore Hill Indoor Sports Centre.

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**18 QUESTIONS WITH NOTICE**

**19 CONCLUSION OF THE MEETING**