



Willoughby City Council

ORDINARY COUNCIL

MINUTES

Council Chamber, 31 Victor Street, Chatswood

14 June 2016

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, J Rutherford, L Saville, M Sloane and N Wright

Officers

Ms D Just (General Manager), Ms M Smith (Community, Culture & Leisure Director), Mr P Conroy (Planning & Infrastructure Director), Ms H Liassis (Customer and Corporate Director), Mr I Arnott (Planning Manager), Ms M Hillman (Governance 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 pecuniary interest in Item 12.3: Haven Amphitheatre Committee Meeting – 9 February 2016
(*Nature of Interest: My home is adjacent to the Haven*)
- Debra Just declared, via a Disclosures of Interest form, a substantial, pecuniary interest in Item 16.1 General Manager's Annual Performance Review
(*Nature of Interest: Relates to my performance review*)

3 CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 23 May 2016, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

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

Against: Nil

4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Mustaca tendered an apology for tonight's meeting and requested Leave of Absence.
- Councillors Hooper and Rozos are on leave previously granted.
- Councillor Coppock requested Leave of Absence from 19 – 22 June 2016
- Councillor Stevens did not attend.

RESOLUTION

That Council:

- 1. Note the apology from Councillor Mustaca and grant Leave of Absence.**
- 2. Note Councillors Hooper and Rozos on leave previously granted.**
- 3. Grant Leave of Absence to Councillor Coppock from Sunday 19 June – Wednesday 22 June 2016**

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

5 PETITIONS

NIL

6 OPEN FORUM

NIL

7 MAYORAL MINUTE

7.1 2016 QUEEN'S BIRTHDAY HONOURS

MEETING DATE: 14 JUNE 2016

Purpose of Report

To inform Council of the residents in Willoughby who received an award in the 2016 Queen's Birthday Honours List.

MOTION

I am pleased to inform Council that the following residents were recognised in the 2016 Queen's Birthday Honours Awards

Member of the order of Australia (OAM)

CLARKSTONE, Miss Paula Mary

Chatswood West

For service to the community through music

FLANAGAN, Kevin Ernest

Chatswood

For service to veterans and their families

NAPIER, Dr Robyn Stretton

Artarmon

For service to professional medical associations

RESOLUTION

That Council congratulates the following recipients on their award in the 2016 Queen's Birthday Honours List:

CLARKSTONE, Miss Paula Mary

FLANAGAN, Kevin Ernest

NAPIER, Dr Robyn Stretton

MOVED COUNCILLOR GILES-GIDNEY

CARRIED

Voting

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

Against: Nil

7.2 MAYOR'S DIARY – COUNCIL MEETING NOTES – 14 JUNE 2016

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

TUESDAY 24 MAY			
Mayor	12 pm	Mothers' Day Lunch: Italian Group	Beauchamp Park
Mayor	6 pm	Northbridge Rotary <i>Thank you</i> Event	Northbridge Golf Club
Mayor	7.30 pm	Castle Cove Progress Association	Castle Cove Library
WEDNESDAY 25 MAY			
Mayor	10 am	National Simultaneous Storytime	Chatswood Library
Mayor Crs Eriksson, Rutherford	11.30 am	Citizenship Ceremony	Council Chambers
Mayor	6 pm	Mothers' Day Dinner	Willoughby Village
THURSDAY 26 MAY			
Cr Saville	10 am	Morning Tea: for Cancer Council	Blend Café, Dougherty Centre
Mayor Cr Norton	6.30 pm	Women's Networking Event	Home HQ, Artarmon
Cr Saville	6.30 pm	Macquarie University & Kuringai Council Citizen Advocacy & Environmental Law	Zenith Theatre
FRIDAY 27 MAY			
Cr Saville	10am-3pm	LGNSW: Amalgamations <i>Where To Now</i>	Sydney City
Cr Saville	4 pm	Celebration of the Life of Dr John Kaye, MLC	City Recital Hall
Mayor Crs Norton, Rutherford	5 pm	Lights On – Vivid at Chatswood	The Concourse
SATURDAY 28 MAY			
Mayor	1.30 pm	WTC production: <i>Catch Me if you Can</i>	The Concourse
Cr Mustaca	7.30 pm	Italian National Day Ball	Sheraton on the Park, Sydney
SUNDAY 29 MAY			
MONDAY 30 MAY			
Mayor	10 am	Opening of Caroline Chisholm House	Berry Street, Sydney
Mayor	6 pm	Visit to Junior Girl Guide Group	Anglo Park Hall, Chatswood
TUESDAY 31 MAY			
WEDNESDAY 1 JUNE			
Mayor	11.30 am	War Widows Guild 70 th Anniversary	Chatswood RSL Club
Mayor	3 pm	Resident's 104 th Birthday Celebration	St Paul's Residential Care
THURSDAY 2 JUNE			
Cr Saville	10 am	Women's Reconciliation Network: Celebration of 20 Years	Redfern Community Centre
Mayor	12.45 pm	"Smart Cities" Exhibition – by UNSW	Westfield, Chatswood

Mayor Cr Saville	1.30 pm	Media Architecture Biennale 2016 - City Leaders Summit	Willoughby Council Chambers
Mayor Crs Eriksson, Norton	5 pm	Vivid Illuminate Event	L.2 Foyer, The Concourse
Mayor	6.15 pm	Official Opening of MAB Biennale	The Concourse Pavilion
FRIDAY 3 JUNE			
Cr Saville	9 am -3 pm	ALG Planning & Environmental Law	Campbelltown Arts Centre
Mayor Cr Eriksson	1.30 pm	Official Opening of new 1 st Hole	Northbridge Golf Club
SATURDAY 4 JUNE			
Cr Saville	8 am	Streetwork Breakfast	St Andrews Church, Roseville
Crs Norton, Saville	9.30 am	FPA Meeting	Chatswood Library
Mayor Crs Eriksson, Norton	7.30 pm	Stars of the North – Charity Event for Cancer Council	The Concourse
SUNDAY 5 JUNE			
MONDAY 6 JUNE			
Mayor	9.45 am	Greater Sydney Commission Meeting	Parramatta
TUESDAY 7 JUNE			
Mayor	6.30 pm	Northbridge Rotary Meeting	Northbridge Golf Club
WEDNESDAY 8 JUNE			
Mayor Cr Rutherford	11.30 am	Citizenship Ceremony	Council Chambers
THURSDAY 9 JUNE			
Cr Saville	10 am	Tree of Life, Songs of Childhood Stories of school children who came here as refugees	The Concourse
Mayor	3 pm	JRPP Meeting re: 815 Pacific Highway	Christie Convention Centre
Mayor Deputy Mayor: Cr Sloane Cr Coppock	7.30 pm	Naremburn P.A. Meeting	Naremburn Community Centre
FRIDAY 10 JUNE			
Mayor	8.45 am	Young Men's Health Forum	Civic Pavilion, The Concourse
Mayor	10 am	Opening of New Hospital Facility	38B Albert Avenue, Chatswood
MONDAY 14 JUNE			
Mayor	12.30 pm	Opening of ANZ Bank Digital Branch	Chatswood Chase

Councillor Coppock acknowledged the work of outgoing Senior Minister with the Naremburn Cammeray Anglican Church, Rick Smith, and his contribution to the community.

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 18.1 49 Wyalong Street, Willoughby – DA 2015/447
- Item 18.2 52-54 Eastern Valley Way, Northbridge – DA 2015/368
- Item 18.3 196 Penshurst Street, North Willoughby – DA 2015/292
- Item 18.4 272-274 Willoughby Road, Willoughby – DA 2015/427 & BC 2015/74

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 15.1 Civic Place Trust
- Item 16.1 General Manager's Annual Performance Review
- Item 16.2 Council's 2016 Mid-Year Recess
- Item 17.1 Draft Community Engagement Policy
- Item 17.2 Willoughby City Council Volunteer Strategy 2016 – 2021
- Item 18.5 284 & 284A Willoughby Road, Naremburn – DA 2015/202
- Item 18.9 Council Submission to the Stage Government's Draft Biodiversity Conservation Act
- Item 19.1 Notice of Motion: Green Roofs and Walls

RESOLUTION

That the remaining items, viz:

- Item 12.1 Middle Harbour Ward Councillors Inspection Committee meeting – DA 2015/502 – 2-6 Kooringa Road, Chatswood**
- Item 12.2 Access Advisory Committee Meeting**
- Item 12.3 Haven Amphitheatre Committee Meeting – 9 February 2016**
- Item 14.1 Councillors Information Booklet – 24, 31 May and 7 June 2016**
- Item 16.3 Petitions Update**
- Item 17.3 2016/17 Community Grants – Event Seed Funding**
- Item 18.6 9 Byora Crescent, Northbridge – BLC 2015/89**
- Item 18.7 Applications Determined Under Delegated Authority 1 May 2016 to 31 May 2016**
- Item 18.8 Development Application and Planning Proposal Report to 30 May 2016**

be adopted in accordance with the recommendations in the reports.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

12 REPORTS FROM COMMITTEES

12.1 MIDDLE HARBOUR WARD COUNCILLORS INSPECTION COMMITTEE MEETING - DA 2015/502 - 2-6 KOORINGA ROAD, CHATSWOOD

ATTACHMENTS:	1. MINUTES
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	NONI DE CARVALHO - SPECIALIST PLANNER
MEETING DATE:	14 JUNE 2016

Purpose of Report

To list on the agenda the minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 17 May 2016.

RESOLUTION

That Council:

1. **Receive the Minutes of the Middle Harbour Ward Councillors Inspection Committee Meeting held 17 May 2016, pertaining to DA 2015/502 for 2-6 Kooringa Road, Chatswood.**
2. **Note the resolution adopted by the Committee:**

*That Development Application 2015/502 for demolition of structures and construction of 4 storey, 18 residential units building with car parking and associated works at 2-6 Kooringa Road, Chatswood be approved in accordance with the Officer's recommendation, subject to amendment of Condition 46 of the conditions of consent to require that the street tree *Harpephyllum caffrum* (Tree 3) be retained and protected. The applicant must appoint an arborist to direct the carrying out of maintenance work to the tree to trim overhanging branches for safety and stability following consultation with Council's Streetscapes Team Leader and endorsement of the proposed work to the tree.*

3. **Adopt the Consequential Motion moved by the Ward Councillors:**

That the Middle Harbour Ward Councillors are unanimous in considering that the car parking requirements for medium and high density residential development in Willoughby Development Control Plan are not adequate for the needs of future residents and their visitors and that Council Officers should undertake a review of car parking standards in Willoughby Development Control Plan.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

12.2 ACCESS ADVISORY COMMITTEE MEETINGS

ATTACHMENTS:	1. MINUTES - ACCESS ADVISORY COMMITTEE - WEDNESDAY 11 MAY 2016
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER
CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	14 JUNE 2016

Purpose of Report

To provide Council with the minutes of the Willoughby City Council Access Advisory Committee meeting held Wednesday 11 May 2016.

RESOLUTION

That Council note the minutes of the Willoughby City Council Access Advisory Committee meetings held Wednesday 11 May 2016.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

12.3 HAVEN AMPHITHEATRE COMMITTEE MEETING - 9 FEBRUARY 2016

ATTACHMENTS:	1. MINUTES - HAVEN AMPHITHEATRE COMMITTEE - 9 FEBRUARY 2016
RESPONSIBLE OFFICER:	MELANIE SMITH - COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD - OPEN SPACE CO-ORDINATOR
CITY STRATEGY LINK:	1.1.4 ART AND CULTURAL ACTIVITIES PROVIDE ENRICHING OPPORTUNITIES FOR PEOPLE
MEETING DATE:	14 JUNE 2016

Purpose of Report

To provide Council with the minutes of the Haven Amphitheatre Committee meeting held 9 February 2016.

MOTION OF RECOMMITAL

That Council further review this matter.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

RESOLUTION

That Council:

- 1. Note the minutes of the Haven Amphitheatre Committee meeting held 9 February 2016; and**
- 2. Request the Officer write to the Deputy Chair of the Haven Amphitheatre and clarify the figures in Item 7(f).**

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR HILL

CARRIED

Voting

For the Resolution: Councillors Coppock, Eriksson, Hill, Norton, Rutherford, Saville, Sloane and Wright.

Against: Nil

Due to Councillor Giles-Gidney declaring a pecuniary interest in Item 12.3 The Haven Amphitheatre Committee Meeting – 9 February 2016, as a resident located directly adjacent to the Haven, she withdrew from the meeting taking no part in the discussion or voting on this topic.

Deputy Mayor Sloane assumed the Chair in the Mayor's absence for this item.

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

14.1 COUNCILLOR INFORMATION BOOKLET - 24, 31 MAY AND 7 JUNE 2016

RESPONSIBLE OFFICER:	DEBRA JUST - GENERAL MANAGER
AUTHOR:	TRISHA DUFFY - SECRETARY GOVERNANCE
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	14 JUNE 2016

Purpose of Report

To list on the Council Agenda the weekly Councillors Information Booklet, circulated to all Councillors on 24, 31 May and 7 June 2016.

RESOLUTION

That Council receive the Councillors Information Booklet, circulated to all Councillors on 24, 31 May and 7 June 2016.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

15 REPORTS FROM OFFICERS - GENERAL MANAGER

15.1 CIVIC PLACE TRUST

ATTACHMENTS:	1. CIVIC PLACE TRUST DEED 2. DEED OF VARIATION
RESPONSIBLE OFFICER:	DEBRA JUST – GENERAL MANAGER
AUTHOR:	MARNIE HILLMAN – GOVERNANCE MANAGER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	14 JUNE 2016

Purpose of Report

The purpose of this report is to brief Council on amendments to the Civic Place Trust Deed and seek endorsement for the changes.

Mr Mark Friezer, Partner Clayton Utz, was available to provide legal advice.

RESOLUTION

That Council:

- 1) endorse the attached Deed of Variation to the Civic Place Trust for execution by the Trust;**
- 2) delegate authority to the General Manager to adjust the Deed of Variation in line with any conditions by the Register of Cultural Organisations and to make other necessary notifications;**
- 3) endorse (for execution by the Trust) the nomination of Mayor Gail Giles-Gidney and General Manager Debra Just to the Trust, given their agreement to resign from the Trust at such time as the newly elected Council sees fit after amalgamation;**
- 4) nominate a selection panel consisting of Mayor Gail Giles-Gidney and Deputy Mayor Michelle Sloane (including delegation to continue to execute their responsibilities as the panel should they no longer hold these positions after proclamation) to select the independent interim trustee (subject to execution by the Trust; and**
- 5) agree to the broad selection criteria for the independent interim trustee as outlined in the report to guide the Mayor and Deputy Mayor in making a selection for execution by the Trust.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR SAVILLE

CARRIED

Voting

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

Against: Nil

16 REPORTS FROM OFFICERS – CUSTOMER AND CORPORATE SUPPORT DIRECTORATE

16.1 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW

RESPONSIBLE OFFICER: MARNIE HILLMAN - GOVERNANCE MANAGER

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 JUNE 2016

Purpose of Report

To report on the decision of the Review Panel that conducted the General Manager's formal annual performance review which was adopted by Council at its 23 May 2016 meeting.

MOTION

That Council note:

1. the Review Panel conducting the annual performance review assessed the General Manager's performance as better than satisfactory and granted a discretionary increase of 10.7 per cent, and
2. Council adopted at its meeting on 23 May 2016 the Review Panel's decision.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Giles-Gidney, Eriksson, Hill, Rutherford, Sloane, and Wright.

Against: Councillors Coppock, Norton and Saville.

Due to Item 16.1 being a matter the General Manager, Debra Just, had declared a substantial, pecuniary interest in as it relates to her performance review, she withdrew from the meeting.

16.2 COUNCIL'S 2016 MID-YEAR RECESS

RESPONSIBLE OFFICER: HELEN LIOSSIS – CUSTOMER AND 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 JUNE 2016

Purpose of Report

To set the date for Council's 2016 mid-year recess.

MOTION

That Council do not have a recess.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

For the Motion:, Councillors Coppock, Norton, Rutherford, Saville and Wright.

Against: Councillors Giles-Gidney Eriksson, Hill and Sloane.

16.3 PETITIONS UPDATE

ATTACHMENTS:	1. LISTING OF PETITIONS
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	TRISHA DUFFY - SECRETARY GOVERNANCE
MEETING DATE:	14 JUNE 2016

Purpose of Report

To present an up-to-date listing of petitions that have been submitted to Council.

RESOLUTION

That Council receive and note the updated listing of petitions.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

17 REPORTS FROM OFFICERS – COMMUNITY, CULTURE AND LEISURE DIRECTORATE

17.1 DRAFT COMMUNITY ENGAGEMENT POLICY

ATTACHMENTS:	1. DRAFT COMMUNITY ENGAGEMENT POLICY
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHORS:	DARIUS TURNER – CORPORATE STRATEGIC PLANNER MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY LINK:	6.2.1 A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS
MEETING DATE:	14 JUNE 2016

Purpose of Report

1. To provide Council with an updated Draft *Community Engagement Policy*.
2. To seek Council's endorsement to place the Draft *Community Engagement Policy* on Public Exhibition for a period of 28 days.

MOTION

That Council:

1. Endorse the *Draft Community Engagement Policy 2016* to be placed on Public Exhibition for a period of 28 days.
2. Note a further report will be provided to Council on 8 August 2016 following the Public Exhibition period.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Councillor Norton

17.2 WILLOUGHBY CITY COUNCIL VOLUNTEER STRATEGY 2016 - 2021

ATTACHMENTS:	1. VOLUNTEER REVIEW FINDINGS 2. VOLUNTEER STRATEGY 2016 - 2021
RESPONSIBLE OFFICER:	MELANIE SMITH – DIRECTOR, COMMUNITY, CULURE AND LEISURE
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY LINK:	1.1.1 THE COMMUNITY CAN PARTICIPATE IN CITY LIFE
MEETING DATE:	14 JUNE 2016

Purpose of Report

To seek Council's endorsement of the *Willoughby City Council Volunteer Strategy, 2016 – 2021* to be placed on public exhibition.

RESOLUTION

That Council endorse the Volunteer Strategy 2016 to 2021, for public consultation.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR RUTHERFORD

CARRIED

Voting

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

Against: Nil

CONSEQUENTIAL MOTION

That Council investigate a rate reduction for volunteers similar to the reduction for senior cardholders.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

LOST

Voting

For the Motion: Councillors Coppock, Rutherford and Wright.

Against: Councillors Giles-Gidney, Eriksson, Hill, Norton, Saville and Sloane.

17.3 2016/17 COMMUNITY GRANTS - EVENT SEED FUNDING

ATTACHMENTS:	1. SUMMARY – 2016/17 EVENT SEED FUNDING APPLICATIONS
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	TAMI MILLER – EVENTS TEAM LEADER
CITY STRATEGY LINK:	1.1.3 CULTURAL DIVERSITY IS RESPECTED, SUPPORTED AND CELEBRATED
MEETING DATE:	14 JUNE 2016

Purpose of Report

To seek Council's endorsement of the Officer's recommendations for the distribution of grant funds through Council's 2016/17 Community Small Grants Program – **Events Seed Funding**.

RESOLUTION

That Council endorse the Officer's recommendations for the distribution of grant funds through the Event Seed Funding stream of the 2016/17 Community Small Grants Program as follows:

Chatswood Musical Society	\$3,000
Walter Burley Griffin Society Inc.	\$2,400
Justin Buchta	\$2,000
Taiwan Festival Committee Inc.	\$2,850

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 49 WYALONG STREET, WILLOUGHBY - DA 2015/447

ATTACHMENTS: 1. ARCHITECTURAL PLANS
2. NOTIFICATION MAP

MEETING DATE: 14 JUNE 2016

RECOMMENDATION: APPROVAL

LOCATION: 49 WYALONG STREET, WILLOUGHBY NSW 2068

APPLICANT: HAVILAND ARCHITECTS PTY LTD

OWNER: MR A CHAI AND MRS L SAMMBOEN

PROPOSAL: DEMOLISH EXISTING DWELLING, SUBDIVIDE ONE LOT INTO TWO, CONSTRUCT TWO NEW DWELLINGS, AND ASSOCIATED WORKS.

DATE OF LODGEMENT: 28 OCTOBER 2015

REPORTING OFFICER: ARTHUR TSEMBIS - DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

DESCRIPTION OF PROPOSAL

The proposal is to demolish an existing single storey dwelling, subdivide the property into 2 lots, and construct two dwellings, one being a part 1-2 storey dwelling and the other a part 2-3 storey dwelling.

The proposed subdivision will result in one lot having an area of 555.88m² (Lot A) and the other having an area of 478.36m (Lot B).

The proposed dwelling on Lot A has a street frontage and vehicular access off Artarmon Road. It comprises two bedrooms on the lower ground floor level (basement) and, another bedroom, living room, kids playroom and a dining/kitchen/living area on the upper ground floor level

The proposed dwelling on Lot B has a street frontage and vehicular access off Wyalong Street. It comprises a tandem two car garage, store rooms and laundry within a 'basement' level, two bedrooms, living room, and a dining/kitchen/living area on the ground floor level, and another bedroom and study within an 'attic' level.

Proposed Lot B does not comply with the minimum lot size of 550m² under Clause 4.1(3) of WLEP 2012. A written request to vary this development standard was submitted with the application. The variation sought is greater than 10%; therefore, the application is required to be referred to a Ward Councillor Committee meeting for determination.

The Applicant, Owen Haviland, indicated his acceptance of the Officer's recommendation.

RESOLUTION

That Council:

1. Support the application to vary the 'minimum subdivision lot size' control in accordance with Clause 4.6 of WLEP 2012 as it is considered unreasonable and unnecessary to comply with the development standard under Clause 4.1 of WLEP 2012, noting the special circumstances of the proposed development, being:
 - The proposed subdivision is in keeping with the existing rectilinear subdivision pattern of the area.
 - The proposal satisfies the objectives of the R2 zone, and is consistent with the objectives of the 'minimum subdivision lot size' control.
2. Approve Development Application DA 2015/447 to demolish the existing house, subdivide the property into two lots, and construct two new dwellings at 49 Wyalong Street, Willoughby,
3. Delegate authority to the General Manager to issue the development consent notice subject to the attached conditions, noting the special circumstances for the variation of the 'minimum subdivision lot size' control under WLEP 2012, being those outlined above, and the special circumstances for the variation of the numerical controls under WDCP relating to size and shape of allotments, building envelopes and setbacks, and heritage controls, being:

(i) Size and shape of allotments

The size and shape of the proposed lots are in keeping with the subdivision pattern in the locality, and consistent with the aims and objectives for subdivision under Part C.2 of WDCP.

(ii) Building envelopes and setbacks

The non-compliances with the BHP and setback to the secondary street frontage controls do not contribute to any adverse impacts on the residential amenity of adjoining and nearby residents in terms of loss of visual and acoustic privacy or overshadowing, and the proposed new dwellings satisfy the objectives and relevant performance criteria under Part D.1.7 of WDCP.

(iii) Heritage

The proposed subdivision and design of the proposed new dwellings are in keeping with the heritage character of the locality and, the proposed development generally satisfies the heritage controls and management policies for the Artarmon Conservation Area under Part H.3.2 of WDCP.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Nil

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
Roof Plan	DA01	E	03/02/16	5 Feb 2016	Haviland Architects
Lower Ground Floor	DA02	E	03/02/16	5 Feb 2016	Haviland Architects
Ground Floor	DA03	E	03/02/16	5 Feb 2016	Haviland Architects
First Floor	DA04	E	03/02/16	5 Feb 2016	Haviland Architects
Streetscape Elevations	DA05	D	21/10/15	5 Feb 2016	Haviland Architects
Wyalong St Section	DA06	E	03/02/16	5 Feb 2016	Haviland Architects
49 Wyalong St North & South Elevations	DA07	E	03/02/16	5 Feb 2016	Haviland Architects
49 Wyalong St East & West Elevations	DA08	E	03/02/16	5 Feb 2016	Haviland Architects
49 Wyalong St Sections	DA09	E	03/02/16	5 Feb 2016	Haviland Architects
51 Wyalong St North & South Elevations	DA11	E	03/02/16	5 Feb 2016	Haviland Architects
51 Wyalong St East & West Elevations	DA12	E	03/02/16	5 Feb 2016	Haviland Architects
51 Wyalong St Sections	DA13	D	21/10/15	5 Feb 2016	Haviland Architects
Landscape Plan	ILA-280915-LA01-C	B	21/10/15	5 Feb 2016	Isenegger Landscape Architect
Subdivision Plan	Ref: 13539D		31/03/2016	4 Apr 2016	Sydney Surveyors

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. Amendments

The proposal is to be amended in the following manner:

- a. The maximum height of 49 Wyalong Street (dwelling B) shall not exceed 8.0m in accordance with the definition of *'building height'* under the provisions of WLEP 2012.
- b. The apex windows in the eastern (front) elevation gable end of 49 Wyalong Street (dwelling B) shall be amended to comprise two vertically proportioned rectangular windows so as to appear more sympathetic with the heritage streetscape.
- c. Roof pitch of 49 Wyalong Street (dwelling B) is to be adjusted to 30° to comply with the controls for Artarmon Conservation Area (this reduction in roof pitch will also reduce the roof height to comply with the heritage control of 6-6.5m measured from the ground floor plane).
- d. The side roof planes of the northern gable of 49 Wyalong Street (dwelling B) are to be brought down to intersect with the primary northern roof plane such as to result in a triangular gable.
- e. The Finials on 49 Wyalong Street (dwelling B) are to be deleted.
- f. The eastern gable on the street frontage of 51 Wyalong Street (dwelling A) is to be amended to a hipped or dutch gable roof form so as to appear more sympathetic with roof forms of the Artarmon Conservation Area and to further reduce the uncharacterised long ridge line presenting to Artarmon Road.
- g. The sill height of windows visible from the primary street frontages of both dwellings along the Artarmon Road and Wyalong Street are to be 800mm above floor level.

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

(Reason: Ensure compliance and heritage character)

3. Section 94A Contributions

A monetary contribution of \$9,619.50 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 1% of the estimated development cost of \$961,950.00 at 4/11/2015 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
(Reason: Statutory requirement)

4. **Sydney Water 'Tap In'**

The approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to release of the Construction Certificate.
(Reason: Ensure compliance)

5. **Gable Ends**

The gable ends and all wall surfaces above the eaves height are to be articulated with a render, roughcast, timber shingle, or battened fibre cement sheet finish. Details of compliance are to be shown on the Construction Certificate plans.
(Reason: Heritage conservation)

6. **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 the Schedule of Colours and Finishes submitted with the application satisfies this requirement.
(Reason: Visual amenity)

7. Heritage – Monotone Brick and Dark Mortar

A dark red brown smooth-faced monotone brick and dark mortar are to be used for the exposed brickwork. Samples of the brick are to be submitted and approved by the Accredited Certifier.

(Reason: Heritage conservation)

8. Heritage – Base of External Walls

The base of the external walls is to be articulated with render or sandstone facing. Full details, including samples of proposed materials, where necessary, are to be submitted and approved by the Accredited Certifier.

(Reason: Visual amenity)

9. Heritage - Terracotta Pattern Roof Tiles

Unglazed Terracotta Marseilles pattern roof tiles of red-brown colour range are to be used. Samples of the tiles are to be submitted and approved by the Accredited Certifier.

(Reason: Heritage conservation)

10. Heritage – Windows

All windows are to be vertically proportioned timber framed or wide-framed powder-coat aluminium windows reflecting the proportions of timber windows, where visible from the primary street frontage, with simple glazing and no intermediate glazing bars.

(Reason: Heritage conservation)

11. Front Fencing – Low Open Timber

Details of front fencing for both dwellings along all street frontages being low open timber pickets not exceeding 1.2m in height at any one point above the ground level and incorporating styling and detailing appropriate to the heritage character of the area are to be submitted to and approved by the Accredited Certifier.

(Reason: Heritage conservation)

12. Front Yard Landscaping

The landscaping of the front yard area shall incorporate dense planting along the boundaries and planting to screen hard surfaces, and shall include a large number of advanced tall to medium growing shrubs and trees and be in keeping with the heritage character of the surrounding area. In this regard a landscape plan shall be submitted to and approved by the Certifying Authority.

(Reason: Visual amenity)

13. Damage Deposit

The applicant shall lodge a Damage Deposit of \$10,000 (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 \$200 (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)

14. Detailed Stormwater Management Plan (SWMP)

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

(Reason: Ensure compliance)

15. Construction Management Plan (CMP)

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

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

(Reason: Compliance)

16. Steep Vehicular Access – Provide Longitudinal Sections

Prior to issue of any Construction Certificate, The applicant shall submit longitudinal sections along each side/edge of each proposed vehicular accesses path drawn at 1:20 Scale. The driveway is to be designed using Council's standard vehicle profile attached (SD100). The longitudinal sections shall be prepared by a suitably qualified person and shall include the following: -

- Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm deep and the back of layback is 100mm above the gutter invert.
- Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.

Each of the proposed crossings shall be 3 metres wide with no splays and to be constructed at right angle to street kerb. The centreline of each new crossing shall be in-line with the centreline of the driveway. For the design levels of each vehicular crossing at the property boundary, the following shall be complied with:

- The gutter invert level – remain as the existing gutter invert level
- At back of layback – 100 mm above and parallel to the gutter invert
- At property boundary (Wyalong Street) – 350 mm above and parallel to the gutter invert
- At property boundary (Artarmon Road) – 350 mm above and parallel to the gutter invert

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

(Reason: Ensure compliance)

17. 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)

18. Traffic Management Plan

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

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

(Reason: Public safety and amenity)

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.

19. Site Management

A site Management Plan shall be submitted to and approved by the 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 Certifying Authority/Council officers upon request. (Reason: Environment protection, public health and safety)

20. 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)

21. 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)

22. Application for Vehicle crossing

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

(Reason: Protection of public asset)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

23. 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)

24. 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)

25. 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)

26. Demolition Work AS 2601

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

(Reason: Safety)

27. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health and safety/Ensure compliance)

28. 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)

29. Asbestos Removal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Commission 2012 (1994).

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

30. Asbestos Disposal

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

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

31. Temporary Toilet Facilities

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

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

32. Survey Certificate

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

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

(Reason: Ensure compliance)

33. 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)

34. 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)

35. Tree Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on Landscape Plan Dwg No. LA01-C dated 030216 prepared by Isenegger
- 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 arborists on site. All structures are to bridge roots unless directed by a qualified arborists on site.
- iv) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites.
(Reason: Tree management)

36. 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)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

37. Section 73 Compliance Certificate

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

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

38. BASIX Certificate

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

(Reason: Environmental sustainability)

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. Rainwater Re-use – Major

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 10 m³ for each dwelling in accordance with the approved stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to laundry, toilet flushing and landscape irrigation. 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)

41. Sign for Rainwater Re-use System

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the Rainwater re-use System.

The wording for the plaque shall state "*This is the Rainwater re-use system required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris*".

(Reason: Prevent unlawful alteration)

42. Certification of Rainwater Reuse System

Upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify on Council's standard certification form that the rainwater retention and reuse system has been constructed in accordance with the approved stormwater management plans and that the as-built system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW". Council's Standard Certification form is available in the appendix of Council's Technical Standard No. 2.

(Reason: Record or works)

43. Works-As-Executed Plans – Rainwater Reuse

Upon completion of the Rainwater Re-use System, the following shall be submitted to the Certifying Authority:

- Work-as-executed plans based on the approved stormwater plans from a registered surveyor to verify that the volume of storage, invert levels of inlet, overflow pipes and discharge outlet are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- Plumber's certification that the Rainwater Re-use system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All works completed shall comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Record of works)

44. S88B/S88E(3) Instrument

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

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

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

(Reason: Maintenance requirement)

45. Documentary Evidence of Positive Covenant, Engineers Certificate

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

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.
- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

46. Splay Corner for Fence

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be designed and constructed by either a 1m x 1m splay on both sides of the driveway exit or 1m offset from the property boundary. Details demonstrating compliance are to be submitted with the construction certificate application.

(Reason: Pedestrian safety)

47. Construction of Kerb & Gutter

Construct new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site with associated pavement restoration 1 metre wide in Wyalong Street and Artarmon road.

(Reason: Public amenity)

48. Concrete Footpath

Construct a 1.5 m wide concrete footpath for the full frontage of the development site in Wyalong Street and Artarmon Road. All works shall be carried out in accordance with Council's standard specification and drawings.

(Reason: Public amenity)

49. 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 two new crossing are 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, the following shall be complied with:

- At back of layback –100 mm above and parallel to the gutter invert.
- At property boundary – 350 mm above and parallel to the gutter invert in Wyalong Street.
- At property boundary – 350 mm above and parallel to the gutter invert in Artarmon Road.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted for a minimum distance of 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 Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

50. 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 Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

51. Inspection of Civil Works on Road Reserves

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

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

52. Tree Planting

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

No. Required	Species	Location	Min Pot Size
All trees	As indicated on Landscape Plan Dwg No. LA01-C dated 030216 prepared by Isenegger	As indicated on the Landscape Plan	As indicated on the Landscape Plan

(Reason: Landscape Amenity)

53. 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)

54. Subdivision

The subdivision of the land shall be completed and a separate title obtained for each lot prior to the issue of any occupation certificates.

(Reason: To ensure separate titles are provided for each lot)

PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION CERTIFICATE / STRATA APPROVAL

The following are to be complied with prior to the issue of the Subdivision Certificate / Strata Approval and the release of the Linen Plans for registration at the Land and Property Information Office.

55. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the subdivision certification. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at www.sydneywater.com.au or telephone 13 20 92.

The Section 73 Certificate must be submitted in conjunction with the application for Subdivision Certificate/Strata Approval.

(Reason: Statutory requirement)

56. Land Subdivision

Land subdivision requires Linen Plan plus eight copies to be prepared by a Registered Surveyor. In this regard the applicant's attention is drawn to the requirement for a Subdivision Certificate, which is to be obtained from Council by separate application, to allow registration of the land subdivision with the Land and Property Information Office.

(Reason: Information)

57. Street Numbering

Application is to be made to the Geospatial Services Section of Council for the allocation of street numbering for each of the newly created allotments. Documentary evidence is to be lodged with The Subdivision Certificate Application Linen Plans of the allocated numbering issued by Council.

(Reason: Ensure Compliance with Council Street Numbering Policy)

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.

58. 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)

59. 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)

60. 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)

61. 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)

62. 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

63. 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)

64. 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 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)

65. 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 52-54 EASTERN VALLEY WAY, NORTHBRIDGE - DA 2015/368

ATTACHMENTS:

1. NOTIFICATION MAP
2. SUMMARY OF SUBMISSIONS
3. PLANS & ELEVATIONS (AMENDED)
4. APARTMENT DESIGN GUIDE (COMPLIANCE TABLE)
5. GENERAL TERMS OF APPROVAL

MEETING DATE: 14 JUNE 2016

RECOMMENDATION: APPROVAL

LOCATION: WESTERN SIDE OF EASTERN VALLEY WAY BETWEEN TARAKAN CRESCENT AND TENILBA ROAD.

APPLICANT: FPG NORTHBRIDGE PTY LTD

OWNER: MR C FOULADI AND FPG NORTHBRIDGE PTY LTD

PROPOSAL: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING OF THIRTY-THREE (33) UNITS, BASEMENT CARPARKING AND ASSOCIATED WORKS.

DATE OF LODGEMENT: 11 SEPTEMBER 2015

REPORTING OFFICER: ANNIE LEUNG – DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

DESCRIPTION OF PROPOSAL

Development application 2015/368 seeks Council's consent for demolition of the existing structures and construction of a residential flat building comprising of 33 units. The proposed dwelling mix is as follows:

1 bedroom	9
2 bedroom	22
3 bedroom	2

The development will provide basement car parking for 40 car spaces. An additional car visitor space and one additional removalist bay/visitor space will be provided within the front setback area of the site. Vehicular access to the site will be provided via Eastern Valley Way.

Procedural Motion

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

- Miriam McCutcheon
- Doreen Macfarlane
- Ronnie Baskind
- Ben Doyle (Applicant)

MOTION

That Council:

1. approve Development Application 2015/368 seeking Council's consent for the demolition of the existing structures and construction of a residential flat building comprising of 33 units at 52 – 54 Eastern Valley Way, Northbridge and delegated authority be granted to the General Manager to issue the consent notice subject to the attached schedule of recommended conditions.
2. That, subject to the Office of Water's requirements for the design of the riparian zone to stabilise the banks of Sailors Bay Creek, the retaining wall be retained.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

AMENDMENT

That Council defer this matter pending a full Council inspection.

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR NORTON

CARRIED

Voting

For the Amendment: Councillors Coppock, Norton, Rutherford, Saville, Sloane and Wright.

Against: Councillors Giles-Gidney, Eriksson and Hill.

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

MOVED COUNCILLOR COPPOCK

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

CONSEQUENTIAL MOTION

That Council brings this matter back to Full Council if an on-site meeting cannot be held by Monday 27 June 2016.

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

18.3 196 PENSHURST STREET, NORTH WILLOUGHBY - DA 2015/292

ATTACHMENTS:

- 1. NOTIFICATION MAP**
- 2. SUMMARY OF SUBMISSIONS**
- 3. AMENDMENT LIST & PLANS & ELEVATIONS**
- 4. CLAUSE 4.6 – VARIATIONS TO DEVELOPMENT STANDARDS**
- 5. ASSESSMENT SUMMARY – APARTMENT DESIGN GUIDES**

MEETING DATE: 14 JUNE 2016

RECOMMENDATION: DEFERRED COMMENCEMENT APPROVAL

LOCATION: 196 PENSHURST STREET, NORTH WILLOUGHBY

APPLICANT: JOSEPH LAHOUD & ASSOCIATES PTY LTD

OWNER: MR S GORGIEVSKI

PROPOSAL: DEMOLITION OF EXISTING STRUCTURES & CONSTRUCTION OF RESIDENTIAL FLAT BUILDING OF FOUR (4) APARTMENTS, CAR PARKING, LANDSCAPING & ASSOCIATED WORKS.

DATE OF LODGEMENT: 3 AUGUST 2015

REPORTING OFFICER: ANNIE LEUNG – DEVELOPMENT PLANNER

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

DESCRIPTION OF PROPOSAL

Development Application 2015/292 seeks Council's consent for the demolition of the existing structures and construction of a residential flat building comprising four (4) units, and basement car parking for 6 vehicles.

The proposed residential flat building will provide 2 x 2 bedroom units on the ground floor, and 2 x 2 bedroom units plus study over the first and second floor.

Procedural Motion

That the following people address the meeting:

- **Stefanie Gray (did not attend)**
- **Bernard Taniane**
- **Joseph Lahoud (Applicant) indicated his acceptance of the officer's recommendation.**

MOTION

That Council:

- a) support the Clause 4.6 exception as it is considered unreasonable and unnecessary to comply with the development standard of Clause 4.3 of WLEP 2012 – Height of Building for the following reasons:
- i. The breach of the development standard does not contribute to the overshadowing and other external impacts to adjoining properties to the south of the site subject to the setback of the first and top floor of the proposed development being amended to comply with the requirements of Part D.2.8 of the WDCP.
 - ii. The proposed breach of the standard does not materially change the density or scale of the proposed building, and is worthy of support having regard to the architectural merits of the proposed roof forms in terms of building appearance, passive solar design, and reduction of impacts to the adjoining property to the south of the site.
 - iii. The recommended Deferred Commencement Condition A (b) will further reduce the portion of the proposed roof form that encroaches on the Height of Building Standard.
- b) support the Clause 4.6 exception as it is considered unreasonable and unnecessary to comply with the development standard of Clause 6.10 of WLEP 2012 – Minimum Allotment Size for the following reasons:
- i. The proposed development will not result in site isolation of adjoining properties. It is also noted that Development Consent DA-2011/46 issued by Council to develop the subject site for a residential flat building is still valid. Representation of new attempt to acquire adjoining properties at No 188 Penshurst Street, North Willoughby and supporting documentations have since been submitted to Council, and were unsuccessful.
 - ii. The development as amended together with the recommended Deferred Commencement Condition A to increase the setbacks from the respective boundary with No 188 Penshurst Street, to ensure the objectives of the medium density residential zone and the performance criteria of the minimum allotment size requirement as contained in Part D.2.4 - Allotment size/ frontages of the WDCP are met.
 - iii. This is consistent with planning principles developed by the Court with respect to the redevelopment of small and narrow sites, and assessment of site consolidation, and the previous judgement *Gorgievski v Willoughby City Council* [2005] NSWLEC 496 in determining a similar development for the subject site.
- c) approve Development Application 2015/292 seeking consent for the demolition of the existing dwelling and construction of a residential flat building at No 196 Penshurst Street North Willoughby
- d) grant delegated authority to the General Manager to issue the deferred commencement consent notice subject to the attached conditions.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

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

Against: Councillors Norton, Saville and Wright.

SCHEDULE OF CONDITIONS

RECOMMENDED CONDITIONS OF CONSENT

SCHEDULE 1

DEFERRED COMMENCEMENT CONDITIONS OF CONSENT

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 67(3) of the Regulation, 12 months 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)

A. Submission of amended plans to detail compliance with the following conditions:

- a) The development must provide setbacks from the southern boundary as follows:
 - i. Minimum 4.2m for the first floor (FFL RL93.130)
 - ii. Minimum 5.4m for the second floor (FFL RL96.160)

The required amendments must be implemented by:

- i. reduction of floor area and increase of setbacks from respective boundaries, and
 - ii. deletion of study room / third rooms within Unit 2.02 and Unit 2.01.
 - iii. Internal alterations to the layouts of the proposed Units.
- b) The angle of the skillion roof of the building is to be retained as per the plans submitted with the application, but its setback from the southern boundary is to increase correspondingly to the amendments required in point a) above.

The revised roof form is to pitch from the southern elevation of the building at a height no greater than 2100mm as measured from the finished floor level of the second floor (Level 2).

- ii. Internal alterations to the layouts of the proposed Units.
- c) The 4 *Cupressus* sp (Cypress Pines) located within the front setback area of the development (near the southern boundary of the frontage to the site) are required to be retained.

(Reasons: Amenity, External impacts, Building height & Building separation)

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
Architectural	1480.07, 1480.05, 1480.03, 1480.04, 1480.061,	A	Sept 2015	9 Nov 2015	Joseph Lahoud & Associates P/L
	1480.02,	C	Mar 2016	4 April 2016	
Landscape	ILA-027-LA01	A	30/06/15	3 August 2015	Isenegger Landscape Architect
Stormwater	15122/sw1, 15122/sw3,	A	12.01.16	29 Jan 2016	Docker Smith P/L
	15122/sw2,	-		3 August 2015	

the application form and any other supporting documentation submitted as part of the application as amended by **Deferred Commencement Condition in Schedule 1**, **except for:**

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

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

2. Amendments – Privacy Screens

The following privacy measures are required to be provided by the development:

- i. All first (Level 1) and second floor (Level 2) south facing windows are required to be provided with obscured glazing or high sill (minimum 1500mm).
- ii. All first and second floor south facing windows to stairwells are required to be provided with fixed windows.
- iii. A 1500mm high privacy screen (as measured from the respective finished floor level) is to be provided along the full length of the southern edge (facing the property at No 188 Penshurst Street North Willoughby) of the proposed first floor balconies.

Plans and details demonstrating compliance with this condition are required to shown on the Construction Certificate and approved by the Certifying Authority.
(Reason: Privacy & Amenity, Ensure compliance)

3. Section 94A Contributions

A monetary contribution of \$12,150.00 (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 \$ 1,215,000 at 3 August 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.

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

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

(Reason: Statutory requirement)

4. Services - Energy Australia

The applicant should consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should such an electrical enclosure be required, the location and dimensions of the structure are to be detailed on all the plans issued with the Construction Certificate. In the event of Energy Australia requiring such a structure eg. a substation, the applicant is required to dedicate the land for the substation as public roadway. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered at the Department of Lands prior to issue of the Occupation Certificate.

(Reason: Compliance)

5. Reflectivity - external finishes and colours

All external finishes and colours shall be painted or treated to minimise the effects of glare to neighbouring properties.

Detailed schedule of external finishes and colours demonstrating compliance with this condition must be submitted with the construction certificate application for approval.

(Reason: Amenity)

6. Sydney Water 'Tap In'

The approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to release of the Construction Certificate.

(Reason: Ensure compliance)

7. Adaptable Units

Two (2) adaptable residential units for disabled persons are to be provided by the approved development as nominated on the approved plans.

The nominated units must be shown on the Construction Certificate drawings and one of the unit is to be provided with disabled car spaces where required under the Willoughby Development Control Plan Part C.6 – Access, Mobility and Adaptability. Accessible paths to the adaptable units must be provided from the required adaptable car space.

(Reason: Adaptable Housing & Ensure Compliance)

8. Damage Deposit

The applicant shall lodge a Damage Deposit of \$10,000 (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 \$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)

9. Temporary Ground Anchors

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works prior to issue of the Construction Certificate. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

10. Detailed Stormwater Management Plan (SWMP)

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

(Reason: Ensure compliance)

11. Basement Pumpout Drainage System

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

- The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.

- Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.
- An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1 in 100 year ARI 2-hours duration storm event.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS3500.3 – *Plumbing and Drainage Code* and the National Construction Code.
(Reason: Prevent nuisance flooding)

12. Construction Management Plan (CMP)

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

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

(Reason: Compliance)

13. Traffic Management Plan

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

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

(Reason: Public safety and amenity)

14. 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:

- a. Construction of 1.5 metres footpath (max. 2.5% crossfall) for the full frontage of the site in Owen Street. All Adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- b. Construction of full width footpath (max. 2.5% crossfall) for the full frontage of the site in Penshurst Street. All Adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- c. Construction of new kerb and gutter for the full frontage of the development site in Owen Street with 1 metre road restoration. Detailed long sections and cross-section at 5m interval shall be provided.

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)

15. Revised Plans

Prior to issue of the Construction Certificate the applicant shall submit for approval by the Principle Certifying Authority, revised plans showing compliance with the following 2 issues:

- The width of parking space no. 4 and 5 shall be depicted on the drawings.
- A bollard for the shared area adjacent to parking space no. 6 shall be located at 800mm from the edge of the parking aisle to comply with fig 2.3 of AS2890.6
(Ensure Compliance)

16. Internal Noise Levels Residential

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

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

Note:

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

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

(Reason: Amenity)

17. Noise from Transport Corridor

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report 3716R001.JH.151002 by Acoustic Dynamics dated 23 October 2015.

Details of the proposed acoustic treatment shall be submitted to the Certifying Authority.

(Reason: Amenity)

18. Building Ventilation

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

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

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

(Reason: Ensure compliance)

19. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifying Authority for approval. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials. (Reason: Environmental protection/public health and safety)

20. Noise Mechanical Services

To minimise the impact of noise onto residential receivers, all mechanical services shall be designed and installed to ensure ambient noise levels as detailed in the acoustic assessment by Acoustic Dynamics document ref.3716R001.JH.151002 dated 23 October 2015 are maintained. Details of the proposed equipment, siting and any attenuation required shall accompany the application for Construction Certificate.

(Reason: Amenity)

PRIOR TO COMMENCEMENT

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

21. Building Site Hoarding

Provision of a hoarding, complying with StateCover NSW requirements which is to be erected to restrict public access to the site (including demolition and/or excavation site) and building works, materials or equipment. A separate application is to be made to Council's Infrastructure Services Division for this purpose should the hoarding be located on Council property.

(Reason: Safety)

22. Site Management

A site Management Plan shall be submitted to and approved by the 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 Certifying Authority/Council officers upon request. (Reason: Environment protection, public health and safety)

23. Dilapidation Report of Council's Property and Adjoining Properties

a) 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 Certifying Authority. (Reason: Protection of Council's infrastructure)

b) Submit a photographic survey and report of the adjoining properties at No 188 Penshurst Street North Willoughby & No 2 Owen Street North Willoughby to the PCA and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

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

24. 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)

25. Application for Vehicle crossing

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

(Reason: Protection of public asset)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

26. 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)

27. 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 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)

28. Building Site Fencing

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

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

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

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

29. Provide Erosion and Sediment Control

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

(Reason: Environmental protection)

30. Demolition Work AS 2601

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

(Reason: Safety)

31. Access to Site

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

32. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health and safety/Ensure compliance)

33. 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)

34. Asbestos Removal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Commission 2012 (1994).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.

(Reason: Public health and safety/Ensure compliance)

35. Asbestos Disposal

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

Upon completion of the asbestos removal and disposal the applicant must furnish the Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental protection/Public health and safety)

36. Survey Certificate

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

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

(Reason: Ensure compliance)

37. Temporary Toilet Facilities

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

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

(Reason: Health and amenity)

38. Temporary Ground Anchors – Supervision

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

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

(Reason: Protection of public assets)

39. 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)

40. 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)

41. Waste Classification – Excavation Materials

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

(Reason: Environment and health protection)

42. Hazardous Materials – Clearance Certificate

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

(Reason: Health and safety)

43. Importation of Fill

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

(Reason: Environment & Health Protection)

44. Dust Control

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

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.

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

(Reason: Amenity)

45. Construction Noise

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

(Reason: Amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

46. Section 73 Compliance Certificate

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

The Section 73 Certificate must be submitted to the Certifying Authority.

(Reason: Ensure statutory compliance)

47. BASIX Certificate

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

(Reason: Environmental sustainability)

48. Access for the Disabled - Disability Discrimination Act

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

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

(Reason: Access and egress)

49. Fire Safety Certificate Forwarded to NSW Fire and Rescue

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

50. Safer by Design

To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:

- i. In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided to all common areas including the basement car park, common open space and any common stair access to these areas and pedestrian routes, particularly including the waste storage areas.

This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.
- ii. The ceiling and vertical structures of the basement parking area shall be painted white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
- iii. The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
- iv. Walls/screens between balconies shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
- v. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- vi. A small portion of each storage area shall be of solid construction (i.e. Cupboard).

(Reason: Safety and surveillance, energy efficiency, amenity)

51. Services - Electricity Supply and Telecommunication Mains

All existing and proposed electricity supplies and telecommunication mains and services around the perimeter of the site are to be relocated underground to the satisfaction of the relevant utility provider and Willoughby City Council at the full cost of the applicant.

(Reason: Compliance)

52. Services - Mailboxes

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

(Reason: Legal)

53. Residential Flat Building - Service Facilities

The following shall apply to the development:

- i. Electricity and telephone lines must be placed underground from the street to the building.
- ii. One storage area shall be allocated to each unit.
- iii. A master TV antenna or satellite dish is to be provided for the building. This shall be suitably screened from view from the street.
- iv. All plumbing pipes and installations must be concealed in ducts and not exposed on the external walls of the building and must be adequately soundproofed.

(Reason: Ensure compliance, streetscape and amenity)

54. Security Controlled Car Parking

An access and /or security controlled car parking arrangement is to be provided for the approved basement car park, and must include:

- a) An intercom system to enable free access to the visitors.
- b) A signal light/indicator to clearly indicate if the visitor car space is in use.

This condition must be complied with prior to occupation of the development.

(Reason: Safe and efficient car parking)

55. Turning Space

One of the nominated car spaces as shown on the approved plans of the development must be dedicated as a turning space. This turning space must be clearly line-marked and sign-posted to the satisfaction of the PCA, and must not be used for parking, storage or any other purpose at any time.

(Reason: Safe and efficient car parking)

56. Temporary Ground Anchors – Destressing

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

57. Grated Box Drain

For stormwater control a minimum 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)

58. On-site Water Management System

The stormwater runoff from the site shall be collected and disposed of via an approved On-Site Detention System with a minimum storage volume of 13.3m³ in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).
(Reason: Prevent nuisance flooding)

59. Sign for On-Site Detention System

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the On-Site Detention Tank.

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

60. Confined Space Sign

Securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the On-Site Detention Tank.
(Reason: Safe access to tank)

61. Certification of OSD

A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.2.
(Reason: Legal requirement)

62. Certification of the Basement Pumpout Drainage System

Upon completion of the pump-out system, the following shall be submitted to the 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)

63. Works-As-Executed Plans - OSD

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

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

(Reason: Record of works)

64. S88B/S88E(3) Instrument

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

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

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

(Reason: Maintenance requirement)

65. Documentary Evidence of Positive Covenant, Engineers Certificate

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

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.
- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

66. Splay Corner for Fence

As per AS 2890 and in order to ensure adequate sight distances for pedestrians and traffic in the frontage road, sight triangles of 2m x 2.5m shall be provided on each side of the proposed vehicular crossing.

(Reason: Pedestrian safety)

67. Construction of Kerb & Gutter

Construct new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site with associated pavement restoration 1 metre wide in Owen Street.

(Reason: Public amenity)

68. Concrete Footpath

Construct a:

- a) Full width concrete footpath for the full frontage of the development site in Penshurst Street and
- b) 1.5m wide concrete footpath for the full frontage of the development site in Owen Street.

All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

69. Vehicular Crossing

A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

New vehicular crossing including reconstruction of the existing layback and/or gutter and any associated road restoration is to be constructed 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.

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 internal driveway.

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

- At back of layback – 100 mm above and parallel to the gutter invert.
- At property boundary – 290 mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted for a minimum distance of 3 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)

70. 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 Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

71. Inspection of Civil Works on Road Reserves

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

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

72. Performance Bond

The Applicant shall lodge with the Council a performance bond of \$5,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.
(Reason: Ensure compliance and specification)

73. Vehicle Access - Construction & Certification

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

- a) That the as-constructed carpark complies with the approved Construction Certificate plans,
- b) That a maximum gradient of 5% has been provided for the first 6 metres from the property boundary to the basement.
- c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars. Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B99 vehicles.
- d) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- e) That the headroom clearance has been provided which comply with AS 2890.1 and Section 2.4 of AS2890.6.
- f) That the headroom clearance of minimum 2.5 metres has been provided to all parking spaces for people with disabilities to comply with Section 2.4 of AS2890.6.

(Reason: Ensure Compliance)

74. Sound Level Output Certification

The sound level output from the equipment installed for the operation of the building shall comply with the noise emission objectives detailed in the acoustic report prepared by Acoustic Dynamics Doc. Ref:3716R001.JH.151002 dated 23/10/2015. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Principal Certifying Authority.
(Reason: Amenity)

75. Acoustic Works – Report

To ensure all acoustic work has been completed, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report 3716R001.JH.151002 by Acoustic Dynamics dated 23 October 2015.

(Reason: Amenity)

76. Certification – Ventilation

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

(Reason: Compliance)

77. Completion of approved landscaping

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 & Ensure Compliance)

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.

78. Allocation of Car Parking Spaces

The car parking spaces must not be separate allotments, but part allotments and are to be allocated on the following basis:

- 1 Residential Visitor Car Space
- 1 car space per approved unit
- 1 x turning space

The above car parking allocation must be reflected in any subsequent strata subdivision of the approved development. The visitor car space and the turning space must be part of the common property of any strata scheme.

(Reason: Amenity)

79. Annual Fire Safety Statement

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

(Reason: Safety)

80. Visitor Car Parking Bays

Any visitor parking bays required in accordance with Willoughby Development Control Plan Part C.4, are to be grouped together and physically identified by suitable signs and/or pavement and being permanently accessible and reserved for the exclusive use of visitors to the premises.

(Reason: Ensure compliance)

81. 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)

82. 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)

83. 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)

84. 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)

85. Noise Control – Offensive Noise

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

(Reason: Amenity)

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.

86. 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)

87. 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 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)

88. 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)

18.4 272 - 274 WILLOUGHBY ROAD, WILLOUGHBY - DA 2015/427 & BC 2015/74

ATTACHMENTS: 1. NOTIFICATION PLAN
2. PLANS AS LODGED

MEETING DATE: 14 JUNE 2016

RECOMMENDATION: DA – DEFERRED COMMENCEMENT APPROVAL
BC – CAPABLE OF APPROVAL PENDING SATISFACTORY LODGEMENT OF REQUIRED DOCUMENTATION

LOCATION: 272-274 WILLOUGHBY ROAD, NAREMBURN

APPLICANT: ES ENGINEERING AND DESIGN

OWNER: MR G BASMAJIAN

PROPOSAL DA: EXTENSION OF RESTAURANT SEATING INTO REAR GARDEN INVOLVING PROVISION OF ADDITIONAL TABLES AND SEATS, ERECTION OF 2.2M HIGH ACOUSTIC FENCES, RETENTION OF CUBBY HOUSE AND LANDSCAPING WORKS

PROPOSAL BC: RETENTION OF UNAUTHORISED AWNING OVER REAR DECK

DATE OF LODGEMENT: 14 OCTOBER 2015

REPORTING OFFICER: NONI DE CARVALHO (SPECIALIST PLANNER)
GREG PATTEN (BUILDING SURVEYOR)

RESPONSIBLE OFFICER: IAN ARNOTT (PLANNING MANAGER)

DESCRIPTION OF PROPOSAL

This report deals with two applications. These are Development Application 2015/427 and Building Certificate Application 2015/74 for 272-274 Willoughby Road Naremburn. The premises is currently occupied by Sprout Café and Wholefood Groceries.

1. Development Application 2015/427 seeks consent for alterations to the layout of the rear garden involving the erection of a 2.2m high timber fence, relocation of a cubby house, and the provision of an additional 46 café seats to be located in the garden area. There are also proposed changes to the landscaping of the rear garden and the relocation of a garbage enclosure.
2. Building Certificate Application 2015/74 requests authorisation to retain the existing awning over the full width of the rear deck and side passage, being works constructed without Council approval.

OFFICER'S RECOMMENDATION

That Council:

1. **Defer determination of Building Certificate Application BC2015/74 for an awning constructed over the rear deck and side passage way at 272 – 274 Willoughby Road, Naremburn; and**
2. **Delegate authority to the General Manager to issue the Building Certificate BC2015/74 subject to the matters contained in Schedule 1 being satisfied.**
3. **Approve Development Application DA-2015/427 for the extension of restaurant seating into the rear garden involving provision of additional tables and seats, erection of 2.2m high acoustic fences, retention of the unauthorised cubby house and landscaping works at 272-274 Willoughby Road, Naremburn; and**
4. **Delegate authority to the General Manager to issue the Deferred Commencement Consent subject to attached Deferred Commencement Conditions in Schedules 2 requiring the submission of amended plans and Conditions of Consent in Schedule 3.**

THIS MATTER WAS DEFERRED TO THE NEXT MEETING.

18.5 284 & 284A WILLOUGHBY ROAD, NAREMBURN - DA 2015/202

ATTACHMENTS: 1. ARCHITECTURAL PLANS
2. NOTIFICATION MAP

MEETING DATE: 14 JUNE 2016

RECOMMENDATION: REFUSAL

LOCATION: 284 & 284A WILLOUGHBY ROAD NAREMBURN

APPLICANT: MATTROSE NOMINEES PTY LTD

OWNER: MATTROSE NOMINEES PTY LTD

PROPOSAL: RETENTION OF HERITAGE ITEM, DEMOLITION OF REAR SKILLION SECTION AND CONSTRUCTION OF A MIXED USE BUILDING WITH SHOPTOP HOUSING, CAR PARKING AND ASSOCIATED WORKS

DATE OF LODGEMENT: 3 JUNE 2015

REPORTING OFFICER: JOHN BRUNTON – PLANNING CONSULTANT

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

DESCRIPTION OF PROPOSAL

Development Application 2015/202 proposes alterations and additions to the local heritage item at 284-284A Willoughby Road, Naremburn within the Naremburn centre.

The proposal includes retention of the significant and main component of the heritage item which is the original shops at street level and the lower ground floor level. The proposal is to demolish the rear skillion roof section of the existing building and construct a rear addition consisting of:

Lower Ground	• Carparking consisting of three (3) two-level stackers providing six (6) car parking spaces
Ground	• 2 x shop premises
1 st Floor	• 2 x 1 bedroom apartments

RESOLUTION

That Council:

- 1. Refuse Development Application 2015/202 seeking Council's consent for demolition of rear skillion section, retention of the heritage item and construction of a mixed use building with shop-top housing and stacked car parking at 284 & 284A Willoughby Road, Naremburn;**

2. Issue a Refusal Notice for the following reasons:

- (i) The requirements of s.79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 are not satisfied because the proposed development does not allow for a rear lane as required by Part E6 of the Willoughby Development Control Plan 2012.**
- (ii) The requirements of s.79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 are not satisfied because the proposed development does not provide an adequate rear building setback that allows a suitable transition to the residential precinct to the west.**
- (iii) The requirements of s.79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 are not satisfied because the proposed development does not provide sufficient car parking spaces to satisfy the demand generated by the development.**
- (iv) The requirements of s.79C(1)(b) of the Environmental Planning and Assessment Act 1979 are not satisfied because the proposed development would adversely affect the neighbourhood by not adequately providing for waste collection on the site or from other premises that would be served by the proposed lane.**
- (v) The requirements of s.79C(1)(b) of the Environmental Planning and Assessment Act 1979 are not satisfied because the proposed development would generate the need for additional car parking that would increase demand for on-street parking within the neighbourhood.**
- (vi) The requirements of s.79C(1)(c) of the Environmental Planning and Assessment Act 1979 are not satisfied because the development proposes apartments with poor amenity due to lack of sunlight, insufficient private open space and lack of universal access.**
- (vii) The requirements of s.79C(1)(c) of the Environmental Planning and Assessment Act 1979 are not satisfied because the development proposes insufficient car parking spaces within those being provided in an inefficient configuration.**
- (viii) The requirements of s.79C(1)(d) of the Environmental Planning and Assessment Act 1979 are not satisfied because public submissions have identified justified concerns about potential adverse impacts on the neighbourhood, particularly from waste management, car parking, on-street loading/unloading and management during construction activities.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

18.6 9 BYORA CRESCENT, NORTHBRIDGE - BLC 2015/89

ATTACHMENTS: 1. APPROVED ARCHITECTURAL DETAILS
2. SURVEY PLAN

MEETING DATE: 14 JUNE 2016

RECOMMENDATION: APPROVAL

LOCATION: 9 BYORA CRESCENT, NORTHBRIDGE NSW 2063.

APPLICANT: URBANESQUE PLANNING PTY LTD

OWNER: MR A KASSIS

PROPOSAL: UNAUTHORISED WORK – INCREASED HEIGHT OF 360MM TO EXTERNAL BATHROOM.

DATE OF LODGEMENT: 18 DECEMBER 2015

REPORTING OFFICER: GREG PATTEN – PLANNING PROCESS SPECIALIST

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

DESCRIPTION OF PROPOSAL

Unauthorised work – increased height of 360mm to external bathroom.

The application seeks to regularise a newly constructed attached outbuilding containing a shower and wc located on the south western side of the the existing two storey dwelling which has not been erected in accordance with the approved plans. In particular the attached outbuilding has been erected to an RL of 73.660 in lieu of Councils approval which required the structure to be constructed to an RL of 73.300.

RESOLUTION

That Council:

1. **Defer Building Certificate 2015/89 for increased height to external bathroom/outbuilding pending the lodgement and determination of a section 96 application under DA 2013/35 to delete the pool pavilion.**
2. **Delegate authority to the General Manager to issue the building certificate upon determination of the application to delete the pool pavilion.**
3. **Advise the owner that a period of 30 days will be granted for the section 96 application to be lodged with Council. If no application is received within 30 days Building Certificate 2015/89 will be refused.**

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

18.7 APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY 1 MAY 2016 TO 31 MAY 2016

ATTACHMENTS:	1. LIST OF APPLICATIONS
RESPONSIBLE OFFICER:	PETER CONROY – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN ARNOTT – PLANNING MANAGER
MEETING DATE:	14 JUNE 2016

Purpose of Report

To provide Council with a list of applications determined under delegated authority for the month of May 2016.

RESOLUTION

That Council note the information on Development Applications determined under delegated authority in May 2016.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

**18.8 DEVELOPMENT APPLICATION AND PLANNING PROPOSAL REPORT TO
30 MAY 2016**

ATTACHMENTS:	1. LIST OF APPLICATIONS
RESPONSIBLE OFFICER:	IAN ARNOTT – PLANNING MANAGER
AUTHOR:	DEVELOPMENT PLANNERS, BUILDING SURVEYORS
CITY STRATEGY LINK:	3.1.3 LOCAL CHARACTER
MEETING DATE:	14 JUNE 2016

Purpose of Report

To provide Councillors with details of all current Development Applications and Planning Proposals as at 30 May 2016.

RESOLUTION

That Council note the information on Development Applications (including those to be determined by the Joint Regional Planning Panel) and Planning Proposals Report to 30 May 2016.

MOVED COUNCILLOR SLOANE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

18.9 NSW STATE GOVERNMENT DRAFT BIODIVERSITY CONSERVATION BILL 2016 & DRAFT LOCAL LAND SERVICES AMENDMENT BILL 2016

ATTACHMENTS:	1. DRAFT SUBMISSION – DRAFT BIODIVERSITY CONSERVATION BILL 2016 & DRAFT LOCAL LAND SERVICES AMENDMENT BILL 2016
RESPONSIBLE OFFICER:	PETER CONROY –PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	SALLY HAMILTON – ENVIRONMENT MANAGER
CITY STRATEGY LINK:	2.1.1 CONSERVE AND MAINTAIN WILLOUGHBY'S NATURAL ECOSYSTEMS
MEETING DATE:	14 JUNE 2016

Purpose of Report

The purpose of this report is to seek Council's endorsement to make a submission to the State Government's *Draft Biodiversity Conservation Bill 2016 and Draft Local Land Services Amendment Bill 2016*.

RESOLUTION

That Council:

1. **Make a submission in respect of the *Draft Biodiversity Conservation Bill 2016 & Draft Local Land Services Amendment Bill 2016*, alerting the NSW Government to its concerns in relation to :**
 - a. **the potential for broad area clearing**
 - b. **the need for planting offsets to be 'like for like'**
 - c. **the need for sensitive plant communities and habitat corridors to be protected**
 - d. **the lack of detail available and/or still under development in relation to the key elements of the new Act and associated documents.**
2. **Delegate to the General Manager the finalisation of the submission to the NSW Government in relation to the *Draft Biodiversity Conservation Bill 2016 and Draft Local Land Services Amendment Bill 2016*.**

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR NORTON

CARRIED

Voting

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

Against: Nil

19 NOTICE OF MOTION

19.1 NOTICE OF MOTION: GREEN ROOFS AND WALLS

RESPONSIBLE OFFICER: DEBRA JUST – GENERAL MANAGER

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

MEETING DATE: 14 JUNE 2016

Purpose of Report

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

MOTION

That Willoughby City Council staff refer to the Urban Green Cover Technical Guidelines and the work of City of Sydney regarding green roofs and walls when reviewing current planning, urban design and vegetation documentation and developing amendments to the LEP, DCP and related documents.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR COPPOCK

CARRIED

Voting

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

Against: Nil

20 CONFIDENTIAL ITEMS

NIL

21 QUESTIONS

NIL

- **The General Manager, Debra Just, left the meeting at 8:27pm during debate on Item 16.1: General Manager's Annual Performance Review and returned after the vote on that topic at 8:35pm.**
- **Her Worship the Mayor Councillor G Giles-Gidney left the meeting at 9:04pm during debate on Item 12.3: Haven Amphitheatre Committee Meeting – 9 February 2016, Castlecrag. Councillor Sloane took the Chair during debate and vote on that topic and then closed the meeting.**

The meeting concluded at 9:11pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Meeting held on 14 June 2016. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.