



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

25 May 2015

commencing at 7:00pm

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1 PRESENT

Councillors

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

Officers

Ms D Just (General Manager), Ms M Smith (Community Services Director), Mr T Pizzuto, (Financial Services Director), Ms T Crouch (Corporate Support and Performance Director), Mr M McDonald (Acting Infrastructure Services Director), Ms S Hamilton and Ms L McClure (Acting Environmental Services Directors), Mr I Arnott (Development Planning Manager), Marnie Hillman (Governance and Administration Manager), Mr V Grepl (Governance and Corporate Planning Officer), Ms P Sheldrake (Minute Secretary) and Ms B Jeffries (Executive Assistant).

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a less than substantial interest in Item 20.1 Nursing Homes in the Willoughby LGA.
(Nature of Interest: I am President of the board of Willoughby Retirement Community Association.)
- Councillor H Eriksson declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 18.1 131 Sailors Bay Road, Northbridge – DA 2014/241.
(Nature of Interest: I live in the building next door to the above. However this DA does not have an impact on the unit I live in, nor do I have a financial interest in this unit.)
- Councillor L Saville declared, via a Disclosures of Interest form, a less than substantial, non-pecuniary interest in Item 20.1 Nursing Homes in the Willoughby LGA.
(Nature of Interest: Member NSW Nurses & Midwives Association, Registered Nurse; Lecturer, School of Health Sciences, Faculty of Health, Rozelle campus; University of Tasmania. However, I believe I am able to vote independently and in an informed way.)
- Councillor S Coppock declared, via a Disclosures of Interest form, a less than substantial interest in Item 20.1 Nursing Homes in the Willoughby LGA.
(Nature of Interest: Chairman of Dougherty Apartments who employ Registered Nurses and received Federal Government Funding under their current policies.)

3 CONFIRMATION OF MINUTES

- *That the Minutes of the Extraordinary Meeting of Council held 7 May 2015, copies of which have been circulated to each member of Council, be confirmed.*
- *That the Minutes of the Ordinary Meeting of Council held 11 May 2015, copies of which have been circulated to each member of Council, be confirmed.*

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor J Hooper is on leave previously granted.
- Councillor J Rutherford requested Leave of Absence from 28 May to 5 June 2015.
- Councillor M Sloane requested Leave of Absence from 29 May to 1 June 2015.
- Councillor L Saville requested Leave of Absence from 10 June to 12 June 2015.

RESOLUTION

1. That Council notes Councillor Hooper on leave previously granted.
2. That Council grants Leave of Absence to Councillor Rutherford from 28 May 2015 to 5 June 2015
3. That Council grants Leave of Absence to Councillor Sloane from 29 May to 1 June 2015
4. That Council grants Leave of Absence to Councillor Saville from 10 June to 12 June 2015.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

5 PETITIONS

PETITION: TO MAKE PART OF OAKVILLE ROAD, WILLOUGHBY ONE WAY

ATTACHMENTS: 1. PETITION

RESPONSIBLE OFFICER: TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR

AUTHOR: TRISHA DUFFY - SECRETARY ADMINISTRATIVE SERVICES

MEETING DATE: 25 MAY 2015

Purpose of Report

To list on the agenda a petition from residents of Oakville Road, Willoughby requesting that consideration be given to making part of Oakville Road one way between High & Keary Streets. The petition represents twenty properties in the street.

RESOLUTION

That the petition requesting that consideration be given to making part of Oakville Road one way between High & Keary Streets, be received and referred to the Acting Infrastructure Services Director for consideration.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR STEVENS

CARRIED

Voting

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

Against: Nil

6 OPEN FORUM

NIL.

7 MAYORAL MINUTE**MAYOR'S DIARY- COUNCIL MEETING NOTES – 25 May 2015**

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

MONDAY 11 MAY			
Cr Saville	9.30 am – 1.30 pm	IPART Public Forum re “Fit for the Future” assessment process	
TUESDAY 12 MAY			
Cr Saville	4 – 5 pm	SCCG Executive Meeting	
WEDNESDAY 13 MAY			
Mayor	12 noon	Italian Group: Mothers' Day Lunch	Willoughby Park Centre
Cr Norton	12 noon	“Live at Lunch”	The Concourse
THURSDAY 14 MAY			
Mayor	7 am	Chamber of Commerce Budget Breakfast Meeting	The Chatswood Club
Mayor Cr Hooper	10.30 am	Presentation of Decorated Egg to commemorate 150 th Anniversary of Willoughby Council	Mayor's Office
Mayor	6 pm	NSROC Meeting	Ryde Council
FRIDAY 15 MAY			
Mayor Deputy Mayor: Cr Mustaca Crs Saville, Hooper	10.15 am	Funeral for former Mayor Gregory Bartels	OLOD Church
SATURDAY 16 MAY			
Mayor	3 pm	North Shore High Schools Music Spectacular and Presentations	Chatswood High School
Cr Norton	Afternoon	WSOC Concert in aid of UNICEF appeal for Nepal & Vanuatu	St Stephen's Anglican Church, Willoughby

TUESDAY 19 MAY			
Mayor Deputy Mayor: Cr Mustaca Crs Eriksson, Norton, Rozos, Rutherford, Sloane, Wright	5.30 pm	Vivid: Media Launch	The Concourse
Cr Rutherford	evening	Residents Meeting with Council Solicitors	Council Chambers
Mayor	evening	Sydney Writers Festival	Pier 2/3, Walsh Bay
WEDNESDAY 20 MAY			
Mayor Cr Rutherford	11.30 am	Citizenship Ceremony	Council Chambers
THURSDAY 21 MAY			
Cr Saville	7.30 pm	West Ward P.A. Meeting	Dougherty Centre
FRIDAY 22 MAY			
Cr Saville	12.30 pm	Michael Mori - Sydney Writers Festival	Chatswood Library
Mayor Crs Norton, Rutherford, Saville	6 pm	Vivid Sydney at Chatswood: Lights On	The Concourse
Mayor	Evening	Opening Night of Vivid Sydney: Sydney City	Museum of Contemporary Art
Crs Norton, Saville	7.30 pm	Opening Night of "Evita" Willoughby Theatre Company	The Concourse
SATURDAY 23 MAY			
Mayor	3 pm	Interdenominational Service: Armenian Commemoration	St Stephens Church, 197 Macquarie Street, City
SUNDAY 24 MAY			
Mayor	1.30 pm	WTC Performance: "Evita"	The Concourse

RESOLUTION

That the Mayoral report be received.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

8 GENERAL MANAGER'S LATE REPORT

NIL

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

Defer Item 18.5 "43 Donnelly Road, Naremburn – DA 2011/493/B" to next Council Meeting.

10 MATTERS BROUGHT FORWARD BY THE PUBLIC

- Item 13.1 Notice of Motion – Use of Crossovers/Driveways for parking on residential property
 Item 18.1 4 Louise Avenue, Chatswood – DA 2013/560
 Item 20.1 Notice of Motion – Nursing Homes in the Willoughby LGA

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 Inspection Committee Meeting Minutes – 16 May 2015 – 131 Sailors Bay Road, Northbridge
 Item 16.1 Corporate Software System replacement
 Item 18.3 42 Northcote Street, Naremburn – DA 2014/570
 Item 18.7 Development Application Report to 18 May 2015

RESOLUTION

That the remaining items, viz:

- Item 12.2 Cultural & Civic Committee Meeting Minutes – 18 May 2015**
Item 12.2.1 (9.1) 2015/2016 Community Grants – Event Seed Funding
Item 12.2.2 (9.2) Operational Plan and Financial Performance Report – March 2015
Item 12.2.3 (9.3) Investments and Loan Borrowings as at March 2015
Item 14.1 Councillors Information Booklets – 14 & 21 May 2015
Item 17.1 ROI Concession Application NSW Justice Association, Lower North Shore Branch
Item 18.4 122 Sydney Street, Chatswood (Bales Park) – DA 2015/98
Item 18.6 Applications Determined under Delegated Authority for the Month of April 2015

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

12.1 INSPECTION COMMITTEE MEETING MINUTES - 16 MAY 2015 - 131 SAILORS BAY ROAD, NORTHBRIDGE

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
MEETING DATE:	25 MAY 2015

Purpose of Report

To present the minutes of the Inspection Committee Meeting held 16 May 2015.

RESOLUTION

That:

1. The Minutes be received.
2. Council adopt the Committee's recommendation.

"That Council resolve in accordance with the first part of the Ward Inspection Committee Meeting held on the 6 February 2015 with respect to the plans date stamped by Council 11 November 2014 as follows:

1. That amended plans be lodged by the applicant that address the following requirements and a further report be brought back to Council for noting:
 - Removal of the proposed meeting rooms to the rear of the main roof level.
 - The proposed meeting rooms may be relocated internally within the existing car park area at ground level.
 - Additional floor space at the main roof level may be achieved by reducing setback to a minimum of 1.2m to the western side boundary.
 - Any trafficable terrace area at main roof level at the rear of the building shall have a depth no greater than 1.2m.
2. That the application be approved in accordance with the Officer's recommendation subject to (1) above and delegated authority be granted to the General Manager to issue the determination following the meeting at which the amended plans are noted.

Council noted that the applicant had no objection to the amendments listed above in (1) and that the applicant was not going to appeal Council's decision requiring those amendments.

Moved Councillor Hill
Seconded Councillor Hooper

CARRIED

Voting

For: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Norton, Rozos, Rutherford, Saville, Sloane

Against: Councillor Coppock.”

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Coppock, Hill, Mustaca, Rutherford, Saville and Sloane.

Against: Nil

Absent: Councillors Eriksson, Norton, Rozos and Stevens.

12.2 CULTURAL & CIVIC COMMITTEE MEETING MINUTES - 18 MAY 2015**ATTACHMENTS: 1. MINUTES****RESPONSIBLE OFFICER: MELANIE SMITH - COMMUNITY SERVICES
DIRECTOR****MEETING DATE: 25 MAY 2015**

Purpose of Report

To present the minutes of the Cultural & Civic Committee meeting held on 18 May 2015.

RESOLUTION**That:**

- 1. The Minutes be received.**
- 2. Council notes the resolutions adopted by the Committee.**
- 3. Council adopts the Committee's recommendations.**

MOVED COUNCILLOR MUSTACA**SECONDED COUNCILLOR SAVILLE****CARRIED****Voting****For the Resolution:** Councillors Giles-Gidney, Coppock, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.**Against:** Nil

13 DEFERRED MATTERS

13.1 NOTICE OF MOTION - USE OF CROSSOVERS / DRIVEWAYS FOR PARKING ON RESIDENTIAL PROPERTY

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

AUTHOR: DEBRA JUST – GENERAL MANAGER

MEETING DATE: 11 MAY 2015

Procedural Motion

That the following people address the meeting:

- Lisa Champion

Ms Champion addressed the meeting and answered questions of the Councillors.

Purpose of Report

Councillor Eriksson has indicated his intention to move the following Notice of Motion.

“That:

1. Willoughby City Council writes to the Roads and Maritime Services (NSW) and the NSW Government Roads Minister, asking for a review into allowing the use of parking on crossovers / driveways at residential property.
2. That Council Officers work with residents to educate them on the current Road Rules relating to parking on crossovers / driveways.”

MOTION

That

1. Council writes to the RMS and the NSW Government Roads Minister requesting a review to allow parking on crossovers / driveways at residential properties.
2. Council Officers work with residents to educate them on the current Road Rules relating to parking on crossovers / driveways.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

For the Motion: Councillors Coppock, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Against: Councillors Giles-Gidney and Stevens.

CONSEQUENTIAL MOTION

1. That a report be provided to Council on the direction that Council may move to achieve the objective that the Council not enforce RMS Road Rule 198 across the city.
2. The report or progress report be provided within three months.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Consequential Motion: Councillors Coppock, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

Against: Councillor Giles-Gidney.

14 CORRESPONDENCE

14.1 COUNCILLORS INFORMATION BOOKLETS - 14 & 21 MAY 2015

RESPONSIBLE OFFICER:	DEBRA JUST - GENERAL MANAGER
AUTHOR:	TRISHA DUFFY - SECRETARY ADMINISTRATIVE SERVICES
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	25 MAY 2015

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 14 and 21 May 2015.

RESOLUTION

That the Councillors Information Booklets circulated to all Councillors on 14 and 21 May 2015 be received.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

NIL

16 REPORTS FROM OFFICERS - CORPORATE SERVICES DIRECTOR

16.1 CORPORATE SOFTWARE SYSTEMS REPLACEMENT

RESPONSIBLE OFFICER: TRACEY CROUCH - CORPORATE SUPPORT AND PERFORMANCE DIRECTOR

AUTHOR: FRITZ CARDOZO – INFORMATION TECHNOLOGY GROUP MANAGER

CITY STRATEGY LINK: 6.3.2 COUNCIL SERVICES ARE DELIVERED TO A QUALITY STANDARD, ARE SUSTAINABLE AND RESPONSIVE TO COMMUNITY NEEDS

MEETING DATE: 25 MAY 2015

Purpose of Report

To provide Council with an update on the proposed replacement of Council's corporate software systems.

RESOLUTION

That Council:

1. Notes that the corporate software systems replacement project is be deferred for 12 months.
2. Notes that the proposal to deploy an interim lighter IT systems solution includes online forms, payment gateways, performance management, workflow management and knowledge base systems.
3. Council considers an expenditure of up to \$150 000 for this project in conjunction with the finalisation of the 2015/2016 Annual Budget in lieu of the current budget bid of \$2.5 million, noting that funding is to be provided from the IT Reserve funds.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Coppock, Eriksson, Hill, Mustaca, Saville, Sloane and Wright.

Against: Nil

Absent: Councillors Norton, Rozos, Rutherford and Stevens.

17 REPORTS FROM OFFICERS - COMMUNITY SERVICES DIRECTOR

17.1 ROI CONCESSION APPLICATION NSW JUSTICES ASSOCIATION, LOWER NORTH SHORE BRANCH

RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY SERVICES DIRECTOR
AUTHOR:	MELANIE SMITH - COMMUNITY SERVICES DIRECTOR
CITY STRATEGY LINK:	1.1.2 THE VULNERABLE ARE INVOLVED IN OUR COMMUNITY AND SUPPORTED WITH RESPECT AND INTEGRITY
MEETING DATE:	25 MAY 2015

Purpose of Report

To seek Council approval for an out of term Category D (full concession) rate for NSW Justices Association, Lower North Shore Branch to use a small meeting room at Chatswood Library for a single Justice of the Peace training session, Saturday 20th June 2015.

RESOLUTION

That NSW Justices Association, Lower North Shore Branch, receives a full concession on the hire of the Willoughby Room, Chatswood Library for the provision of a training afternoon to be held Saturday, 20 June 2015.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

18 REPORTS FROM OFFICERS - ENVIRONMENTAL SERVICES DIRECTOR

18.1 131 SAILORS BAY ROAD, NORTHBRIDGE - DA 2014/241

ATTACHMENTS:

1. APPLICANTS LETTER OF UNDERTAKING
2. AMENDED PLANS (ATTACHED SEPARATELY)
3. PLANS DATE STAMPED 11 NOVEMBER 2014 (ATTACHED SEPARATELY)

MEETING DATE: 25 MAY 2015

LOCATION: 131 SAILORS BAY ROAD, NORTHBRIDGE

APPLICANT: A W EDWARDS PTY LIMITED

OWNER: A W EDWARDS PTY LIMITED

PROPOSAL: PROPOSED ADDITIONAL LEVEL OF OFFICE SPACE TO AN EXISTING COMMERCIAL BUILDING AND ASSOCIATED WORKS

DATE OF LODGEMENT: 18 JUNE 2014

VALID APPLICATION DATE: 18 JUNE 2014

REPORTING OFFICER: IAN ARNOTT – DEVELOPMENT PLANNING MANAGER

RESPONSIBLE OFFICER: JEFF ELLIS – ACTING ENVIRONMENTAL SERVICES DIRECTOR

DESCRIPTION OF PROPOSAL

To provide Council with the amended plans submitted in response to the resolution of Council at the Full Council inspection on Saturday, 16th May, 2015.

PROCEDURAL MOTION

That the following people address the meeting:

- Rob Coote (Northbridge Progress Association)

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

BACKGROUND

Council, at a Full Council inspection on Saturday 16th May, 2015, considered the application (DA2014/241) for the construction of an additional level of office space to an existing commercial building at 131 Sailors Bay Road, Northbridge, and subsequently resolved:

“1. That amended plans be lodged by the applicant that address the following requirements and a further report be brought back to Council for noting:

- Removal of the proposed meeting rooms to the rear of the main roof level;*
- The proposed meeting rooms may be relocated internally within the existing car park area at ground level;*
- Additional floor space at the main roof level may be achieved by reducing setback to a minimum of 1.2m to the western side boundary;*
- Any trafficable terrace area at main roof level at the rear of the building shall have a depth no greater than 1.2.*

2. That the application be approved in accordance with the officer’s recommendation subject to (1) above and delegated authority be granted to the General Manager to issue the determination following the meeting at which the amended plans are noted.

Council noted that the applicant had no objection to the amendments listed above in (1) and that the applicant was not going to appeal Council’s decision requiring those amendments.”

MOTION

That Council notes the amended plans (amendment date 19 May 2015) for DA 2014/241 for an additional level of office space to an existing commercial building at 131 Sailors Bay Road, Northbridge that modifies the upper level in accordance with the Council Inspection resolution.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Councillor Coppock

18.2 4 LOUISE AVENUE, CHATSWOOD - DA 2013/560

ATTACHMENTS:	1. PLANS AND ELEVATIONS 2. COPY OF DEFERRED COMMENCEMENT CONSENT 3. COPY OF ASSESSMENT REPORT
MEETING DATE:	25/5/2015
RECOMMENDATION:	RECOMMENDATION TO REVIEW DETERMINATION
LOCATION:	4 LOUISE AVENUE, CHATSWOOD WEST NSW 2067.
APPLICANT:	MR NEDELJKO GERALD OREB
OWNER:	MR N G OREB AND MS E DEDIC
PROPOSAL:	S96 - DELETE CONDITIONS SCHEDULE 1 CONDITION 1(B) (II) AND 1(B)(V).
DATE OF LODGEMENT:	28-APR-2015
VALID APPLICATION DATE:	28-APR-2015
REPORTING OFFICER:	NONI DE CARVALHO – CBD PLACE MANAGER
RESPONSIBLE OFFICER:	IAN ARNOTT – DEVELOPMENT PLANNING MANAGER

PROCEDURAL MOTION

That the following people address the meeting:

- **Mr Joseph Lahoud**

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

DESCRIPTION OF PROPOSAL

Development Consent 2013/560 for demolition of the existing house of 4 Louise Avenue Chatswood West and construction of two two-storey dwellings on the site of the existing house that currently occupies two allotments was approved by way of "Deferred Commencement" on 18 November 2014. The Schedule 1 matters that are required to be addressed prior to final consent include requirements to amend the design of the dwellings and the landscape plan as well as review of the stormwater management and driveway designs for each of the dwellings.

A copy of the consent and plans are attached.

The s96 (1) application advises that an error has been made in the consent that was issued and that an amendment is required accordingly.

The alleged error regards the requirements in Schedule 1 for amendment of the design of the two dwellings. In particular the error is advised to be that Conditions 1(b)(ii) and 1(b)(v) should have been deleted. The conditions state as follows:

1(b) (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 4A (southern dwelling).

1(b) (v) Redesign of the upper level of each dwelling to reduce the area of a void to a maximum of 6m² and removal of the void over the kitchen/casual dining area at the rear of 4 Louise Avenue to provide a single storey element. The bedroom (upper level) layout may be varied having regard to the required change to mitigate the mass and bulk and non-compliance with the building height plane. Any change to the position of windows/openings shall not increase the visual privacy impacts.

The applicant is seeking to have the two conditions removed from Schedule 1 requirements. The applicant advises that there has been an error.

The application was determined by Council at its meeting of 10 November 2014 (see section on Background below). Council staff issued the Development Consent on 18 November 2014 on the basis of the resolution of Council as recorded in the Minutes of the Meeting of 10 November 2014. Council Officers have listened to the recording of the meeting and are unable to determine that an error has been made as indicated by the applicant.

In the circumstances the application for variation is referred to Council for determination.

MOTION

That the Section 96 Application Modification to delete Conditions 1 (b) (ii) and 1 (b) (v) of Deferred Commencement consent of 2013/560/B for 4 Louise Avenue, Chatswood be approved and delegated authority be granted to the General Manager to issue the Section 96 Notice of Determination.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ROZOS

CARRIED

Voting

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

Against: Councillors Saville and Wright.

AMENDMENT

That the Section 96 Application Modification to delete Conditions 1 (b) (ii) and 1 (b) (v) of Deferred Commencement consent of 2013/560/B for 4 Louise Avenue, Chatswood be Refused and delegated authority be granted to the General Manager to issue the Section 96 Notice of Determination.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

LOST

Voting

For the Amendment: Councillors Hill and Stevens.

Against: Councillors Giles-Gidney, Coppock, Eriksson, Hill, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

Conditions of amended Consent:**Schedule of Amended Conditions****Conditions of amended Deferred Commencement Consent:**

A. Schedule 1 Condition 1 is amended as follows:

1. Submit the Following Information to Willoughby City Council

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.

- (a) Submission of an amended Landscape Plan that provides for:-
- (i) A minimum 60% use of indigenous planting species. The landscaping shall have regard to Appendix 5 of "Planning for Bush Fire Protection 2005".
 - (ii) Reduction in extent of use of stepping stones to maximise soft landscaping.
 - (iii) Use of natural rock in retaining walls where required.
 - (iv) Use of open transparent glazed or palisade fencing within the front setback such that landscaping can penetrate or be viewed through the fencing were proposed.
 - (v) Provision of hedging along the rear boundary of both lots abutting 9 The Fairway that has a height of 3m when mature.
- (b) Amendment of the design 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 greater.
 - (ii) Deleted.
 - (iii) Provision of obscure glass to both stairwells.
 - (iv) Provision of a privacy screen to the north side of the upper level terrace off Bedroom 1 in 4 Louise Avenue. This may be obscure glass to allow sunlight penetration or other appropriate solution.
 - (v) Deleted.
- (c) **Stormwater Management Plans**
- Submit detailed plans for the amended proposal prepared by a suitably qualified and experienced civil engineer showing the installation of the 10m³ rainwater re-use systems **for each property** in accordance with Council's rainwater re-use policy as per Technical Standard No. 2 which is available on Council's website. It should be noted that a concession from the required 10m³ rainwater tank is already given and no credit is given for any existing impervious areas.

Runoff from all roof areas shall be directed to the tank(s) and the rainwater shall be used for non-potable use including toilet flushing, laundry cold water, car washing and landscape irrigation etc. Overflow from the rainwater tanks shall be directed to the street drainage system by gravity.

The rainwater tanks shall be located outside of the dwelling to ensure unrestricted access to the rainwater tank for future maintenance is achievable.

The stormwater plans shall include the following details:

- i. Details elevation showing:
 - (Height and length and width), type, model and material of the required 10kL rainwater tank(s).
 - all downpipes (size and invert levels)
 - level of all roof gutter (in particular the level of the lower roof)
 - internal details (eg float valve, air gap, etc)
 - overflow drainage details
 - Invert levels of both inlet and overflow pipes
- ii. Details specifications to include:
 - pump size and specification
 - proprietary first flush device (location and type). An acceptable type of first-flush device would be a "ball-float system" or any other similar proprietary in-line first-flush system
 - effective storage capacity
 - proposed usage
- iii. Minimum size of drainage pipe is 100mm PVC to comply with Council's DCP.
- iv. Overflow pipe from rainwater tanks must be discharged to street by gravity. A minimum 450sq drainage pit shall be provided within the property boundary and the outlet pipe to street shall be made by using 125x75mm galvanised RHS and cut flushed at the property boundary.

(d) **Revised driveway access and longitudinal sections**

The applicant shall submit revised architectural plans to show the relocation of the crossing and driveway at 4A Louise Ave. The new vehicular crossing is to be 3.5 meters wide with no splays and be at right angles to the kerb. The vehicular crossing shall be redesigned to achieve minimum 1m setback from the existing High Voltage Power Pole.

In order to assess the susceptibility of vehicles to scraping as they pass over the vehicular crossings, the applicant shall submit the following **for each crossing**:

- A site plan drawn at 1:100 Scale showing:
 - the extent of the works associated with the construction of the new crossing
 - the amended driveway designs showing relocation of crossing at 4A Louise Ave
 - the layout of both crossings at right angles to the kerb.

- Longitudinal sections along each side/edge of the proposed vehicular access path drawn at 1:20 Scale showing
 - Horizontal distance from the centreline of the road to the proposed parking slab, including provision of a grated channel crossing as per Council's specification SD105.
 - Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.

The design shall be prepared by a suitably qualified person using Willoughby City Council's Standard Vehicle Profile SD100. All driveway grades and transitions shall comply with AS 2890.1 -2004 and Council's specifications.

The crossings are to be 3.5 metres wide with no splays and be constructed at right angle to street kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- At back of layback – 100mm above and parallel to the gutter invert
- At the property boundary - 280mm above and parallel to the gutter invert

The existing nature strip on both sides of the proposed crossing shall be adjusted for a minimum distance of 3 metres to suit new design levels.

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.

- B. Comply with all other conditions of the original deferred commencement consent.
(Reason: Information and ensure compliance)

18.3 42 NORTHCOTE STREET, NAREMBURN - DA 2014/570

ATTACHMENTS:

1. NOTIFICATION MAP
2. PLANS AND ELEVATIONS
3. LEASE DOCUMENTS/DEPARTMENT'S LETTER

MEETING DATE: 25 MAY 2015

RECOMMENDATION: APPROVAL

LOCATION: 42 NORTHCOTE STREET, NAREMBURN AND
ADJOINING ROAD RESERVE

APPLICANT: MR JOSHUA KUBA

OWNER: MR J KUBA AND MS B ZOCHOWSKA AND
WILLOUGHBY CITY COUNCIL (ROAD RESERVE &
DRAINAGE CANAL)

PROPOSAL: CONSTRUCTION OF A NEW VEHICULAR CROSSING
BRIDGING OVER EXISTING STORMWATER
CHANNEL AND ASSOCIATED WORKS

DATE OF LODGEMENT: 19 DECEMBER 2014

VALID APPLICATION DATE: 19 DECEMBER 2014

REPORTING OFFICER: ANNIE LEUNG – DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING
MANAGER

DESCRIPTION OF PROPOSAL

Development application 2014/570 seeks Council's approval to construct a concrete bridge structure over an existing drainage canal and road reserve for the purposes of a new vehicular crossing and pedestrian access to the rear of the property at No 42 Northcote Street from Waters Road. The structure will also be utilised for parking of vehicles.

A retaining wall together with filling will also be constructed within the boundaries of No 42 Northcote Street, which will form part of the landscape area / private open space to the existing semi-detached dwelling at the site.

A draft deed or lease agreement has been submitted with the application outlining the terms of the lease for Use of the Bridge by the Tenant in connection with the Adjoining Land and including the right to park motor vehicle(s) on the bridge subject to rent payable to Council (landlord) on an annual basis.

MOTION

The application be refused.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR SAVILLE

LOST

Voting

For the Motion: Councillors Coppock, Rutherford and Saville.

Against: Councillors Giles-Gidney, Eriksson, Hill, Mustaca, Norton, Rozos, Sloane and Wright.

Absent: Councillor Stevens

AMENDMENT

1. That delegation be granted to the General Manager to negotiate the terms of the lease agreement with the applicant, and that the Mayor and General Manager be given authority to endorse the agreement under Seal of Council once it is finalised.
2. That Development Application 2014/570 for construction of a new vehicular crossing bridge at 42 Northcote Street, Naremburn be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the attached conditions.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Councillors Coppock and Saville.

Absent: Councillor Stevens

Schedule of Conditions

Conditions of Consent:

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
Architectural	20142001- 20142005	-	1/12/2014	19/12/2014	Ridgethorne Consultants
Stormwater	D1-D3	A	5/5/2008	19/12/2015	StormCivil
Survey	42792 BW	-	7/11/2014	19/12/2015	Harrison Friedmann & Associates Pty Ltd

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 ISSUE OF CONSTRUCTION CERTIFICATE

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

2. Sydney Water 'Quick Check' Certificate

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

Plans will be appropriately stamped and the Principal certifying authority must ensure the plans are stamped by Sydney Water prior to release of the Construction Certificate.
(Reason: Ensure compliance)

3. **Damage Deposit**

The applicant shall lodge a Damage Deposit of \$5,000 (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 \$132 (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)

4. **CCTV Report of Existing Council Pipe System**

A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the Council drainage pipeline at rear of the property boundary frontage. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following:

- The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- Distance from the manholes shall be accurately measured and displayed on the video.
- All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

(Reason: Protection of public asset)

5. **Stormwater to Council's Drainage System**

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system at the rear of the property in accordance with Council's specification. A grated drainage pit (min. 450mm x 450mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Principal Certifying Authority for approval.

(Reason: Prevent nuisance flooding)

6. **Overland Flow/Flood Level**

A suitably qualified and experienced civil engineer must certify that the finished floor levels of the proposed car parking area have a minimum freeboard of 300mm above the 1:100 year ARI flood event, which is conveyed through the site.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted and approved by the Principal Certifying Authority.

(Reason: Prevent property damage)

7. Design of 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 a new 3.6 metre wide vehicular crossing in Waters Road side. The design levels at the property boundary shall be in accordance with the approved plans.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) 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)

8. Geotechnical Report

Submit to the accredited certifier a geotechnical engineer's report of the proposed geotechnical works including excavation, piling, and shoring. The report shall specifically address safety issues. A report from the Geotechnical Engineer shall be submitted to Council for record purposes.

(Reason: Safety & Amenity)

9. A Deed of Agreement - Lease of the suspended vehicular crossing

A Deed of Agreement for up to a term of 99 years for the lease of the air space over the road reserve for the proposed suspended vehicular crossing shall be prepared and executed prior to issue of a Construction Certificate. The grant of lease is subject to approval under section 149 of the Roads Act 1993. In this regard the Applicant/Owner is to enter into negotiations with Council and comply with the guidelines for leasing arrangements. A copy of the executed lease and the lease fee (to be agreed to the satisfaction of Council) must be provided to Council prior to the issue of the Construction Certificate.

The Applicant / Owner must agree to pay the Council's reasonable legal costs for satisfying itself that the Deed of Agreement for the lease is appropriate, and a provision to this effect is to be included in the agreement.

(Reason: Legal Agreement/Lease)

10. Structural Details for Suspended Driveway and Barriers

Prior to issue of the Construction Certificate, the Applicant must submit, for approval by the Principal Certifying Authority, structural design details from a suitably qualified and experienced structural engineer for the proposed suspended driveway/vehicular crossing and any required balustrade/barriers. The following information is to be addressed by the consulting engineer:

- The minimum overall width of the driveway crossing is to be 3.6 metres to allow for safety barriers being constructed on both side of the raised driveway.
- The proposed driveway crossing across the overland flow path must be supported by piers and suspended slab. No filling over the overland flow path is permitted other than isolated piers.
- The number of piers over the overland flow path is to be minimised in order to provide an unimpeded passage of floodwater.
- To prevent structural damage from flooding, the proposed structure must be designed to withstand inundation and overland flows, including debris and buoyancy forces as appropriate.
- Longitudinal sections of the proposed driveway shall be included.
- The provision of a suitable guardrail along both edges of the bridging structure that complies with Section 2.4.5.3 of AS2890.1-2004.

(Reason: Safety and amenity)

11. Guardrail/Barrier

Guardrail is required along both edges of the bridging structure that complies with Section 2.4.5.3 of AS2890.1-2004. That section of the required guardrail/barrier at 200mm and above the respective finished surface level of the driveway/bridge structure is to be of constructed with open form material such as open form steel balustrade to improve sight distance for vehicles and pedestrians and also to reduce its visual impacts on the streetscape. The style, colour and finishes of the required guardrail/barrier shall be complementary to the residential streetscape. No approval is granted for the proposed formed concrete barriers as shown on the approved plans. Plans and details demonstrating compliance with this conditions must be shown on construction certificate plans and approved by the certifying authority

(Reason: Visual amenity and safety)

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.

12. Site Management

A site Management Plan shall be submitted to and approved by the Principal Certifying Authority. The site management plan shall include the following measures as applicable.

- Details and contact telephone numbers of the owner, builder and developer;
- Location and construction details of protective fencing to the perimeter of the site;
- Location of site storage areas, sheds and equipment;
- Location of stored building materials for construction;
- Provisions for public safety;
- Dust control measures;
- Site access location and construction;
- Details of methods of disposal of demolition materials;
- Protective measures for tree preservation;
- Provisions for temporary sanitary facilities;
- Location and size of waste containers and bulk bins;
- Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the PCA/Council officers upon request.
(Reason: Environment protection, public health and safety)

13. Public Risk Insurance Policy

The Public Risk Insurance Policy held by (a) excavator (b) Building contractor must not be less than \$10 million and must contain a clause indemnifying Council against any claims in respect of the (a) excavation (b) Building works. A copy of this policy is to be submitted to Council.
(Reason: Limit liability)

14. 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)

15. 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)

16. 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)

17. Deed of Indemnity – Bridge/Tunnel and associated structures

A Deed of Indemnity is to be entered into for the bridges/tunnels or associated structures whereby the owner of the property will fully indemnify Council and their representatives from all claims, demands and liability which may arise in respect of any accident or damage to property or death or injury to any person of whatsoever nature.

In this regard the developer will, from the date that work commences on the bridges and/or associated structures until the expiration of the lease agreement, effect appropriate insurance policies including a Contract Works Policy, Public Risk Insurance, Worker's Compensation Insurance and will keep insured each part of the works as they are completed against damage or destruction. A copy of the executed Deed is to be submitted to Council.

(Reason: Ensure compliance)

18. Spoil Route Plan

Submit a "to and from" spoil removal route plan to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.

(Reason: Public amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

19. 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)

20. 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)

21. 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 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)

22. Demolition Work AS 2601

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".

(Reason: Safety)

23. 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.

(Reason: Ensure compliance)

24. 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)

25. Structures to Clear of Council's Drainage Infrastructure

It is the full responsibility of the Applicant and their contractors to:

- Ascertain the exact location of the Council drainage infrastructure adjacent to the site in the vicinity of the works; and
- Take full measures to protect the open Council drainage Channel, and
- Ensure dedicated overland flow paths are satisfactorily maintained through the site.

All proposed structures and construction activities shall be located clear of Council drainage pipes, drainage easements, watercourses and/or trunk overland flow paths on the site. Trunk or dedicated overland flow paths shall not be impeded or diverted by fill or structures unless otherwise approved by Council.

In the event of a Council drainage pipeline being uncovered during construction, all work in the vicinity of the area shall cease and the Principal Certifying Authority and Council shall be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of public assets)

26. 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)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

27. CCTV Report of Council Pipe System After Work

A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection at the rear of the property boundary frontage and then report on the condition of the Council drainage pipeline after the completion of all works. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

- The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- Distance from the manholes shall be accurately measured and displayed on the video.
- All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage that has occurred to the section of the pipeline since the commencement of any works on the site shall be repaired in full to the satisfaction of Council at no cost to Council, which may include full reconstruction. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

(Reason: Ensure compliance and protection of public asset)

28. Inspection of Drainage Connection to Council's Drainage Line

Inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

29. Rainwater Re-use – Minor

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 3 m³ in accordance with Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse tank system shall be connected to supply non-potable use including landscape irrigation and car washing. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and conserve natural resources)

30. Creation of a Floodway Restriction

Create a Restriction on the Use of the Land on the title of the subject property under Section 88E(3) of the Conveyance Act 1919 by using Form 13RPA obtainable from the NSW Department of Lands. The restriction is to be placed over the 100 year ARI flood path identified in the flood report by Storm Civil Engineering Solutions, dated 5 May 2014. The extent of the identified overland floodpath within the subject site shall be shown on a scale sketch, attached as an annexure to the request forms.

The wording for the restriction shall state "*No placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood path within the identified flood zone shall be permitted*".

Willoughby City Council shall be the authority empowered to release, carry or modify the restriction. Documentary evidence of registration of the instrument with the Land and Property Information shall be submitted to Council and the Principal Certifying Authority.

(Reason: Ensure unimpeded floodwater conveyance)

31. Certification – Structures / Excavations near Council's Easements

A Structural Engineer with Chartered status shall certify that all footings and structures adjacent to Council's pipeline and/or easement have been constructed at least 100mm below the invert of the Council's pipe unless the footings are placed on competent bedrock. All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of Council's easement.

Certification is to be provided to the Principal Certifying Authority, and a copy provided to Council, prior to issue of the an Occupation Certificate.

(Reason: Protection of public asset)

32. 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 3.6 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 any 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).

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)

33. 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)

34. Vehicular Barriers

The car parking area shall be provided with barriers complying with the requirements listed in AS/NZS 2890.1-2004. Where the drop off exceeds 600mm, the barrier shall be designed by a Structural Engineer.
(Reason: Safety)

35. Design Certificate for Proposed Suspended Driveway and Balustrade/Barrier

Prior to issue of any Occupation Certificate, the Applicant must submit, for approval by the Principal Certifying Authority, an Engineer's Certificate from a suitably qualified and experienced Structural Engineer certifying that the suspended driveway and barriers have been constructed with the approved plans.
(Reason: Safety 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.

36. Bridges/Tunnels - Maintenance of Bridges etc

The property owner is to take responsibility for the maintenance of the bridges and tunnels and all fixtures and fittings. That is, it will meet the costs of structural repairs, the regular repainting, cleaning or repairs of all surfaces of the bridges/tunnel and also the costs of cleaning, electricity consumption, replacement of or repair to fixtures or fittings arising from the day-to-day use of the bridges.

(Reason: Ensure compliance)

37. Bridges/Tunnels - Costs for Ongoing Maintenance

All costs relating to the provision and ongoing maintenance of the bridges/tunnel and associated structures including all of Council's legal costs, valuation costs, stamp duties, land title fees and professional fees of any consultant as required from time to time are to be met by the property owner at the time.

NB: The concurrence of the Director General of the NSW Department of Planning is required pursuant to Section 149 of the Roads Act 1993 for air space leases over/under public roads.

(Reason: Ensure compliance)

38. 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)

39. 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)

40. 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)

PRESCRIBED CONDITIONS

The following conditions are prescribed by S80A of the Environmental Planning & Assessment Act for developments involving building work.

41. Support for Neighbouring Buildings

- (1) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the building, structure or work from possible damage from the excavation, and
 - b) if necessary, underpin and support the building, structure or work to prevent any such damage, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

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

42. 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)

43. 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)

44. 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)

18.4 122 SYDNEY STREET, CHATSWOOD (BALES PARK) - DA 2015/98

ATTACHMENTS: 1. NOTIFICATION MAP
2. PLANS

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING
MANAGER

AUTHOR: JOHN BRUNTON (INDEPENDENT PLANNING
CONSULTANT)

MEETING DATE: 25/5/2015

RECOMMENDATION: APPROVAL WITH CONDITIONS

LOCATION: BALES PARK, SYDNEY STREET, CHATSWOOD 2067

APPLICANT: WILLOUGHBY CITY COUNCIL

OWNER: WILLOUGHBY CITY COUNCIL

PROPOSAL: USE OF THE EXISTING BALES PARK PAVILION AS A
PRE-SCHOOL CENTRE BY THE EAST WILLOUGHBY
PRE-SCHOOL SERVICE FOR A PERIOD OF 18
MONTHS DURING THE CONSTRUCTION WORKS
ASSOCIATED WITH THE REFURBISHMENT OF THE
WILLOUGHBY PARK CENTRE.

DATE OF LODGEMENT: 25 MARCH, 2015

REPORTING OFFICER: JOHN BRUNTON (INDEPENDENT PLANNING
CONSULTANT)

RESPONSIBLE OFFICER: IAN ARNOTT – DEVELOPMENT PLANNING
MANAGER

DESCRIPTION OF PROPOSAL

Approval is sought to utilise the Bales Park Pavilion as a pre-school centre. This will be an additional use of an existing community facility within Bales Park, Chatswood. The pavilion is located in the eastern section of Bales Park with frontage to Sydney Road. East Willoughby Pre-school service seeks approval to use the pavilion for a period of up to 18 months while refurbishment of its existing premises is undertaken. The permanent location of the East Willoughby Pre-school is at the Willoughby Park Centre. Construction works are proposed at the existing pre-school as part of the refurbishment of the Willoughby Park Centre. During this period it is necessary for the pre-school service to be relocated if the service is to continue to operate.

Approval is required for the use of the building only. A maximum of 20 children attend the pre-school and there are 3 staff. The building is satisfactory for the proposed use in its existing configuration. An adjustment to the existing fencing around the play area will be necessary to enable the pre-school to operate, but approval is not required for that work. The building is suitable for the proposed use because it is currently used for Out Of School Hours Care (OOSH). Approval is sought to operate the pre-school during school hours when the building is not required for the out of school activities. Generally, the proposal does not seek to change the weekday use of the existing building but rather extend that use into the middle of each school day from 9.00am until 3.00pm. To ensure car parking spaces are available near the pavilion each morning it is proposed that 6 car parking spaces in Sydney Street adjacent to the park be limited to 10 minute parking from 8.30am until 9.30am on school days.

RESOLUTION

That Development Application 2015/98 for 122 Sydney Street, Chatswood be approved and delegated authority be issued to the General Manager to issue the notice, subject to the following conditions.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

Schedule of Conditions

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
Site	01	-	1/2/2011	25/3/2015	BDT Design
Architectural	-		-	9/4/2015	-

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 ISSUE OF CONSTRUCTION CERTIFICATE

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

2. Sydney Water 'Quick Check' Certificate

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

Plans will be appropriately stamped and the Principal certifying authority must ensure the plans are stamped by Sydney Water prior to release of the Construction Certificate.

(Reason: Ensure compliance)

3. Damage Deposit

The applicant shall lodge a Damage Deposit of \$1600 (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 \$66 (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)

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.

4. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Principal Certifying Authority.

NB: Should changes be made for the carrying out of the work the Principal Certifying Authority must be immediately informed.

(Reason: Information)

5. Report Existing Damages on Council's Property

Prior to commencement of any works on site, the applicant shall notify Council in writing with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

(Reasons: Protection of Council's Infrastructure)

6. 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)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

7. 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)

8. Construction Information Sign

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after-hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Principal Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

9. 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)

10. 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 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)

11. No Storage on Foot/Roadway

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

(Reason: Safety)

12. Skips and Bins

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

13. 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)

14. 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)

15. Restriction Parking Signage

That 'P10 minute 8.30am - 9.30am School Days' restriction signs be installed along the Sydney Street frontage of the Bales Park Community Centre for a period of 18 months, commencing 22 June, 2015.

That 'P10 minute 7.00am - 10am 2.00pm - 6.00pm School Days' restriction signs be installed in the Bales Park Pavilion car park to replace the existing time restriction signs for a period of 18 months, commencing 22 June, 2015.

(Reason: Parking availability for drop-off-pickup)

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.

16. Erection Wholly within the Boundaries

All works (with the exception of any works approved under S138 of the Roads Act 1993) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

17. 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)

18. 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)

PRESCRIBED CONDITIONS

The following conditions are prescribed by S80A of the Environmental Planning & Assessment Act for developments involving building work.

19. Compliance with Building Code of Australia

All building works must be carried out in accordance with the performance requirements of the Building Code of Australia.

(Reason: Compliance)

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

20. 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)

21. 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)

22. 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)

18.5 43 DONNELLY ROAD, NAREMBURN - DA 2011/493/B

ATTACHMENTS:

1. NOTIFICATION MAP
2. COUNCIL REPORT DATED 10 MARCH 2014
3. S96 CONSENT 2011/493/A
4. ORIGINAL CONSENT: DA-2011/493

MEETING DATE: 25 MAY 2015

RECOMMENDATION: APPROVAL

LOCATION: 43 DONNELLY ROAD, NAREMBURN

APPLICANT: MR REX CURRY

OWNER: ROMAN CATHOLIC CHURCH TRUSTEES

PROPOSAL: S96 - MODIFY ORIGINAL CONSENT TO ALTER MAXIMUM ALLOWABLE VOLUME AND RINGING TIMES OF CHURCH BELLS AND ALLOW RINGING AT CIVIC OCCASIONS.

DATE OF LODGEMENT: 21 OCTOBER 2014

VALID APPLICATION DATE: 15 NOVEMBER 2014

REPORTING OFFICER: ANA VISSARION – DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING
MANAGER

DESCRIPTION OF PROPOSAL

The current S96 Modification Application DA-2011/493/B seeks approval to amend Conditions 15 and 20 of the consent relating to noise level and ringing times for the recently installed bells at St Leonard's Church Naremburn. The conditions in question were subject to another recent modification application (DA-2011/493/A) discussed and resolved in the Council Meeting that took place on March 10, 2014.

THIS ITEM WAS DEFERRED TO THE NEXT MEETING OF COUNCIL.

18.6 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY FOR THE MONTH OF APRIL 2015

ATTACHMENTS:	1. LIST OF DETERMINED APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT – DEVELOPMENT PLANNING MANAGER, PETER ROWAN – BUILDING SERVICES MANAGER
AUTHOR:	DEVELOPMENT PLANNERS, BUILDING SURVEYORS
MEETING DATE:	25 MAY 2015

Purpose of Report

The attached schedule lists all applications determined under delegated authority for the month of April 2015.

RESOLUTION

That the information on applications determined under delegated authority for the month of April 2015 be noted.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

18.7 DEVELOPMENT APPLICATION REPORT TO 18 MAY 2015

ATTACHMENTS:	1. LIST OF APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT – DEVELOPMENT PLANNING MANAGER, PETER ROWAN – BUILDING SERVICES MANAGER
AUTHOR:	DEVELOPMENT PLANNERS, BUILDING SURVEYORS
MEETING DATE:	25 MAY 2015

Purpose of Report

The attached schedule lists all current Development Applications grouped by Suburb.

RESOLUTION

That the information on Development Applications Report to 18 May 2015 be noted.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR MUSTACA

CARRIED

Voting

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

Against: Nil

Absent: Councillor Stevens

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

NIL

20 NOTICE OF MOTION

20.1 NOTICE OF MOTION: NURSING HOMES IN THE WILLOUGHBY LGA

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

AUTHOR: DEBRA JUST – GENERAL MANAGER

MEETING DATE: 25 MAY 2015

PROCEDURAL MOTION

That the following people address the meeting:

- Ms Joanne Russell

Ms Russell addressed the meeting and answered questions of the Councillors.

Purpose of Report

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

“That Willoughby City Council:

- acknowledges that all residents in nursing homes should be provided with quality care led by registered nurses;
- notes with concern the potential risk to residents of nursing homes across Willoughby LGA, of the removal of the requirement to have a registered nurse on duty at all times;
- supports the NSW Nurses and Midwives' Association campaign to ensure permanent legislation is in place requiring a registered nurse on duty at all times; and the appointment of a Director of Nursing in all NSW nursing homes, as a minimum, and
- writes to the NSW Health Minister, the Hon. Jillian Skinner MP, Shadow Health Minister Walt Secord MLC, and local MPs, to notify them of the resolution.”

MOTION

That Willoughby City Council:

- acknowledges that all residents in nursing homes should be provided with quality care led by registered nurses;
- notes with concern the potential risk to residents of nursing homes across Willoughby LGA, of the removal of the requirement to have a registered nurse on duty at all times;

- supports the NSW Nurses and Midwives' Association campaign to ensure permanent legislation is in place requiring a registered nurse on duty at all times; and the appointment of a Director of Nursing in all NSW nursing homes, as a minimum, and
- writes to the NSW Health Minister, the Hon. Jillian Skinner MP, Shadow Health Minister Walt Secord MLC, and local MPs, to notify them of the resolution.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Coppock

AMENDMENT

That Council notes Councillor Saville's Notice of Motion on the availability of Registered Nurses in residential aged care facilities.

MOVED COUNCILLOR HILL

SECONDED COUNCILLOR ERIKSSON

LOST

Voting

For the Amendment: Councillors Giles-Gidney, Eriksson, Hill, Mustaca, and Stevens

Against: Councillors Norton, Rozos, Rutherford, Saville, Sloane and Wright.

Absent: Councillor Coppock

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.

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 LEGAL PROSPECT DA 2015/4 – 345 EDINBURGH ROAD, CASTLECRAIG

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

21.2 REVIEW PROCESS

Reason for Confidentiality

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

- (a) personnel matters concerning particular individuals (other than councillors)

21.1 LEGAL PROSPECT DA 2015/4 – 345 EDINBURGH ROAD, CASTLECRAIG

Recommendation Summary

That Council:

- 1) Defends the appeal relating to DA 2015/4; and
- 2) Grants delegated authority to the General Manager to participate at any s34AA Conciliation conference for this matter and seek changes to the DA that will resolve Council's contentions.

21.2 REVIEW PROCESS

Recommendation Summary

That Council endorses the General Manager undertaking a structural review of Willoughby City Council's organisational structure commencing 25 May 2015 and concluding 22 June 2015 with a report to Council for its consideration and endorsement.

RESOLUTION

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

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Absent: Councillor Norton

22 QUESTIONS

NIL

Councillor Stevens left the meeting at 9:00pm.

The meeting closed at 11:35pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council held on 25 May 2015. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.