



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chamber, 31 Victor Street, Chatswood

14 September 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, J Hooper, T Mustaca, W Norton, A Rozos, J Rutherford, L Saville, M Sloane and M Stevens.

### Officers

Ms D Just (General Manager), Mr D Johnson (Acting Director Planning & Infrastructure), Mr M McDonald, (Acting Director Customer & Corporate Support), Mr I Arnott (Planning Manager), Ms M Hillman (Governance and Administration Manager) and Ms P Sheldrake (Minute Secretary).

## 2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary, substantial interest in Item 21.5 Road Reserve Lease – Various.  
*(Nature of Interest: I am a member of the Willoughby Retirement Community Association)*
- Councillor L Saville declared, via a Disclosures of Interest form, a less than substantial interest in Item 13.1 Planning Proposal 2013/14 – 65 Albert Avenue, Chatswood (Mandarin Centre)  
*(Nature of Interest: I made an on-line submission as representative of residents. Have made political donation two years prior (refer Disclosures))*
- Councillor T Mustaca declared, via a Disclosures of Interest form, a pecuniary interest and a conflict of interest in Item 21.3 98-102 Hampden Road, Artarmon – DA2014/391  
*(Nature of Interest: The property is owned by my family)*

## 3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 24 August 2015, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR MUSTACA

**CARRIED**

### Voting

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

**Against:** Nil

#### 4 APOLOGIES AND LEAVE OF ABSENCE

- Her Worship the Mayor Councillor G Giles-Gidney and Councillors Coppock, Hill, and Rozos requested leave of Absence for Monday 21 September 2015.
- Councillor Sloane requested Leave of Absence from 23 – 27 September 2015.
- Councillor Wright did not attend.

#### RESOLUTION

That Council:

1. **Grants Leave of Absence to Her Worship the Mayor Councillor G Giles-Gidney and Councillors Coppock, Hill, and Rozos for Monday 21 September 2015.**
2. **Grants Leave of Absence to Councillor Sloane from 23 – 27 September 2015.**

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR ERIKSSON**

**CARRIED**

#### Voting

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

**Against:** Nil

## 5 PETITIONS

### 5.1 PETITION: REQUEST FOR A RESIDENT PARKING SCHEME IN PORTION OF HAMPDEN ROAD, ARTARMON

**ATTACHMENTS:** 1. PETITION

**RESPONSIBLE OFFICER:** MARK MCDONALD - ACTING CUSTOMER AND CORPORATE SUPPORT DIRECTOR

**AUTHOR:** TRISHA DUFFY - SECRETARY ADMINISTRATION

**MEETING DATE:** 14 SEPTEMBER 2015

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#### **Purpose of Report**

To present a petition from the residents of 21 and 23 Hampden Road, Artarmon. The residents are requesting that Council considers implementing a Resident Parking Scheme in this section of the road as there are no off-street parking facilities available.

#### **RESOLUTION**

**That Council receives the petition relating to Hampden Road, Artarmon and it be referred to the Senior Traffic Engineer for consideration.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**5.2 PETITION: 290 MOWBRAY ROAD AND 66 AND 66A STAFFORD ROAD,  
ARTARMON**

**ATTACHMENTS:** 1. PETITION

**RESPONSIBLE OFFICER:** MARK MCDONALD - ACTING CUSTOMER AND  
CORPORATE SUPPORT DIRECTOR

**AUTHOR:** TRISHA DUFFY - SECRETARY ADMINISTRATION

**MEETING DATE:** 14 SEPTEMBER 2015

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**Purpose of Report**

To advise Council of a petition received relating to DA 2014/567 covering amended plans and documentation for the development application - Change of use to a Child Care Centre, alterations and additions to existing buildings, car parking, landscaping, shade sails & associated works.

**RESOLUTION**

**That Council receives the petition covering DA 2014/567 for 290 Mowbray Road and 66 and 66A Stafford Road, Artarmon and that it be referred to the relevant Development Planner.**

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil



**5.3 PETITION: OVER 55S - REQUESTING PROVISION OF A 22-SEATER BUS****ATTACHMENTS: 1. PETITION****RESPONSIBLE OFFICER: MARK MCDONALD - ACTING CUSTOMER AND CORPORATE SUPPORT DIRECTOR****AUTHOR: TRISHA DUFFY - SECRETARY ADMINISTRATION****MEETING DATE: 14 SEPTEMBER 2015**

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**Purpose of Report**

To list a petition on the agenda from St Thomas's Church Over 55s asking that the provision of a 22-seater bus be reinstated for the monthly bus trips.

**RESOLUTION**

**That Council receives the petition from St Thomas's Church Over 55s and that it be referred to the Community, Culture and Leisure Director.**

**MOVED COUNCILLOR SLOANE****SECONDED COUNCILLOR COPPOCK****CARRIED****Voting**

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

**Against:** Nil

## **6 OPEN FORUM**

- Mr Tim Green spoke on the Haven Amphitheatre.
- Mr Gary Anderson spoke on free speech and due process.

## 7 MAYORAL MINUTE

### 7.1 MAYORAL MINUTE - THE LATE ANTONIO CAPUTO

**MEETING DATE:** 14 SEPTEMBER 2015

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#### **Purpose of Report**

To consider the Mayoral Minute on the passing of Antonio Caputo.

#### **Motion**

It is with sadness that I inform Council of the passing of a highly respected member of the Italian Australian Community, Commendatore (knight of the republic of Italy) Antonio Caputo OAM whose funeral service the Deputy Mayor attended last Friday.

Antonio was blessed with a long life, passing at the age of 94 with his large extended family by his side.

Antonio was a very successful immigrant, who in spite of the fact that he came here with nothing except a suitcase, was able to achieve much. He was a considerate and compassionate person, always willing to assist fellow migrants and fellow human beings. Antonio was recognised for his service to the community, both by the Australian Government and the Italian Government and was a giant within the Italian Australian community in Sydney.

Among a multitude of achievements, Antonio Caputo OAM was involved in the establishment of Co.As.It, the main Italian Government Assistance Program which among other roles, provides for the teaching of the Italian language in Australian schools. He was involved in the establishment of the Scalabrini Brothers Retirement Villages. He was founding President of the Italian National Day Committee, which in co-operation with the Italian Consul General, the NSW Community Relations Commission and Sydney City Council each year organise Italian National Week here in Sydney.

Antonio Caputo OAM was an incredibly good man and an inspiration to his family and to those with whom he came in contact.

He was the father of John Caputo OAM, former Mayor of Warringah Council.

With Antonio's passing our community has lost a wonderful human being and a great friend to multicultural Australia.

I move that Council notes the sad passing of Antonio Caputo OAM and writes a letter of condolence to his family.

#### **RESOLUTION**

**That Council adopts the Mayoral Minute on the passing of Antonio Caputo.**

**MOVED COUNCILLOR GILES-GIDNEY**

**CARRIED**

#### **Voting**

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

**Against:** Nil

Council observed a minute's silence in memory of the late Antonio Caputo.

**7.2 MAYOR'S DIARY – COUNCIL MEETING NOTES – 14 SEPTEMBER 2015**

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

<b>TUESDAY 25 AUGUST</b>			
Mayor	9 am	125th Anniversary Celebrations	Mercy College
Mayor	6 pm	Official Opening of Talent 100 Tuition Centre	1 Railway Street, Chatswood
<b>WEDNESDAY 26 AUGUST</b>			
Mayor	7 pm	HSC Music Performance	Willoughby Girls' High School
<b>THURSDAY 27 AUGUST</b>			
Mayor	2 pm	Presentation of 2015 Club Grants	Chatswood RSL Club
Mayor	6 pm	Official Opening of Art Exhibition "Catching the Light"	Ground Floor Foyer 31 Victor Street
Cr Saville	6.30 pm	Save Our Councils Meeting	Marrickville Council
<b>FRIDAY 28 AUGUST</b>			
Mayor Crs Hooper, Sloane	Overnight	Chamber of Commerce Event: "Chatswood Sleeps Rough"	Storage King, Chatswood
<b>SUNDAY 30 AUGUST</b>			
Cr Norton	12 noon	KDSA Girls Gala Day	Blackman Oval
Cr Norton	Afternoon	Watermark Art Show	Castle Cove
<b>MONDAY 31 AUGUST</b>			
Mayor	10 am	Visit to Castlecrag Montessori School	184 Edinburgh Road
<b>TUESDAY 1 SEPTEMBER</b>			
Cr Norton	7 pm	Performance by the Shock Concert Band from Taiwan & Reception afterwards	The Opera House
<b>WEDNESDAY 2 SEPTEMBER</b>			
Mayor	11.30 am	Citizenship Ceremony	Council Chambers
<b>THURSDAY 3 SEPTEMBER</b>			
Mayor	6 pm	Presentation of Awards at Photographic Expo	Home HQ Artarmon
Cr Saville	6 pm	Exhibition Opening Artspace	St Leonards

FRIDAY 4 SEPTEMBER			
Cr Norton	6 pm	Dance to the Nines	Dougherty Centre
Mayor Crs Eriksson, Hooper, Norton, Rutherford, Saville	7 pm	Welcome Dinner for Bingara Sister City Delegation	Shanghai Stories Chatswood
SATURDAY 5 SEPTEMBER			
Mayor Deputy Mayor, Cr Mustaca Crs Hooper, Norton, Rozos, Rutherford, Sloane	10 am	Street Parade & Spring Fair	Chatswood
Mayor Crs Norton, Rutherford	11.30 am	NS Netball Association Grand Final Presentations	Willoughby Leisure Centre
Mayor		Exhibition at WDHS Museum	Johnson Street
Mayor Cr Norton	4.30 pm	Opening of Willoughby Visual Arts Biennial	The Incinerator Art Space
TUESDAY 8 SEPTEMBER			
Mayor	12 noon	Sydney Metropolitan Mayors Meeting	Sydney Town Hall
WEDNESDAY 9 SEPTEMBER			
Mayor	11.15 am	Speaker at Northside Wellness Group Meeting	Dougherty Centre
Cr Saville	3.30 pm	Community Participation Committee.	NSLHD RNSH
Deputy Mayor, Cr Mustaca <i>Mayor &amp; Crs Norton &amp; Saville attended briefly</i>	6 pm	Official Opening of Exhibition: <i>Home Grown: The Ceramicists</i>	The Art Space at The Concourse
Mayor Crs Hill, Norton, Saville	6.30 pm	Focus on Ability Film Festival Awards	The Concourse
THURSDAY 10 SEPTEMBER			
Mayor	9.30 am	OzHarvest Launch with NSROC Mayors	Outside Manly Surf Club
Mayor	2.30 pm	2015 NSW Volunteer of the Year Awards Ceremony	Northbridge Golf Club
Cr Saville	5 pm	Sydney Coastal Councils Executive Meeting	Sydney City Council

<b>SATURDAY 12 SEPTEMBER</b>			
Mayor Crs Norton, Hooper	11.30 am	Opening of Japanese Festival	Chatswood Mall
Mayor Crs Norton, Rozos	1 pm	Devonshire Tea	Willoughby Retirement Village
Mayor	2.30 pm	Opening of Expo: Colour of West China	The Civic Pavilion
Mayor	3.30 pm	Alliance Française Event	L.2, 6 Spring Street
<b>SUNDAY 13 SEPTEMBER</b>			
Cr Saville	9 am	MDO Bushcare	Chatswood High School
Cr Hooper	9 am	MDO Bushcare	Castlecrag Reserve
Mayor	9.30 am	Oriel Bushcare	Oriel Reserve
Mayor	10.30 am	BMDO Event	Bannockburn Oval
Mayor Cr Norton	12 noon	Welcome to Willoughby Picnic & Book Launch	The Concourse
Mayor Cr Norton	12.45 pm	Castle Cove Fair	Castle Cove School
Cr Saville	1 pm	Sustainable House Open Day	Devonshire Street
Mayor Crs Eriksson, Hooper, Norton, Rozos	1.45 pm	Craft Beer Festival	Willoughby Hotel
Cr Saville	2 pm	Lace Exhibition at WDHS Museum	Johnson Street
Cr Norton	4.30 pm	WTC Launch of 2016 Season Launch	The Concourse

**8 GENERAL MANAGER'S LATE REPORT**

NIL

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

NIL

**10 MATTERS BROUGHT FORWARD BY THE PUBLIC**

- Item 12.2 4 Scott Crescent, Roseville – Middle Harbour Ward Councillors  
Inspection Committee Meeting – 20 August 2015
- Item 13.1 Planning Proposal 2013/4 – 65 Albert Avenue, Chatswood (Mandarin  
Centre)
- Item 18.1 12 Harden Road, Artarmon NSW 2064

**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 13.2 Ensuring the Continuity of the Better Business Partnership – A Shared  
Council Service
- Item 18.2 Tender Summary – Civil Works for Roads, Drainage and Footpaths –  
Tender 090732
- Item 18.3 Assignment of Lease – Pedestrian Tunnel below Pacific Highway, St  
Leonards

**RESOLUTION**

That the remaining items, viz:

- Item 12.1 **Transport, Access and Environment Committee Meeting – 7  
September 2015**
- Item 12.1.1 **(8.3) Minutes of Sydney Coastal Councils Group – 20 June 2015**
- Item 12.1.2 **(9.1) Traffic Committee Minutes – 19 August 2015**
- Item 12.1.3 **(9.2) Parking on Driveway Crossings in Residential Zones**
- Item 12.1.4 **(9.3) Operational Plan and Financial Performance Report – June  
2015**
- Item 12.1.5 **(9.4) Investments and Loan Borrowings as at June 2015**
- Item 12.1.6 **(9.6) Update to the NSW Rural Fire Service 10/50 Vegetation  
Clearing Code of Practice**
- Item 14.1 **Councillors Information Booklets – 27 August, 3 and 10  
September 2015**
- Item 16.1 **Cancellation of 12 October 2015 Ordinary Council Meeting**
- Item 18.4 **Easement over 16 The Postern, Castlecrag**
- Item 18.5 **Applications Determined under Delegated Authority for the month  
of August 2015**
- Item 18.6 **Development Application and Planning Proposal Report to 31  
August 2015**

be adopted in accordance with the recommendations in the reports.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil



## 12 REPORTS FROM COMMITTEES

### 12.1 TRANSPORT, ACCESS AND ENVIRONMENT COMMITTEE MEETING - 7 SEPTEMBER 2015

**ATTACHMENTS:** 1. MINUTES

**RESPONSIBLE OFFICER:** DOMINIC JOHNSON – ACTING PLANNING & INFRASTRUCTURE DIRECTOR

**MEETING DATE:** 14 SEPTEMBER 2015

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#### **Purpose of Report**

To list on the agenda the minutes of the Transport, Access and Environment Committee Meeting held 7 September 2015.

#### **RESOLUTION**

**That Council:**

1. **Receives the Minutes of the Transport, Access and Environment Committee Meeting held 7 September 2015.**
2. **Notes the resolutions adopted by the Committee.**
3. **Adopts the Committee's recommendations.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford.

**12.1.1 (8.3) MINUTES OF SYDNEY COASTAL COUNCILS GROUP MEETING - 20 JUNE 2015**

<b>ATTACHMENTS:</b>	<b>1. SYDNEY COASTAL COUNCILS GROUP MINUTES FOR ORDINARY MEETING HELD 20 JUNE 2015</b>
<b>RESPONSIBLE OFFICER:</b>	<b>SALLY HAMILTON – PROJECT DIRECTOR - SUSTAINABILITY</b>
<b>AUTHOR:</b>	<b>NICOLA FAITH – CLIMATE CHANGE PROJECT OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>2.1.1 CONSERVE AND MAINTAIN WILLOUGHBY'S NATURAL ECOSYSTEMS</b>
<b>MEETING DATE:</b>	<b>7 SEPTEMBER 2015</b>

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**Purpose of Report**

To provide Council with the Minutes of the Sydney Coastal Councils Group Ordinary Meeting held on 20 June 2015.

A presentation was given by Geoff Withycombe, Executive Officer, Sydney Coastal Councils Group (SCCG) on the strategies, programs and services they provide.

**RESOLUTION****That Council:**

- 1. Notes the Minutes Sydney Coastal Council Group Meeting 20 June 2015.**
- 2. Notes the presentation by Sydney Coastal Councils Group, Executive Officer Geoff Withycombe.**
- 3. Conveys a vote of thanks to Geoff Withycombe and the Sydney Coastal Councils Group.**

**MOVED COUNCILLOR SAVILLE****SECONDED COUNCILLOR MUSTACA****CARRIED****Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford.

**12.1.2 (9.1) TRAFFIC COMMITTEE MINUTES - 19 AUGUST 2015**

<b>ATTACHMENTS:</b>	<b>1. TRAFFIC COMMITTEE MINUTES OF 19 AUGUST 2015</b>
<b>RESPONSIBLE OFFICER:</b>	<b>DOMINIC JOHNSON, ACTING DIRECTOR PLANNING &amp; INFRASTRUCTURE</b>
<b>AUTHOR:</b>	<b>MICHAEL FOSKETT - ACTING GROUP LEADER TRAFFIC &amp; TRANSPORT</b>
<b>CITY STRATEGY LINK:</b>	<b>4.2.2 BALANCE TRAFFIC MANAGEMENT</b>
<b>MEETING DATE:</b>	<b>7 SEPTEMBER 2015</b>

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**Purpose of Report**

To advise Council of the outcome of the latest Traffic Committee Meeting held on 19 August 2015.

**RESOLUTION**

1. That the Traffic Committee's recommendations arising from the August 2015 Traffic Committee Meeting be amended as follows:

**Item 4.2 Sailors Bay Road Pedestrian Crossing**

"That:

1. Improved lighting of the crossing be investigated.
2. Extend the speed humps on the eastern approach ie east of Pyalla Street, to span both approach lanes leaving space for bikes to get round them so that all other traffic must navigate the speed humps.
3. The current speed humps be removed and replaced with flat top speed humps similar to those in High Street.
4. Council officers review the length of the 'No Stopping' restrictions adjacent to the pedestrian crossing."

**Item 4.3 Nicholson Street, Chatswood**

"That, subject to consultation with nearby residents of 74 Nicholson Street, the construction of a speed hump and associated road narrowing to the east of the driveway to 74 Nicholson Street be added to Council's Traffic Hotspots Priority List."

**Item 4.7 Kameruka Road, Northbridge**

**“That:**

- 1. Council consult with affected residents regarding the possible introduction of rumble bars on Kameruka Road.**
  - 2. Subject to the results of the resident consultation, rumble bars be installed at the following locations along Kameruka Road;**
    - Between the driveway to #57 and Parker Street**
    - Between the driveway to #65 and the driveway to #77**
    - Between the driveway to #93 and the driveway to #99**
  - 3. Further traffic counts be undertaken on Kameruka Road following the installation of the rumble bars.**
  - 4. Further consideration be given to pedestrian movement across Kameruka Road and a report be provided back to the Traffic Committee.”**
- 2. That Council adopts the remaining recommendations arising from the August 2015 Traffic Committee Meeting.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford.

**12.1.3 (9.2) PARKING ON DRIVEWAY CROSSINGS IN RESIDENTIAL ZONES**

<b>ATTACHMENTS:</b>	<b>1. WILLOUGHBY CITY COUNCIL WEB PAGE 'THINK BEFORE YOU PARK' 2. FACEBOOK POST 25 MARCH 2015</b>
<b>RESPONSIBLE OFFICER:</b>	<b>DOMINIC JOHNSON - ACTING DIRECTOR PLANNING &amp; INFRASTRUCTURE</b>
<b>AUTHOR:</b>	<b>MARK TAYLOR, MANAGER COMPLIANCE UNIT</b>
<b>MEETING DATE:</b>	<b>7 SEPTEMBER 2015</b>

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**Purpose of Report**

To provide information on the direction that Council may move to achieve the objective that the Council not enforce regulation 198 of *Road Rules 2014* across the City of Willoughby.

**RESOLUTION**

**That Council:**

- 1. Notes the report; and**
- 2. Commends the Officers on their work.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford.

**12.1.4 (9.3) OPERATIONAL PLAN AND FINANCIAL PERFORMANCE REPORT -  
JUNE 2015**

<b>ATTACHMENTS:</b>	<b>1. BUDGET VARIATIONS</b> <b>2. PIP STATUS REPORT -</b> <b>2A PIP CONCOURSE STATUS REPORT</b> <b>2B RECOMMENDED PIP CARRY- OVER REPORT</b> <b>2014/2015 TO 2015/2016</b> <b>2C PIP CARRY OVER GRAPH</b> <b>3. LEGAL EXPENSES</b> <b>4. E.RESTORE</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MARK MCDONALD – CHIEF FINANCIAL OFFICER</b>
<b>AUTHOR:</b>	<b>JULIE GREGSON – SENIOR MANAGEMENT</b> <b>ACCOUNTANT</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG</b> <b>SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>7 SEPTEMBER 2015</b>

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**Purpose of Report**

To review Council's process in attaining Operational Plan targets for the period 1 July 2014 to 30 June 2015 and to review the financial performance of Council to 30 June 2015.

**RESOLUTION**

**That Council:**

- 1. Notes the report;**
- 2. Endorses the proposed carryover works from 2014/2015 to 2015/2016 listed within Attachment 2A totalling \$8,181,500 (\$1,096,641 funded from General Fund); and**
- 3. Votes the increase in expenditure of \$3,063,900 and the increase in income of \$4,197,200.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford.

**12.1.5 (9.4) INVESTMENTS AND LOAN BORROWINGS AS AT JUNE 2015**

<b>ATTACHMENTS:</b>	<b>1. STATEMENT OF BANK BALANCES 2. COUNCIL'S INVESTMENT HOLDINGS 3. INVESTMENTS - COUNTER PARTY CHART</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MARK MCDONALD – CHIEF FINANCIAL OFFICER</b>
<b>AUTHOR:</b>	<b>BILL LOFTHOUSE - FINANCIAL ACCOUNTANT</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>7 SEPTEMBER 2015</b>

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**Purpose of Report**

To advise Council of the Bank Balances and Investment performance for the month of June 2015 and to provide an update on the current investment portfolio.

**RESOLUTION**

**That the Statement of Bank Balances, Loan Borrowings and Investment Holdings for June 2015 be received.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford.

**12.1.6 (9.6) UPDATE TO THE NSW RURAL FIRE SERVICE 10/50 VEGETATION CLEARING CODE OF PRACTICE**

<b>RESPONSIBLE OFFICER:</b>	<b>DOMINIC JOHNSON –ACTING PLANNING AND INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>CAMERON BENNELL – BUSHLAND COORDINATOR</b>
<b>CITY STRATEGY LINK:</b>	<b>2.1.1 CONSERVE AND MAINTAIN WILLOUGHBY'S NATURAL ECOSYSTEMS</b>
<b>MEETING DATE:</b>	<b>7 SEPTEMBER 2015</b>

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**Purpose of Report**

To update Council on the proposed changes to the 10/50 Code of Practice following a Review of the 10/50 Vegetation Clearing Entitlement Scheme by the Rural Fire Service.

**RESOLUTION**

**That Council:**

- 1. Notes the proposed minor changes to the 10/50 Code of Practice and Vegetation Clearing Entitlement Scheme;**
- 2. Notes that further work by Council will be required to undertake revised Bushfire Prone mapping for the WCC LGA once the RFS has released the new guidelines; and**
- 3. Expresses concern to the relevant Minister at the lack of consideration given to the 3,500 submissions made in relation to the 10/50 Vegetation Code of Practice.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford.



**12.2 4 SCOTT CRESCENT, ROSEVILLE - MIDDLE HARBOUR WARD  
COUNCILLORS INSPECTION COMMITTEE MEETING - 20 AUGUST 2015**

<b>ATTACHMENTS:</b>	<b>1. MINUTES AND WARD REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>ANA VISSARION - DEVELOPMENT PLANNER</b>
<b>MEETING DATE:</b>	<b>14 SEPTEMBER 2015</b>

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**Purpose of Report**

To present the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 20 August 2015.

**RESOLUTION**

**That the application be refused for the following reasons:**

- 1. The proposed boarding house is unsuitable for the cul-de-sac location, being contrary to the quiet and peaceful character of the street, particular in respect to likely additional traffic movements associated with the density of adult occupancy associated with the development. In this respect the proposed development does not satisfy the provisions of Clause 30A of the State Environmental Planning Policy (Affordable Rental Housing) 2009 being contrary to the local character of Scott Crescent;**
- 2. The proposal will exacerbate local traffic issues;**
- 3. The proposed onsite car parking layout does not comply with current Australian Standards**
- 4. The proposed on-site car parking layout and main access does not properly address disability requirements in accordance with current Australian Standards;**
- 5. The proposal does not properly address fire safety and the risks associated with in-room kitchenettes and does not provide a fire egress for the development;**
- 6. The proposed plan of management is inadequate and does not address methods of enforcing the boarding house rules;**
- 7. The proposal does not mitigate overlooking into the back yard of the southern neighbour at 6 Scott Crescent; and**
- 8. The application does not satisfactorily demonstrate that approval of the development would be in the public interest.**

**MOVED COUNCILLOR RUTHERFORD**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Eriksson, Hooper and Rozos.

## 13 DEFERRED MATTERS

### 13.1 PLANNING PROPOSAL 2013/4 - 65 ALBERT AVENUE, CHATSWOOD (MANDARIN CENTRE)

<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. PREVIOUS REPORT TO COUNCIL MEETING DATED 5 MAY 2014</li><li>2. AMENDED PLANS JUNE 2014</li><li>3. GATEWAY DETERMINATION DATED 12 AUGUST 2014</li><li>4. RESPONSE FROM PUBLIC AUTHORITIES</li><li>5. SUMMARY OF SUBMISSIONS WITH COMMENTS</li><li>6. LETTER FROM URBIS DATED 21 AUGUST 2015 RESPONDING TO SUBMISSIONS</li><li>7. MAP OF CHATSWOOD PARK</li><li>8. DRAFT WILLOUGHBY DEVELOPMENT CONTROL PLAN SECTION E.3.5 (AS AMENDED BY THIS REPORT)</li></ol>
<b>RESPONSIBLE OFFICER:</b>	IAN ARNOTT - PLANNING MANAGER
<b>AUTHOR:</b>	CRAIG O'BRIEN – STRATEGIC PLANNER
<b>CITY STRATEGY LINK:</b>	6.2.1 A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS
<b>MEETING DATE:</b>	7 SEPTEMBER 2015

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#### Purpose of Report

The purpose of this report is to advise Council of the public exhibition for the Planning Proposal, draft Voluntary Planning Agreement (draft VPA) and Explanatory Note submitted by Urbis on behalf of Mandarin Developments and Blue Papaya Pty Ltd (the owners of the site), as well as the draft Willoughby Development Control Plan Section E3.5 (draft WDCP) prepared by council officers, relating to Lots 1, 2 and 3 DP 1035379 and Lots 41 and 42 DP 1150370 at 65 Albert Avenue, Chatswood.

The exhibited Planning Proposal was accompanied by indicative concept plans (June 2014), context analysis and shadow diagrams prepared by Bates Smart, planning report and economic assessment prepared by Urbis, and a traffic report prepared by GTA Consultants.

This report summarises and provides comment on the issues raised by the submissions received during the exhibition. The main issues raised were height, floor space, design, amenity impacts such as loss of views and privacy on adjacent properties, overshadowing, car parking and traffic. The report also includes assessment of the Planning Proposal, with height and floor space discussion having reference to Willoughby Local Environmental Plan 2012 (WLEP 2012) height and floor space objectives. The report recommends that Council support the Planning Proposal subject to amendments and that the Minister be advised to make the amendment to WLEP 2012.

## Procedural Motion

That the following people address the meeting:

- Mr Kenneth Wee
- Ms Lilly Lee
- Ms Jiji Lee
- Mr Ian Tanner
- Mr Nick Juradowitch
- Mr Raymond Cheung
- Mr John Wynne
- Mr Philip Vivian
- Mr Tyrone Dodds
- Mr Michael Shriver
- Ms Alka Parti on behalf of Ms Jodie Pendelj and Paul Burnett
- Mr Eduard Litver

Mr Wynne, Mr Vivian and Mr Litver answered questions of the Councillors.

## MOTION

1. That Council resolves to reject the Planning Proposal relating to Lots 1, 2 and 3 DP 1035379 and Lots 41 and 42 DP 1150370 at 65 Albert Avenue, Chatswood for the following reasons:
  - i) The increase in height and floor space will have an unacceptable impact on neighbouring properties with regard to view loss.
  - ii) The increase in height and floor space will have an unacceptable impact on Chatswood Park with regard to overshadowing.
  - iii) The increase in floor space will have an unacceptable traffic impacts on the surrounding road network.
2. That the Proponent and the Department of Planning and Environment be notified of Council's decision.

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR HOOPER**

**CARRIED**

### Voting

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

**Against:** Councillors Eriksson and Mustaca.

**AMENDMENT**

That Council grants a deferral within a period of three months to give the applicants and officers an opportunity to address some of the issues including, but not limited to, height, the overshadowing of the park, the lack of on-site parking and community benefit.

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR MUSTACA**

**LOST**

**Voting**

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

**Against:** Councillors Coppock, Hill, Hooper, Norton, Rozos, Rutherford, Saville and Sloane.

### 13.2 ENSURING THE CONTINUITY OF THE BETTER BUSINESS PARTNERSHIP - A SHARED COUNCIL SERVICE

<b>ATTACHMENTS:</b>	<b>1. CASE STUDY – FLAT ROCK BREW CAFE 2. CASE STUDY – NICK LOGAN PHARMACIST ADVICE</b>
<b>RESPONSIBLE OFFICER:</b>	<b>DOMINIC JOHNSON - ACTING DIRECTOR INFRASTRUCTURE &amp; PLANNING</b>
<b>AUTHOR:</b>	<b>NATHAN JOHN – SUSTAINABLE BUSINESS COORDINATOR</b>
<b>CITY STRATEGY LINK:</b>	<b>5.1.1 LOCAL BUSINESS 5.1.3 ENGAGE WITH BUSINESS</b>
<b>MEETING DATE:</b>	<b>TRANSPORT, ACCESS AND ENVIRONMENT COMMITTEE 7 SEPTEMBER 2015</b>

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#### **Purpose of Report**

The purpose of this report is to notify Council of the outcome of BBP's grant application to the NSW EPA and to provide a cost benefit analysis of the program as per the resolution of Council on 11 May 2015.

#### **RESOLUTION**

##### **That Council:**

- 1. Notes the awarding of a \$300,000 grant to BBP from the EPA for September 2015 to March 2017;**
- 2. Commits to a further contribution of \$95,000 from e.restore to BBP in 2016/17 as per the EPA grant agreement.**
- 3. Notes that BBP continues to deliver strong results for local businesses, and for Council, and provides excellent value for money.**

#### **MOVED COUNCILLOR MUSTACA**

#### **SECONDED COUNCILLOR NORTON**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford.

## 14 CORRESPONDENCE

### 14.1 COUNCILLORS INFORMATION BOOKLETS - 27 AUGUST, 3 AND 10 SEPTEMBER 2015

<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST - GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>TRISHA DUFFY - SECRETARY GOVERNANCE AND POLICY</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>14 SEPTEMBER 2015</b>

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#### **Purpose of Report**

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 27 August, 3 and 10 September 2015.

#### **RESOLUTION**

**That Council receives the Councillors Information Booklets circulated to all Councillors on 27 August, 3 and 10 September 2015.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford

**15 REPORTS FROM OFFICERS - GENERAL MANAGER**

NIL



## 16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

### 16.1 CANCELLATION OF 12 OCTOBER 2015 ORDINARY COUNCIL MEETING

ATTACHMENTS:	NIL
RESPONSIBLE OFFICER:	MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL - GOVERNANCE AND CORPORATE PLANNING OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	14 SEPTEMBER 2015

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#### Purpose of Report

To authorise the cancellation of the scheduled 12 October 2015 Ordinary Council meeting as eight Councillors will be attending the Local Government NSW (LGNSW) Annual Conference on that day.

#### RESOLUTION

That Council:

1. authorises the cancellation of the scheduled 12 October 2015 Ordinary Meeting of Council to enable eight Councillors to attend the LGNSW Annual Conference; and
2. Notifies the public on the change in the meeting schedule.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR MUSTACA

**CARRIED**

#### Voting

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford.

**17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND  
LEISURE DIRECTORATE**

NIL

## 18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

### 18.1 12 HARDEN ROAD, ARTARMON NSW 2064

**ATTACHMENTS:** 1. ARCHITECTURAL PLANS  
2. NOTIFICATION MAP

**MEETING DATE:** 14 SEPTEMBER 2015

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**RECOMMENDATION:** DEFERRED COMMENCEMENT APPROVAL

**LOCATION:** 12 HARDEN ROAD, ARTARMON

**APPLICANT:** JPR ARCHITECTS PTY LTD

**OWNER:** MR A R MAPLE BROWN AND MRS E K MAPLE BROWN

**PROPOSAL:** ALTERATIONS AND ADDITIONS TO EXISTING DWELLING, LANDSCAPING, SWIMMING POOL AND ANCILLARY AND ASSOCIATED WORKS

**DATE OF LODGEMENT:** 29 APRIL 2015

**VALID APPLICATION DATE:** 29 APRIL 2015

**REPORTING OFFICER:** ARTHUR TSEMBIS (DEVELOPMENT PLANNER)

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

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### DESCRIPTION OF PROPOSAL

The proposed development is for alterations and additions to an existing single storey dwelling. The proposal includes the following works:

**Demolition:**

- Demolish existing garage at the side of the house, the laundry to the rear and the rear skillion verandah.

**Ground Level:**

- Internal alterations to the floor plan of the existing dwelling, including removal of some internal walls, change to the location of a doorway, reinstate a fireplace, and replace the existing garage with a dressing room and ensuite bathroom.
- Remove fittings and alter the existing kitchen and bedroom to provide a new bedroom and bathrooms, and open up the western wall of the verandah with a large set of doors and windows.
- Construct a new addition on the southern side of the existing dwelling designed as a separate pavilion, visually connected to the original dwelling by a bank of glass doors which are in the living room area.

- The new addition also comprises a new kitchen, bedroom, dressing room, and ensuite bathroom.

Lower Ground Level:

- Construct a new lower ground level beneath the southern end of the proposed new addition on the ground floor level. This level contains a bedroom, bathroom, laundry, and cellar behind a double garage facing the street frontage.

External:

- A new swimming pool located in the area of the existing laundry (to be demolished) at the rear of the existing dwelling.
- Change to the existing vehicle cross over point and driveway to reflect the location of the proposed new garage.

The proposal will retain and reconstruct to match the existing front fence, retain the existing tennis court at the rear, remove the old cross over and driveway, and enhance the front landscaped area. The proposal requires the removal of one tree located near the southern boundary.

The application is referred to Council for determination because delegations do not extend to *'applications involving demolition or major alteration or additions or non-residential use of a Heritage Item'*.

### Procedural Motion

**That the following people address the meeting and answer questions of the Councillors:**

- **Ms Emma Maple-Brown (Owner)**
- **Mr Dennis Rabinowitz**
- **Mr Hector Abrahams**
- **Richard Baker**
- **Rob Magner**

### RESOLUTION

**That Council:**

- 1. Approves DA 2015/144 for alterations and additions to an existing single storey dwelling and associated works at 12 Harden Road, Artarmon, and delegated authority be granted to the General Manager to issue the 'deferred commencement' development consent notice subject to the attached conditions, noting the special circumstances for variation of the car parking, ridge and eaves height controls under the heritage provisions of WDCP, being:**
  - **The proposed two car garage is set well back from the street frontage and located partially below ground level, and therefore it is considered that the two car garage will not have significant impacts on the existing streetscape, the heritage listed item or the Artarmon Heritage Conservation Area.**

- The proposed addition retains the scale of the existing building; therefore, it is considered that the ridge and eaves heights are acceptable for the proposed development.

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

## Schedule of Conditions

### SCHEDULE 1

#### CONDITIONS OF CONSENT DEFERRED COMMENCEMENT

In accordance with Section 80(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the applicant in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 95(3) of the Regulation, a twelve (12) month period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/detail. If not, then the 'deferred commencement' will lapse and a new development application will be required.  
(Reason: Ensure compliance)

#### 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. Revised plans showing a new three (3) metres wide vehicular crossing to comply with Council's Crossing Specification. The new crossing shall be located at least one (1) metre and two (2) metres away from any power pole and existing street tree respectively.
- b. In light of point (a) above, the existing power pole shall be relocated so that it is at least one (1) metre away from the proposed three (3) metres wide vehicular crossing.
- c. Submit documentary evidence that Austgrid has no objections to the relocation of the existing pole that serving the subject and adjoining properties which is to be carried out at the full cost of the applicant.

Documentation confirming approval by Willoughby City Council shall then be submitted to the certifying authority for the application of a construction certificate.  
(Reason: Ensure compliance)

**SCHEDULE 2**

**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/Roof Plan	DA 101B	B	22/07/2015	22 Jul 2015	JPR Architects Pty Ltd
Lower Ground Floor Plan	DA 200		29/04/2015	29 Apr 2015	JPR Architects Pty Ltd
Ground Floor Plan	DA 201B	B	22/07/2015	22 Jul 2015	JPR Architects Pty Ltd
Lower Ground Floor Plan	DA 202		29/04/2015	29 Apr 2015	JPR Architects Pty Ltd
Ground Floor Plan	DA 203		29/04/2015	29 Apr 2015	JPR Architects Pty Ltd
Section A	DA 210		29/04/2015	29 Apr 2015	JPR Architects Pty Ltd
Section B	DA 211		29/04/2015	29 Apr 2015	JPR Architects Pty Ltd
North Elevation	DA 220		29/04/2015	29 Apr 2015	JPR Architects Pty Ltd
East Elevation	DA 221B	B	22/07/2015	22 Jul 2015	JPR Architects Pty Ltd
South Elevation	DA 222		29/04/2015	29 Apr 2015	JPR Architects Pty Ltd
West Elevation	DA 223		29/04/2015	29 Apr 2015	JPR Architects Pty Ltd
Landscape Plan	LPDA 15-319/1	D	22/04/2015	29 Apr 2015	Conzept Landscape Architects
Details Plan	LPDA 15-319/2	A	06/03/2015	29 Apr 2015	Conzept Landscape Architects
Specifications	LPDA 15-319/3	A	06/03/2015	29 Apr 2015	Conzept Landscape Architects

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. Section 94A Contributions

A monetary contribution of \$12,194.80 (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 \$1,219,477.00 at 30/04/2015 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)



### 3 Amendments

The proposal is to be amended in the following manner:

- The hard surfaces forward of the proposed living room, excluding an area for a pathway to the entry, shall be removed to further provide for a garden setting for the proposed new addition. A canopy tree should also be included in this area.
- The external wall of the existing family room to remain unpainted face brickwork or clad in a lightweight material which can be removed at a later date without damage to the original fabric.

Plans detailing these amendments are required to be shown on the Construction Certificate plans.

(Reason: Improve heritage appearance)

### 4. 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)

### 5. External Finishes – Heritage Character

All external building material shall be in colours and textures, which are compatible with the heritage character of the locality. In this regard, a schedule of these colours and textures and Driveway Finish shall be submitted to the Principal Certifying Authority.

(Reason: Visual amenity)

### 6 Heritage - Photographic Survey

A photographic survey is to be submitted to the accredited certifier and a copy lodged with Willoughby City Council for its historical archives. The photographic survey is to be submitted in a report format, and shall include:

- a) A front cover marked with:
  - the name/location of the property;
  - the date of the survey;
  - the name of the company or persons responsible for the survey.
- b) A layout plan of the existing building and site; identifying rooms and features shown in the photographs.
- c) Photographs of the interior, exterior, grounds and a streetscape view of the building, labelled to indicate their location in relation to the layout plan. Photographic records of each elevation and each room and any architectural/ decorative features or finishes are to be included. Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs are to be included in the photographic survey report.

(Reason: Heritage conservation)

**7. Damage Deposit**

The applicant shall lodge a Damage Deposit of \$3,800 (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 \$100 (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. 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)

**9. Relocation of Existing Power Pole**

Submit documentary evidence that Austgrid has no objections to the relocation of the existing pole that serving the subject and adjoining properties which is to be carried out at the full cost of the applicant.

(Reason: Enable vehicle access)

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

Submit for approval by the Accredited Certifier, 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 and in accordance with the stormwater management plans.

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 Garage Pumpout Drainage System**

The applicant shall submit, for approval by the Accredited Certifier, 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)

## **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. 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)

### **13. 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)

#### **14. 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)

#### **15 Dilapidation Report of Adjoining Properties**

Submit a photographic survey and report of the adjoining property at 8 Harden Road to the PCA and the owners of this adjoining property. 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)

## DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

### 16. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, 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 for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 96 of the Environmental Planning and Assessment Act 1979 must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This S96 application may require re-notification in some circumstances.  
(Reason: Ensure compliance and amenity)

### 17. 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)

**18. 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)

**19. Demolition Work AS 2601**

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

(Reason: Safety)

**20. Neighbour Notification of Asbestos Removal**

The applicant/builder is to notify the adjoining residents five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence, Work Cover NSW phone number 131 050, Councils phone number 9777 1000.

This notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public health)

**21. 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)

**22. 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)

**23. Tree Protection**

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period:
  - a. All trees not indicated for removal on the approved plans, unless exempt or noxious in Willoughby LGA
  - b. All street trees

- ii) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- iii) 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.
- iv) Tree protection measures must comply with the recommendations of the Tree Assessment Report and Root Mapping prepared by Jackson's Nature Works dated July 2015 and AS 4970-2009 Protection of trees on development sites.  
(Reason: Tree management)

#### **24. 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)

#### **25. 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)

#### **26. Adjustment to Power Pole**

Relocation of the power pole shall be carried out to the satisfaction of the public utility services provider at the full cost of the applicant, prior to construction of the driveway.  
(Reason: Enable adequate vehicular access and public amenity)

### **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

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

#### **27. Consolidation**

Lots 2 & 3 DP4951 shall be consolidated into one allotment. Written evidence that the lots have been consolidated into one allotment with the Lands Title Office shall be submitted to Council prior to issue of an interim or final occupation certificate.  
(Reason: Ensure compliance)

#### **28. Swimming Pool – Heating and Cover**

The swimming pool is not to be electrically heated, and is to be fitted with a cover.  
(Reason: Ensure compliance/ sustainable development)

**29. Swimming Pool - Access**

Access to the swimming pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992.

- a) The pool shall not be filled with water, or be allowed to collect stormwater, until the installation of the child resistant barrier is completed to the Principal Certifying Authority's satisfaction.
- b) The barrier is to conform to the requirements of AS 1926 –  
Part 1 – “Safety Barriers for Swimming Pools”  
Part 2 – “Location of Safety Barriers for Swimming Pools”

(Reason: Safety)

**30. Swimming Pool Notice**

The owner of the pool shall display a notice showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL"

NB: This notice shall be kept in a legible condition and at the pool side.

(Reason: Safety)

**31. Emitted Noise**

The noise emitted by the swimming pool pump and filter equipment shall be not more than 5dBA above the ambient background noise level measured at the boundaries in accordance with the current Environment Protection

Authority (EPA) guidelines for noise assessment. The equipment is not to operate between 8pm to 7am weekdays and 8pm to 8am on weekends and public holidays. A time switch is to be installed on the power source for the above equipment to ensure that the non-permitted hours are observed.

(Reason: Amenity)

**32. 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)

**33. Fire Place Construction**

Residential developments are to be designed to accommodate fixtures which conserve energy. The existing fireplaces shall be converted to a non-solid fuel burning fireplace to reduce greenhouse gas emissions and air pollution.

(Reason: Amenity)

**34. Painted Finishes in Conservation Area**

All painted finishes are to be neutral, recessive colours appropriate to the character of the conservation area.

(Reason: Visual amenity)



**35. Removal of Impervious Areas**

The impervious areas nominated on the approved plans for removal are to be removed and replaced with soft landscaping.  
(Reason: Landscape amenity/stormwater absorption)

**36. 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 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).

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

- At back of layback – 100 mm above and parallel to the gutter invert.
- At 2.8m from face of kerb – 230 mm above and parallel to the gutter invert.
- At back edge of footpath – 600 mm above and parallel to the gutter invert.
- At property boundary – 640 mm above and parallel to the gutter invert.

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

- At back of layback – 100 mm above and parallel to the gutter invert.
- At 2.8m from face of kerb – 230 mm above and parallel to the gutter invert.
- At back edge of footpath – 560 mm above and parallel to the gutter invert.
- At property boundary – 600 mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 3.5%. The nature strip and footpath is to be adjusted for a minimum distance of 4.5 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)

**37. 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)

**38. Swimming Pool – High Level Overflow**

High-level overflows from the swimming pool shall be gravity fed and connected to Sydney Water's sewer via an approved system. The connection must not directly vent the receiving sewer. Upon completion, certification from a licence plumber shall be submitted to the Principal Certifying Authority certify that the connection has been made in accordance with the Sydney Water's requirements and the current plumbing codes.

(Reason: Ensure compliance and prevent nuisance flooding)

**39. 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)

**40. 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)

**41. Public Tree Maintenance**

The applicant's Arborist is to certify that:

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)

**42. 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)

**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.**

**43. Heritage – Maintain Portion of Existing Building**

Should any portion of the existing building which is indicated on the approved plans to be retained be damaged, all the works on-site are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. **FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CONDITION OF CONSENT WILL RESULT IN THE CONSENT BECOMING VOID.**

(Reason: Heritage conservation and Ensure compliance)

**44. 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)

**45. 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)

**46. 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)

**47. 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)

**48. 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)

**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**

**49. 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)

**50. 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)

**51. 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 TENDER SUMMARY - CIVIL WORKS FOR ROADS, DRAINAGE AND FOOTPATHS - TENDER 090732

<b>RESPONSIBLE OFFICER:</b>	<b>DOMINIC JOHNSON – ACTING PLANNING &amp; INFRASTRUCTURE SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>SUNIL GAMAGE – WORKS ENGINEER</b>
<b>CITY STRATEGY LINK:</b>	<b>4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE</b>
<b>MEETING DATE:</b>	<b>14 SEPTEMBER 2015</b>

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### Purpose of Report

The purpose of this report is to inform Council of the prices submitted for the Civil Works for Roads, Drainage and Footpaths tender for the period ending 31 August 2017 and to recommend preferred contractors for this tender.

### RESOLUTION

That:

1. The tenders for Civil Works for Roads, Drainage and Footpaths be accepted from the following contractors:

#### Concrete Projects

- a. Kelbon Project Services Pty Ltd
- b. Mansour Paving (Aust) Pty Ltd
- c. Mack Civil Pty Ltd

#### Brick Paving Projects

- d. Mansour Paving (Aust) Pty Ltd
- e. Roadlink Asphalt Pty Ltd

#### Drainage Projects

- f. Byrne Civil Engineering Construction Pty Ltd
- g. Mansour Paving (Aust) Pty Ltd

#### Asphalt Road Projects

- h. J&M Schembri Pty Ltd

#### Footpath Grinding Projects

- i. The Australian Grinding Company

#### Sandstone Works

- j. Roadlink Asphalt Pty Ltd
- k. Mack Civil Pty Ltd

#### Pipe Cleaning & CCTV Project

- l. Online Pipe and Cable Locating Pty Ltd

- m. Aqua Assets Pty Ltd
- n. Total Drain Cleaning Pty Ltd

**Cleaning of GPTs**

- o. Online Pipe and Cable Locating Pty Ltd
- p. Envirocivil Pty Ltd

2. **The Mayor and General Manager be authorised to affix the Common Seal of Council to the successful tender documents**

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR ROZOS**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.3 ASSIGNMENT OF LEASE - PEDESTRIAN TUNNEL BELOW PACIFIC HIGHWAY, ST. LEONARDS**

**RESPONSIBLE OFFICER:** DOMINIC JOHNSON – ACTING PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** TRACEY LEE - PROJECT OFFICER LEASING

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

**MEETING DATE:** 14 SEPTEMBER 2015

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**Purpose of Report**

To seek Council's consent to the assignment of the head lease of Lot 52 DP 1014756 being the stratum lot for the pedestrian tunnel below the Pacific Highway, adjacent to 203 Pacific Highway St Leonards.

**RESOLUTION**

That:

1. Council consents to the assignment of Lease 7313470 from Challenger Listed Investments Ltd (assignor) to St. Leonards JV Pty Limited as trustee for St. Leonards JV Unit Trust (assignee).
2. Delegated authority be granted to the Mayor and General Manager to execute all documents relating to the assignment of the lease under the Common Seal of Council.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR HILL**

**CARRIED**

**Voting**

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

**Against:** Nil



**18.4 EASEMENT OVER 16 THE POSTERN, CASTLECRAG**

<b>RESPONSIBLE OFFICER:</b>	<b>DOMINIC JOHNSON – ACTING PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TRACEY LEE</b>
<b>CITY STRATEGY LINK:</b>	<b>4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE</b>
<b>MEETING DATE:</b>	<b>14 SEPTEMBER 2015</b>

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**Purpose of Report**

To seek Council's approval to grant an easement for stormwater purposes over Council land at 10 The Postern ,Castlecrag in favour of 16 The Postern , Castlecrag.

**RESOLUTION**

**That:**

- 1. Council approves the granting of an easement for stormwater purposes over 10 The Postern Castlecrag.**
- 2. The General Manager and Mayor be given authority to sign and affix Council's seal to all documents associated with the granting of the easement over 10 The Postern Castlecrag.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford.

**18.5 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY FOR THE MONTH OF AUGUST 2015**

<b>ATTACHMENTS:</b>	<b>1. LIST OF DETERMINED APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>BUILDING SURVEYORS, DEVELOPMENT PLANNERS</b>
<b>MEETING DATE:</b>	<b>14 SEPTEMBER 2015</b>

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**Purpose of Report**

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

**Notes regarding the Schedule**

- List excludes Development Applications of change of use in a business or industrial zone (other than brothels), Complying Development Certificates, fit out of shops, offices or industrial units, internal alterations to existing buildings, which do not involve any increased gross floor area and minor work such as pool fencing and Barbeques.

**RESOLUTION**

**That the information be noted.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford.

**18.6 DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT TO  
31 AUGUST 2015**

<b>ATTACHMENTS:</b>	<b>1. LIST OF APPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT –PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>DEVELOPMENT PLANNERS, BUILDING SURVEYORS</b>
<b>MEETING DATE:</b>	<b>14 SEPTEMBER 2015</b>

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**Purpose of Report**

The attached schedule lists all current development applications grouped by suburb with development applications to be determined by the Joint Regional Planning Panel listed separately. Planning Proposals received by Council and not yet determined are contained in a further list at the end of the attachment.

**RESOLUTION**

**That Council notes the information on Development Applications (including those to be determined by the Joint Regional Planning Panel) and Planning Proposals Report to 31 August 2015.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Rozos and Rutherford

**19 NOTICE OF MOTION**

NIL

## 21 CONFIDENTIAL ITEMS

In accordance with the *Local Government Act 1993*, AND THE *Local Government (General) Regulation 2005*, in the option 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 VOLUNTARY PLANNING AGREEMENT - 65 ALBERT AVENUE, CHATSWOOD (MANDARIN CENTRE)

#### Reason for confidentiality

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

- (d) commercial information of a confidential nature that would if disclosed:
  - (i) prejudice the commercial position of the person who supplied it

### 21.2 32 & 34 NORTHCOTE STREET, NAREMBURN - DA 2014/116 - OUTCOME OF LAND AND ENVIRONMENT COURT APPEAL

#### 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

### 21.3 98-102 HAMPDEN ROAD, ARTARMON - DA2014/391

#### 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

#### **21.4 ADDITIONAL INFORMATION - CIVIL WORKS FOR ROADS, DRAINAGE AND FOOTPATHS - TENDER 090732**

##### **Reason for confidentiality**

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

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

#### **21.5 ROAD RESERVE LEASE - VARIOUS**

##### **Reason for confidentiality**

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

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

#### **21.1 VOLUNTARY PLANNING AGREEMENT - 65 ALBERT AVENUE, CHATSWOOD (MANDARIN CENTRE)**

##### **Recommendation Summary**

That Council notes the report.

#### **21.2 32 & 34 NORTHCOTE STREET, NAREMBURN - DA 2014/116 - OUTCOME OF LAND AND ENVIRONMENT COURT APPEAL**

##### **Recommendation Summary**

That Council:

1. Notes the Land and Environment Court Appeal 10875 of 2014 in respect to DA2014/116 for Residential Flat Development at 32-34 Northcote Street, Naremburn was upheld in accordance with the Section 34 Agreement;
2. Authorises the affixing of Council Seal by the Mayor and General Manager to any Linen Plans and/or legal documentation associated with the dedication to Council of an affordable housing unit at 32-34 Northcote Street, Naremburn;

3. Authorises the affixing of Council Seal by the Mayor and General Manager to any Linen Plans and/or legal documentation associated with an air space lease for the construction of a bridge over the drainage channel and within public road accessing the site, 32-34 Northcote Street from Waters Road.

### 21.3 98-102 HAMPDEN ROAD, ARTARMON - DA2014/391

#### Recommendation Summary

That Council notes the outcome of the Land and Environment Court Proceedings 10984 of 2014 being Consent Orders issued through Section 34 Conciliation in respect to Development Application 2014/391 for shop-top housing development at 98-102 Hampden Road, Artarmon.

### 21.4 ADDITIONAL INFORMATION - CIVIL WORKS FOR ROADS, DRAINAGE AND FOOTPATHS - TENDER 090732

#### Recommendation Summary

That:

1. The tenders for Civil Works for Roads, Drainage and Footpaths be accepted from the following contractors:

##### Concrete Projects

- a. Kelbon Project Services Pty Ltd
- b. Mansour Paving (Aust) Pty Ltd
- c. Mack Civil Pty Ltd

##### Brick Paving Projects

- d. Mansour Paving (Aust) Pty Ltd
- e. Roadlink Asphalt Pty Ltd

##### Drainage Projects

- f. Byrne Civil Engineering Construction Pty Ltd
- g. Mansour Paving (Aust) Pty Ltd

##### Asphalt Road Projects

- h. J&M Schembri Pty Ltd

##### Footpath Grinding Projects

- i. The Australian Grinding Company

##### Sandstone Works

- j. Roadlink Asphalt Pty Ltd
- k. Mack Civil Pty Ltd

##### Pipe Cleaning & CCTV Project

- l. Online Pipe and Cable Locating Pty Ltd
- m. Aqua Assets Pty Ltd
- n. Total Drain Cleaning Pty Ltd

**Cleaning of GPTs**

- o. Online Pipe and Cable Locating Pty Ltd
- p. Envirocivil Pty Ltd

2. The Mayor and General Manager be authorised to affix the Common Seal of Council to the successful tender documents

**21.5 ROAD RESERVE LEASE - VARIOUS****Recommendation Summary**

That Council:

1. Authorises the General Manager to negotiate and finalise new Road Reserve Leases between owners of the above listed properties and Council.
2. Following the statutory period of advertising of the Intention to Enter Into Leases and, subject to no objections being received, authorises the Mayor and General Manager to execute the Lease agreements under the Common Seal of Council.

**RESOLUTION**

That the meeting revert to Open Council.

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Mustaca and Stevens.

**RESOLUTION**

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

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR MUSTACA**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillors Mustaca and Stevens.



## 22 QUESTIONS

NIL

- Councillor Stevens left the meeting at 9:49pm.
- Councillor Mustaca left the meeting at 9:53pm.

**The meeting closed at 9:58pm**

**I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council held on 14 September 2015. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.**