



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chambers, 31 Victor Street, Chatswood

10 November 2014

commencing at 7:00pm

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## 1 PRESENT

Her Worship the Mayor Councillor G Giles-Gidney, Councillors S Coppock, H Eriksson, R Hill, J Hooper T Mustaca, W Norton, A Rozos, Rutherford, M Sloane, M Stevens and N Wright.

### Officers

Mr G Woodhams (Acting General Manager), Ms M Smith (Community Services Director), Ms T Crouch (Corporate Support and Performance Director), Mr P Collings (Acting Infrastructure Services Director), Mr T Pizzuto (Financial Services Director), Mr V Grepl (Acting Administration Services Manager), and Ms L Keeling (Executive Assistant).

Councillors Coppock and Hooper left the meeting at 10:20pm

## 2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Councillor Giles-Gidney declared a non-significant, non-pecuniary interest in Item 13.2 - 135-145 Sailors Bay Road.
- Councillors Giles-Gidney declared a non-significant, non-pecuniary interest in Item 18.1 - 2a Robert Street, Artarmon.
- Councillors Giles-Gidney declared a significant, pecuniary interest in Item 12.1.2 - Natural Heritage & Bushland Advisory Committee Meeting Minutes.
- Councillor Hugh Eriksson declared a significant, pecuniary interest in Item 13.2 - 135-145 Sailors Bay Road.
- Councillor Hill declared a non-significant, non-pecuniary interest in Item 13.2 - 135-145 Sailors Bay Road.
- Councillor Mustaca declared a non-significant, non-pecuniary interest in Item 13.1 - 4 Louise Avenue, Chatswood West - West Ward Councillors Inspection Committee Meeting - 17 October 2014.
- Councillor Mustaca declared a non-significant, non-pecuniary interest in Item 18.1 - 2a Robert Street, Artarmon.
- Councillor Norton declared a non-significant, non-pecuniary interest in Item 18.1 - 2a Robert Street, Artarmon.
- Councillor Sloane declared a non-significant, non-pecuniary interest in Item 18.1 - 2a Robert Street, Artarmon.

## 3 CONFIRMATION OF MINUTES

*That the Minutes of the Ordinary Meeting of Council held 27 October 2014, copies of which have been circulated to each member of Council, be confirmed.*

## 4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor L Saville is on leave previously granted.
- Councillor Hill requested leave of absence on 1 December, 2014
- Councillor Giles-Gidney requested leave of absence from 17 November 2014 to 27 November 2014.

### RESOLUTION

That:

1. Council note the absence of Councillor Saville on leave previously granted.
2. Councillor Hill be granted leave of absence on 1 December 2014
3. Councillor Giles-Gidney be granted leave of absence from 17 November 2014 to 27 November 2014.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR MUSTACA

**CARRIED**

#### Voting

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

**Against:** Nil

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## 5 PETITIONS

### 5.1 PETITION - TRAFFIC LIGHTS AT BEACONSFIELD ROAD, CHATSWOOD

<b>ATTACHMENTS:</b>	<b>1. PETITION</b>
<b>RESPONSIBLE OFFICER:</b>	<b>TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TRISHA DUFFY</b>
<b>MEETING DATE:</b>	<b>10 NOVEMBER 2014</b>

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#### **Purpose of Report**

The attached submissions request that there be no change to the configuration of the traffic lights at Beaconsfield Road, Chatswood.

#### **RESOLUTION**

**That the submissions be received and referred to the Acting Infrastructure Services Director for consideration.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**5.2 PETITION - PROPOSED MEDIAN STRIP IN SAILORS BAY ROAD,  
NORTHBRIDGE**

<b>ATTACHMENTS:</b>	<b>1. PETITION</b>
<b>RESPONSIBLE OFFICER:</b>	<b>TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TRISHA DUFFY</b>
<b>MEETING DATE:</b>	<b>10 NOVEMBER 2014</b>

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**Purpose of Report**

To present a petition from Northbridge residents who oppose the proposed median strip by The Shore School in Sailors Bay Road.

**RESOLUTION**

**That the petition be received and referred to the Acting Infrastructure Services Director.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

**Voting**

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

**Against:** Nil



## **6 OPEN FORUM**

Suzie Gold addressed Council on issues pertaining to transparency of Local Government.

## 7 MAYORAL REPORT

### MAYOR'S DIARY - COUNCIL MEETING NOTES FOR 10 NOVEMBER 2014

The Mayoral Report was circulated to all Councillors listing the Mayor's activities.

<b>TUESDAY 28 OCTOBER</b>			
Mayor Cr Rutherford	2 pm	Judging of Children's Festive Flag Competition	Council Chambers
Mayor	4 pm	WCRA Board Meeting	Willoughby Village
Mayor Deputy Mayor: Cr Mustaca Cr Wright	6 pm	Better Business Partnership Event	100 Hampden Road, Artarmon
<b>WEDNESDAY 29 OCTOBER</b>			
Mayor Deputy Mayor: Cr Mustaca	7.30 pm	2014 Northern Sydney Leaders Breakfast	The Urban Hotel, St Leonards
Mayor	6.30 pm	Lane Cove Literary Award	Lane Cove Library
Mayor Crs Sloane, Wright	8 pm	Address at Artarmon Progress Association Meeting	Community Hall, Artarmon
<b>THURSDAY 30 OCTOBER</b>			
Mayor Deputy Mayor: Cr Mustaca Crs Hooper, Norton, Rutherford	9.30 am	Flag Raising Ceremony to celebrate Korea's National Day	The Concourse - Upper Terrace
Mayor	1 pm	Meeting re: <i>Fit for the Future</i>	Ryde Council
Mayor Cr Saville	6.30 pm	Presentation on Affordable Housing – Sydney Alliance	Mercy College
<b>SATURDAY 1 NOVEMBER</b>			
Deputy Mayor: Cr Mustaca (representing the Mayor) Crs Norton, Rozos, Rutherford	11 am	Opening of Park Art 2014	Chowne Hall Willoughby Park Centre

MONDAY 3 NOVEMBER			
Mayor	12.30 pm	Book Talk: Gallipoli (Peter Fitzsimons)	Chatswood Library

## RESOLUTION

That the Mayoral report be received.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR MUSTACA

**CARRIED**

### Voting

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

**Against:** Nil

## 8 GENERAL MANAGER'S LATE REPORT

NIL

## 9 MATTERS FOR DEFERRAL, REFERRAL TO INSPECTION AND/OR PROCEDURAL PRIORITY

Item 13.3 Notice of Motion: Opportunity to reduce Gridlock and make Housing more Affordable.

Item 13.3 Notice of Motion: Local Government Amendment (Red Tape Reduction) Bill 2014.

## 10 MATTERS BROUGHT FORWARD BY THE PUBLIC

Item 12.1.5 Transport Access & Environment Committee Meeting - 3 November 2014 (9.3) Infrastructure Levy Consultation Summary

Item 12.1.6 Transport Access & Environment Committee Meeting - 3 November 2014 (9.4) Draft Urban Tree Management Policy

Item 13.1 4 Louise Avenue, Chatswood West Ward Councillors Inspection Committee Meeting - 17 October 2014

Item 13.2 34 & 38/135-145 Sailors Bay Road, Northbridge - Sailor Bay Ward Councillors Inspection Committee - 24 October 2014.

Item 18.1 2A Robert Street, Artarmon

Item 18.2 32 & 34 Northcote Street, Naremburn

## 11 MATTERS NOT REQUIRING ELABORATION OR DEBATE

The Mayor invited Councillors to indicate the items not brought forward by the public that they wished to deal with separately.

- Item 12.1.2 Natural Heritage & Bushland Advisory Committee Meeting - Minutes 2 October 2014.
- Item 12.1.4 Car Parking Review
- Item 15.1 Dougherty Apartments Board - Update
- Item 18.3 Development Proposal known at St Leonards Central: Community Consultation Plan

### RESOLUTION

That the remaining items, viz:

- Item 12.1 **Transport Access & Environment Committee Meeting - 3 November 2014**
- Item 12.1.1 **Global Friendship Committee Meeting - 18 September 2014**
- Item 12.1.3 **Traffic Committee Minutes - 15 October 2014**
- Item 14.1 **Councillors Information Booklets - 30 October & 6 November 2014**
- Item 16.1 **Air Space Lease - Charlotte Lane**
- Item 16.2 **Event and Staging Equipment Hire - Tender no. 084862**
- Item 16.3 **Grass Mowing Tender no. 082400**
- Item 16.4 **Childcare Providers to develop and operate a Childcare Facility at 3 Abbott Road, Artarmon - Tender no. 082379**
- Item 16.5 **Thomson Park Synthetic Surfacing & Associated works - Tender no. 083286**
- Item 18.4 **Planning Proposal Report to 5 November, 2014**
- Item 18.5 **Applications determined under Delegated Authority for the month of October 2014**
- Item 18.6 **Development Application Report to 3 November 2014**

be adopted in accordance with the recommendations in the reports.

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

#### Voting

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

## 12 REPORTS FROM COMMITTEES

### 12.1 TRANSPORT, ACCESS & ENVIRONMENT COMMITTEE MEETING - 3 NOVEMBER 2014

<b>ATTACHMENTS:</b>	<b>1. MINUTES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>GREG WOODHAMS</b>
<b>MEETING DATE:</b>	<b>10 NOVEMBER 2014</b>

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#### **Purpose of Report**

To present the minutes of the Transport, Access & Environment Committee Meeting held 3 November 2014.

#### **RESOLUTION**

**That:**

- 1. The Minutes be received.**
- 2. Council note the resolutions adopted by the Committee.**
- 3. Council adopt the Committee's recommendations with the exception of:**
  - Item 12.1.1 (8.1) Global Friendship Committee Meeting - 18 September 2014**
  - Item 12.1.2 (8.2) Natural Heritage & Bushland Advisory Committee Meeting Minutes - 2 October 2014**
  - Item 12.1.3 (8.3) Traffic Committee Minutes - 15 October 2014**
  - Item 12.1.4 (9.1) Car Parking Review**
  - Item 12.1.5 (9.3) Infrastructure Levy Consultation Summary**
  - Item 12.1.6 (9.4) Draft Urban Tree Management Policy**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

#### **Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

**12.1.1 (8.1) GLOBAL FRIENDSHIP COMMITTEE MEETING - 18 SEPTEMBER 2014**

<b>ATTACHMENTS:</b>	<b>1. MINUTES - GLOBAL FRIENDSHIP COMMITTEE MEETING - 18 SEPTEMBER 2014</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>MELANIE SMITH - COMMUNITY SERVICES DIRECTOR</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED</b>
<b>MEETING DATE:</b>	<b>3 NOVEMBER 2014</b>

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**Purpose of Report**

To present Council with the minutes of the Global Friendship Committee meeting held 18 September 2014.

**RESOLUTION**

**That the Matter be deferred for the Minutes to be referred back to the Committee for ratification.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**12.1.2 (8.2) NATURAL HERITAGE & BUSHLAND ADVISORY COMMITTEE  
MEETING - MINUTES - 2 OCTOBER 2014**

<b>ATTACHMENTS:</b>	<b>1. MINUTES OF MEETING 2 OCTOBER 2014</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PAUL COLLINGS - ACTING INFRASTRUCTURE SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD - OPEN SPACE MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>2.1.1 CONSERVE AND MAINTAIN WILLOUGHBY'S NATURAL ECOSYSTEMS</b>
<b>MEETING DATE:</b>	<b>3 NOVEMBER 2014</b>

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**Purpose of Report**

To present to Council the Minutes of the Natural Heritage and Bushland Advisory Committee meeting as of 2 October 2014.

**RESOLUTION**

That the Notes of the Meeting of the 2<sup>nd</sup> of October 2014 be noted with the exception of the identification of any particular residents and properties being removed from the notes.

**MOVED COUNCILLOR NORTON**

**SECONDED COUNCILLOR HILL**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Coppock, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Nil

**Absent:** Councillor Giles-Gidney.

**THE MAYOR LEFT THE MEETING FOR THIS ITEM DUE TO DECLARING A  
SIGNIFICANT AND PECUNIARY INTEREST.**

**12.1.3 (8.3) TRAFFIC COMMITTEE MINUTES - 15 OCTOBER 2014**

<b>ATTACHMENTS:</b>	<b>1. TRAFFIC COMMITTEE MINUTES OF 15 OCTOBER 2014</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PAUL COLLINGS – ACTING INFRASTRUCTURE SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>JAMES BROCKLEBANK - GROUP LEADER TRAFFIC &amp; TRANSPORT</b>
<b>DELIVERY PROGRAM ITEM:</b>	<b>4.1.3 TRANSPORT MANAGEMENT BALANCES OUR NECESSARY PRIVATE VEHICLE TRIPS WITH ALTERNATIVE, MORE SUSTAINABLE TRANSPORT</b>
<b>MEETING DATE:</b>	<b>3 NOVEMBER 2014</b>

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**Purpose of Report**

To advise Council of the outcome of the latest Traffic Committee Meeting held on 15 October 2014.

**RESOLUTION**

That the recommendations arising from the October 2014 Traffic Committee meeting be received and adopted with the following amendments:

- a) **Gore Hill Cycleway, Naremburn. A point 4 be added to the Recommendation as follows:**
  4. **That a report come back to the Traffic Committee by February 2015 on this issue.**
- b) **5.2 Dulwich Road / Peckham Avenue, West Chatswood**

The Recommendation be amended to read:

**That installation of traffic calming measures on Dulwich Road remain an item on Council's Traffic Hotspots Priority List for future introduction, with a report being brought back to the Traffic Committee with the expected timing for this work.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil



**12.1.4 (9.1) CAR PARKING REVIEW**

- ATTACHMENTS:**
1. **WDCP CURRENT CAR PARKING CONTROLS FOR RESIDENTIAL FLAT BUILDINGS AND SHOP TOP HOUSING INCLUDING RAILWAY PRECINCTS MAPS**
  2. **LOCATION MAP SHOWING STATISTICAL AREAS (SA1S) WITH MORE THAN 100 DWELLINGS AND BREAKDOWN OF CAR OWNERSHIP PER DWELLING FOR RESIDENTIAL FLAT DEVELOPMENT ABOVE 3 STOREYS IN SA1S IN WILLOUGHBY**
  3. **LOCATION MAP OF SELECTED STATISTICAL AREAS**
  4. **COMPARISON BETWEEN ABS 2011 CENSUS INFORMATION (ON CAR OWNERSHIP) AND COUNCIL INFORMATION**
  5. **LOCATION MAP AND RESULTS OF CAR PARK SURVEYS CONDUCTED BY COUNCIL'S TRAFFIC SECTION, SEPTEMBER 2014**
  6. **LOCATION MAP OF COUNCIL TRAFFIC SURVEYS OF HIGH RISE RESIDENTIAL DEVELOPMENTS IN CHATSWOOD CBD, JUNE 2013**
  7. **TABLE FROM RMS REPORT FOR HIGH DENSITY RESIDENTIAL TRIP SURVEYS, SEPTEMBER 2012**
  8. **RMS GUIDE TO TRAFFIC GENERATING DEVELOPMENTS, SECTION 5 'PARKING REQUIREMENTS FOR SPECIFIC LAND USES, OCTOBER 2002**
  9. **TABLE OF CURRENT WDCP CAR PARKING RATES COMPARED WITH OTHER COUNCILS**
  10. **WILLOUGHBY STRATEGIC BUS ROUTES AND RAILWAY LINE MAP**
  11. **OFF STREET CAR SHARE FACT SHEET**

**RESPONSIBLE OFFICER:** **GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR**

**AUTHOR:** **CRAIG O'BRIEN - STRATEGIC PLANNER**

**CITY STRATEGY LINK:** **4.2.2 BALANCE TRAFFIC MANAGEMENT**

**MEETING DATE:** **3 NOVEMBER 2014**

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**Purpose of Report**

The purpose of this report is to advise Council of the review of the car parking provisions for residential flat development and shop top housing within the Willoughby Development Control Plan (WDCP) that has been conducted in response to the Council resolution dated 11 November 2013 (see below).

The review of car parking provisions has involved reference to a number of sources of information in order to understand car parking demand and patterns specific to the Willoughby LGA.

The review has also had regard to the NSW Planning and Environment proposed changes to State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the introduction of a new Apartment Design Code that will affect car parking provision for residential flat buildings and shop top housing.

The review finds that Councils current policy is generally sound and should be retained.

The review recommends there should be no change to car parking rates for residential flat development, including shop top housing, within railway precincts, Major Public Transport Corridors and the remainder of Willoughby. The review does recommend changes to WDCP regarding Railway Precinct Areas being increased to 800 metres, making the on-site parking rate for shop top housing studios a maximum rate where the studios involve conversion of existing upper floor levels above retail / commercial, updating the Major Public Transport Corridors (MPTC) list, and the introduction of car share scheme provisions.

## **MOTION**

- 1. That the matter be deferred for a Councillor Workshop in the New Year.**
- 2. That the Workshop considers:**
  - a) The Notice of Motion by Councillor Saville.**
  - b) Sub-letting / sale of vacant car spaces to occupants of a building with the strata scheme that do not have car parking.**
  - c) In respect of high rise apartments:**
    - i) provision of at least 1 car park per residence**
    - ii) car share arrangements**
  - d) Possible acquisition of land to provide car parking in the vicinity of strip centres.**
  - e) parking for single dwelling houses**
  - f) Provision of parking for retail / restaurants in conjunction with shop top housing.**
  - g) Ability to convert surplus car spaces to other uses if not required for car parking.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR RUTHERFORD**

**NOT PUT TO THE VOTE**

## **AMENDMENT**

- 1. That the matter be deferred for a Councillor Workshop in the New Year.**
- 2. That the Workshop considers:**

- a) **The Notice of Motion by Councillor Saville.**
- b) **Opportunities to be more flexible on the provision of car parking in respect of shop top housing in strip centres.**
- c) **Sub-letting / sale of vacant car spaces to occupants of a building with the strata scheme that do not have car parking.**
- d) **In respect of high rise apartments:**
  - i) **provision of at least 1 car park per residence**
  - ii) **car share arrangements**
- e) **Possible acquisition of land to provide car parking in the vicinity of strip centres.**
- f) **parking for single dwelling houses**
- g) **Provision of parking for retail / restaurants in conjunction with shop top housing.**
- h) **Ability to convert surplus car spaces to other uses if not required for car parking.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

**For the Amendment:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Sloane and Stevens.

**Against:** Councillors Rutherford and Wright

**Absent:** Councillors Coppock and Hooper

**The Amendment became the Motion and when put was CARRIED.**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane and Stevens

**Against:** Councillor Wright

**Absent:** Councillors Coppock and Hooper.

**12.1.5 (9.3) INFRASTRUCTURE LEVY CONSULTATION SUMMARY**

<b>ATTACHMENTS:</b>	<b>2013/2014 SPECIAL RATE VARIATION COMMUNITY CONSULTATION SUMMARY</b>  <b>DETAILS OF INFRASTRUCTURE LEVY SUBMISSIONS (DISTRIBUTED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR</b> <b>TONY PIZZUTO - FINANCIAL SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>DARIUS TURNER – CORPORATE PLANNING AND GOVERNANCE CO-ORDINATOR</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>3 NOVEMBER 2014</b>

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**Purpose of Report**

To inform Council of the feedback received through community consultation regarding the proposed Infrastructure Levy for 2015/16.

**PROCEDURAL MOTION**

That the following people address the meeting:

- Mr Bob Taffel
- Mr John Steel

Mr Taffel and Mr Steel addressed the meeting and answered questions of the Councillors.

**MOTION**

That:

1. In December 2014 Council notifies the Independent Pricing and Regulatory Tribunal (IPART) of its intention to apply for an Infrastructure Levy (Special Rate Variation) to commence in 2015/16
2. Council apply to IPART in February 2015 for an Infrastructure Levy (Special Rate Variation) as outlined in Scenario 3. Assuming a rate peg of 2.6% over the 7 year period, the following cumulative increases to apply.

	Infrastructure Levy %	Rate Peg % (assumed)	SCENARIO 3	Cumulative %
Year 1	4.5	2.6	7.1%	7.1%
Year 2	2.0	2.6	4.6%	12.03%
Year 3	0.0	2.6	2.6%	14.94%
Year 4	0.0	2.6	2.6%	17.93%
Year 5	0.0	2.6	2.6%	20.99%
Year 6	0.0	2.6	2.6%	24.14%
Year 7	0.0	2.6	2.6%	27.37%

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR ROZOS**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Eriksson, Hill, Norton, Rozos and Sloane.

**Against:** Councillors Coppock, Hooper, Mustaca, Rutherford, Stevens and Wright.

**As the vote was equal, the Mayor exercised her casting vote in favour of the Motion.**

**12.1.6 (9.4) DRAFT URBAN TREE MANAGEMENT POLICY**

<b>ATTACHMENTS:</b>	<b>1. VOLUME 1 - URBAN TREE MANAGEMENT POLICY 2. VOLUME 3 - URBAN TREE MANAGEMENT POLICY 3. COMMUNITY CONSULTATION SUMMARY</b>
<b>RESPONSIBLE OFFICER:</b>	<b>PAUL COLLINGS – ACTING INFRASTRUCTURE SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>JASON BAKER – RECREATION ASSETS OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>2.1.2 THE COMMUNITY VALUES THE NATURAL ENVIRONMENT</b>
<b>MEETING DATE:</b>	<b>3 NOVEMBER 2014</b>

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**Purpose of Report**

To report on the draft Urban Tree Management Policy (Volumes 1 and 3) following public exhibition and to seek Council's approval to adopt these policies.

**PROCEDURAL MOTION**

That the following people address the meeting:

- Mr Robert Wilson

Mr Robert Wilson addressed the meeting and answered questions of the Councillors.

**RESOLUTION**

That the draft Urban Tree Management Policy and the Street Tree Master Plan be adopted subject to the following changes:

- a) The policy includes specific reference to the food production value of trees.
- b) The drafting of the policy be revised to be in more plain English including explanation of terms.
- c) That the 6<sup>th</sup> dot point on Page 158 include reference to Pacific Highway.
- d) That the policy includes reference to the management of bush fire risk through the Policy

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR HILL

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Rozos, Rutherford, Sloane, Stevens, Norton and Wright.

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

## 13 DEFERRED MATTERS

### 13.1 4 LOUISE AVENUE, CHATSWOOD WEST - WEST WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 17 OCTOBER 2014

<b>ATTACHMENTS:</b>	<b>1. MINUTES &amp; WARD REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - DEVELOPMENT PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>NONI DE CARVALHO</b>
<b>MEETING DATE:</b>	<b>27 OCTOBER 2014</b>

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#### **Purpose of Report**

To list on the agenda the minutes of the West Ward Councillors Inspection Committee Meeting held 17 October 2014.

#### **PROCEDURAL MOTION**

That the following people address the meeting:

- Mr Joseph Lahoud

Mr Lahoud addressed the meeting and answered questions of the Councillors.

#### **MOTION**

That the application be approved in accordance with the Officer's recommendation subject to the following changes:

- A. Delete Schedule 1, Condition 1(b)(i) and replace with a new condition 1(b)(i) as follows:
  - (i) Provision of a masonry wall along the rear boundary of both allotments contained within the subject site and adjoining the property at No.9 The Fairway. The wall is to be built to a height of 1.8 metres above the finished ground levels within the subject site or 3 metres above the ground level within the boundary (adjoining the subject site) of No.9 The Fairway, whichever is the greater.
- B. Add an additional condition to Schedule 1, Condition 1 as follows:
  - (ii) Provision of a 1.6 metre high translucent glass privacy screen along the southern side of the east facing first floor terrace accessed from Bedroom 2 of Dwelling No 4A (southern dwelling).

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR STEVENS**



**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Coppock, Eriksson, Hill, Hooper, Mustaca, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Councillor Norton

**13.2 34 & 38/135-145 SAILORS BAY ROAD, NORTHBRIDGE - SAILORS BAY  
WARD COUNCILLORS INSPECTION COMMITTEE MEETING - 24  
OCTOBER 2014.**

<b>ATTACHMENTS:</b>	<b>MINUTES &amp; REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - DEVELOPMENT PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>ANNIE LEUNG - DEVELOPMENT PLANNER</b>
<b>MEETING DATE:</b>	<b>27 OCTOBER 2014</b>

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### **Purpose of Report**

To list on the agenda the minutes of the Sailors Bay Ward Councillors Inspection Committee Meeting held 24 October 2014.

### **PROCEDURAL MOTION**

That the following people address the meeting:

- Mr Gerry Johnston
- Mrs Mary Johnston
- Mr Peter McLoughlin

Mr Johnston, Mrs Johnston and Mr McLaughlin addressed the meeting and answered questions of the Councillors.

### **MOTION**

1. That the application be approved and delegated authority be granted to the General Manager to issue the modified consent notice subject to the following additional conditions:
  - a) Before the supervisor leaves prior to 10pm they are to secure the free weights over 15kg and can make them unsecured at 6:00am.  
  
(Reason: Noise)
  - b) CCTV coverage of the gym is to be provided 24 hours a day and is to be checked by the on-site Manager on a daily basis. The CCTV system will include 24 hour audio and visual recording, a high resolution camera to be positioned by the members' entrance and sufficient cameras located around the gym, and if the Owners Corporation permits, the basement car park, stairways and commercial lobby to ensure that supervision other than the toilet areas is maximised. The manager is to be responsible for ensuring that visitors and customers of the gymnasium comply with the conditions imposed by this consent. If the CCTV system identifies a customer or visitor of the gym breaching the

conditions of consent then the Manager is to take action, including suspension or cancellation of membership if appropriate, to ensure that there is compliance with the conditions of consent.

*(Reason: Safety/ Security/ Noise Control)*

- c) Willoughby Council Rangers are to be provided with the means to access the premises at any time, in the event of a complaint being received, including access to CCTV footage if necessary to verify a complaint.

*(Reason: Ensure Compliance)*

- d) The gym operator is to undertake comprehensive noise assessment with respect to the adjacent commercial unit within 6 months of the date of this modification, and adopt any recommended noise mitigation measures as necessary.

*(Reason: Noise)*

- e) The Plan of Management is to be amended to incorporate the following requirements.

**Plan of management**

- a) When a complaint is received, the on-site manager is to check security footage and members' check-in to fully investigate the complaint within 24 hours on the receipt of the complaint and identify any offender contravening the requirements of the approved POM and any house rules. CCTV footage relevant to a complaint is to be kept for at least a 30 days period and be made available to Council upon request.
- b) Prominent signage be displayed in the free weights and stacked weights areas to clearly state that "*Dropping of weights is prohibited, and suspension/cancellation of membership applies*".
- c) The use of roof speakers in the Gym be ceased or adjusted to a lower volume level as agreed by Council until appropriate mitigating measures can be implemented to ensure that there are no unacceptable noise impacts to the adjoining premises. Use of personal music equipment and earphones by gym users are unaffected.
- d) Signs stating "CCTV in operation" should be prominently displayed throughout the premise to ensure gym members are aware that the gym is being monitored.
- e) The gym operator is to undertake comprehensive noise assessment with respect to the adjacent commercial unit, and adopt any recommended noise mitigation measures as necessary.
- f) A parking and exit/entry plan be provided to all new members (and a plan emailed to all existing members upon adoption). The plan

should identify the location of the allocated car spaces of the Gym within the basement car park, and access route to/from the gym to the car park.

- g) Each new member must be provided with *“a familiarisation session with a personal trainer who would indicate correct and responsible use of all gym equipment in order to minimise the risk of generating noise and/or vibration events that may exceed the requirements of the conditions of consent”* as per conclusion of the submitted acoustic report.
- h) No gym member of other gyms from the franchised chain is permitted to use the Northbridge gym unless a prior induction/orientation session has been conducted with staff during staffed hours.
- i) Before the supervisor leaves prior to 10pm they are to secure the free weights over 15kg and can make them unsecured at 6:00am.
- j) The CCTV system is to incorporate audio as well as digital video recording. The audio level is to be set to record sound above a normal conversation decibel level.
- k) Willoughby Rangers are to be able to access the premises at any time in the event of a complaint being received and arrangements are to be implemented to enable such arrangements to occur.

2. That Council write to the occupants of the building informing them of the Conditions of Consent for the use and requesting that a copy of any complaints be emailed to Council.

**MOVED COUNCILLOR HILL**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

**For the Motion:** Councillors Giles-Gidney, Hill, Mustaca, Norton, Rozos and Sloane

**Against:** Councillors Coppock, Hooper, Rutherford, Stevens and Wright.

**Absent:** Cr Eriksson

**CONSEQUENTIAL MOTION**

That a note be attached to the Consent clarifying that the reference to Personal music equipment means ‘use of earphones’.

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR HILL**

**CARRIED**

**Voting**

**For the Consequential Motion:** Councillors Giles-Gidney, Coppock, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Councillor Wright.

**Absent:** Councillor Eriksson.

**COUNCILLOR ERIKSSON LEFT THE MEETING FOR THIS ITEM DUE TO DECLARING A SIGNIFICANT AND PECUNIARY INTEREST**

**13.3 NOTICE OF MOTION: OPPORTUNITY TO REDUCE GRIDLOCK AND MAKE HOUSING MORE AFFORDABLE****RESPONSIBLE OFFICER: GREG WOODHAMS - ACTING GENERAL MANAGER****AUTHOR: GREG WOODHAMS- ACTING GENERAL MANAGER****MEETING DATE: 10 NOVEMBER 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 approaches the Premier, local MPs, Leader of the Opposition, Shooters and Fishers and Greens to support the state government proposal to reduce parking requirements in multi-unit developments near transport hubs on condition that:

- a) There is substantial increase in provision of public transport across the Sydney region. Increased public transport would include expansion of existing transport services, routes and modes (rail, bus, tram, ferry), with longer hours of operation;
- b) Provision be made in legislation for car share spaces in multi-unit developments;
- c) Provision be made for plug ins for electric cars in all new multi-unit developments;
- d) Adequate numbers of disabled car spaces and bikes be maintained.

**THIS ITEM WAS DEFERRED TO THE COUNCIL MEETING TO BE HELD ON 24 NOVEMBER 2014.**

**13.4 NOTICE OF MOTION: LOCAL GOVERNMENT AMENDMENT (RED TAPE REDUCTION) BILL 2014****RESPONSIBLE OFFICER: GREG WOODHAMS - ACTING GENERAL MANAGER****AUTHOR: GREG WOODHAMS - ACTING GENERAL MANAGER****MEETING DATE: 10 NOVEMBER 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:

- (a) Notes that the NSW Government is proposing legislation, the Local Government Amendment (Red Tape Reduction) Bill 2014, that will remove key anti-corruption provisions from local government tendering processes.
- (b) Opposes the Local Government Amendment (Red Tape Reduction) Bill 2014 which proposes to allow councils to remove council oversight of all tenders, whether for hundreds of thousands or millions of dollars in value, and allow for these decisions to be delegated to a single council official or even to private firms
- (c) Notes that ICAC has found that inconsistent tendering processes create corruption risks, by increasing complexity and entrenching a lack of consistency and accountability in tendering.
- (d) Requests the Mayor to write to the Premier, Minister for Local Government, Shadow Minister for Local Government and the parliamentary representatives from the Greens, the Shooters and the Christian Democrats Parties, advising them of this resolution and Council's concerns.

**THIS ITEM WAS DEFERRED TO THE COUNCIL MEETING TO BE HELD ON 24 NOVEMBER 2014.**

## 14 CORRESPONDENCE

### 14.1 COUNCILLORS INFORMATION BOOKLETS - 30 OCTOBER & 6 NOVEMBER 2014

**RESPONSIBLE OFFICER:** GREG WOODHAMS - ACTING GENERAL MANAGER

**AUTHOR:** TRISHA DUFFY

**CITY STRATEGY LINK:** 6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS

**MEETING DATE:** 10 NOVEMBER 2014

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#### **Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 30 October & 6 November 2014.

#### **RESOLUTION**

**That the Councillors Information Booklets be received.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

#### **Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.



## 15 REPORTS FROM OFFICERS - GENERAL MANAGER

### 15.1 DOUGHERTY APARTMENTS BOARD - UPDATE

<b>RESPONSIBLE OFFICER:</b>	<b>GREG WOODHAMS - acting general MANAGER</b>
<b>AUTHOR:</b>	<b>GREG WOODHAMS - ACTING GENERAL MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.1 THE COMMUNITY CAN PARTICIPATE IN CITY LIFE</b>
<b>MEETING DATE:</b>	<b>10 NOVEMBER 2014</b>

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#### **Purpose of Report**

For Council to endorse a replacement representative on the Dougherty Apartments Board.

#### **RESOLUTION**

**That:**

- 1. Council endorses the appointment of the Community Services Director to the Dougherty Apartment Board for the remainder of the 12 month term.**
- 2. That the report be amended to note that Councillor Mustaca represented Council on the Board from 2004 until 2008.**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

#### **Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

## 16 REPORTS FROM OFFICERS - CORPORATE SERVICES DIRECTOR

### 16.1 AIR SPACE LEASE - CHARLOTTE LANE

**RESPONSIBLE OFFICER:** JEFF ELLIS - ECONOMIC AND PROPERTY DEVELOPMENT DIRECTOR

**ATTACHMENTS:** DRAFT LEASE PLAN

**AUTHOR:** TRACEY LEE

**CITY STRATEGY LINK:** 5.1.3 ENGAGE WITH BUSINESS

**MEETING DATE:** 10 NOVEMBER 2014

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#### **Purpose of Report**

To seek Council 's consent to affix the seal to the *Deed of Agreement to Lease and Lease* of the air space above Charlotte Lane, Chatswood under the provisions of the Roads Act 1993. The airspace lease reflects the area over the road included in Development Consent 2013/557 which approved alterations and additions to Westfield Chatswood.

#### **RESOLUTION**

1. That the General Manager be granted delegation to finalise the Deed of Agreement to Lease and the Lease documentation.
2. That the Mayor and General Manager be granted authority to affix the Council's seal to the Deed of Agreement to Lease and the Lease.

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

#### **Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

**16.2 EVENT AND STAGING EQUIPMENT HIRE - TENDER NO. 084862**

<b>ATTACHMENTS:</b>	<b>NIL</b>
<b>RESPONSIBLE OFFICER:</b>	<b>TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DAVID PAGE</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.2 COUNCIL SERVICES ARE DELIVERED TO A QUALITY STANDARD, ARE SUSTAINABLE AND RESPONSIVE TO COMMUNITY NEEDS</b>
<b>MEETING DATE:</b>	<b>13 OCTOBER 2014</b>

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**Purpose of Report**

To advise Council of the tenders received for the Event and Staging Equipment Hire.

**RESOLUTION**

That the information be noted.

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

**16.3 GRASS MOWING TENDER NO. 082400**

<b>ATTACHMENTS:</b>	<b>NIL</b>
<b>RESPONSIBLE OFFICER:</b>	<b>TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DAVID PAGE</b>
<b>CITY STRATEGY LINK:</b>	<b>4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE</b>
<b>MEETING DATE:</b>	<b>10 NOVEMBER 2014</b>

---

**Purpose of Report**

To advise Council of the tenders received for the Grass Mowing.

**RESOLUTION**

That the information be noted.

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

**16.4 CHILDCARE PROVIDERS TO DEVELOP AND OPERATE A CHILDCARE FACILITY AT 3 ABBOTT RD, ARTARMON - TENDER NO. 082379**

<b>ATTACHMENTS:</b>	<b>NIL</b>
<b>RESPONSIBLE OFFICER:</b>	<b>TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DAVID PAGE</b>
<b>CITY STRATEGY LINK:</b>	<b>1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>11 NOVEMBER 2014</b>

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**Purpose of Report**

To advise Council of the tenders received for Childcare Providers to Develop and Operate a Childcare Facility at 3 Abbott Rd Artarmon.

**RESOLUTION**

That the information be noted.

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

**16.5 THOMSON PARK SYNTHETIC SURFACING & ASSOCIATED WORKS -  
TENDER NO. 083286**

<b>ATTACHMENTS:</b>	<b>NIL</b>
<b>RESPONSIBLE OFFICER:</b>	<b>TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DAVID PAGE</b>
<b>CITY STRATEGY LINK:</b>	<b>4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE</b>
<b>MEETING DATE:</b>	<b>10 NOVEMBER 2014</b>

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**Purpose of Report**

To advise Council of the tenders received for the Thomson Park Synthetic & Associated Works.

**RESOLUTION**

**That the information be noted.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

**17 REPORTS FROM OFFICERS - COMMUNITY SERVICES  
DIRECTOR**

NIL

## 18 REPORTS FROM OFFICERS - ENVIRONMENTAL SERVICES DIRECTOR

### 18.1 2A ROBERT STREET, ARTARMON NSW 2064 - DA 2013/484

ATTACHMENTS:           1.     PREVIOUS WARD REPORT – DATED 19-SEP-2014  
                              2.     APPLICANTS RESPONSE INCLUDING SKETCH  
  PLANS AND SITE PHOTOS

MEETING DATE:                   10 NOVEMBER 2014

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RECOMMENDATION:                APPROVAL SUBJECT TO CONDITIONS

LOCATION:                         2A ROBERT STREET, ARTARMON NSW 2064

APPLICANT:                        N2 STUDIO

PROPOSAL:                        SUPPLEMENTARY REPORT - DEMOLITION OF  
EXISTING DUPLEX AND CONSTRUCTION OF A NEW  
RESIDENTIAL BUILDING COMPRISING 13 UNITS (12  
X 1 BEDROOM UNITS AND 1 X 2 BEDROOM UNIT).

DATE OF LODGEMENT:             15 NOVEMBER 2013

VALID APPLICATION DATE:        21 JULY 2014

REPORTING OFFICER:             SIMON SMITH - DEVELOPMENT PLANNER

RESPONSIBLE OFFICER:          IAN ARNOTT - DEVELOPMENT PLANNING  
MANAGER

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### DESCRIPTION OF PROPOSAL

The purpose of this report is to advise on the amendments and additional information provided by the applicant for the development at 2A Robert Street, Artarmon to address Council's Resolution of the 27<sup>th</sup> October as follows:

- *That the matter be deferred for further consultation with the applicant in respect of on-site car parking.*

It is noted that the original proposed a total ten (10) parking spaces onsite, including seven (7) residential and three (3) visitor parking spaces.

### PROCEDURAL MOTION

That the following people address the meeting:

- Mr David Knife
- Mr Nick Cooney



Mr Knife and Mr Cooney addressed the meeting and answered questions of the Councillors.

**MOTION**

That the application be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the conditions contained in the attached schedule in the Ward Report.

**MOVED COUNCILLOR SLOANE****SECONDED COUNCILLOR WRIGHT****CARRIED****Voting**

**For the Motion:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Councillors Coppock and Hooper.

**AMENDMENT CONDITIONS****Condition 3. Amendments**

The proposal is to be amended in the following manner:

- (a) Amended plans shall be submitted to resolve inconsistencies in proposed elevations and floor plans.
- (b) Amended plans as per the concept/ sketch plans for enlarged basement levels received by Council on 3 November 2014 (Drawing Numbers: 406-L-015, 406-L-016).

Plans detailing these amendments are required to be:

- (c) Shown on the Construction Certificate plans.

(Reason: Ensure Compliance)

**Condition 15. Vehicle Access – Engineer’s Certification**

The Applicant shall submit, for approved by the Principle Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- a) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- b) That the proposed vehicular path and parking arrangements except for the additional car space resultant from the enlarged stacker comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- c) All parking spaces for peoples with disabilities shall comply with Section 2.4 of AS2890.6.

(Reason: Ensure Compliance)

**Condition 78. On-site Car Parking**

10 residential spaces with a maximum of one space per unit

1 residential visitor space

The accessible space shall be allocated to an adaptable unit

The residential/ visitor spaces are to be accessible to tenants/ visitors at all times.

(Reason: Ensure compliance)

**CONDITIONS – DELEGATED/WARD REPORT****DA-2013/484 - 2A Robert Street, ARTARMON NSW 2064****SCHEDULE****Conditions of Consent:** (Including reasons for such conditions)**CONSENT IDENTIFICATION****The following condition provides information on what forms part of the Consent.****1. Approved Plan/Details**

The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Survey	12034-01	A	04.06.2012	15 Nov 2013	Geomat Engineering
Site Analysis Plan	406-L-001	A	05.11.13	16 May 2014	N2 Studio
Context: Site Plan & Roof Plan	406-L-002	B	12.05.14	16 May 2014	N2 Studio
Context: Typical Floor Plan	406-L-003	B	12.05.14	16 May 2014	N2 Studio
Context – North East Elevation	406-L-004	B	12.05.14	16 May 2014	N2 Studio
Context – South East Elevation	406-L-005	B	12.05.14	16 May 2014	N2 Studio
Context – South West Elevation	406-L-006	B	12.05.14	16 May 2014	N2 Studio
Context – North West Elevation	406-L-007	B	12.05.14	16 May 2014	N2 Studio
Context – Site Section A-A	406-L-008	B	12.05.14	16 May 2014	N2 Studio

Context – Site Section B-B	406-L-009	B	12.05.14	16 May 2014	N2 Studio
Context – Site Section 1-1	406-L-010	B	12.05.14	16 May 2014	N2 Studio
Basement Level B1 Floor Plan	406-L-015	B	12.05.14	16 May 2014	N2 Studio
Basement Level B2 Floor Plan	406-L-016	B	12.05.14	16 May 2014	N2 Studio
Level 1 (Ground Floor Plan)	406-L-017	B	21.08.14	21 July 2014	N2 Studio
Typical Floor Plan – Levels 2 to 6	406-L-018	B	12.05.14	16 May 2014	N2 Studio
Level 7 Plan	406-L-020	B	12.05.14	16 May 2014	N2 Studio
Roof Plan	406L-022	B	12.05.14	16 May 2014	N2 Studio
Unit Type B – Adaptable Layout	406-L-023	B	12.05.14	16 May 2014	N2 Studio
Unit Type C – Adaptable Layout	406-L-024	B	12.05.14	16 May 2014	N2 Studio
North East Elevation	406-L-025	B	12.05.14	16 May 2014	N2 Studio
South East Elevation	406-L-026	B	12.05.14	16 May 2014	N2 Studio
South West Elevation	406-L-027	B	12.05.14	16 May 2014	N2 Studio
North West Elevation	406-L-028	B	12.05.14	16 May 2014	N2 Studio
Section A-A	406-L-029	B	12.05.14	16 May 2014	N2 Studio
Section B-B	406-L-030	B	12.05.14	16 May 2014	N2 Studio
Cross Section 1-1	406-L-031	B	12.05.14	16 May 2014	N2 Studio
Driveway	406-L-035	A	14.05.14	16 May 2014	N2 Studio

Setting Out Plan					
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the application form and any other supporting documentation submitted as part of the application, except for:

- a) any modifications which are “Exempt Development” as defined under S76(2) of the Environmental Planning and Assessment Act 1979;
- b) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

**PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with before any Construction Certificate Application is made to the Certifying Authority.**

**2. Submit the Following Information to Willoughby City Council**

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. A letter confirming the documentation is approved by Willoughby City Council, shall then be submitted to the certifying authority for the application of a construction certificate.

The following issues shall be submitted to Council for approval:

1. Details of an overflow weir/spillway with an overland flow path that directed to the street shall be provided. Calculations are to be provided on the stormwater plans showing that the overflow elements can cope with any 1 in 100 year ARI storm event.
2. The OSD Design and Calculation Checklists shall be completed and signed by a suitably qualified professional engineer and submitted to Council. This is to ensure that the design of the proposed OSD system has been carried out in accordance with Council’s DCP and Technical Standard No. 1 – On-Site Detention.
3. Submission of supporting calculation showing the determination of orifice size. The head (h) shall be taken from the centreline of the orifice to the invert of the overflow level. The invert level of the orifices plate shall be located slightly below the invert of the tank to ensure no water ponding within the tank. A sump below the invert of the orifice outlet shall be filled with a mortar mix to the invert of the orifice after the installation of the orifice plate. Orifices plates are to be made from stainless steel/galvanised iron of minimum dimensions of 200mm x 200mm x 3mm thick and be machined to the exact diameter as calculated. They must be bolted to the pit walls or permanently fixed in the pit so that they cannot be easily removed. Silicon must be used to seal around the edges to ensure no leakage of water. Minimum crossfall for the OSD tank slab toward the orifice shall be 0.75%.
4. Minimum of two (2) elevations showing the structure including the trash rack, step irons and orifice plates.

5. The stormwater outlet pipes discharging to the street kerb should be located within the frontage of the subject property at an angle no less than 60° to the kerb line. The proposed stormwater outlet pipe shall be (125x75x4) mm RHS.
6. Stormwater runoff from all impervious areas (including roof areas, paving and driveways) must be drained to the OSD system by gravity.
7. Internal supporting walls must be minimised and minimum internal depth for the OSD system shall be 900mm for ease of maintenance. Typically internal walls shall only be considered for spans greater than three (3) metres.
8. Details of the pump-out system for the basement car park shall be revised to address the following: -
  - Supporting calculations showing the volume of pump-out tank have been designed with a minimum storage capacity equivalent to the runoff volume generated from the estimated seepage and driveway access ramps for in 1 in 100 year ARI 2-hours duration storm event.
  - Cross-section details of the pump-out system (including float switches, location of the pumps, step irons etc.) and diameter and class of rising main/s from pump-out system shall be shown on the stormwater management plans.
  - Information of the selected pumps (eg brand, model numbers, performance curves and specifications) shall be provided. Note that the minimum capacity for the pump shall be 10L/s or based on the flow rate generated for 1 in 100 year ARI 5-minutes storm event of the area draining into the tank, whichever is greater.
9. In order to ensure that no scraping to vehicles would occur as they pass over the new vehicular crossing, the applicant shall submit longitudinal sections along each side/edge of the proposed vehicular accesses path drawn at 1:20 Scale. The driveway is to be designed using Council's standard vehicle profile. The longitudinal sections shall be prepared by a suitably qualified person and shall include the following: -
  - Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm deep and the back of layback is 100mm above the gutter invert.
  - Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.

The crossing is to be 4 metres wide with no splays and be to constructed at right angle to street kerb. The centreline of the new crossing shall be in-line with the centreline of the driveway. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

  - The gutter invert level – remain as the existing gutter invert level
  - At back of layback – 100 mm above and parallel to the new gutter invert.
  - At property boundary – 250 mm above and parallel to the gutter invert

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. All driveway grades and transitions shall comply with AS 2890.1 - 2004 and Council's specifications. The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.  
(Reason: Ensure Compliance)

## PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

### 3. Amendments

The proposal is to be amended in the following manner:

- (a) Amended plans shall be submitted to resolve inconsistencies in proposed elevations and floor plans.

Plans detailing these amendments are required to be:

- b) shown on the Construction Certificate plans.

(Reason: Ensure compliance)

### 4. Section 94A Contributions

A monetary contribution of \$46,818.50 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 1 % of the estimated development cost of \$ 4,681,850 at 15/11/2013 and the adopted Section 94A Contributions Plan.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Building Price Index (Enterprise Bargaining Agreement) [BPI(EBA)] between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$NL = \$Lo + \$Lo \times \frac{[\text{current index} - \text{base index}]}{\text{base index}}$$

Where:

**NL** is the new section 94A levy

**Lo** is the original levy

**Current index  
[BPI(EBA)]**

is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works available at the time of review of the contribution rate

**Base index  
[BPI(EBA)]**

is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works at the date of the proposed cost of development as above

In the event that the current BPI(EBA) is less than the previous BPI(EBA), the current BPI(EBA) shall be taken as not less than the previous BPI(EBA).

Prior to payment Council can provide the value of the indexed levy.

Copies of the S94A Contributions Plan are available for inspection online at [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)

(Reason: Statutory requirement)

**5. Fire Safety Schedule**

Submission of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

(Reason: Compliance)

**6. External Finishes – Colours and Textures**

All external building materials shall be in neutral, recessive, non-reflective colours and textures, which harmonise with the colours of the natural landscape. In this regard:

- (a) The schedule of colours and finishes submitted with the application satisfies this requirement.

(Reason: Visual amenity)

**7. Damage Deposit**

The applicant shall lodge a Damage Deposit of \$25,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$264 (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

**8. Temporary Ground Anchors**

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works prior to issue of the Construction Certificate. Copies of the permission shall be



sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.  
(Reason: Encroachment of works)

**9. Stormwater Conveyed to Street Drainage**

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. Any new drainage pipe connections to street kerb shall be made using a 125mm x 75mm x 4mm thick galvanised Rectangular Hollow Section (RHS) with a grated drainage pit (min. 600mm x 600mm) provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part C.5 of Council's DCP and Technical Standards. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

**10. Detailed Stormwater Management Plan (SWMP)**

Submit for approval by the Principal Certifying Authority, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and BCA.

(Reason: Ensure Compliance)

**11. Basement Pumpout Drainage System**

The applicant shall submit, for approval by the Principal Certifying Authority, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications, shall be generally in accordance with the approved stormwater management plans with the following requirements:

- The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.
- An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1 in 100 year ARI 2-hours duration storm event.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS3500.3 – *Plumbing and Drainage Code* and the BCA.

(Reason: Prevent nuisance flooding)

**12. Construction Management Plan (CMP)**

Submit, for approval by the Principal Certifying Authority, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)

**13. Traffic Management Plan**

A detailed Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- a) Be prepared by a RTA accredited consultant.
- b) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- c) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- d) Temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

**14. Certificate Issued by Willoughby City Council**

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the Accredited Certifier, a letter issued by Willoughby City Council confirming that the documentation listed in Condition 2 of this consent has been approved by Council.

(Reason: Ensure compliance)

**15. Vehicle Access – Engineer's Certification**

The Applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- a) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- b) That the proposed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,

- c) All parking spaces for people with disabilities shall comply with Section 2.4 of AS2890.6.

(Reason: Ensure Compliance)

#### 16. Design of Civil Works in Public Road (Roads Act Approval)

Prior to issue of any Construction Certificate, the Applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- Construction of full width footpath (max. 2.5% crossfall) for the full frontage of the development in Robert Street. Detailed long section and cross section in 5 metres interval shall be provided.
- Construction of kerb and gutter for the full frontage of the development in Robert Street Road.
- Construction of 4m wide vehicular crossing to Council specifications. The design levels at the property boundary shall be 250mm above and parallel to the gutter invert. Crossings shall be designed in accordance with Council's standard drawing SD105 and specification.
- Construction of one lane 3 metres of the road pavement and any associated works fronting the subject site in Robert Street.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of two (2) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current *Fees and Charges Schedule* are payable to Council prior to issue of the approved plans. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate.

(Reason: Ensure compliance)

#### 17. Vehicle Access - Construction & Certification

The Applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- b) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- c) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- d) All parking spaces for people with disabilities did comply with Section 2.4 of AS2890.6.

(Reason: Ensure Compliance)

**18. Internal Noise Levels Residential**

To minimise the noise intrusion from any external noise source, the building shall be designed and constructed to comply with the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria
		$L_{Aeq}$ (period)
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

Note:

1. The above criteria does not apply to kitchens, bathrooms, laundries, foyers, hallways, balconies or outdoor areas.
2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet this criteria shall be submitted to the Principal Certifying authority prior to issue of the Construction Certificate.

(Reason: Amenity)

**19. Building Ventilation**

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- a) The Building Code of Australia:
  - i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
  - ii) Alternative solution using an appropriate assessment method

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be submitted to the Principal Certifying Authority.

(Reason: Ensure compliance)

**20. Hazardous Building Material Assessment**

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Principal Certifying Authority for approval. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental protection/public health and safety)

**21. Noise Mechanical Services**

To minimise the impact of noise onto residential receivers, all mechanical services shall be designed and installed to ensure ambient noise levels are maintained.

Details of the proposed equipment, siting and any attenuation required shall accompany the application for Construction Certificate.

(Reason: Amenity)

## PRIOR TO COMMENCEMENT

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.**

### **22. Dilapidation Report of Adjoining Properties**

Submit a photographic survey and report of the adjoining properties No 3 Francis Road, and No 4 Benton Avenue to the PCA and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the PCA, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.  
(Reason: Protection of adjoining owners)

### **23. Geotechnical Report**

The site and adjoining sites (including the road reserve or other public space) are to be inspected by an independent Geotechnical Engineer and a comprehensive report shall be submitted to the accredited certifier indicating how the work is to be undertaken with safety, and identifying the stages at which the engineers' personal supervision is to occur during the works.  
(Reason: Protection of adjoining properties)

### **24. Dilapidation Report of Council's Property**

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Principal Certifying Authority.  
(Reason: Protection of Council's infrastructure)

### **25. Permits and Approvals Required**

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

(Reason: Legal requirements)

## **26. Application for Vehicle crossing**

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing.

(Reason: Protection of public asset)

## **DURING DEMOLITION, EXCAVATION AND CONSTRUCTION**

**The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.**

**27. Hours of Work**

All construction/demolition work relating to this Development Consent within the City must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application under Section 96 of the Environmental Planning and Assessment Act for a variation to these approved hours must be lodged with Council at least 3 working days in advance of the proposed work. The application must include a statement regarding the reasons for the variation sought and must be accompanied by the required fee.

Note: This S96 application may require re-notification in some circumstances.  
(Reason: Ensure compliance and amenity)

**28. Building Site Fencing**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.  
(Reason: Safety)

**29. Provide Erosion and Sediment Control**

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.  
(Reason: Environmental protection)

**30. Demolition Work AS 2601**

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".  
(Reason: Safety)

**31. Asbestos Removal**

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Committee 2002).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.  
(Reason: Public health and safety/Ensure compliance)

**32. Asbestos Disposal**

All asbestos laden waste, including bonded or friable asbestos must be disposed of at a waste disposal site approved by the NSW Department of Environment, Climate Change and Water.

Upon completion of the asbestos removal and disposal the applicant must furnish the Principal Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.  
(Reason: Environmental protection/Public health and safety)

**33. Survey Certificate**

Certification of the following shall be submitted to the Principal Certifying Authority by a registered surveyor:

- a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- b) At each level indicating the level of that floor to Australian Height Datum;
- c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- d) At roof slab level indicating the level of that slab to Australian Height Datum;
- e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

**34. Temporary Toilet Facilities**

Temporary toilet facilities shall be provided to the satisfaction of the Principal Certifying Authority.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.  
(Reason: Health and amenity)



**35. Temporary Ground Anchors – Supervision**

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of the ground anchors. On completion of these works, a report from the Geotechnical Engineer shall be submitted to Council for record purposes.

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.

(Reason: Protection of public assets)

**36. Sweep & Clean Pavement**

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.

(Reason: Legal requirement)

**37. Street Signs**

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

(Reason: Protection of public assets)

**38. Tree Protection**

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period:
- ii) All trees as identified in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 28 July 2014
- iii) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- iv) Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified Arborist on site. All structures are to bridge roots unless directed by a qualified Arborist on site.
- v) Tree protection measures must comply with the recommendation contained in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 28 July 2014 AS 4970-2009 Protection of trees on development sites.

(Reason: Tree Management)

**39. Public Tree Protection**

Unless identified by the development consent, no tree roots over 50mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.  
(Reason: Tree management)

**40. Storage of Materials on Council Land Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.  
(Reason: Safety, environmental protection)

**41. Waste Classification – Excavation Materials**

All materials excavated and removed from the site (fill or natural) shall be classified in accordance with the Environment Protection Authority (EPA) Waste Classification Guidelines prior to being disposed of to a NSW approved landfill or to a recipient site.  
(Reason: Environment and health protection)

**42. Hazardous Materials – Clearance Certificate**

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately qualified occupational hygienist and submitted to the Principal Certifying Authority. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.  
(Reason: Health and safety)

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the issue of an occupation certificate.**

**43. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to occupation. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.  
(Reason: Ensure statutory compliance)

**44. Street Number Display**

The street number at least 100mm high shall be clearly displayed.  
(Reason: Information)

**45. Drying Area**

An outdoor clothes drying facility is to be provided in accordance with the Willoughby Development Control Plan, i.e. not forward of the building line or within the setback to any street.  
(Reason: Environmental sustainability)

**46. BASIX Certificate**

A completion certificate is to be submitted to the Principal Certifying Authority demonstrating the manner in which the measures committed to in the latest BASIX Certificate have been satisfied.

(Reason: Environmental sustainability)

**47. Sustainable Development - Multi-unit Dwellings**

Prior to occupation of the multi occupancy, a Sustainability manual is to be prepared which details all the environmental incentives outlined in the scorecard and ongoing provision and maintenance of these measures. The manual shall be provided to each unit in the development.

(Reason: Environmental sustainability)

**48. Access for the Disabled - Disability Discrimination Act**

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

**49. Fire Safety Certificate Forwarded to NSW Fire and Rescue**

Upon completion of the building work a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the Environmental Planning and Assessment Regulation 2000 in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

**50. Services - Mailboxes**

All mail boxes provided on site are to comply with the requirements of 'Australia Post' in terms of size, location, numbering and clearing. Details of the requirements can be obtained from Australia Post or from their web site. Letter boxes for adaptable dwellings shall comply with AS 4299 Cl 3.8.

(Reason: Legal)

**51. Residential Flat Building - Clothes to be Dried in the Open Air**

Where provision is made to enable clothes to be dried in the open air, this clothes drying area is to be screened by a fence or landscaping on the sides visible from public areas.

(Reason: Amenity)

**52. Residential Flat Building - Service Facilities**

The following shall apply to the development:

- i. Electricity and telephone lines must be placed underground from the street to the building.
- ii. One storage area shall be allocated to each unit.
- iii. A master TV antenna or satellite dish is to be provided for the building. This shall suitably screened from view from the street.
- iv. All plumbing pipes and installations must be concealed in ducts and not exposed on the external walls of the building and must be adequately soundproofed.
- v. Secure bicycle parking facilities shall be provided in accordance with Willoughby Development Control Plan Part C. 4 and designed in accordance with AS2890.3.

(Reason: Ensure compliance, streetscape and amenity)

### 53. Affordable Rental Housing SEPP – Infill Housing

No less than 20% of the gross floor area of the approved development must be dedicated as Affordable Housing within the meaning of State Environmental Planning Policy (Affordable Rental Housing) (AHSEPP) 2009.

- (a) The following must be complied with for 10 years from the date of the issue of the occupation certificate for the approved development:
  - (i) the apartments that comprise of 20% of the gross floor area of the approved development identified to be used for the purposes of affordable housing must be used for the purposes of affordable housing, and
  - (ii) all accommodation that is used for affordable housing must be managed by a registered community housing provider, and
- (b) A registered surveyor shall nominate which apartments are identified as Affordable Housing within the meanings of AHSEPP 2009 and confirm in writing that the nominated apartments comprise no less than 20% of the gross floor area of the approved development, and
- (c) A restriction must be registered, before the date of the issue of any occupation certificate for the development, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met. Upon registration of a strata plan, the restriction may be placed on the title of each strata allotment for which the apartment is nominated as affordable housing in lieu of the restriction applying to the overall development site.

Prior to the issue of any occupation certificate for the approved development, documentary evidence demonstrating compliance with every aspect of this condition of consent, including registration of title restriction and management agreement with a registered community housing provider for the approved affordable housing must be submitted to the Principal Certifying Authority and to Willoughby City Council.

(Reasons: Legislative Requirement & Ensure Compliance)

**54. Temporary Ground Anchors – Destressing**

All damages to Council's infrastructures due to the works associated with the piling and installation of the ground anchors shall be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to Council.  
(Reason: Destressing of ground anchors)

**55. Grated Box Drain**

For stormwater control a 225 mm wide grated trench drain with a heavy duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The trench drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.  
(Reason: Proper disposal of stormwater)

**56. On-site Water Management System**

The stormwater runoff from the site shall be collected and disposed of via an approved OSD system in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).  
(Reason: Prevent nuisance flooding)

**57. Sign for OSD system**

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD system.

The wording for the plaque shall state "*This is the OSD system required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris*".  
(Reason: Prevent unlawful alteration)

**58. Certification of OSD**

A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.1.  
(Reason: Legal requirement)

**59. Certification of the Basement Pumpout Drainage System**

Upon completion of the pump-out system, the following shall be submitted to the Principal Certifying Authority.

- A suitably qualified and experienced civil engineer (generally CP Eng.

Qualification) shall certify that the as-built pumpout system complies with Part C5 of Council's DCP, all relevant codes and standards and the approved stormwater management plans.

- Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Ensure compliance)

#### **60. Works-As-Executed Plans - OSD**

Upon completion of the OSD System, the following shall be submitted to the Principal Certifying Authority:

- Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

#### **61. S88B/S88E(3) Instrument**

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built OSD system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the Conveyancing Act 1919 for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the OSD system, in relation to the building footprint, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

Documentary evidence of registration of these instruments with the Land and Property Information shall be submitted to the Principal Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

#### **62. Documentary Evidence of Positive Covenant, Engineers Certificate**

The following documentary evidence of the completed drainage works shall be submitted to Principal Certifying Authority and Council: -

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally

CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.

- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

### **63. Splay Corner for Fence**

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be designed and constructed by a 2mx 2.5m splay on both sides of the driveway exit.

(Reason: Pedestrian safety)

### **64. Construction of Kerb & Gutter**

Construct new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site with associated pavement restoration 3 metre wide in Robert Street.

(Reason: Public amenity)

### **65. Concrete Footpath**

Construct a full width footpath for the full frontage of the development site in Robert Street. All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

### **66. Vehicular Crossing**

Construct a new vehicular crossing including the replacement of the existing layback and/or gutter and any associated road restoration as directed by Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The crossing is to be 4 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from the existing street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- At back of layback – 100 mm above and parallel to the gutter invert.
- At property boundary – 250 mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted for a minimum distance of 10 metres on both sides of the crossing to suit the new levels.

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.  
(Reason: Public amenity)

**67. Removal of Redundant Crossings**

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.  
(Reason: Public amenity)

**68. Inspection of Civil Works on Road Reserves**

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.  
(Reason: Ensure compliance)

**69. Performance Bond**

The Applicant shall lodge with the Council a performance bond of \$15,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.  
(Reason: Ensure compliance and specification)

**70. Public Tree Maintenance**

The applicant's arborist or landscape designer is to certify that:



- i All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".

(Reason: Tree management, Public Asset Management)

## 71. Tree Planting

Trees are to be planted in accordance with the following table:

No. Required	Species	Location	Min Pot Size
All trees	As indicated on the approved Landscape Plans	As indicated on the Landscape Plans	As indicated on the Landscape Plans

(Reason: Landscape Amenity)

## 72. Completion of Landscape Works

The approved landscape works are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

(Reason: Landscape amenity)

## 73. Sound Level Output Certification

The sound level output from the equipment installed for the operation of the building shall not exceed 5dBA above the ambient background noise level measured at the boundaries of the property in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Principal Certifying Authority.

(Reason: Amenity)

## 74. Acoustic Treatment – Certification

Certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the construction details approved and the relevant design noise criteria.

(Reason: Amenity)

## 75. Certification – Ventilation

Certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.

(Reason: Compliance)

**76. Waste & Recycling Room**

The waste and recycling container room shall be constructed to comply with all the relevant provisions of Willoughby Development Control Plan and in particular :-

- a) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls.
- b) The walls being cement rendered to a smooth, even surface and coved at all intersections.
- c) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.
- d) An overhead type door being provided to the room having a clear opening of not less than 1.8m.
- e) A galvanised steel bump rail at least 50 mm clear of the wall being provided at the height of the most prominent part of the garbage containers.

(Reason: Health and amenity)

**ADDITIONAL CONDITIONS**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.**

**77. Annual Fire Safety Statement**

Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

**78. On-site Car Parking**

The on-site car parking provision shall be arranged as follows:

7 residential spaces with a maximum of one space per unit

3 residential visitor spaces

The accessible space shall be allocated to an adaptable unit

The residential/ visitor spaces are to be accessible to tenants/visitors at all times.

(Reason: Ensure compliance)

**79. Motor Cycle Parking**

One motorcycle parking space per 25 car parking spaces or part thereof must be provided for motor cycle parking. These spaces are to have an area of 1.2 metres x 3 metres.

(Reason: Amenity)

**80. Cycle Racks**

The provision of one bicycle locker for the use of residents/visitors to the premises.

(Reason: Amenity)

**81. Provision of Bicycle Racks**

One bike rack is to be provided for the use of cyclists.

(Reason: Amenity)

**82. Affordable Rental Housing SEPP – Infill Housing**

Any change to the registered community housing provider managing the approved affordable housing dwellings in the 10 year period from the date of the issue of the occupation certificate must be notified to Willoughby City Council.

(Reasons: Legislative Requirement & Ensure Compliance)

**83. Stormwater Kerb Outlet**

New stormwater connection outlets at street kerb shall be made using 125x75x4 galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 600mm x 600mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of Public Asset)

**84. Vehicular Access and Garaging**

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification.

(Reason: Vehicular access)

**85. Underground Utility Services**

Locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

**86. Adjustment to Electricity**

All existing and proposed overhead electricity supply mains and other overhead services around the street frontage of the site are to be relocated underground to the specification of Energy Australia and Willoughby City Council at full cost to the applicant.

(Reason: Public amenity)

**87. Public Infrastructure Restoration**

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of public assets)

**88. Trees on Adjoining Properties**

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

**89. Noise Control – Offensive Noise**

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.

(Reason: Amenity)

**90. Dust Control**

The following measures must be taken to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity)

**91. Construction Noise**

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity)

**92. Importation of Fill**

Any material to be imported onto the site for levelling, construction or engineering purposes must satisfy the Office of Environment & Heritage (OEH) requirements for *virgin excavated natural material* (VENM), or *excavated natural material* (ENM). The determination of VENM or ENM must be made by suitable qualified consultant. Pre-certification of the imported material shall be made and details made available to Council upon request.

(Reason: Environment & Health Protection)

**STATUTORY REQUIREMENTS**

**The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants**

**93. Construction Certificate Required**

This consent IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

**94. Notify Council of Intention to Commence Works**

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall appoint a Principal Certifying Authority and give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building. (Reason: Information and ensure compliance)

**95. Occupation Certificate**

The building/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

**18.2 32 & 34 NORTHCOTE STREET, NAREMBURN NSW 2065 - DA 2014/116**

**ATTACHMENTS:** 1. PREVIOUS COUNCIL REPORT  
2. PLANS AND ELEVATIONS (CIRCULATED SEPARATELY)

**MEETING DATE:** 10 NOVEMBER 2014

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**RECOMMENDATION:** DEFERRED COMMENCEMENT CONSENT

**LOCATION:** 32 & 34 NORTHCOTE STREET, NAREMBURN

**APPLICANT:** ARMADA NAREMBURN PTY LTD

**OWNER:** ARMADA NAREMBURN PTY LTD

**PROPOSAL:** SUPPLEMENTARY REPORT - DEMOLITION OF TWO EXISTING DWELLING HOUSES AND ANCILLARY STRUCTURES AT 32 & 34 NORTHCOTE STREET NAREMBURN AND CONSTRUCTION OF A THREE STOREY RESIDENTIAL FLAT BUILDING WITH BASEMENT CARPARKING AND ASSOCIATED WORKS - AMENDED PLANS

**DATE OF LODGEMENT:** 19 MARCH 2014

**VALID APPLICATION DATE:** 19 MARCH 2014

**REPORTING OFFICER:** SIMON SMITH - DEVELOPMENT PLANNER

**RESPONSIBLE OFFICER:** IAN ARNOTT - DEVELOPMENT PLANNING MANAGER

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**DESCRIPTION OF PROPOSAL**

Council, at its meeting of 13 October 2014 considered a report (copy attached) in respect to a residential flat development at 32-34 Northcote Street, Naremburn and subsequently resolved:

- “1. That the matter be deferred for the Officers to confer with the applicant seeking an increase in the side setbacks and greater articulation of the facades in order to address the bulk of the proposal.
2. That the outcome of the consultation with the applicant be referred back to Council for determination of the application.”

The purpose of this report is to advise Council in respect to the consultation.

**PROCEDURAL MOTION**

**That the following people address the meeting:**

- **Mr Alex McEwan**

- Ms Elizabeth Bewsher
- Mr Peter Krantz
- Mr Ben Dunnet

Mr McEwan, Ms Bewsher, Mr Krantz and Mr Dunnet addressed the meeting and answered questions of the Councillors.

#### RESOLUTION

1. That the application be approved and delegated authority be granted to the General Manager to issue the "Deferred Commencement" consent notice subject to the attached conditions, Schedule 1 and Schedule 2 with an additional condition included in Deferred Commencement conditions of Schedule 1 in the following terms:

That in order to reduce the bulk and scale of the building as viewed from Northcote Street and from the adjoining properties to the west and east, the side boundary setbacks of the facades on all Levels are to be increased by at least 1 metre at all points

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

**CARRIED**

#### Voting

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

**Against:** Nil

**18.3 DEVELOPMENT PROPOSAL KNOWN AS ST LEONARDS CENTRAL:  
COMMUNITY CONSULTATION PLAN**

<b>ATTACHMENTS:</b>	<b>1. CONSULTATION PLAN INCLUDING CATCHMENT AREA MAP 2. PREVIOUS REPORT DATED 7 OCTOBER 2014</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>LARA NGUYEN - STRATEGIC PLANNER</b>
<b>MEETING DATE:</b>	<b>10 NOVEMBER 2014</b>

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**Purpose of Report**

To inform Councillors of the proposed community consultation plan for the development known as St Leonards Central and to recommend owners consent to be given for the submission of the unsolicited proposal.

**MOTION**

- 1. That Council proceeds with community consultation for the St Leonards Central project as outlined in the attached communication plan, subject to amending the catchment boundary for the mail out to include the block bounded by Pacific Highway, Mitchell Street, Sergeants Lane and Chandos Street and changing from letterbox drop to Australia Post mail out. That Council officers bring back a report on the submissions received from the consultation by the end of February 2015.**
- 2. That authority be granted to the General Manager to give owner's consent on behalf of the Council for the submission of the Unsolicited Proposal to the State Government for no other purpose than that submission, noting that such consent does not represent endorsement of the proposal, agreement to Council participation in the final project or acceptance of the value of the return to Council on its asset as landowner.**

**MOVED COUNCILLOR WRIGHT****SECONDED COUNCILLOR MUSTACA****CARRIED****Voting**

**For the Motion:** Councillors Giles-Gidney, Coppock, Eriksson, Hill, Hooper, Mustaca, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Councillor Norton

**Absent:** Councillors Coppock and Hooper.



**18.4 PLANNING PROPOSAL REPORT TO 5 NOVEMBER 2014**

<b>ATTACHMENTS:</b>	<b>1. LIST OF PLANNING PROPOSALS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>JANE GIBSON, STRATEGIC PLANNER</b>
<b>MEETING DATE:</b>	<b>10 NOVEMBER 2014</b>

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**Purpose of Report**

The attached schedule lists all current planning proposals received by Council.

**RESOLUTION**

That the information be noted by Council.

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

**18.5 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY FOR THE MONTH OF OCTOBER 2014**

<b>ATTACHMENTS:</b>	<b>1. LIST OF DETERMINED APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - DEVELOPMENT PLANNING MANAGER, PETER ROWAN - BUILDING SERVICES MANAGER</b>
<b>AUTHOR:</b>	<b>BUILDING SURVEYORS, DEVELOPMENT PLANNERS</b>
<b>MEETING DATE:</b>	<b>10 NOVEMBER 2014</b>

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**Purpose of Report**

The attached schedule lists all applications determined under delegated authority for the month of October 2014.

**RESOLUTION**

That the information be noted.

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright.

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

**18.6 DEVELOPMENT APPLICATION REPORT TO 3 NOVEMBER 2014**

<b>ATTACHMENTS:</b>	<b>1. LIST OF APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - DEVELOPMENT PLANNING MANAGER, PETER ROWAN - BUILDING SERVICES MANAGER</b>
<b>AUTHOR:</b>	<b>BUILDING SURVEYORS, DEVELOPMENT PLANNERS</b>
<b>MEETING DATE:</b>	<b>10 NOVEMBER 2014</b>

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**Purpose of Report**

The attached schedule lists all current development applications grouped by suburb.

**RESOLUTION**

That the information be noted.

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

**19 REPORTS FROM OFFICERS - INFRASTRUCTURE SERVICES  
DIRECTOR**

NIL

**20 NOTICE OF MOTION**

NIL

## 21 CONFIDENTIAL ITEMS

In Accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is confidential as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

Pursuant to Section 10A(4) of the *Local Government Act 1993*, the Deputy Mayor informed the Meeting that no written representations had been received from members of the public.

### Procedural Motion

That:

1. Council resolve itself into Closed Session with the Press and Public excluded from the meeting to deal with the following confidential items.
2. Council resolve into Committee of the Whole in order to deal with these confidential items.

### 21.1 26 KENDALL ROAD CASTLE COVE

#### REASON FOR CONFIDENTIALITY

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

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

### 21.1 26 KENDALL ROAD CASTLE COVE

#### Recommendation Summary

That Council resolves to:

- 1) Defend the appeal; and
- 2) Grant delegated authority to the General Manager to participate at any s34 Conciliation conference for this matter and seeks changes to the DA that will resolve Council's contentions.

Upon resumption of the open Council Meeting, the Acting General Manager referred to the recommendations from the Committee of the Whole.

#### RESOLUTION

That the recommendations from the Committee of the Whole be adopted.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR MUSTACA

**CARRIED**

**Voting**

**For the Resolution:** Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Sloane, Stevens and Wright

**Against:** Nil

**Absent:** Councillors Coppock and Hooper.

## **22 QUESTIONS**

NIL

## **23 GENERAL BUSINESS**

Councillor Stevens indicated she wished to withdraw from the Natural Heritage and Bushland Advisory Committee.

**The meeting concluded at 10:55pm**

**I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 10 November 2014. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.**