



# **Willoughby City Council**

## **ORDINARY COUNCIL**

### **MINUTES**

Council Chamber, 31 Victor Street, Chatswood

7 August 2017

commencing at 7:00pm

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## 1 PRESENT

### Councillors

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

### Officers

**Ms D Just (General Manager), Mr G McDonald (Interim Planning & Infrastructure Director), Ms M Smith (Community, Culture & Leisure Director), Mr M Duffy (Interim Chief Financial Officer), Mr I Arnott (Planning Manager), Ms P Chugh (Development Assessment Officer), Mr C Kong (Development Assessment Officer), Mr A Patterson (Acting Governance Manager), Mr V Grepl (Governance Officer) and Ms P Sheldrake (Minutes Secretary)**

## 2 DISCLOSURES OF INTEREST - COUNCILLORS

- Councillor Saville declared via a Disclosures of Interest Form, a non-pecuniary, less than substantial interest in Item 12.6: Traffic Committee Meeting 21 June 2017  
*(Nature of Interest: There is reference to installation of "Stop" sign, corner of Eddy Road and De Villiers Avenue. I live in Eddy Road, however, I believe I can vote in a non-prejudiced, independent way)*
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 18.4: 12 Frederick Street, St Leonards Submission to Department of Planning & Environment in respect to two State Significant Development Applications for a Private Hospital  
*(Nature of Interest: CEO of Dexus is a personal friend)*
- Her Worship the Mayor Councillor G Giles-Gidney declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 19.3: Notice of Motion: Talus Street Reserve and Confidential Item 20.3: Notice of Motion: Talus Street Reserve  
*(Nature of Interest: Relationship to Steve Healy)*
- Councillor Norton declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 15.1: Dougherty Apartments Retirement Housing Project – New Constitution  
*(Nature of Interest: I am a member of the Dougherty Board appointed by Council)*
- Councillor Coppock declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 15.1: Dougherty Apartments Retirement Housing Project – New Constitution  
*(Nature of Interest: I am a Council appointed Chairman of the Board of Dougherty Apartments Retirement Housing Project)*

- Councillor Hooper declared, via a Disclosures of Interest form, a non-pecuniary substantial interest in Item 18.10: 1 Hallstrom Close and 3 Coolawin Road – Sale of Land  
(*Nature of Interest: I received an election donation from one of the residents at the 2012 election*)
- Councillor Hill declared, via a Disclosures of Interest form, a non-pecuniary less than substantial interest in Item 18.10: 1 Hallstrom Close and 3 Coolawin Road – Sale of Land  
(*Nature of Interest: The residents are known to me*)

### 3 CONFIRMATION OF MINUTES

#### RESOLUTION

That the Minutes of the Ordinary Meeting of Council held 24 July 2017, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR RUTHERFORD

SECONDED COUNCILLOR SLOANE

**CARRIED**

#### Voting

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

**Against:** Nil

**Absent:** Councillors Coppock and Saville

### 4 APOLOGIES AND LEAVE OF ABSENCE

- Councillor Stevens is on leave previously granted.
- Councillor Mustaca requested Leave of Absence for Monday 7 August 2017

#### RESOLUTION

That Council:

1. Note Councillor Stevens is on leave previously granted.
2. Grant Leave of Absence to Councillor Mustaca for Monday 7 August 2017

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR ERIKSSON

**CARRIED**

#### Voting

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

**Against:** Nil

**Absent:** Councillors Coppock and Saville

## 5 PETITIONS

### 5.1 PETITION – DA2017/219 – 635 MOWBRAY ROAD WEST (MOWBRAY PUBLIC SCHOOL) LANE COVE NORTH: MOWBRAY OVAL FLOODLIGHTS

**CITY STRATEGY LINK:** 2.1.2 THE COMMUNITY VALUES THE NATURAL ENVIRONMENT

**MEETING DATE:** 7 AUGUST 2017

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#### **Purpose of Report**

A petition, containing 36 detailed comments and 84 signatures was tabled by Councillor Rutherford in opposition to the installation of 18 metre floodlights on Mowbray Public School Oval.

A copy of the petition has been distributed to Councillors electronically. Members of the public may inspect a copy of the petition at Council offices.

#### **RESOLUTION**

**That Council receive and note the petition relating to the installation of 18 metre floodlights on Mowbray Public School Oval and refer it to the relevant Planning Officer for consideration.**

**MOVED COUNCILLOR RUTHERFORD**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillor Saville

**6 OPEN FORUM**

Carlos Crowley Vazquez spoke on the topic of unfiltered ventilation stacks from the Western Harbour Tunnel and Beaches Link.



## **7 MAYORAL MINUTE**

### **7.1 MAYORAL MINUTE: ACKNOWLEDGING COUNCILLORS' CONTRIBUTIONS**

**MEETING DATE:** 7 AUGUST 2017

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#### **Purpose of report**

To acknowledge the contribution of Councillors to the 2012 to 2017 term, and in particular the contribution of Councillors who are not seeking re-election.

#### **Motion**

Given that this is the last meeting of the term of this Council, it is appropriate that we acknowledge the contribution of Councillors and wish them well in the re-election process. In particular I would like to acknowledge the contribution of Councillors who are not seeking re-election.

The Council's term has lasted five years due to the merger proposals. In that period Councillors have given their time and energy to the City. Council has faced uncertainty over proposed mergers and had to deal with the passing of the previous Mayor, Councillor Pat Reilly. This Council leaves the City in a sound financial position and a long list of achievements.

I would also like to acknowledge and thank the hard-working officers of the Council who have diligently advanced the Council's agenda

#### **RECOMMENDATION**

**That Council and the people of the City of Willoughby thank and congratulate Councillors on their contribution to the City during the 2012 to 2017 term and acknowledge the hard work of Council Officers.**

**MOVED COUNCILLOR GILES-GIDNEY**

**CARRIED**

## 7.2 MAYOR'S DIARY: COUNCIL MEETING NOTES – 7 AUGUST 2017

<b>TUESDAY 25 JULY</b>			
Mayor	6.30 pm	Anniversary Dinner: Hong Kong Economic & Trade Office	Shangri-la Hotel, Sydney
<b>WEDNESDAY 26 JULY</b>			
Mayor	3.15 pm	Sydney North Planning Panel Meeting	Willoughby Council
<b>THURSDAY 27 JULY</b>			
<b>FRIDAY 28 JULY</b>			
<b>SATURDAY 29 JULY</b>			
Mayor Crs Rutherford, Saville	10.15 am	SES Presentations : Long Service Awards	SES Headquarters 25 Station Street, Naremburn
Mayor	11.30 am	Official Opening of Parsons Music Store	Westfield, Chatswood
Crs Norton, Rutherford	7 pm	Korean Music Concert: <i>Dream of Dokdo</i>	The Concourse
Mayor	7.15 pm	Northbridge Swim Club Presentations	Northbridge Golf Club
<b>SUNDAY 30 JULY</b>			
Cr Norton	9 am	Rotary Castle Cove Fun Run	Castle Cove Oval
Mayor Crs Norton, Rozos, Saville	10 am	National Tree Day Events	Warners Park
Cr Norton	12 noon	Tree Planting Day	Hensley Estate, Roseville
<b>MONDAY 31 JULY</b>			
<b>TUESDAY 1 AUGUST</b>			
<b>WEDNESDAY 2 AUGUST</b>			
<b>THURSDAY 3 AUGUST</b>			
Mayor	9.15 am	Mowbray School Celebrations	Mowbray School
Mayor	2.15 pm	Visit to Koala Cottage Pre-School	Tulloh Street, Willoughby
<b>FRIDAY 4 AUGUST</b>			
<b>SATURDAY 5 AUGUST</b>			
Mayor	9.30 am	FPA Meeting	Chatswood Library
Crs Norton, Saville	7 pm	WSO Concert: <i>Fantasy</i>	The Concourse
<b>SUNDAY 6 AUGUST</b>			
Cr Saville	1 pm	Commemoration: Hiroshima Day	Hyde Park, Sydney
Mayor	7 pm	Armenian Anniversary Concert	OLOD Church
<b>MONDAY 7 AUGUST</b>			
Mayor	10.30 am	Visit by Fukushima Orphans	Warners Park

**8 GENERAL MANAGER'S LATE REPORT**

NIL

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

NIL

**10 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 Dougherty Apartments Retirement Housing Project – New Constitution
- Item 16.1 Council Resourcing Strategy: Workforce Plan
- Item 16.2 Council Resourcing Strategy: Long Term Financial Plan 2017-2027
- Item 18.5 Smoke-Free Area
- Item 18.12 654 Pacific highway, Chatswood – Affixing Council's Seal for the Dedication of Land for Road Widening of Oliver Road and Freeman Road
- Item 19.2 Notice of Motion: Local Government Elections 2017
- Item 19.3 Notice of Motion: Talus Street Reserve

**RESOLUTION**

That the remaining items, viz:

- Item 12.1 Willoughby Seniors' Advisory Committee Meeting held 9 May 2017
- Item 12.2 Companion Animals Advisory Committee 16 May 2017
- Item 12.4 Haven Amphitheatre Committee Meeting – 10 May 2017
- Item 12.5 Bicycle Consultative Committee Meeting – Report to Council
- Item 14.1 Councillors' Information Booklets 25 July and 1 August 2017
- Item 15.2 'Easy to do Business' Program Service Partnership with Service NSW
- Item 12.6 Traffic Committee Meeting 21 June 2017
- Item 16.3 Revised Code of Meeting Practice that enables Council to implement Webcasting
- Item 16.4 End of Term Report
- Item 16.5 Investment Report – June 2017
- Item 17.1 Registration of Interest – Concession application for Rotary Club of Northbridge
- Item 17.2 Community Grant Application – Castlecrag Progress Association
- Item 18.2 6 Cleg Street, Artarmon – DA2013/92/C
- Item 18.3 Council Resourcing Strategy: Asset management Policy and Improvement Strategy
- Item 18.6 21 Euroka Street, Northbridge – Sale of Land
- Item 18.7 Deepwater Road, Castle Cove Streetscape Pilot Project
- Item 18.9 Review of Swimming Pool Barrier Inspection Policy

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- |            |  |
|------------|--|
| Item 18.11 | 32 Northcote Street, Naremburn – Land Classification – Affordable Housing Unit               |
| Item 18.13 | Variations to Development Standards (Use of Clause 4.6)                                      |
| Item 18.14 | Extension of NSROC Contract for the supply of Asphalt and Associated Works – Tender No 13/15 |
| Item 19.1  | Notice of Motion: Lowanna Park leash free area time set as 3pm to 11am                       |

be adopted in accordance with the recommendations in the reports.

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

## **11 MATTERS BROUGHT FORWARD BY THE PUBLIC**

- |            |   |
|------------|---|
| Item 12.3  | Naremburn Ward Councillors Inspection Committee Meeting – 318 Mowbray road, Artarmon – DA2016/385   |
| Item 18.1  | DA2016/422 – 1 Alto Place, Artarmon   |
| Item 18.4  | 12 Frederick Street, St Leonards Submission to Department of Planning & Environment in respect to two State Significant Development Applications for a Private Hospital |
| Item 18.8  | Castle Cove Golf Course – Lease   |
| Item 18.10 | 1 Hallstrom Close and 3 Coolawin Road – Sale of Land  |

## 12 REPORTS FROM COMMITTEES

### 12.1 WILLOUGHBY SENIORS' ADVISORY COMMITTEE MEETING HELD 9 MAY 2017

<b>ATTACHMENTS:</b>	<b>1. MINUTES - WILLOUGHBY SENIOR'S ADVISORY COMMITTEE - 9 MAY 2017</b> <b>2. REPORT - WILLOUGHBY SENIOR'S ADVISORY COMMITTEE - 9 MAY 2017</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>LOUISE GEAGHAN - DOUGHERTY COMMUNITY SERVICES GROUP LEADER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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#### **Purpose of Report**

To provide Council with the minutes of the Willoughby Seniors' Advisory Committee meeting held Tuesday 9 May 2017.

#### **RESOLUTION**

**That Council receive and note the minutes and report of the Willoughby Seniors' Advisory Committee meeting held Tuesday 9 May 2017.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**12.2 COMPANION ANIMALS ADVISORY COMMITTEE 16 MAY 2017**

<b>ATTACHMENTS:</b>	<b>1. MINUTES – COMPANION ANIMALS ADVISORY COMMITTEE – 16 MAY 2017</b>
<b>RESPONSIBLE OFFICER:</b>	<b>ANDREW PATTERSON – ACTING GOVERNANCE MANAGER</b>
<b>AUTHOR:</b>	<b>TEENA STRYDOM – GOVERNANCE ADMINISTRATION OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To provide Council with the minutes of the Willoughby City Council Companion Animals Advisory Committee meeting held 16 May 2017.

**RESOLUTION**

**That Council receive and note the minutes of the Willoughby City Council Companion Animals Advisory Committee meeting held 16 May 2017.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**12.3 NAREMBURN WARD COUNCILLORS INSPECTION COMMITTEE  
MEETING - 318 MOWBRAY ROAD, ARTARMON - DA2016/385**

<b>ATTACHMENTS:</b>	<b>1. MINUTES OF NAREMBURN WARD COUNCILLORS INSPECTION MEETING – 26 JULY 2017</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>DIMITRI GOTSIS – DEVELOPMENT ASSESSMENT OFFICER</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To list on the agenda the Minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 26 July 2017.

**Procedural Motion**

That Mary Gulevski (representing Mr K Gulevski) address the meeting:

**RESOLUTION**

That Council:

- 1. Receive the Minutes of the Naremburn Ward Councillors Inspection Committee Meeting held 26 July 2017, relating to DA2016/385 for alteration and additions to existing dwelling to create a nine (9) room boarding house.**
- 2. Note the resolution adopted by the Committee:**

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

***Raising of Ground Level***

*The rear open space of the site shall not be raised above its current natural level at any time without the prior consent of Council. (Reason: Privacy)*

**MOVED COUNCILLOR SLOANE**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Nil

**12.4 HAVEN AMPHITHEATRE COMMITTEE MEETING - 10 MAY 2017**

<b>ATTACHMENTS:</b>	<b>1. MINUTES - HAVEN AMPHITHEATRE COMMITTEE - 10 MAY 2017</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH - COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD - OPEN SPACE CO-ORDINATOR</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.4 ART AND CULTURAL ACTIVITIES PROVIDE ENRICHING OPPORTUNITIES FOR PEOPLE</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2016</b>

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**Purpose of Report**

To provide Council with the minutes of the Haven Amphitheatre Committee meeting held 10 May 2017.

**RESOLUTION**

**That Council receive and note the minutes of the Haven Amphitheatre Committee meeting held 10 May 2017.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper



**12.5 BICYCLE CONSULTATIVE COMMITTEE MEETING - REPORT TO COUNCIL**

<b>ATTACHMENTS:</b>	<b>1. BICYCLE CONSULTATIVE COMMITTEE MINUTES OF 9 MAY 2017</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – INTERIM PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>GORDON FARRELLY – TRAFFIC AND TRANSPORT TEAM LEADER</b>
<b>CITY STRATEGY LINK:</b>	<b>4.2.1 INCREASED USE OF ACTIVE AND PUBLIC TRANSPORT</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To advise Council of the recommendations from the Bicycle Consultative Committee Meeting No. 2/ 2017 held on 9 May 2017.

**RESOLUTION**

**That Council receive and adopt the recommendations arising from the 9 May 2017 Bicycle Consultative Committee Meeting.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**12.6 TRAFFIC COMMITTEE MEETING 21 JUNE 2017**

<b>ATTACHMENTS:</b>	<b>1. TRAFFIC COMMITTEE MINUTES OF 21 JUNE 2017</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD – INTERIM PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>GORDON FARRELLY – TRAFFIC AND TRANSPORT TEAM LEADER</b>
<b>CITY STRATEGY LINK:</b>	<b>4.2.2 BALANCE TRAFFIC MANAGEMENT</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To advise Council of the recommendations from the Traffic Committee Meeting held on 21 June 2017.

**Recommittal Motion**

**That Council recommit Item 12.6: Traffic Committee Meeting 21 June 2017.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR HILL**

**CARRIED**

**Voting**

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

**Against:** Nil

**RESOLUTION**

**That Council:**

- 1. Receive and adopt the recommendations arising from the 21 June 2017 Traffic Committee Meeting with the exception of Item 4.5: Sortie Port and Bastion, Castlecrag – Regulatory Signposting**
- 2. Resubmit Item 4.5 of the Minutes of 21 June 2017 to the Traffic Committee for further consideration and wider consultation.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR HILL**

**CARRIED**

**Voting**

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

**Against:** Nil

**13 DEFERRED MATTERS**

NIL

## 14 CORRESPONDENCE

### 14.1 COUNCILLORS' INFORMATION BOOKLETS - 25 JULY AND 1 AUGUST 2017

**RESPONSIBLE OFFICER:** BEN WICKS – ACTING CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** RITA WOLOW – EXECUTIVE ASSISTANT

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

**MEETING DATE:** 8 AUGUST 2017

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#### **Purpose of Report**

To list on the Council Agenda the weekly Councillors' Information booklets, circulated to all Councillors on 25 July and 1 August 2017.

#### **RESOLUTION**

**That Council receive the Councillors' Information Booklets circulated to all Councillors on 25 July and 1 August 2017.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

## 15 REPORTS FROM OFFICERS - GENERAL MANAGER

### 15.1 DOUGHERTY APARTMENTS RETIREMENT HOUSING PROJECT - NEW CONSTITUTION

<b>ATTACHMENTS:</b>	<b>1. NEW CONSTITUTION FOR DOUGHERTY APARTMENTS RETIREMENT HOUSING PROJECT</b> <b>2. COUNCIL RESOLUTION FROM MEETING HELD 24 OCTOBER 2016</b>
<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>DEBRA JUST – GENERAL MANAGER</b> <b>LINO DI LERNIA</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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#### **Purpose of Report**

The report presents for Council's consideration and endorsement, the new Constitution for the Dougherty Apartments Retirement Housing Project, and the process for endorsing a new member if required during the caretaker period.

#### **MOTION**

**That Council:**

- 1. Approve for adoption the draft constitution of Dougherty Apartments Retirement Project Ltd identified as being “ draft 17.7.2017 further amended by MTP 17.07.2017 and 24.07.2017 being document p93 of McLachan Thorpe Partners, Lawyers”, being the last document forwarded to Council Solicitors on 28 July 2017 at 5.05pm. It is advised that a copy of this draft is Annexure 1 to item 15.1 of the Council papers for the meeting dated 7 August 2017, and**
- 2. Approve the appointment of ‘BaptistCare’ as a member in Dougherty Apartments Retirement Project Ltd to fill the vacancy left by Uniting Care.**

**MOVED COUNCILLOR COPPOCK**

**SECONDED COUNCILLOR WRIGHT**

**WITHDRAWN**

**RESOLUTION**

That Council:

1. **Convene a meeting within seven days with a view to approving the New Constitution for the Dougherty Apartments Retirement Housing Project in substantially the form presented in Attachment 1, with the finalisation of the constitution in relation to outstanding matters to be delegated to the Council's Member Representative and the General Manager.**
2. **Request a due diligence briefing within seven days from the Dougherty Apartments Board to Council's Member Representative and Council's General Manager prior to endorsement of a new Member to the Dougherty Company should one be proposed during the caretaker period.**
3. **Note the intent of both Council and the Dougherty Apartment Board to review the relationship between, and priority of, the Tripartite Agreement and the revised constitution following the adoption of a new constitution and a new Member to the Company.**

**MOVED COUNCILLOR COPPOCK**

**SECONDED COUNCILLOR WRIGHT**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Norton

Due to Councillor Norton declaring a non-pecuniary substantial interest in Item 15.1: Dougherty Apartments Retirement Housing Project – New Constitution, due to being a member of the Dougherty Board appointed by Council she withdrew from the meeting taking no part in the discussion or voting on this topic.

**15.2 'EASY TO DO BUSINESS' PROGRAM SERVICE PARTNERSHIP WITH SERVICE NSW**

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<b>ATTACHMENTS:</b>	<b>1. ONE PAGE- 'EASY TO DO BUSINESS'</b>
<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>MUSTAFA GHULAM – HEAD OF BUSINESS IMPROVEMENT</b>
<b>CITY STRATEGY LINK:</b>	<b>5.1.1 LOCAL BUSINESS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To seek Council approval for Willoughby City Council joining 'Easy to do Business' Program in partnership with Service NSW.

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

- 1. Approve Willoughby City Council joining 'Easy to do Business' Program in partnership with Service NSW.**
- 2. Delegate the relevant customer service function related to the administration of 'Easy to do Business' initiative to the Chief Executive Officer, Service NSW in accordance with the Service Partnership Agreement as required under the Service NSW (One-stop Access to Government Services) Act 2013.**
- 3. Delegate authority to the General Manager to execute any partnership documents and to undertake all actions necessary to give effect to this resolution.**

**MOVED COUNCILLOR ERIKSSON****SECONDED COUNCILLOR COPPOCK****CARRIED****Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper



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

### 16.1 COUNCIL RESOURCING STRATEGY: WORKFORCE PLAN

ATTACHMENTS:	1. WORKFORCE PLAN JUNE 2017 (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	BEN WICKS – ACTING CUSTOMER & CORPORATE DIRECTOR AND HEAD OF THE GENERAL MANAGER’S OFFICE
AUTHOR:	CHRISTINE DAVIS – STRATEGIC HUMAN RESOURCES MANAGER
CITY STRATEGY LINK:	6.3.3 COUNCIL HAS AN APPROPRIATELY TRAINED, SKILLED AND SUPPORTED WORK FORCE
MEETING DATE:	7 AUGUST 2017

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#### Purpose of Report

To submit the Workforce Plan for adoption by Council. The report is required to address the human resourcing requirements of Council’s Delivery Program.

#### RESOLUTION

That Council adopt the Workforce Plan June 2017 noting the following corrections:

1. Page 38 – the table refers to 228 full-time staff for the Financial Year 15/16. This should read “328”.
2. Page 29 – commentary refers to “most baby boomers will have retired by 2020”. Cite the reference and add commentary as to whether that is reflected in our workforce.

MOVED COUNCILLOR NORTON

SECONDED COUNCILLOR SAVILLE

**CARRIED**

#### Voting

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

**Against:** Nil

**16.2 COUNCIL RESOURCING STRATEGY: LONG TERM FINANCIAL PLAN  
2017-2027**

<b>ATTACHMENTS:</b>	<b>1. LONG TERM FINANCIAL PLAN</b>
<b>RESPONSIBLE OFFICER:</b>	<b>BEN WICKS – ACTING DIRECTOR CUSTOMER &amp; CORPORATE</b>
<b>AUTHOR:</b>	<b>MICHAEL DUFFY – CHIEF FINANCIAL OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To adopt Council's Long Term Financial Plan 2017-2027.

**MOTION**

That Council adopt the *Long Term Financial Plan 2017-2027* incorporating all activities of the *2013-2017 Delivery Program*.

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

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

**Against:** Councillor Saville

**16.3 REVISED CODE OF MEETING PRACTICE THAT ENABLES COUNCIL TO IMPLEMENT WEBCASTING**

<b>ATTACHMENTS:</b>	<b>1. MAYORAL MINUTE 13 JUNE 2017 2. REVISED CODE OF MEETING PRACTICE TO ENABLE WEBCASTING</b>
<b>RESPONSIBLE OFFICER:</b>	<b>BEN WICKS – ACTING CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>VLADIMIR GREPL – GOVERNANCE OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

For Council to consider adopting a revised Code of Meeting Practice and implementation of webcasting.

**RESOLUTION**

**That Council:**

- 1. Adopt the revised Code of Meeting Practice that contains provisions making possible webcasting at Willoughby City Council; and**
- 2. Re-allocate \$35,000 from first quarter budget review for 2017/2018 to implement webcasting.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**16.4 END OF TERM REPORT**

<b>ATTACHMENTS:</b>	<b>1. END OF TERM REPORT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To provide Council with the End of Term Report in accordance with the Integrated Planning and Reporting guidelines.

**RESOLUTION**

**That Council note the End of Term Report**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**16.5 INVESTMENT REPORT - JUNE 2017**

<b>ATTACHMENTS:</b>	<b>1. COUNCIL'S INVESTMENT HOLDINGS 2. COUNTERPARTY CHART</b>
<b>RESPONSIBLE OFFICER:</b>	<b>BEN WICKS – ACTING DIRECTOR CUSTOMER &amp; CORPORATE</b>
<b>AUTHOR:</b>	<b>BILL LOFTHOUSE FINANCIAL ACCOUNTANT</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To detail the Council Bank balances and Investment portfolio performance as at 30 June 2017.

**RESOLUTION**

**That Council receive the Statement of Bank Balances and Investment Holdings for June 2017.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

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

### 17.1 REGISTRATION OF INTEREST - CONCESSION APPLICATION FOR ROTARY CLUB OF NORTHBRIDGE

**RESPONSIBLE OFFICER:** MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR

**AUTHOR:** ROZ NEVILLE – WILLOUGHBY LEISURE TEAM LEADER

**CITY STRATEGY LINK:** 1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY

**MEETING DATE:** 7 AUGUST 2017

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#### **Purpose of Report**

To seek Council's approval for a 100% (Category D) concessional rate of hire for the Rotary Club of Northbridge hire of Northbridge Bowling Club for a Bridge Day event on Monday 31 August 2017.

#### **RESOLUTION**

**That Council approve a 100% (Category D) concessional rate of hire at a value of \$636 for the Northbridge Bridge Day Event held by the Rotary Club of Northbridge.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

#### **Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**17.2 COMMUNITY GRANT APPLICATION - CASTLECRAG PROGRESS ASSOCIATION**

<b>RESPONSIBLE OFFICER:</b>	<b>MELANIE SMITH – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHAEL CASHIN – COMMUNITY LIFE MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.1.1 THE COMMUNITY CAN PARTICIPATE IN CITY LIFE</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To seek Council endorsement of a first quarter budget transfer of \$2,946 from the 2017/18 Community Development 1A grant budget to 2017/18 Event Seed Funding grant budget.

To seek Council's endorsement of the Officer's recommendations for an out of term application for grant funds through Council's 2017/18 Community Small Grants Program – Event Seed Funding from Castlecrag Progress Association.

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

- 1. Endorse a first quarter budget transfer of \$2,946 from the 2017/18 Community (Small) Grants Program budget to the 2017/18 Event Seed Funding grant budget.**
- 2. Endorse the Officer's recommendations for the distribution of \$2,946 of grant funds through the 2017/18 Community Small Grants Program – Event Seed Funding. Recommended Applicant; Castlecrag Progress Association – *The Biennial Castlecrag Community Fair - \$2,946.***

**MOVED COUNCILLOR ERIKSSON****SECONDED COUNCILLOR COPPOCK****CARRIED****Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

## 18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

### 18.1 DA 2016/422 - 1 ALTO PLACE ARTARMON

**ATTACHMENTS:**

1. NOTIFICATION MAP
2. DEVELOPMENT STATISTICS
3. SEPP 64 ASSESSMENT & PART G.5 OF THE WDCP
4. NEIGHBOUR NOTIFICATION ISSUES
5. PLANS & ELEVATIONS (PROVIDED SEPARATELY)

**MEETING DATE:** 7 AUGUST 2017

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**RECOMMENDATION:** APPROVAL

**LOCATION:** 1 ALTO PLACE ARTARMON

**APPLICANT:** ALTOMONTE ARTARMON PTY LTD

**OWNER:** ALTOMONTE ARTARMON PTY LTD

**PROPOSAL:** CONSTRUCTION OF A NEW MOTOR VEHICLE SERVICING AND REPAIR FACILITY COMPRISING 5 STOREYS AND ASSOCIATED SIGNAGE.

**DATE OF LODGEMENT:** 26-OCT-2016

**REPORTING OFFICER:** POOJA CHUGH – DEVELOPMENT ASSESSMENT OFFICER

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

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### DESCRIPTION OF PROPOSAL

Development Application DA-2016/422 seeks Council's consent for the construction of a new motor vehicle servicing and repair facility comprising five (5) storeys and associated signage at 1 Alto Place, Artarmon. A detailed description of the proposal is as follows:

- Construction of a new motor vehicle servicing and repair facility comprising five (5) storeys with a basement level;
- 3,484.7m<sup>2</sup> in gross floor area including 484m<sup>2</sup> in office space;
- 56 work bays and 254 car parking spaces;
- Signage on the Street elevation of the development, including:
  - Two (2) x logos and identification signs on the front façade of the building along Alto Place;
  - One (1) x logo on the Eastern façade of the building;
  - One (1) x logo on the North-eastern façade of the building;
- Hours of operation 6:00am to 7:00pm Monday to Saturday, 8.30am to 5.30pm on Sundays (operation of car-parking and car washing facilities only); and
- Thirty six (36) staff.



## Procedural Motion

That the following people address the meeting:

- Justin White
- George Altomonte – applicant
- Ralph Fitzgerald

## RESOLUTION

That Council:

1. Approve Development Application No. DA2016/422 for the construction of a new motor vehicle servicing and repair facility comprising five (5) storeys and associated signage at 1 Alto Place, Artarmon.
2. Grant delegated authority to the General Manager to issue the consent notice subject to the schedule of conditions with the following amendments:
  - a) Item 2 Roads and Maritime Services (RMS) point j. At the end of the sentence after “Leased for LCT” add the words “unless the developer first obtains RMS approval”.
  - b) Item 3 LCT-MRE /Transurban Requirements point C Impact on Lane Cove Tunnel Infrastructure. In C1 at the end of the first sentence after “in favour of RMS” add the words “without the developer first obtaining the consent of RMS”.
  - c) In C3 in the first sentence after the words “(including the Lane Cove Tunnel) add the words “unless first approved by RMS and LCT”.

**MOVED COUNCILLOR COPPOCK**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

### Voting

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

**Against:** Nil

## SCHEDULE OF CONDITIONS

### CONDITIONS OF CONSENT:

**DA-2016/422 - 1 Alto Place, ARTARMON NSW 2064.**

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 consent plans electronically stamped by Council:

Type	Plan No.	Issue No	Plan Date	Plan Received Date	Prepared by
Architectural Plans	ADA-100	A	24 October 2016	8 June 2017	South Water Design Architects
	ADA-102	B	6 April 2017		
	ADA-200	B	19 April 2017		
	ADA-201				
	ADA-202				
	ADA-203				
	ADA-204				
	ADA-205				
	ADA-300	A	20 September 2016		
	ADA-301				
	ADA-350	B	19 April 2017		
	ADA-351				
	ADA-352				
ADA-457	A	22 October 2016			
ADA-506	A	20 September 2016			
Stormwater Plans	820001-CI-DA-1000	2	8 June 2017	9 June 2017	Cardno
	820001-CI-DA-1001				
	820001-CI-DA-1005				
	820001-CI-DA-1010				
	820001-CI-DA-1011				
	820001-CI-DA-1020				
	820001-CI-DA-1040				
	820001-CI-DA-1041				
	820001-CI-DA-1050				

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)

## 2. Roads and Maritime Services (RMS)

The development shall ensure compliance with the following requirement of the RMS:

- a. The subject property is, in part, limited in stratum in the manner described on the Deposited Plans 1114915 & 1147169.
- b. The subject property is affected by an easement for rock anchors of variable width in the manner described on Deposited Plan 1114915 & 1147169.
- c. The proposed buildings and structures are to be erected clear of the land owned by RMS and Lane Cove Tunnel and the identified easement. Access to the RMS easement is not denied to the development providing the integrity of the Lane Cove Tunnel & easement is not compromised.
- d. **The proponent to confirm with RMS Motorways & Lane Cove Tunnel the boundaries of the development site.**
- e. In regards to the proposed building, the developer needs to take into consideration of reflectivity and the associated potential impact to motorists. Internal and external lighting arrangements also need to consider light spill on the motorway.
- f. The permanent stormwater arrangement must not discharge or add to the existing Lane Cove Tunnel stormwater. Any air discharge from the facility must not unduly impact the Lane Cove Tunnel air quality.
- g. The developer is to provide a detailed construction methodology with regards to the following elements to LCT-MRE Pty Ltd;
  - Sedimentation and erosion control and water run off
  - Hoarding construction and location
  - Tower crane proximity to motorway, working radius and exclusion zones
  - How they propose to work in such close proximity to the motorway tunnel and portal
- i. LCT -MRE Pty Ltd must be consulted throughout design development, particularly around the monitoring regime during construction (e.g. delap surveys, ongoing stability and geotech monitoring) within the tunnel and other motorway assets and any temporary works designs that have potential to impact the motorways and any proposed piling adjacent or on top of the existing tunnel.
- j. Any new piles, not already approved, must be wholly within the Developer’s lot and must not encroach onto RMS land Leased for LCT.

- k. Where new piles are to be located within the rock anchor easement shown in note (S), DP 1114915, in favour of RMS, the Developer is to seek RMS approval to install the new piles and coordinate with RMS for the extinguishing of the easements at the location of each new pile. The Developer is to ensure the integrity of the rock bolts is maintained at all times.

(Reason: Safety and Compliance)

### **3. LCT-MRE / Transurban Requirements**

#### **A Interface Agreement**

Prior to the issue of a construction certificate, the Developer is required to enter into an agreement with LCT and RMS to manage the interface between the Building and the Lane Cove Tunnel (Interface Agreement). The Interface Agreement should deal with matters including, but not limited to:

- Geotechnical issues, including performing dilapidation surveys and ongoing monitoring;
- Construction methodology and requirements to ensure the ongoing integrity, safety and operation of the Lane Cove Tunnel;
- Drainage, security and other design issues to ensure no. impact to the Lane Cove Tunnel infrastructure;
- Compliance with Work Health & Safety Requirements;
- Conditions for construction access and site access to Lane Cove Tunnel infrastructure and assets;
- Noise and vibration issues, including any buffer areas;
- The independent verification of design and construction work, including temporary works; and
- Risk management, including allocation of risk and responsibility between the parties.

#### **B Verification of Building Works**

The Developer must engage a qualified, independent third party verifier to determine and validate all key milestones in the pre-construction and construction phases of the Building, and the independent third party verifier must provide reports to LCT and RMS at each stage of the Proposal until completion of the Building.

#### **C Impact on Lane Cove Tunnel Infrastructure**

- C1. No temporary or permanent infrastructure is to be constructed on any part of the Land or other land for which an easement has been granted in favour of RMS. LCT and RMS are to be consulted prior to issue of a construction certificate to ensure that appropriate clearances from the Lane Cove Tunnel structures are provided to allow for inspection and maintenance of those structures.
- C2. Any activity that has the potential to affect: any Lane Cove Tunnel infrastructure or asset, such as piling activities, shall be investigated for structural integrity and the Developer must provide confirmation from a qualified, independent third party that the piles are safe and fit

for the purpose of supporting the Building and will not cause damage to any Lane Cove Tunnel infrastructure or asset. If any new structures or footings are required near or adjacent to the Lane Cove Tunnel infrastructure, then LCT and RMS approval must be obtained at the preliminary and detailed design stages.

- C3. The Developer must engage a qualified, independent third party to prepare a pre-construction dilapidation report detailing the current structural condition of all existing infrastructure and roads (including the Lane Cove Tunnel) within the 'zone of influence' to be agreed with LCT and RMS. This zone is to include areas impacted by excavations and piling activities associated with the Proposal. The report shall be submitted to LCT and RMS for consideration before a construction certificate is issued.
- C4. The Developer must ensure:
- i. The building has adequate fire protection and exhaust systems such that heat, smoke and exhaust from the Building do not endanger the Lane Cove Tunnel infrastructure or assets; and
  - ii. That any discharge from the Building during construction and ongoing operational services in the Building does not impact the air quality or the stormwater drainage system of the Lane Cove Tunnel.
- C5. Any activities in relation to the construction of the Building and the maintenance of the Building in the future must not require any closure of the Lane Cove Tunnel or adversely affect the flow of traffic in or out of the Lane Cove Tunnel. The Developer is required to prepare a Construction Traffic Management and Access Plan in consultation with LCT and RMS prior to the issue of a construction certificate to address transport and access issues.

#### **D Safety and Design**

- D1. The Building is to be designed to prevent any falling object from impacting adversely on the Lane Cove Tunnel, motorists on the Lane Cove Tunnel or members of the public during construction and ongoing operations and maintenance (e.g. external window cleaning). A construction plan for the Building is to be reviewed by LCT and RMS to ensure that Work Health and Safety requirements are met during the construction phase.
- D2. The Developer must obtain a report from a qualified, independent third party demonstrating that the proposed external finishes and the internal and external lighting arrangements at the Building will not threaten the safety of motorists on the Lane Cove Tunnel. Assessment of the potential effects of the Building on the reflectivity and glare environment in the surrounding area is to be undertaken and submitted to LCT and RMS for review prior to the issue of a construction certificate.
- D3. The Developer must comply with any direction from LCT or RMS in relation to any advertisement that is visible to motorists on the Lane

Cove Tunnel, including any direction from LCT or RMS to remove any advertisement that may distract or endanger such motorists.

- D4. Prior to the issue of a construction certificate, the Developer must provide LCT and RMS with a:
- Detailed dust, noise and vibration control plan; and
  - Detailed erosion and sediment control plan for the development site which also addresses any water quality issues including discharge during construction, location or design of sediment basins and the location of any discharge points.

#### E **Costs and other Conditions**

- E1. The Developer will be responsible for:
- The engagement of, and all costs incurred in relation to, any third party required to inspect and or provide reports in relation to the Proposal or the Building; and
  - Reasonable costs incurred by LCT in relation to the Proposal, including preparing the Interface Agreement.
- E2. Any other conditions that are reasonable to ensure the integrity, safety and operation of the Lane Cove Tunnel.  
(Reason: Safety and Compliance)

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

#### **4. Section 94A Contributions**

Prior to the issue of the Construction Certificate, a monetary contribution of **\$199,577.90** (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 \$19,957,790.00 at 3 February 2017 and the adopted Section 94A Contributions Plan.

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

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

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

Where:

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

**Lo** is the original levy

**Current index [BPI(EBA)]** is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works available at the time of review of the contribution rate

**Base index [BPI(EBA)]** is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works at the date of the proposed cost of development as above

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

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

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

(Reason: Statutory requirement)

## 5. **Interface Agreement**

Prior to the issue of a Construction Certificate, the Developer must enter into an Interface Agreement with LCT (Lane Cove Tunnel Operator) on terms and conditions that are acceptable to LCT and Roads and Maritime Services (RMS), in their absolute discretion.

(Reason: Safety and Compliance)

## 6. **External Finishes – Solar Absorptance**

The external roofing, glazing and walls of the proposed dwelling are to be of minimal reflectance so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Details demonstrating compliance are to be submitted with the Construction Certificate application.

(Reason: Visual amenity)

## 7. **Landscape Area**

The existing landscape area along the eastern side of the subject site shall be maintained in its current form. Plans demonstrating such shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: Amenity)

**8. Development near Lane Cove Tunnel Ventilation Stack**

A Site Specific Investigation Report prepared by a suitably qualified consultant demonstrating compliance with requirements of Part C.16.7 of the Willoughby Development Control Plan shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: Amenity and compliance)

**9. 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)

**10. Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$20000** (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 **\$160** (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)

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

Prior to the issue of the Construction Certificate, 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 Cardno. 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)



## 12. Basement Pumpout Drainage System

Prior to the issue of the Construction Certificate, 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)

## 13. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, 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)

## 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:

- Construction of concrete footpath (max. 2.5% crossfall) for:
  - o 1.5m wide concrete footpath connecting the existing footpath on Alto Place to the entrance of the building. Detailed long section and cross section in 5 metres intervals shall be provided.

- The construction of kerb and gutter for the full frontage including the location of the new pit and the levels. Detailed Long Section and cross-sections in 5 metre intervals shall be provided.
- The construction of a singular vehicular crossing (To be a minimum of 9m wide) on Alto Place to Willoughby Councils Specification. The crossfall of the footpath which form part of the crossing shall not exceed 2.5%. Crossings shall be designed in accordance with Council's standard drawing SD105 and specification.
- Details of the new stormwater works required as a result of relocating the stormwater pit, this includes all new pit and pipe details, locations, sizes, depth of cover and invert levels.

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

Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road prior to the issue of any Construction Certificate.

(Reason: Ensure compliance)

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

Prior to the issue of a Construction 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 the architectural drawings and the structural drawings, and must make specific reference to the following:

- a) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- b) That a maximum gradient of 5% is provided for the first 6 metres from the property boundary to the basement.
- c) That the proposed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction is provided which complies with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities and the access path leading to these spaces, which complies with Section 2.4 of AS2890.6.
- f) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.
- g) That the headroom clearance of minimum 4.5 metres has been provided for the loading area for medium rigid vehicles which complies with AS2890.2.

(Reason: Ensure Compliance)

## 16. Traffic Management Plan

Prior to issue of the Construction Certificate, 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 RMS accredited consultant.
- b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the RMS's Traffic Control at work site manual.
- c) 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.
- d) 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.
- e) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from 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.**

## 17. Site Management

A site Management Plan shall be submitted to and approved by the Certifying Authority prior to commencement of work. 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)

**18. Dilapidation Report of Council's Property**

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

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

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

**19. Dilapidation Report of Council's Property**

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development (Corner of Alto Place and Pacific Highway), 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 prior to commencement of work.  
(Reason: Protection of Council's infrastructure)

**20. 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)

## 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)

## **23. Application for Vehicle crossing**

Submit an application with fees to Council for the construction of a singular 9m wide plain concrete vehicular crossing.  
(Reason: Protection of public asset)

## **24. Spoil Route Plan**

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

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

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

### **25. 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)

## **26. 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)

## **27. 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. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

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

(Reason: Safety)

**28. Provide Erosion and Sediment Control**

Erosion and sediment control devices shall be provided wholly within the site 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)

**29. Demolition Work AS 2601-2001**

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.

(Reason: Safety)

**30. 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) At roof slab level indicating the level of that slab 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)

**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. 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)

### **33. Structures to Clear of Council's Drainage Infrastructure**

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

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

All proposed structures and construction activities shall be located clear of Council drainage pipes, drainage easements, watercourses and/or trunk overland flow paths on the site. Trunk or dedicated overland flow paths shall not be impeded or diverted by fill or structures unless otherwise approved by Council. In the event of a Council drainage pipeline being uncovered during construction, all work in the vicinity of the this area shall cease and the Certifying Authority and Council shall be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of public asses)

### **34. Loading and Unloading During Construction**

The following requirements apply:

- All loading and unloading associated with construction must be accommodated on site.
- The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

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

**35. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of a Final Occupation Certificate. An application must be made either directly to Sydney Water or through a Sydney Water accredited Water Service Coordinator. For details go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746.

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

**36. External Finishes – Minimal Reflectivity**

Prior to the issue of a Final Occupation Certificate, the external roofing of the proposed building is to be of dark, recessive colour to ensure minimal reflectivity so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings.

(Reason: Visual amenity)

**37. Street Number Display**

The street number at least 100mm high shall be clearly displayed prior to the issue of any Occupation Certificate.

(Reason: Information)

**38. 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)

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

Prior to the issue of the Final Occupation Certificate and 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)

**40. Identification of Car Parking Spaces**

Prior to the issue of any Occupation Certificate, the 254 car parking spaces shall be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.

(Reason: Amenity)

**41. Panel Beating Workbays**

The number of panel beating workbays located within the subject premises shall be in accordance with the plans endorsed by the subject Development Consent. Under no circumstances are any additional panel beating bays to be located on-site without the PRIOR CONSENT OF COUNCIL.

(Reason: Ensure Compliance)

**42. Spray Painting Booths**

The number of spray painting booths located within the subject premises shall be in accordance with the plans endorsed by the subject Development Consent. Under no circumstances are any additional spray painting booths are to be located on-site without the PRIOR CONSENT OF COUNCIL.

(Reason: Ensure Compliance)

**43. Vehicle Service Workbays**

The total number of vehicle service workbays located within the subject premises is restricted to fifty six (56). In this regard the fifty six (56) vehicle service workbays are to be physically identified on site by line marking PRIOR TO OCCUPATION. Under no circumstances are any additional vehicle service workbays to be located on site without the PRIOR CONSENT OF COUNCIL.

(Reason: Amenity and Ensure Compliance)

**44. Temporary Ground Anchors – Destressing**

Prior to the issue of any Occupation Certificate, 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)

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

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of via an approved Stormwater Management System in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

**46. Rainwater Re-use – Major**

Prior to the issue of any Occupation Certificate, the applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 12m<sup>3</sup> in accordance with the approved stormwater management plans by Cardno, 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)

**47. Confined Space Sign**

Prior to the issue of any Occupation Certificate, securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the On Site Detention and Rainwater Tanks.  
(Reason: Safe access to tank)

**48. Certification of OSD**

Prior to the issue of any Occupation Certificate, 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)

**49. Certification of Rainwater Reuse System**

Prior to the issue of any Occupation Certificate and upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify 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 is to be used for Washing Vehicles. 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".  
(Reason: Record or works)

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

Prior to the issue of any Occupation Certificate and 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)

**51. Works-As-Executed Plans - OSD**

Prior to the issue of any Occupation Certificate and 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)

**52. Works-As-Executed Plans – Rainwater Reuse**

Prior to the issue of any Occupation Certificate and 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)

**53. Documentary Evidence of Positive Covenant, Engineers Certificate**

Prior to the issue of any Occupation 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)

**54. Construction of Kerb & Gutter**

Prior to the issue of any Occupation Certificate, construct a 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.

(Reason: Public amenity)

**55. Reconstruct Pavement**

Prior to the issue of any Occupation Certificate, half the road pavement including any necessary associated works adjoining to the full frontage of the development site shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is  $3 \times 10^5$  ESA.

(Reason: Ensure compliance)

**56. Concrete Footpath**

Prior to the issue of any Occupation Certificate, construct a:

- a) 1.5m wide concrete footpath for the full frontage of the development site in Alto Place.

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

(Reason: Public amenity)

**57. Vehicular Crossing**

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

The crossing is to be 9 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 – 100mm above and parallel to the gutter invert.
- At property boundary – 200mm 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 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)

**58. 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)

**59. 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 prior to the issue of any Occupation Certificate.  
(Reason: Ensure compliance)

**60. Performance Bond**

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$10000 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)

**61. Turfing of Nature Strip**

Prior to the issue of any Occupation Certificate and in the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.  
(Reason: Public amenity)

**62. Vehicle Access - Construction & Certification**

Prior to the 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.
- d) All parking spaces are open type with no partitions.
- e) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- f) That the headroom clearance of minimum 2.2 metres has been provided between the basement floor and any overhead obstruction to comply with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- h) That the headroom clearance of minimum 2.5 metres has been provided to all parking spaces for people with disabilities and the access path to these spaces, to comply with Section 2.4 of AS2890.6.
- i) That the headroom clearance of minimum 4.5 metres has been provided for the loading area for medium rigid vehicles which complies with AS2890.2.
- j) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.

(Reason: Public amenity)

**63. Trade Waste Permit / Consent**

Prior to the issue of any Occupation Certificate, evidence of a Sydney Water permit or consent for the discharge of wastewater to the sewer shall be submitted to the Certifying Authority. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

(Reason: Environmental compliance and health)

**64. Spray Booths – Certification**

Prior to the issue of the Occupation Certificate for the spray booth, certification from a suitably qualified person that all work associated with the installation of the spray booths has been carried out in accordance with relevant Australian Standards.

(Reason: Environmental compliance and health)

**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.**



**65. 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)

**66. Motor Cycle Parking**

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

(Reason: Amenity)

**67. Cycle Racks**

The provision of three (3) bicycle lockers for the use of the workers. Where more than three bicycle lockers are provided for industrial uses, showers and change facilities must be provided.

(Reason: Amenity)

**68. Provision of Bicycle Racks**

Two (2) bike racks are to be provided for the use of cyclists.

(Reason: Amenity)

**69. Staff Car Spaces**

Eighteen (18) car spaces allocated to staff shall be physically identified on-site at all times. Under no circumstances are these spaces to be used for the storage of goods or waste products, or for car parking other than as specified.

(Reason: Ensure compliance)

**70. Loading and Unloading**

All loading and unloading of vehicles is to be conducted wholly within the site. These areas are to be maintained free of obstruction for the sole use of delivery vehicles.

Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Alto Place or from any appurtenant right of way.

(Reason: Access and amenity)

**71. Hours of Operation**

The hours of operation are to be restricted to those times listed below, i.e.:

Mondays to Saturdays	6.00am to 7.00pm
Sundays & Public Holidays	8.30am to 5.30pm for car storage and car washing only

Any variation to these hours is to be subject to the prior consent of Council.

(Reason: Amenity)

**72. Industrial - Office Use**

Office use areas being strictly confined to the areas designated on the approved plan and under no circumstances is it to be used or let independently or, additional office to be allocated elsewhere within the building without the prior consent of Council.  
(Reason: Ensure compliance)

**73. Industrial - Maintenance, Servicing, Repair or Painting Restriction**

The maintenance, servicing, repair, painting or fitting of tyres or accessories to motor vehicles or plant shall be carried out wholly within the premises. No vehicle or plant is to be allowed to stand or park in adjacent or nearby streets whilst under the control of the manager or staff of the premises.  
(Reason: Amenity)

**74. Site Lighting**

Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.  
(Reason: Amenity)

**75. Signs – Nuisance to Traffic**

Should the Council, the NSW Police Service or the Roads and Traffic Authority find any signage on the site causes a nuisance or danger to traffic or persons in the vicinity, the offending signage will be required to be removed at full cost to the business owner/occupier.  
(Reason: Safety and amenity)

**76. Loading and Unloading of Vehicles from Car Carriers in the Artarmon Industrial Area**

All loading and unloading of vehicles from car carriers associated with the delivery of vehicles to the site shall be conducted wholly within the site, or from within areas approved and signposted as "Loading Zones" and "Truck Zones" within the Artarmon Industrial Area. Under no circumstances shall loading/unloading activities be conducted from vehicles standing kerbside in any area not identified as a "Loading Zone" or "Truck Zone" or in breach of Road Rules 2008.

Loading and unloading from car carriers within a "Loading Zone" or "Truck Zone" shall only take place between the hours of 8pm and 5am any day.

The Road Rules 2008 for Loading Zones and Truck Zones (Rules 179 and 180) apply to car carriers which park in these zones. Car carriers may only stop in "Loading Zones" and "Truck Zones" to pick up or drop off vehicles, and are only permitted to park in a Loading Zone for a maximum of 30 minutes.  
(Reason: Safety, access and amenity)

**77. Consolidation of Allotments**

All individual allotments involved in the development site being consolidated into a single allotment as detailed in the development application, and evidence of the registration of the plan of consolidation to be submitted to Council PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE.  
(Reason: Ensure Compliance)

**78. 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)

**79. 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)

**80. 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)

**81. Road Closure**

Any closure (full or partial) of a public road is strictly prohibited without the approval of Council.

(Reason: Public protection)

**82. 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)

**83. 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)

**84. Pollution Prevention – Water**

The site shall be operated and maintained to ensure all environmental risks are minimised and managed to prevent pollution of the stormwater system in accordance with the Protection of the Environment Operations Act 1997 and any current Environment Protection Authority (EPA) requirements or guidelines.

(Reason: Environment Protection)

**85. Storage of Liquids**

All liquids, including oils and chemicals must be stored in a covered and bunded area. The bund is to be made of any impervious material and be large enough to hold the contents of the largest container plus 10% i.e. 110% the total stored volume.

Where applicable the construction of bunds must comply with the requirements of:

- a) Australian Standard AS 1940 2004: The storage and Handling of Flammable and Combustible Liquids;
- b) Australian Standard AS 4452 1997: The storage and Handling of Toxic Substances; &
- c) Storage and handling of Dangerous Goods Code of Practice 2005 StateCover NSW.

(Reason: Environmental protection)

**86. Spill Prevention and Control**

In order to ensure spill prevention and control, a ready supply of spill control and clean-up materials must be maintained and easily accessible at all times at the premise.

(Reason: Environmental protection)

**87. Operation of Spray Painting Booths**

All spray painting must be conducted in a StateCover NSW approved spray booth with an appropriate exhaust fan and filtration system. The filters must be maintained and/or replaced regularly according to the requirements of the manufacturer.

Operation of spray painting booths must be undertaken in accordance with AS/NZS 4114.2:2003, Spray painting booths, designated spray painting areas and paint mixing rooms – Installation and maintenance.

(Reason: Environmental protection and compliance)

**88. Stormwater Drainage Management**

Ensure that stormwater drains in or near the property carry clean rainwater only. Any other liquids or solids are considered a pollutant. Do not allow any wash water, food stuffs, grease, litter or other pollutants from business operations to get into the stormwater drains. Drains must be free of litter, leaves or any other foreign matter at all times.

(Reason: Environmental protection)

**89. Motor Vehicle Servicing, Maintenance and Repair**

The repair, servicing and maintenance of all vehicles must take place in an impervious bunded work bay drained to a holding tank or like device so that any liquid wastes produced from such repair, servicing or maintenance will be either:

- (a) retained for recycling or;
  - (b) disposed of in accordance with the requirements of Sydney Water.
- (Reason: Environmental protection)

**90. Vehicle Wash Bay**

The vehicle wash and detailing bays must be suitably treated to prevent the escape of wastewater or other products and shall be suitably drained to sewer. Vehicles shall only be washed within the approved wash bays.

(Reason: Environmental Protection)

**91. Waste Materials**

- a) All garbage bins must be regularly cleaned (every 3-6 months) and maintained in working order.
- b) No waste materials are to be stored outside the approved waste storage area.
- c) The garbage receptacles are not to be used for the disposal of any type of liquid waste.
- d) The transfer of all bins to roadside for collection and returning them back to the nominated bin area is the responsibility of the owner / caretaker of the building.

(Reason: Health and amenity)

**92. Removal of Trade Waste**

The building/business owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage shall be placed on the public footpaths, roadways, plazas, reserves at any time.

(Reason: Health and amenity)

**PRESCRIBED CONDITIONS**

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

**93. Compliance with National Construction Code**

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

(Reason: Compliance)

**STATUTORY REQUIREMENTS**

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

**94. 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)

**95. 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)

**96. 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 6 CLEG STREET, ARTARMON - DA 2013/92/C**

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

**MEETING DATE:** 7 AUGUST 2017

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**RECOMMENDATION:** APPROVAL

**LOCATION:** 6 CLEG STREET, ARTARMON

**APPLICANT:** MS INGRID HOOLE

**OWNER:** ZIPPARO HOLDINGS PTY LTD

**PROPOSAL:** S96 – MODIFICATIONS OF THE APPROVED  
CONSENT TO INCREASE THE NUMBER OF STAFF  
AND WORK ROOMS, EXTEND THE HOURS OF  
OPERATION AND ASSOCIATED FITOUT WORKS

**DATE OF LODGEMENT:** 17 FEBRUARY 2017

**VALID APPLICATION DATE:** 23 MAY 2017

**REPORTING OFFICER:** CHI WAI KONG - DEVELOPMENT PLANNER

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

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**DESCRIPTION OF PROPOSAL**

The S96 application seeks Council's consent to modify the approved development as follows:

- Modify Condition 18 to increase the number of sex workers on the premises at any one time from 5 to 15 and the hours of operation from 11:00am to 3:00am, 7 days a week to 24 hours a day and 7 days a week.
- Increase the number of work rooms from 7 to 9.
- Internal fitout for the additional 2 work rooms and associated works.

Condition 18 currently reads as follows:

*The hours of operation of the use are to be restricted to those times listed below, i.e.:*

*11:00am to 3:00am, seven days a week.*

*The number of sex workers, excluding the manager and administration staff/receptionist, on the premises at any one time shall not exceed five (5).*

*Any variation to the above is to be subject to the prior consent of Council.*

The applicant submitted additional information of on-street parking available in the locality and the peak work period of the subject business to justify the non-compliance with the car parking requirements under Willoughby Development Control Plan.

**RESOLUTION**

Approve the Section 96 Modification Application for DA-2013/92/C to increase the numbers of staff and work rooms, and extend the hours of operation at 6 Cleg Street, Artarmon.

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper



**CONDITIONS OF CONSENT:****SCHEDULE OF CONDITIONS****Development Consent 2013/92 is modified as follows:**

A. Condition No. 1 is amended to read as follows:

**Approved Plan/Details**

The development must be in accordance with the following plans:

Type	Plan No.	Revision/ Issue No.	Plan Date	Prepared by
Existing G/F plan lower level	A.01.1	C	15/05/2017	Daniel Denkov Design
Proposed G/F plan upper level	A.01.2			
Existing G/F plan upper level	A.01.3			

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)

B. Condition 4A is added to read as follow:

Architectural Plan drawing No, A.01.1 Issue C dated 15/05/2017 prepared by Daniel Denkov Design is to be amended to identify the car parking spaces as required by Condition 12.

C. Condition 18 is amended to read as follows:

**Hours of Operation and Number of Staff**

The hours of operation of the use are allowed to be conducted 24 hours a day, seven (7) days a week. However, the number of staff is restricted to:

- (a) Five (5) sex workers and three (3) administration staff on the premises at any one time between 7:00am and 5:00pm, Monday to Friday.
- (b) Fifteen (15) sex workers and three (3) administration staff on the premises at any one time between 5:00pm and 7:00am, Monday to Friday and 24 hours a day, Saturday, Sunday and public holiday.

Any variation to the above is to be subject to the prior consent of Council.

**(Reason: Amenity)**

D. Condition 31 is amended to read as follows:

The company people mover is to be provided for the transportation of staff to and from the site. Under no circumstances is the company people mover to involve the movement of customers to and from the site **without the prior consent of Council**.  
(Reason: Access and amenity)

E. Condition 36 is amended to include the following bullet point:

For staff security a company people mover is used to transport the staff to and from the site.

F. Condition 41 is amended to include the use of a company people mover to transport the staff to and from the site.

G. Comply with all other conditions of the original development consent.

**18.3 COUNCIL RESOURCING STRATEGY: ASSET MANAGEMENT POLICY AND IMPROVEMENT STRATEGY**

<b>ATTACHMENTS:</b>	<b>1. ASSET MANAGEMENT POLICY &amp; IMPROVEMENT STRATEGY (TO BE DISTRIBUTED SEPARATELY)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DAVID DI BIASE – PROPERTY &amp; CONSTRUCTION SERVICES MANAGER DAVID SUNG – DESIGN SERVICES MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>4.1.1 PLANNING, MAINTENANCE AND OPERATION OF INFRASTRUCTURE</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To present the 2017/18 Asset Management Policy, Improvement Strategy to Council for adoption.

**RESOLUTION**

**That Council adopt the Asset Management Policy Improvement Strategy and support its implementation.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**18.4 12 FREDERICK STREET ST LEONARDS SUBMISSION TO DEPARTMENT OF PLANNING & ENVIRONMENT IN RESPECT TO TWO STATE SIGNIFICANT DEVELOPMENT APPLICATIONS FOR A PRIVATE HOSPITAL**

- ATTACHMENTS:**
- 1. DRAFT SUBMISSION ON STATE SIGNIFICANT DEVELOPMENT 7543 PRIVATE HOSPITAL**
  - 2. DRAFT SUBMISSION ON STATE SIGNIFICANT DEVELOPMENT 8499 TOWER B AND ANCILLARY USES**
  - 3. PLANS FOR 7543 PRIVATE HOSPITAL (PROVIDED SEPARATELY)**
  - 4. PLAND FOR 8499 TOWER B (PROVIDED SEPARATELY)**

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

**AUTHOR:** DEBORAH SUTHERLAND – CONSULTANT PLANNER, CARDNO

**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.2.1

**MEETING DATE:** 7 AUGUST 2017

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### **Purpose of Report**

The purpose of this report is to advise Council on progress of two State Significant Development (SSD) Applications on the site known as 12 Frederick Street St Leonards and to seek Council's endorsement of draft submissions to the public exhibition of the Applications to the Department of Planning & Environment.

### **Procedural Motion**

Patrick Caruso was registered to speak but as the resolution carried unanimously he chose not to address the meeting.

### **Recommittal Motion**

That Council recommit Item 18.4: 12 Frederick Street, St Leonards Submission to Department of Planning & Environment in respect to two State Significant Development Applications for a Private Hospital as it was inadvertently carried when Her Worship the Mayor Councillor G Giles-Gidney was present.

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**RESOLUTION**

**That Council endorse the submissions to the Department of Planning & Environment in respect to State Significant Developments (SSD 7543 and SSD 8499) for the construction of a private hospital and ancillary uses at part 12 Frederick Street St Leonards.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR SLOANE**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Giles-Gidney

Due to Councillor Giles-Gidney declaring a non-pecuniary substantial interest in Item 18.4: 12 Frederick Street, St Leonards Submission to Department of Planning & Environment in respect to two State Significant Development Applications for a Private Hospital due to her relationship with the CEO of Dexus she withdrew from the meeting taking no part in the discussion or voting on this topic.

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

**18.5 SMOKE-FREE AREA**

<b>ATTACHMENTS:</b>	<b>1. CHATSWOOD CBD SMOKE FREE ZONES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MARK TAYLOR – COMPLIANCE UNIT MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>1.3.2 HEALTHY LIVING AND WELLBEING ARE ENCOURAGED</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To consider a proposal to extend the Chatswood CBD Smoke-Free Zone to include Post Office Lane.

**RESOLUTION**

That Council:

- 1. Resolve to extend the Chatswood CBD Smoke-Free Zone to include Post Office Lane.**
- 2. Proceed to erect and display signage under Section 632 of the Local Government Act, 1993 that notifies of the smoke-free restrictions, within conspicuous locations within Post Office Lane.**
- 3. Proceed to conduct an education programme over a period of three (3) months to raise public awareness of the extension of Chatswood CBD Smoke-Free Zone to include Post Office Lane, prior to the commencement of enforcement of the restrictions.**

**MOVED COUNCILLOR WRIGHT**

**SECONDED COUNCILLOR SAVILLE**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.6 21 EUROKA STREET, NORTHBRIDGE - SALE OF LAND**

<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANNA VECCHIO – PROPERTY LEASING OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.3.1 COUNCIL MAINTAINS A STRONG SUSTAINABLE FINANCIAL POSITION</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To obtain Council's consent for the sale of the Drainage Reserve at 21 Euroka Street, Northbridge.

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

- 1. Undertake the mandatory notification of its intention to sell Lot 27 in DP 7349 and subject to no objections being received Council proceed with the sale of the subject land to the adjoining owner at 21 Euroka Street, Northbridge.**
- 2. Sell the land via a contract of sale with a requirement that the land be subject to a restrictive covenant which would prevent the new owners from selling the land separately and a positive covenant requiring the consolidation of the land with the owner's adjoining Lot.**
- 3. Recover all costs incurred in relation to the sale of the land, including GST payable on the contract of sale, registration of easements and preparation of plans be paid by the purchaser.**
- 4. Authorise the General Manager and Mayor to execute and affix Council's seal to all documentation associated with the sale and consolidation of Lot 27 DP 7349.**

**MOVED COUNCILLOR ERIKSSON****SECONDED COUNCILLOR COPPOCK****CARRIED****Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**18.7 DEEPWATER ROAD, CASTLE COVE STREETScape PILOT PROJECT**

<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DAVID SUNG – DESIGN SERVICES MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>5.1.1 LOCAL BUSINESS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To present to Council a review of streetscape improvement works for the Deepwater Road, Castle Cove Shops.

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

- 1 Note the application of major and minor categories to the streetscape category in line with the treatment of other projects and capital works prioritisation categories and that it will be fully completed for the 2018/19 budget process.**
- 2 Note the allocation of \$10,000 as part of the 2017/18 budget for the development of a streetscape plan for the Deepwater Road, Castle Cove shops.**
- 3 Endorse the allocation of up to \$140,000 from s94A at the first Quarterly Review process for 2017/18 for the purpose of enhancing the Deepwater Road, Castle Cove streetscape and trialling the equitable enhancement of shopping precincts throughout the City.**

**MOVED COUNCILLOR ERIKSSON****SECONDED COUNCILLOR COPPOCK****CARRIED****Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper



**18.8 CASTLE COVE GOLF COURSE - LEASE**

<b>ATTACHMENTS:</b>	<b>1. CURRENT LEASE 2. PROPOSED DRAFT LEASE TEMPLATE 3. FINANCIAL REPORT FYE 30 JUNE 2015 4. REPORT TO COUNCIL 27 MAY 2013 5. VALUATION ADVICE</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>KEN SHELSTON – PROJECTS OFFICER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To approve the public exhibition of a draft lease negotiated at terms and conditions to the satisfaction of the General Manager for a five year plus five year option with Castle Cove Country Club for the Castle Cove Golf Course.

**Procedural Motion**

That John Rumpler – Treasurer – Castle Cove Country Club Board address the meeting:

**MOTION**

That Council negotiate a new lease for the Castle Cove Golf Course and the lease be brought back to Council for consideration.

**MOVED COUNCILLOR HOOPER**

**LAPSED FOR WANT OF SECONDER**

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

1. **Negotiate a more commercial approach to the new lease for the Castle Cove Golf Course which realises a balance between a fair return to the community while enabling active golf and tennis uses by clubs and associations and compatible passive recreation.**
2. **Authorise the General Manager to negotiate a draft lease with the Club in accord with the matters outlined in this report and that the draft lease be placed on exhibition in accordance with the *Local Government Act 1993*.**
3. **Request that a report on the outcomes of the public exhibition process be reported back to a future Council meeting, along with the recommended final lease, for its consideration.**

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

**18.9 REVIEW OF THE SWIMMING POOL BARRIER INSPECTION POLICY**

<b>ATTACHMENTS:</b>	<b>1. CURRENT SWIMMING POOL BARRIER INSPECTION POLICY</b> <b>2. REVISED SWIMMING POOL BARRIER INSPECTION POLICY</b> <b>3. INSPECTION TRIGGERS SUMMARY</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - INFRASTRUCTURE &amp; PLANNING DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT - PLANNING MANAGER</b> <b>GREG PATTEN – PLANNING PROCESS SPECIALIST</b>
<b>CITY STRATEGY LINK:</b>	<b>1.3.2 HEALTHY LIVING</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To advise Council of the recent amendments to the *Swimming Pools Regulation 2008*; outline recent developments in the accreditation of private certifiers and seek Council's endorsement of the revised Swimming Pool Barrier Inspection Policy

**RESOLUTION****That Council**

- 1. Endorse the revised Swimming Pool Barrier Inspection Policy which updates the policy to be consistent with recent legislative change and removes the requirement for auditing and random inspections of swimming pool barriers.**
- 2. Delegate authority to the General Manager to amend the Draft Swimming Pool Policy to align with Council's current Policy Template.**

**MOVED COUNCILLOR ERIKSSON****SECONDED COUNCILLOR COPPOCK****CARRIED****Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**18.10 1 HALLSTROM CLOSE AND 3 COOLAWIN ROAD - SALE OF LAND**

<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SALLY KIPIC – PROJECT OFFICER – PROPERTY &amp; CONSTRUCTION</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To advise Council that a further joint request from land owners adjoining an unused drainage reserve between 1 Hallstrom Close, and 3 Coolawin Road, Northbridge has been received requesting Council again consider the sale of the land.

**Procedural Motion**

**Christopher Cahill was registered to speak but as the resolution was carried unanimously he chose not to address the meeting.**

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

- 1. Undertake the mandatory notification of its intention to sell Lot 28 DP 12890 and subject to no objections being received Council proceed with the sale of the subject land to the adjoining owners.**
- 2. Prepare a draft plan of subdivision for consolidation with the adjoining lots and sell the “proposed” Lots to the adjoining owners in an “off the plan” contract.**
- 3. Ensure that all costs associated with the subdivision and any associated expenses, including GST payable on the contract of sale and preparation of plans be paid by the purchasers.**
- 4. That the General Manager and Mayor be authorised to execute and affix Council’s seal to all documentation associated with the sale and subdivision of Lot 28 DP 12890.**

**MOVED COUNCILLOR ERIKSSON****SECONDED COUNCILLOR COPPOCK****CARRIED****Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**18.11 32 NORTHCOTE STREET, NAREMBURN - LAND CLASSIFICATION - AFFORDABLE HOUSING UNIT**

**RESPONSIBLE OFFICER:** GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** SALLY KIPIC – PROJECT OFFICER LEASING

**CITY STRATEGY LINK:** 3.1.1 PLAN FOR HOUSING CHOICE

**MEETING DATE:** 7 AUGUST 2017

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**Purpose of Report**

To seek Council's approval to classify an affordable housing unit transferred to Council by the developer of 32 Northcote Street, Naremburn, as Operational Land.

**RESOLUTION**

**That Council resolve to classify Lot 4 / SP 94584 being an affordable housing unit, as Operational Land under the provisions of the *Local Government Act 1993*.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**18.12 654 PACIFIC HIGHWAY CHATSWOOD - AFFIXING COUNCIL'S SEAL FOR THE DEDICATION OF LAND FOR ROAD WIDENING OF OLIVER ROAD AND FREEMAN ROAD**

**ATTACHMENTS:** 1. PLAN OF CONSOLIDATION (LAND DEDICATION)

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

**AUTHOR:** JULIET STOKES – DEVELOPMENT ASSESSMENT OFFICER

**MEETING DATE:** 7 AUGUST 2017

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**Purpose of Report**

To seek Council's Consent to affix Council Seal for the dedication of land for road widening of Oliver Road and Freeman Road.

**RESOLUTION**

**That Council authorise the Mayor and General Manager to affix the seal of Council to the instrument for land dedication for road widening of Oliver Road and Freeman Road in accordance with condition 8 of Development Consent 2016/18.**

**MOVED COUNCILLOR SAVILLE**

**SECONDED COUNCILLOR NORTON**

**CARRIED**

**Voting**

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

**Against:** Nil

**18.13 VARIATIONS TO DEVELOPMENT STANDARDS (USE OF CLAUSE 4.6)**

<b>ATTACHMENTS:</b>	<b>1. LIST OF APPLICATIONS WITH VARIATIONS TO DEVELOPMENT STANDARDS QUARTER 4</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

The attached schedule lists all development applications determined during the third Quarter from 1 April 2017 to 30 June 2017 with variations in development standards as reported to the Department of Planning and Infrastructure.

**RESOLUTION**

**That Council note the applications with variations to development standards in the fourth quarter.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**18.14 EXTENSION OF NSROC CONTRACT FOR THE SUPPLY OF ASPHALT AND ASSOCIATED WORKS - TENDER NO. 13/15**

<b>RESPONSIBLE OFFICER:</b>	<b>GREG MCDONALD - PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>PAUL COLLINGS – WORKS MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

To seek Council's approval to extend the current NSROC Asphalt and Associated Works Contract for an additional 6 months from the 1 July 2017 to the 31 December 2017, retaining all the terms and conditions of this contract for the period of the extension.

**RESOLUTION**

**That Council approve the extension of the NSROC Contract for the Supply of Asphalt and Associated Works - Tender No 13/15 for a further 6 months from the 1 July 2017 to 31 December 2017.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper



**19 NOTICE OF MOTION****19.1 NOTICE OF MOTION - LOWANNA PARK LEASH FREE AREA TIME SET AS 3PM TO 11AM**

**RESPONSIBLE OFFICER:** DEBRA JUST – GENERAL MANAGER

**AUTHOR:** DEBRA JUST – GENERAL MANAGER

**CITY STRATEGY LINK:** 1.3.1 ACCESSIBLE OPEN SPACE AND RECREATIONAL FACILITIES FOR THE COMMUNITY ARE PROVIDED

**MEETING DATE:** 7 AUGUST 2017

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**Purpose of Report**

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

**RESOLUTION**

**That Council permit owners of dogs to use Lowanna Park, West Chatswood as a leash free park between the hours of 3.00 pm and 11.00 am.**

**MOVED COUNCILLOR ERIKSSON**

**SECONDED COUNCILLOR COPPOCK**

**CARRIED**

**Voting**

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

**Against:** Nil

**Absent:** Councillor Hooper

**19.2 NOTICE OF MOTION: LOCAL GOVERNMENT ELECTIONS 2017**

<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

Councillor Saville previously moved the following Notice of Motion. This updated Notice of Motion includes the latest information on costings, as requested by Council.

**Original Motion from Councillor Saville**

That, at the forthcoming Local Government elections in September 2017, Willoughby City Council will conduct a poll of its residents to determine their preference to:

- a) remain as a stand-alone council, or
- b) support council amalgamation with a neighbouring council

**At its meeting on 24 July 2017, Council resolved the following in relation to Councillor Saville's Motion:**

*That, at the forthcoming Local Government elections in September 2017, Willoughby City Council will conduct a poll to ask residents "do you agree with the State Government's proposal to merge Willoughby with North Sydney and Mosman?"*

*The General Manager report back to Council on a response from the Electoral Commission and the cost.*

It should be noted that there has been no budget allocation for any costs additional to the standard election cost.

**Information Update following Council's 24 July 2017 resolution:**

The NSW Electoral Commission have reiterated that the additional late costs cannot be quoted until the Commission sees exactly what is required on any referendum paper. The Commission also reiterated that any requests received towards the legislated cut-off date of 09 August would be unlikely to be serviced at all.

On 27 July 2017, the State government announced that the pending Council mergers were no longer to proceed.

**COUNCILLOR SAVILLE'S MOTION OF 24 JULY 2017 WAS WITHDRAWN AT HER REQUEST**

**19.3 NOTICE OF MOTION: TALUS STREET RESERVE**

<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>CITY STRATEGY LINK:</b>	<b>6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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**Purpose of Report**

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

**Motion**

That irrespective of any negotiations that might be taking place in respect of the 2013 litigation:

1. The Talus Street Reserve Trust land be returned to public recreation forthwith.
2. Council engage an independent expert to determine the commercial value of profits derived by the current and past occupiers occupation and use of the Talus Street Reserve Trust land since 1999.
3. Council take immediate action to recover those profits from the current and past occupiers and for those profits to then be vested in the Talus Street Reserve Trust.

**MOVED COUNCILLOR HOOPER**

**SECONDED COUNCILLOR SAVILLE**

**LOST**

**Voting**

**For the Motion:** Councillor Coppock, Hooper and Saville

**Against:** Councillors Eriksson, Hill, Norton, Rutherford, Sloane and Wright

**Absent:** Councillors Giles-Gidney and Rozos

Due to Councillor Giles-Gidney declaring a non-pecuniary substantial interest in Item 19.3: Notice of Motion: Talus Street Reserve due to the Mayor's relationship with Steve Healy she withdrew from the meeting taking no part in the discussion or voting on this topic.

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

## 20 CONFIDENTIAL ITEMS

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

### Procedural Motion

That:

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

**CARRIED**

### 20.1 CONFIDENTIAL - REPORT OF CONDUCT REVIEWER

#### Reason for Confidentiality

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

- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

### 20.1 CONFIDENTIAL - REPORT OF CONDUCT REVIEWER

#### Recommendation Summary

**That Council receive the report of the Conduct Reviewer and determine the following sanctions be imposed on Councillor Hooper:**

1. **That findings of inappropriate conduct be made public.**
2. **That Councillor Hooper be formally censured for the breach under section 440G of the *Local Government Act 1993*, and, that the matter be referred to the Division for further action under the misconduct provisions of the Act.**

### Procedural Motion

That Council:

1. Revert into Open Council session of the Council meeting, and
2. Adopt the recommendations from the Committee of the Whole.

**CARRIED**

## Procedural Motion

That:

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

**CARRIED**

### **20.2 CONFIDENTIAL - 1-1A WALTER STREET AND 452-460 WILLOUGHBY ROAD, WILLOUGHBY - DA 2016/263 - LEGAL PROSPECT**

#### **Reason for Confidentiality**

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

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

### **20.2 CONFIDENTIAL - 1-1A WALTER STREET AND 452-460 WILLOUGHBY ROAD, WILLOUGHBY - DA 2016/263 - LEGAL PROSPECT**

#### **Recommendation Summary**

**That Council delegate to the General Manager the management of the Land and Environment Court Appeal (2017/00169864) commenced by ArtMade Architectural Pty Ltd against deemed refusal of Development Application DA2016/263 for demolition of existing dwellings and construction of a new 222 place childcare centre and signage at 1-1A Walter Street & 452-460 Willoughby Road, Willoughby.**

### **20.3 CONFIDENTIAL - NOTICE OF MOTION: TALUS STREET RESERVE**

#### **Reason for Confidentiality**

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

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

**20.3 CONFIDENTIAL - NOTICE OF MOTION: TALUS STREET RESERVE****Recommendation Summary**

**That Council receive the supplementary confidential information from the 13 February 2017 Council report and resolution in relation to its principles and litigation strategy for Talus Street Reserve, as part of the General Manager's Comments to the Notice of Motion regarding the Talus Street Reserve on this agenda.**

Due to Councillor Giles-Gidney declaring a non-pecuniary substantial interest in Confidential Item 20.3: Notice of Motion: Talus Street Reserve due to her relationship with Steve Healy she withdrew from the meeting taking no part in the discussion or voting on this topic.

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

**Procedural Motion**

That Council:

1. Revert into Open Council session of the Council meeting, and
2. Adopt the recommendations from the Committee of the Whole.

**CARRIED**

## 21 QUESTIONS

### 21.1 QUESTIONS ON NOTICE FROM COUNCILLOR SAVILLE - POTENTIAL POOR BUILDING PRACTICES

<b>RESPONSIBLE OFFICER:</b>	<b>DEBRA JUST – GENERAL MANAGER</b>
<b>AUTHOR:</b>	<b>GREG MCDONALD – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>CITY STRATEGY LINK:</b>	<b>3.1.2 QUALITY LIVING AMENITY FOR RESIDENTS</b>
<b>MEETING DATE:</b>	<b>7 AUGUST 2017</b>

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#### Question

1. Can Council explore possible avenues for investigation into whether similar cladding to that used in the Grenfell Tower in Kensington, UK has been used in recent developments in Willoughby, and any potential action that can be taken to minimise risk?
2. Has private certification posed difficulties in ascertaining the extent of potentially poor building practices that have occurred locally?
3. Are there opportunities for Council to stipulate more rigid controls pertaining to potentially at risk aluminium composite panels?

#### GENERAL MANAGER'S RESPONSE

##### *Question 1*

Council Officers are currently compiling a list of all multi residential buildings (including residential flat buildings, boarding houses and shop-top housing developments) approved since 2000 for which Occupation Certificates have been issued within the Willoughby Local Government Area. The state government will be writing directly to properties identified since 2011 as potentially having this cladding material. The State Government has also announced that it will be undertaking a 10 point plan for Fire Safety Reform:

The 10 point plan includes:

1. A comprehensive building product safety scheme that would prevent the use of dangerous products on buildings.
2. Identifying buildings that might have aluminium or other cladding.
3. Writing to the building / strata managers or owners of those buildings to encourage them to inspect the cladding and installation of cladding, if it exists.
4. NSW Fire and Rescue visiting all buildings on the list, as part of a fire safety education program. This will allow them to gather information they need to prepare for a potential fire at that building, and to provide additional information to building owners.
5. Creating new fire safety declaration that will require high rise residential buildings to inform state and local governments as well as NSW Fire and Rescue if their building has cladding on it.

6. Expediting reforms to toughen up the regulation of building certifiers.
7. Reforms to create an industry based accreditation, that will ensure only skilled and experienced people can do fire safety inspections.
8. Establishing a whole of government taskforce that will coordinate and roll out the reforms.
9. Instructing all government departments to audit their buildings and determine if they have aluminium cladding, with an initial focus on social housing.
10. Writing to local councils to follow up on correspondence they received from the state government, after Melbourne's Lacrosse Tower fire, in 2016.

**Question 2**

The majority of buildings so far identified as having some form of cladding have been privately certified. The Building Code of Australia enables fire safety standards (as well as other Code requirements) to be achieved by either satisfying a 'Deemed-to-Satisfy' requirement or through a 'Performance Based Solution'. It is the responsibility of the Certifying Authority to ensure the standards are achieved.

**Question 3**

No. The Building Code of Australia is the governing Australia wide legislation in respect to building construction. Council cannot override this legislation to require more stringent building standards.



- **Councillor Saville joined the meeting at 7:07pm**
- **Councillor Hooper left the meeting at 8:16pm during debate on Confidential Item 20.1: Report of Conduct Reviewer and returned after the vote at 9:04pm**
- **Councillor Norton left the meeting at 9:04pm during debate on Item 15.1: Dougherty Apartments Retirement Housing Project – New Constitution and returned after the vote at 9:36pm.**
- **Her Worship the Mayor Councillor G Giles-Gidney left the meeting at 9:36pm during debate on Item 18.4: 12 Frederick Street St Leonards Submission to Department of Planning & Environment in respect to two State Significant Development Applications for a Private Hospital; Item 19.3: Notice of Motion: Talus Street Reserve and Confidential Item 20.3 Notice of Motion: Talus Street Reserve and returned after debate and vote on these topics to close the meeting at 10:01pm.**
- **Deputy Mayor Coppock took the chair during the vote on Item 18.4: 12 Frederick Street St Leonards Submission to Department of Planning & Environment in respect to two State Significant Development Applications for a Private Hospital; Item 19.3: Notice of Motion: Talus Street Reserve and Confidential Item 20.3 Notice of Motion: Talus Street Reserve.**
- **Councillor Rozos left the meeting at 9:38pm**

**The meeting concluded at 10:01pm**

**I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Ordinary Council Meeting held on 7 August 2017. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.**