

Committee of the Whole

MINUTES OF MEETING NO. 10/09

Meeting Date: Tuesday 21 July 2009
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

Councillors Present: The Mayor, Councillor V Tagg and Councillors M Butterworth, N B Campbell, A Etmekdjian, J Li, R Maggio, I Petch, T Perram, W Pickering, J Salvestro-Martin and S Yedelian OAM.

Apology: Councillor G O'Donnell.

Staff Present: Group Manager - Public Works, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Project Manager – Buildings, Senior Traffic Engineer, Consultant Town Planner, Manager Catchments and Assets, Media & Community Relations Officer and Senior Administration Coordinator.

DISCLOSURES OF INTEREST

Councillor Maggio disclosed a non-pecuniary interest in Item 4 – GLADESVILLE DLEP POTENTIAL HERITAGE LISTING – OUR LADY QUEEN PEACE CHURCH of the Committee of the Whole Agenda 10/09, for the reason that members of his family attended the school.

1 CONFIRMATION OF MINUTES

RESOLUTION: (Moved by Councillors Pickering and Salvestro-Martin)

That the Minutes of the Committee of the Whole No. 09/09 held on 16 June 2009, be confirmed.

Record of Voting

For the Motion: Unanimous.

Minutes of the Committee of the Whole No. 10/09, dated 21 July 2009.

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Pickering and Salvestro-Martin)

That standing orders be suspended, the time being 7.32pm to allow consideration of the following Items: -

Item 6 – ELS HALL PARK, 109A KENT ROAD, NORTH RYDE LDA2009/0259;
Item 9 – NORTH RYDE PARK – Status report; and then
Item 3 – RYDE LOCAL ENVIRONMENTAL PLAN 2008.

6 ELS HALL PARK, 109A KENT ROAD, NORTH RYDE. Lot 14, DP 208668. Demolition of amenities block and Optus telecommunications shed, construction of a community/sports facility ('Ryde Community and Sports Centre') including landscape works. LDA2009/0259.

Note: Mr Luis Almenara addressed the meeting. Mr Noel Plumb addressed the meeting on behalf of the Ryde Environment Group.

MOTION: (Moved by Councillors Butterworth and Salvestro-Martin)

That Local Development Application No. 2009/0259 for the demolition of an amenities block and Optus telecommunications shed and for the construction of a community and sports facility including associated landscape works at Lot 14 in DP 208668, No. 109A Kent Road, North Ryde (known as ELS Hall Park) be approved subject to the conditions set out in pages 68 to 84 of the Committee of the Whole Agenda 10/09.

AMENDMENT: (Moved by Councillors Campbell and Petch)

- (a) That Local Development Application No. 2009/0259 for the demolition of an amenities block and Optus telecommunications shed and for the construction of a community and sports facility including associated landscape works at Lot 14 in DP 208668, No. 109A Kent Road, North Ryde (known as ELS Hall Park) be approved in accordance with the conditions set out in pages 68 to 84 of the Committee of the Whole Agenda 10/09 and subject to the following additional condition;
- That an additional condition be included stating that the development meet a minimum of a 4 green star rating prior to the issue of construction certificate.

Record of Voting

For the Amendment: Councillors Campbell, Petch, Yedelian and Etmekdjian.

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Against the Amendment: The Mayor, Councillor Tagg and Councillors Perram, Li, Maggio, Butterworth, Pickering and Salvestro-Martin.

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED LOST.

RESOLUTION: (Moved by Councillors Butterworth and Salvestro-Martin)

- (a) That Local Development Application No. 2009/0259 for the demolition of an amenities block and Optus telecommunications shed and for the construction of a community and sports facility including associated landscape works at Lot 14 in DP 208668, No. 109A Kent Road, North Ryde (known as ELS Hall Park) be approved subject to the following conditions.

GENERAL

1. Development is to be carried out in accordance with the following drawings and support information submitted to Council (except as amended by any of the following conditions):

Drawing and/or Document	Source	Revision	Date
DA 001 Site Plan	Hassell Pty Ltd	2	5.06.09
DA 002 Demolition Plan	Hassell Pty Ltd	2	5.06.09
DA 003 Landscape & Works	Hassell Pty Ltd	1	5.06.09
DA 004 Floor Plan	Hassell Pty Ltd	2	5.06.09
DA 005 Elevations Sheet 1	Hassell Pty Ltd	1	5.06.09
DA 006 Elevations Sheet 2	Hassell Pty Ltd	1	5.06.09
DA 007 Sections 01 & 02	Hassell Pty Ltd	1	5.06.09
3379 C01 Concept Stormwater Drainage	M & G Consulting	1	5.06.09
3379 C02 Stormwater Drainage	M & G Consulting	1	5.06.09
3379 C03 Catchment Plans	M & G Consulting	1	5.06.09
RCSC-A-009 Landscape Finishes	Hassell Pty Ltd	1	5.06.09
Accessibility Report	Accessibility Solutions (NSW) Pty Ltd		3.06.09
Acoustic Report	Arup Acoustics		June 09
Sustainability Design Report	Aurecon Australia Pty Ltd		4.06.09
Traffic Impact Assessment	City of Ryde		May 09
Geotechnical Investigation	Douglas Partners		May 09
Hazardous Building Materials	Heggies Pty Ltd		27.05.09
Arborist Report	Mackay Tree Management		22.05.09

2. The hours of operation of the building shall be limited to:

Sporting uses: 6.00am to 11.00pm on any day with all persons and associated

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vehicles to have departed from the area by 11.30pm; and

Non Sporting uses: 7.00am to 12.00midnight, with all persons and associated vehicles to have departed from the area by 1.00am.

Further, on any day, the operable aluminium louvers shall be closed after 10.00pm.

3. **Construction and fit-out of kiosk** - The construction and fitout of the kiosk must comply with the requirements of:
 - (a) Food Safety Standard 3.2.3 *Food Premises and Equipment*; and
 - (b) Australian Standard AS 4674 - 2004 *Design, construction and fit-out of food premises*.
4. **Sanitary facilities** - Sanitary facilities must be provided in accordance with the requirements of the *Building Code of Australia*.
5. **Construction of garbage room** - The garbage room must be constructed in accordance with the following requirements:
 - (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - (g) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (h) The room must be provided with adequate artificial lighting; and
 - (i) A hose cock must be provided in or adjacent to the room to facilitate cleaning.

6. **Paving to collection point** - The paving between the garbage room and collection point must be moderately graded so that the waste containers can be safely and easily manoeuvred.
7. **Ventilation of rooms** - The premises must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
8. **Exhaust hoods** - Exhaust hoods must be provided over cooking equipment where required by the *Building Code of Australia*, and over any dishwasher or other washing or sanitising equipment that is likely to cause steam to collect on the walls or ceiling.
9. **Fresh air intake vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
10. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
11. **Regulated systems** - All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
12. **Access for maintenance purposes** - Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian/New Zealand Standard AS/NZS 3666.2: 2002 *Air-handling and water systems of buildings - Microbial control - Operation and maintenance*.
13. **Registration of water-cooling and warm water systems** - All water-cooling and warm water systems (including thermostatic mixing valves) regulated under the *Public Health Act 1991* must be registered with Council's Environmental Health Unit within one (1) month of installation.

Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.
14. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
15. **Installation of grease trap** - A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a properly constructed grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.

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16. Compliance with the Building Code of Australia

All building work (other than work relating to the temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date of the application for the relevant construction certificate or complying development certificate was made)

- a) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188, in the Environmental Planning and Assessment Regulations 2000, subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).

17. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:

- a) A **Construction Certificate** is to be obtained in accordance with Section 81A (2) (a) of the Act.
- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2) (b) of the Act and Form 7 of Schedule 1 to the Regulations.
- c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.

18. The applicant may apply to the Council or an accredited certifier for the issuing of a Construction Certificate and to Council or an accredited certifier to monitor compliance with the approval and issue any relevant documentary evidence or certificate/s.

Council Officers can provide these services, and further information can be obtained from Council by telephoning 9952 8222 (Customer Service).

19. Excavations and backfilling

- a) All excavations and backfill associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

20. Retaining walls and drainage

If the soil conditions require it:

- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided.
 - b) adequate provision must be made for drainage.
21. Protection of Public Places
- a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
 - b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - d) Any such hoarding, fence or awning is to be removed when the work has been completed.
22. A total of 120 car parking spaces shall be provided within the subject site. In addition, one (1) mini bus parking bay, which has overall dimensions of 3.5m x 8.5m, and shall be located in proximity to the car parking area, so that a mini bus entering and leaving the space will not conflict with nearby car parking spaces. These spaces are to be provided prior to the issue of any Occupation Certificate.
23. All wall and roof/ceiling construction shall incorporate insulation as is detailed in Section 3 – Building Fabric Assessment, of the Building Fabric Assessment Report dated 5 June 2009 prepared by Aurecon Australia Pty Ltd.
24. Where a hot water system is new or a replacement system and is of domestic/residential scale it must achieve a minimum 3.5 Star Greenhouse Score.
25. Water efficient fixtures: shower heads and toilet cisterns shall be at least AAA rated water efficient: bathroom and kitchen taps shall be fitted with aerators; water closets shall have a dual flush cistern.
26. A separate Development Application shall be lodged in respect of any signage to be erected on the building.
27. Design and Construction Standards. All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's

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publication *Environmental Standards Development Criteria* and relevant Development Control Plans except as amended by other conditions.

28. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
29. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
30. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

BEFORE ISSUE OF CONSTRUCTION CERTIFICATE

31. The row of Velvet Ash (*Fraxinus chinensis*), identified in the arborist's report as Trees 14-31, shall be salvaged and transplanted to another location either within ELS Hall Park or another park within the City of Ryde. Further, a replacement tree shall be planted in proximity to the proposed community and sports centre and car park for every tree that is to be removed or relocated as a result of the proposed development. All replacement trees shall be selected from the list of locally indigenous trees as detailed on Council's web site as "Native Vegetation – Sydney Sandstone Gully Forest".
32. **Shop fitout plans** - Full details of the proposed kiosk fitout must be submitted to and approved by Council before the issue of the Construction Certificate.
33. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
 - (a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
 - (b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;

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- (c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
- (d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

34. Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the website www.sydneywater.com.au, see Your Business then see Building, Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any **Construction Certificate**.

35. Certification is to be provided with the **Construction Certificate** by a Structural Engineer that the proposed method of anchorage of the signs is structurally adequate having regard to their size, type and location.
36. A site works plan must be prepared and submitted with the **Construction Certificate** for every demolition, earthworks or building works indicating methods of sediment and pollution control in accordance with Council's DCP 2006, Part 8.1 – Construction Activities.
37. A site works plan indicating compliance with Council's DCP 2006, Part 8.1 – Construction Activities, in relation to:
- a) sedimentation and pollution controls;
 - b) tree preservation and protection measures;
 - c) security fencing;
 - d) builder's identification signage and demolition in progress signage; and
 - e) provision of site toilets
- to the satisfaction of Council or an accredited certifier is to be submitted to Council with the **Construction Certificate**.
38. In issuing this approval, Council has relied on the information provided by you about the siting of the building/structure on the allotment. If this information is incorrect, it is your responsibility to correct the errors. It may be advisable to undertake a land survey prior to commencing any works.
39. Dial 1100 Before You Dig'

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Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavating or erecting structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the Development Consent (or a new development application) may be necessary. Council's Assessment Officer should be consulted prior to the lodgment of an application for a **Construction Certificate** if this is the case.

40. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 20 year average recurrence interval storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded up to the 100 year average recurrence interval and direct this to the on-site detention system. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties. Accordingly, concept stormwater drainage plan No. 3379 C01, C02 and C03 dated Jun 09 by M+G Consulting shall be amended to incorporate, but not be limited to the following:

- a. The OSD tank outlet invert shall be raised to ensure it will not be affected by backwater flow from the creek during the 1 in 100 year ARI storm.
- b. All gutters, pits and pipeline conveying runoff to the OSD system shall be designed for the 1 in 100 year 5 minutes duration storm. Accordingly a HGL analysis of all pipes discharging to the OSD tank to ensure no surcharge will occur in the 1 in 100 year ARI storm event. To achieve this it may be necessary to provide OSD storage on the surface of the carpark or landscaped areas adjacent to the building.
- c. To minimize storage required for the OSD discharge from the site should be via H.E.D control pit. The design shall be adjusted to comply with this requirement by ensuring all inlet pipes to the OSD tank, including high level overflow pipe from the rainwater tank are to be connected directly to the H.E.D chamber.
- d. To ensure the proposed building will be protected from upstream overland flow, the existing road located on the northern side of the building shall be regraded to ensure it has a one way south to north cross fall to direct upstream overland flows away and around the building.

Amended engineering plans incorporating the above requirements are to be

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submitted with the Construction Certificate application.

The system is to be cleaned regularly and maintained to the satisfaction of Ryde City Council.

41. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
42. **Finished Floor Levels.** To minimise overland flow impact the proposed building finished floor level shall be located a minimum 300mm above the 1 in 100 year flood level. Engineering certification from a chartered engineer including applicable amended plans where required are to be submitted with the Construction Certificate application.
43. **Access & Carparking.** To facilitate access to and from the site, the carparking layout shall be adjusted where required or a turning area be provided to ensure the largest vehicle using the site e.g. a mini bus can enter and leave the site in a forward direction in accordance with AS 2890.1-2004.
44. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Department of Housing. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*:

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill
- (c) Location of all impervious areas
- (d) **Location and design criteria of erosion and sediment control structures,**
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas
- (k) Procedures for maintenance of erosion and sediment controls
- (l) Details for any staging of works
- (m) Details and procedures for dust control.

BEFORE WORK COMMENCES

45. Sediment control works are to be installed and maintained in accordance with Council's Development Control Plan 42 for Construction Activities.
46. Signage is to be provided on the site as follows:
- a) During the demolition process notices lettered in accordance with AS1319 displaying the words "**DANGER - DEMOLITION IN PROGRESS**" or a similar message shall be fixed to the security fencing at appropriate places to warn the public.
 - b) During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.
47. **Demolition work plan** - Prior to demolition work commencing a demolition work plan must be prepared for the work in accordance with Australian Standard AS 2601-1991 *The Demolition of Structures* and a copy of the work plan must be submitted to Council.
48. **Waste management plan** - Prior to demolition work commencing a waste management plan must be submitted to and approved by Council. The waste management plan must include the types and estimated volumes of waste materials that will be generated; the proposed method of reuse, recycling or disposal; and the name and address of the recycling facility or landfill site if the waste is to be recycled or disposed of off site. Reuse and recycling must be.

DURING DEMOLITION AND BUILDING WORK

49. The Principal Certifying Authority is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde's DCP 2006, Part 8.1 - "Construction Activities":
1. Sediment control measures.
 2. Tree Preservation and protection measures.
 3. Security fencing.
 4. Materials or waste containers upon the footway or road.
 5. PCA and principal contractor (the coordinator of the building work) signage and site toilets.
50. Council recommends that a Registered Surveyors check survey certificate be submitted to the Principal Certifying Authority (*and Council, if Council is not the PCA*) detailing compliance with Council's approval at the following stages:
- a) After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, proposed building and boundary setbacks.

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- b) At damp course level showing the area of the land, proposed building and the boundary setbacks.
 - c) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks.
 - d) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
 - e) Prior to construction of each floor level showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
 - f) On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.
51. Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.
52. Only unpolluted water is to be discharged to Council's stormwater drainage system.
53. The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
54. Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".
55. **Site security** - Security fencing must be provided around the perimeter of the site, and other precautions taken, to prevent unauthorised entry to the site during the demolition and construction work.
56. **Site signage** - A rigid durable sign showing the principal contractor's name, address and telephone contact details must be displayed in a prominent position on the site so that they can be easily read by anyone in any public road or other public place adjacent to the site.
57. **Warning notices** - Notices lettered in accordance with Australian Standard AS 1319-1994 *Safety Signs for the Occupational Environment* and displaying the words 'DANGER! DEMOLITION WORK IN PROGRESS' must be fixed to the security fencing/hoardings at appropriate intervals to warn the public.
58. **Additional warning notices in relation to asbestos** - Where the work involves the demolition or removal of asbestos products and materials, including asbestos-cement sheeting (ie. fibro), notices lettered in accordance with Australian Standard AS 1319-1994 *Safety Signs for the Occupational Environment* and displaying the words 'WARNING! ASBESTOS' must be

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- fixed to the security fencing/hoardings at appropriate intervals to warn the public.
59. **Erosion and sediment controls** - Appropriate erosion and sediment controls must be installed before site works are commenced and be maintained at operational capacity until the site has been stabilised. These controls must include:
- (a) diversion of upslope runoff around disturbed areas in such a manner that the diverted water will not cause erosion and is diverted to a legal discharge point; and
 - (b) sediment control fences or other measures on the downslope perimeter of disturbed areas to prevent sediment escaping from the site.
60. **Toilet facilities** - Toilets and hand washing facilities must be provided for workers in accordance with the *Code of Practice: Amenities for Construction Work* (WorkCover, 1996). Where practicable, the toilets must be standard flushing toilets connected to the sewerage system.
61. **Protection of underground services** - Before work commences the location of any underground services (eg. gas, water, electricity, telecommunications cables, etc.) must be identified and appropriate measures taken to protect those services.
62. **Demolition work** - All demolition work must be carried out in accordance with the requirements of Australian Standard AS 2601-1991 *The Demolition of Structures*.
63. **Licensed contractor to carry out work** - All demolition work must be carried out by an appropriately licensed contractor.
64. **Asbestos work** - All work involving asbestos products and materials, including asbestos-cement sheeting (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
65. **Dust control** - Appropriate measures must be taken to control the generation of dust during demolition and construction work:
- (a) Dust screens must be erected around the perimeter of the site.
 - (b) Any materials that are likely to generate dust during demolition or construction work must be wetted down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
 - (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.

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66. **Hours of work** - All demolition and construction work must be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays and 8.00am and 4.00pm on Saturdays. No work is to be carried out on Sundays or public holidays.
67. **Noise** - Noise must be minimised by the selection of appropriate methods and equipment and the use of screening or barriers where practical.
68. **Noise monitoring** - Noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the demolition and construction work.
69. **Demolition wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at such intervals as may be necessary to ensure that no nuisance or danger to health, safety or the environment is created.
70. **Recyclable wastes** - All wastes nominated for recycling or re-use in the approved waste management plan must be segregated from other wastes and be transported to a place or facility where they will be recycled or re-used.
71. **Contaminated soil** - All potentially contaminated soil excavated during demolition work must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
72. **Burning of demolition waste** - The burning of demolition waste is prohibited under the *Protection of the Environment Operations (Clean Air Regulation 2002)*.
73. **Transportation of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
74. **Disposal of asbestos wastes** - All asbestos wastes, including used asbestos-cement sheeting (ie. fibro), must be disposed of at a landfill facility licensed by the New South Wales Environment Protection Authority to receive asbestos waste.
75. **Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
76. **Covering of loads** - All vehicles transporting demolition materials from the

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site must have their loads covered.

77. **Mud and debris from vehicles** - All practicable measures must be taken to ensure that vehicles leaving the site do not deposit mud or debris on the road.
78. **Removal of mud and debris from roadway** - Any mud or debris deposited on the road must be cleaned up immediately in a manner that does not pollute waters (ie. by sweeping or vacuuming).

BEFORE ISSUE OF OCCUPATION CERTIFICATE

79. **Connection to sewer** - The premises must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
80. **Certification of mechanical ventilation work** - A Mechanical Services Completion and Performance Certificate (Form M2) must be submitted to the Principal Certifying Authority on completion and commissioning of all mechanical ventilation work approved under this consent and before the issue of an Occupation Certificate.
81. **Inspection of kiosk fitout** - Council's Environmental Health Officer must inspect the completed kiosk fitout before the issue of an Occupation Certificate.
- Inspections may be arranged by calling Council's Customer Service Centre on Tel. 9952 8222 at least 48 hours before the inspection is required.
82. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
83. A Fire Safety Certificate/s from a suitably qualified person/s is to be submitted to Council or an accredited certifier (*and Council, if Council is not the PCA or an accredited certifier*) for all the essential services installed in the building in accordance with Clauses 170 and 171 of the Environmental Planning and Assessment Regulation 2000.
84. On completion of the building work and **prior to an Occupation Certificate being issued**, the owner of the building must provide to the Consent Authority (ie Ryde City Council) a Fire Safety Certificate from a competent person with respect to each essential fire safety measure.
85. The applicant shall obtain approval from Council under Section 68 of the Local Government Act 1993 for any proposal to use the premises or part thereof as

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a Place of Public Entertainment. Such approval shall be obtained prior to the taking up of such use.

86. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA**:
- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
87. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **are to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
88. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
89. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.
90. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of

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concept stormwater drainage plan No. 3379 C01, C02 and C03 dated Jun 09 by M+G Consulting.

BEFORE SITE OPERATIONS COMMENCE

91. **Registration of premises** - The operator of the kiosk must register the premises with Council's Environmental Health Unit before trading commences. Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.
92. **Notification of business details** - The operator of the kiosk must notify their business details to the NSW Food Authority before trading commences. Written notifications may be lodged with Council, together with the approved fee. Alternatively, notifications may be lodged free of charge via the Internet at www.foodnotify.nsw.gov.au. Notification forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.

OPERATIONAL REQUIREMENTS

93. **Compliance with Food Act 2003** - All food premises must comply with the Food Act 2003 and regulations.
94. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
95. **Recyclable wastes** - Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
96. **Disposal of liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
97. **Trade waste permit** - The applicant must contact the Wastewater Source Control Branch of Sydney Water Corporation on Tel. 13 11 10 to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
98. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
99. **Air pollution** - The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust,

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- solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
100. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
101. **Noise and vibration from plant and equipment** - The operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.
102. **Council may require acoustical consultant's report** - Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.
103. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
104. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
105. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities
- (b) That the persons who made submissions be advised of Council's decision.

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Record of Voting

For the Motion: The Mayor, Councillor Tagg and Councillors Perram, Li, Maggio, Butterworth, Pickering and Salvestro-Martin, Petch, and Etmekdjian.

Against the Motion: Councillors Campbell and Yedelian.

9 NORTH RYDE PARK - Status Report

Note: Mrs Greenrod addressed the meeting. Mr Noel Plumb addressed the meeting on behalf of the Ryde Environment Group and tabled a document, a copy of which is ON FILE.

MOTION: (Moved by Councillors Campbell and Butterworth)

- (a) That the report of the Manager Landscape Assets, dated 14/07/2009 on NORTH RYDE PARK - Status Report, be received and noted.
- (b) That Council approve the removal of the two (2) camphor laurel trees (*Cinnamomum camphora*) plus the seven (7) pine trees (*Pinus radiata*) over the next two (2) years and replace with advanced native trees and appropriate ground covers and associated shrubs.
- (b) That, in recognition of National Tree Day and the North Ryde Park Upgrade work programme, advanced (400L) species endemic to the City of Ryde be planted in their place.

AMENDMENT: (Moved by Councillors Pickering and Maggio)

- (a) That the report of the Manager Landscape Assets, dated 14/07/2009 on NORTH RYDE PARK - Status Report, be received and noted.
- (b) That Council approves the removal of the two (2) camphor laurel trees (*Cinnamomum camphora*) only over the next two (2) years and replace with advanced native trees and appropriate ground covers and associated shrubs.

Record of Voting

For the Amendment: The Mayor, Councillor Tagg and Councillors Pickering, Li, Petch, Yedelian, Maggio, Etmekdjian and Perram.

Against the Amendment: Councillors Salvestro-Martin, Butterworth and Campbell.

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ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED CARRIED AND BECAME THE MOTION

RESOLUTION: (Moved by Councillors Pickering and Maggio)

- (a) That the report of the Manager Landscape Assets, dated 14/07/2009 on NORTH RYDE PARK - Status Report, be received and noted.
- (b) That Council approves the removal of the two (2) camphor laurel trees (*Cinnamomum camphora*) only over the next two (2) years and replace with advanced native trees and appropriate ground covers and associated shrubs.

Record of Voting:

For the Motion: The Mayor, Councillor Tagg and Councillors Pickering, Li, Petch, Yedelian, Maggio, Etmekdjian, Perram, Butterworth and Campbell.

Against the Motion: Councillor Salvestro-Martin.

3 RYDE LOCAL ENVIRONMENTAL PLAN 2008 - Subdivision of dual occupancy (attached) development in the R2 Low Density Residential Zone

Note: Mr Noel Plumb addressed the meeting on behalf of the Ryde Environment Group.

MOTION: (Moved by Councillors Campbell and Perram)

- (a) That the report of the Strategic Planner, dated 26/06/2009 on RYDE LOCAL ENVIRONMENTAL PLAN 2008 - Subdivision of dual occupancy (attached) development in the R2 Low Density Residential Zone, be received and noted.
- (b) That Council defer any decision in regard to the subdivision or strata subdivision of dual occupancy (attached) developments until the completion of the Housing Strategy.

AMENDMENT: (Moved by Councillors Yedelian and Petch)

- (a) That the report of the Strategic Planner, dated 26/06/2009 on RYDE LOCAL ENVIRONMENTAL PLAN 2008 - Subdivision of dual occupancy (attached) development in the R2 Low Density Residential Zone, be received and noted.
- (b) That Council amend clause 2.6(2A) to allow the subdivision or strata subdivision of dual occupancy (attached) developments that exist or have a current development approval granted prior to 12 November 2008 and incorporate the

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amendment into the Section 68 report on Draft LEP 2008.

Record of Voting

For the Amendment: Councillors Petch, Yedelian, Pickering and Etmekdjian.

Against the Amendment: The Mayor, Councillor Tagg, Councillors Campbell, Butterworth, Perram, Li, Maggio and Salvestro-Martin.

ON BEING PUT TO THE MEETING THE AMENDMENT WAS LOST

RESOLUTION: (Moved by Councillors Campbell and Perram)

- (a) That the report of the Strategic Planner, dated 26/06/2009 on RYDE LOCAL ENVIRONMENTAL PLAN 2008 - Subdivision of dual occupancy (attached) development in the R2 Low Density Residential Zone, be received and noted.
- (b) That Council defer any decision in regard to the subdivision or strata subdivision of dual occupancy (attached) developments until the completion of the Housing Strategy.

Record of Voting

For the Motion: The Mayor, Councillor Tagg, Councillors Campbell, Etmekdjian, Butterworth, Perram, Li, Maggio and Salvestro-Martin.

Against the Motion: Councillors Petch, Yedelian and Pickering.

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Pickering and Salvestro-Martin)

That standing orders be resumed, the time being 9.39pm.

2 2009 LOCAL GOVERNMENT ASSOCIATION CONFERENCE - Tamworth 25-28 October 2009

RESOLUTION: (Moved by Councillors Campbell and Maggio)

- (a) That the report of the Administration Coordinator, dated 22/06/2009 on 2009 LOCAL GOVERNMENT ASSOCIATION CONFERENCE - Tamworth 25-28 October 2009, be received and noted.
- (b) That the Mayor, Councillor Petch, Councillor Maggio, Councillor Etmekdjian and Councillor Campbell be nominated as voting delegates and Councillor Yedelian

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be nominated as an observer, to attend the Local Government Conference 2009.

- (c) That the General Manager, or his delegate, and one other Council officer be authorised to attend the Conference.
- (d) That the Motions be considered at a Workshop on Tuesday, 28 July 2009.

Record of Voting

For the Motion: The Mayor, Councillor Tagg, Councillors Campbell, Etmekdjian, Butterworth, Perram, Li, Maggio, Petch, Yedelian, Pickering and Salvestro-Martin.

Against the Motion: Councillor Butterworth.

Item 3 – This Item was dealt with earlier in the meeting as detailed in these Minutes.

4 GLADESVILLE DLEP POTENTIAL HERITAGE LISTING - OUR LADY QUEEN PEACE CHURCH

Councillor Maggio left the meeting at 9.40pm, having declared a non-pecuniary interest and was not present for consideration of this item.

RESOLUTION: (Moved by Councillors Yedelian and Etmekdjian)

- (a) That the report of the Senior Strategic Planner, dated 2/07/2009 on GLADESVILLE DLEP POTENTIAL HERITAGE LISTING - OUR LADY QUEEN PEACE CHURCH, be received and noted.
- (b) That Draft Heritage Item 141, Our Lady Queen of Peace Church, 329 Victoria Road, Gladesville be deleted from Schedule 5 and removed from the Heritage Map of draft Gladesville Town Centre and Victoria Road Local Environmental Plan 2008 prior to the plan being submitted to the Department of Planning under s68 with a request that the Minister make the Plan.

Record of Voting

For the Motion: The Mayor, Councillor Tagg, Councillors Etmekdjian, Perram, Li, Petch and Yedelian.

Against the Motion: Councillors Butterworth, Pickering, Campbell and Salvestro-Martin.

Councillor Maggio returned to the meeting, the time being 9.48pm.

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5 7a KELLS ROAD, RYDE- CLOSURE OF PATHWAY No.15

RESOLUTION: (Moved by Councillors Butterworth and Perram)

- (a) That the report of the Property Manager - Development, dated 13/05/2009 on 7a KELLS ROAD, RYDE- CLOSURE OF PATHWAY No.15, be received and noted.
- (b) That Council resolve to keep Pathway No.15 open for public access.

Record of Voting

For the Motion: Unanimous.

Item 6 – This Item was dealt with earlier in the meeting as detailed in these Minutes.

7 FIELD OF MARS PLAN OF MANAGEMENT

RESOLUTION: (Moved by Councillors Perram and Maggio)

That the report of the Manager - Parks, dated 14/07/2009 on FIELD OF MARS PLAN OF MANAGEMENT, be received and noted.

Record of Voting

For the Motion: Unanimous.

8 EASTWOOD & TERRY'S CREEK FLOODPLAIN RISK MANAGEMENT STUDY & PLAN - STATUS REPORT

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

- (a) That the report of the Manager Catchments & Assets, dated 10/07/2009 on EASTWOOD & TERRY'S CREEK FLOODPLAIN RISK MANAGEMENT STUDY & PLAN - STATUS REPORT, be received and noted.
- (b) That the detailed community consultation report be made available to all members of the community who provided a response to the public exhibition.
- (c) That copies of the hydrologic / hydraulic model files be made available to members of the community as requested.

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- (d) That the outcomes of the current round of community consultation be the subject of a further report to Council.

Record of Voting

For the Motion: Unanimous.

Item 9 – This Item was dealt with earlier in the meeting as detailed in these Minutes.

10 RETAIL CENTRES PROMOTION

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

- (a) That the report of the Economic Development Manager, dated 14/07/2009 on RETAIL CENTRES PROMOTION, be received and noted.
- (b) That Council seek support for the establishment of a joint 'Retail Centres Promotion Strategy Committee' from the Ryde Business Forum, local Chambers and other stakeholders.
- (c) Progress the ongoing actions and initiatives related to Retail Centres Promotional activities that are currently part of Council's urban planning programs related to economic development and place management.

Record of Voting

For the Motion: Unanimous.

11 RYDE-ING OUT THE RECESSION BANNER

RESOLUTION: (Moved by Councillors Salvestro-Martin and Maggio)

- (a) That the report of the Manager - Community Relations and Events, dated 14/07/2009 on RYDE-ING OUT THE RECESSION BANNER, be received and noted.
- (b) That Council purchase two banners with wording "Backing our Business Community" and install them for a period of one month at two of the following locations, Tuckwell Park, cnr. Lane Cove and Fontenoy Rd Macquarie Park, Royal Rehabilitation Centre, Victoria Rd Ryde, Ryde Park, Blaxland Rd Ryde, Eastwood Library, West Pde.

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- (c) That Council approach the Ryde Business Forum to be a sponsor of this initiative.

Record of Voting

For the Motion: Unanimous.

12 DEPARTMENT OF LOCAL GOVERNMENT - Draft Legislation and Guidelines for Integrated Planning and Reporting Update

RESOLUTION: (Moved by Councillors Campbell and Petch)

- (a) That the report of the Corporate Planning Co-ordinator, dated 16 July 2009 on DEPARTMENT OF LOCAL GOVERNMENT - Draft Legislation and Guidelines for Integrated Planning and Reporting Update, be received and noted.
- (b) That the General Manager notifies the Department of Local Government that the City of Ryde nominates to be in Group 2: Community Strategic Plan and Delivery Program adopted before 1 July 2011.

Record of Voting

For the Motion: Unanimous.

13 HERITAGE ADVISORY COMMITTEE - Minutes 03/09

RESOLUTION: (Moved by Councillors Petch and Campbell)

That the report of the Heritage Officer, dated 14/07/2009 on HERITAGE ADVISORY COMMITTEE - Minutes 03/09, be received and noted.

Record of Voting

For the Motion: Unanimous.

The meeting closed at 10.12pm.

CONFIRMED THIS 4th DAY OF AUGUST 2009.

Chairperson