

## Committee of the Whole

MINUTES OF MEETING NO. 14/09

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**Meeting Date:** Tuesday 15 September 2009  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 7.32pm

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**Councillors Present:** The Mayor, Councillor Butterworth and Councillors Campbell, Etmekdjian, Li, Maggio, O'Donnell, Petch, Perram, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.

**Apologies:** Nil

**Staff Present:** General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Media & Community Relations Officer and Senior Administration Co-ordinator.

### **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

### **1 CONFIRMATION OF MINUTES**

**RESOLUTION:** (Moved by Councillors Petch and Tagg)

That the Minutes of the Committee of the Whole No. 13/09 held on 01 September 2009, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

### **PRESENTATION**

The General Manager, presented the Ryde Aquatic Festival InterCouncil Challenge Shield recently won by the City of Ryde team to the Mayor.

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**2 WEST RYDE URBAN VILLAGE DEVELOPMENT - APPLICATION UNDER S96 OF THE ACT TO MODIFY DEVELOPMENT CONSENT NO-LDA07/559**

Note: Mr Mike George , Mr Steve DeBello and Mr David Milton addressed the meeting.

**RESOLUTION:** (Moved by Councillors Perram and Pickering)

That proposed modifications under section 96(2) of the Environmental Planning and Assessment Act 1979 to LDA No. 07/559 be refused for the following reasons:

- (a) The development will not remain substantially the same development.
- (b) The reduction and alteration in commercial and retail space would reduce public benefits from the development.
- (c) The likelihood of a single tenancy means smaller shops in the West Ryde commercial area would become less accessible from Council-owned parking spaces.

**Record of Voting:**

For the Motion: Councillors Maggio, Petch, Pickering, Li, Tagg, Etmekdjian, Perram and Yedelian.

Against the Motion: The Mayor, Councillor Butterworth, Councillors Campbell, Salvestro-Martin and O'Donnell.

**3 96 BELMORE STREET, RYDE. Lot 102 DP 1099888. - Local Development Application for Additional one storey of residential units to the existing approved five and six storey mixed use buildings. 44 additional residential units are proposed. LDA2008/731.**

Note: Mr Robert Del Pizzo and Mr Ric Rossi addressed the meeting.

**RESOLUTION:** (Moved by Councillors Petch and Pickering)

- (a) That the development proposed is satisfactory and the Voluntary Planning Agreement provides appropriate public benefit, the development application be approved as a deferred commencement consent and the Voluntary Planning Agreement be accepted subject to the 48 general conditions of consent set out below and as tabled at the Committee of the Whole Meeting, 15 September 2009, and a copy of which is ON FILE.

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**Part 1 – Conditions Relating to a Deferred Commencement Consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979**

1. A revised BASIX Certificate is to be completed and submitted for Council's approval in accordance with *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*. The architectural plans are to demonstrate all of the BASIX commitments.

**Part 2 – General Conditions of Consent**

The following requirements shall apply upon satisfactory completion of the requirements outlined in Part 1 of this consent (above).

**GENERAL**

1. Development is to be carried out in accordance with Drawing Nos. DA 002 to DA 022 (inclusive), Issue "A" drawn by Architex, marked as Job No. 1894, as endorsed by Council's stamp and support information submitted to Council.
2. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement between the City of Ryde and 82-84 Belmore Street Pty Limited that relates to the development application the subject of this consent, must be registered on the title of the property prior to the lodgement of any application for a certificate under section 109C of the Environmental Planning and Assessment Act 1979.
3. A maximum of 639 off-street car spaces being provided in accordance with the submitted plan. Such spaces to be paved, linemarked and made freely at all times during business hours of the site for residents, staff and visitors.
4. The 639 parking spaces are to be allocated in the development in the following manner and this is to be reflected in any strata subdivision of the development:

Residential Dwelling	380 spaces
Residential Visitors	87 spaces
Home and Office Units	73 spaces
Commercial Suite	10 spaces
Gymnasium	61 spaces
Child care centre	18 spaces
Car parking for stage 1	10 spaces
5. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
6. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be

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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.

**Note:** 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).

### **Compliance with BASIX**

7. The development is to be carried out in compliance with the BASIX Certificate approved by Council.

**Note:** Any architectural and/or fixture changes to the development will require the submission of a new BASIX Certificate. Modifications may require the submission of a Section 96 application in accordance with the Environmental Planning & Assessment Act.

### **8. 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.

### **9. Waste Management Plan**

Should you wish to vary the information provided in the Waste Management Plan you previously submitted to Council with your Development Application involving demolition and construction works, you are required to give written advice to Council of any changes.

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**Note:** Council's DCP 2006, Part 7.2 – Waste Minimisation and Management, sets out your obligations for waste management.

10. The external finishes and materials are to be compatible with the existing development.
11. No approval has been granted for any roof top structures other than the lift over runs and stairwells.

#### **PRIOR TO CONSTRUCTION CERTIFICATE**

12. **SEPP 65.** Prior to a **Construction Certificate** being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a written Design Verification from a qualified designer. The statement must include verification from the designer that the plans and specifications achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000.
13. **Compliance with AS2890.1–2004** – The layout of the proposed car parking areas (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be constructed in accordance with AS2890.1 – 2004. Details of compliance shall be submitted with the Construction Certificate.
14. Access to the development, within the development and to its areas of usable open space, is to comply with the provisions of the *Disability Discrimination Act, 1992* and *AS 1428.1 – Design for Access and Mobility* and *Part 9.2 of the Ryde DCP 2006 – Access for People with Disabilities*. Details shall be provided with the **Construction Certificate**.
15. Prior to the issue of the Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate drawings fully comply with Development Control Plan 2006 Part 9.2 Access for People with Disabilities. This report is to be provided to the PCA and Council (if Council is not the PCA).
16. **Security Deposit (Public Works and Services)**  
A security deposit (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.
17. **Enforcement Levy**

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An **Enforcement levy** is to be paid to Council on lodgement of the **Construction Certificate** application in accordance with the requirements of Council's Management Plan (scheduled fees).

18. **Long Service Levy**

Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be received prior to the issuing of the **Construction Certificate**.

19. Documentary evidence of compliance with Conditions 17 to 20 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the **Construction Certificate**.

20. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the **Construction Certificate** being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development / release of the plan of subdivision.

21. A "Fire Safety Schedule" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 – Environmental Planning & Assessment Regulation 2000 are to be submitted and approved prior to the issue of the **Construction Certificate**.

22. A contribution for the services listed below shall be made to Council prior to the issue of the **Construction Certificate**.

CONTRIBUTION PLAN	Amount per unit type	Total
Community & Cultural Facilities	9 x 1 bed = \$17,281.62 26 x 2 bed = \$59,909.72	\$103,689.86

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	9 x 3 bed = \$26,498.52	
Open Space and Recreation Facilities	9 x 1 bed = \$69,325.29 26 x 2 bed = \$240,327.88 9 x 3 bed = \$106,298.82	\$415,951.99
Civic and Urban Improvements	9 x 1 bed = \$8,917.74 26x 2 bed = \$30,914.78 9 x 3 bed = \$13,673.88	\$53,506.40
Roads and Traffic Management Facilities	9 x 1 bed = \$9,570.96 26 x 2 bed = \$33,179.12 9 x 3 bed = \$14,675.40	\$57,425.48
Cycleways	9 x 1 bed = \$1,232.82 26 x 2 bed = \$4,274.14 9 x 3 bed = \$1,890.45	\$7,397.41
Stormwater Management	9 x 1 bed = \$1,091.43 26 x 2 bed = \$3,783.78 9 x 3 bed = \$1,673.55	\$6,548.76
Plan Administration	9 x 1 bed = \$332.46 26 x 2 bed = \$1,152.58 9 x 3 bed = \$509.67	\$1,994.71
<b>TOTAL</b>		<b>\$646,514.61</b>

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 adopted by City of Ryde on 11/12/2007.

The above amount (being the total contribution), if not paid within one calendar year of the date of this consent, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) on an annual basis in accordance until such time as the contribution is paid.

23. 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 Development Control Plan 42 for Construction Activities.
24. A site works plan indicating compliance with Council's Development Control Plan for Engineering Standards Development Criteria Section 5 Construction Activities in relation to:-
  - a) security fencing;
  - b) builder's identification signage and demolition in progress signage; and
  - c) provision of site toilets

to the satisfaction of Council or an accredited certifier is to be submitted to Council with the **Construction Certificate**.

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**PRIOR TO COMMENCEMENT****25. Signage is to be provided on the site as follows:**

- a) 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.

26. Security fencing shall be provided around the perimeter of the building site and precautionary measures taken to prevent unauthorised entries of the site at all times during demolition and construction.

**DURING CONSTRUCTION**

27. The occasions on which building work must be inspected are:

- (a) at the commencement of the building work, and
- (b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- (c) prior to covering any stormwater drainage connections, and
- (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the mandatory inspections must be carried out.**

28. In addition to the abovestated inspections, 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 Council's Development Control Plan 42 for "Construction Activities":

- (a) Sediment control measures.
- (b) Security fencing.
- (c) Materials or waste containers upon the footway or road.
- (d) PCA and principal contractor (the coordinator of the building work) signage and site toilets.

29. A Registered Surveyors check survey certificate shall 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) On completion of the proposed building showing the area of the land, completed buildings and that the buildings height confirms with the RL's as shown on the approved development plans.
30. The building shall be constructed to comply with Part F5 of the Building Code of Australia (Noise Transmission and Insulation).
31. All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays and between 8.00am and 4.00pm on Saturday. **No work is to be carried out on Sunday or Public Holidays.**
32. The L<sub>10</sub> 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.
33. No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.
34. Only unpolluted water is to be discharged to Council's stormwater drainage system.
35. Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".
36. The delivery/pick up of any large equipment/materials/containers transported by an 'over size' vehicle to/from the site is not to occur between 11.00pm and 5.00am in order to protect the amenity of local residents.
37. Adequate precautions must be taken to control the emission of dust from the site during demolition and construction work. These precautions could include minimising soil disturbance, use of water sprays, erecting screens and not carrying out dusty work during windy conditions.

#### **PRIOR TO OCCUPATION CERTIFICATE**

38. 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.

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39. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the BASIX certificate.
40. **SEPP 65.** Prior to an **Occupation Certificate** being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.
41. **Undergrounding of Services.** All existing aerial services (including low voltage Energy Australia electricity and subscriber television services) along the Belmore and Porter Street frontages of the site are to be relocated underground **prior to the occupation of the development.** The cost of this work is to be borne by the developer.
42. **Utility Service.** Please contact Energy Australia's Local Customer Service Office to obtain documentary evidence that Energy Australia has been consulted and that their requirements have been met.

This information is to be submitted to Council **prior to the release of the Occupation Certificate.**

43. 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.
44. **Essential Services** - Essential fire services must be provided within the development to the requirements of the Building Code of Australia, the Environmental Planning and Assessment Act 1979 (as amended) and Regulations.

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 (i.e. Ryde City Council) a Fire Safety Certificate from a competent person with respect to each essential service installed in the building.

45. **Compliance Certificates – Engineering**  
Compliance Certificates should be obtained for the following (If Council is

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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 constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.

## OPERATIONAL

46. The roof material being non-reflective.
47. All external glazing having a maximum reflectivity of 20%.
48. All conditions and requirements of the Voluntary Planning Agreement entered into between the City of Ryde and the applicant must be complied with.
  - (b) That the VPA be accepted and that the General Manager be delegated authority to enter into the agreement and to make minor changes, that are not of a material nature, to ensure the form of the agreement is satisfactory.
  - (c) That the persons who made submissions be advised of Council's decision.
  - (d) That at the September Quarterly Review, the General Manager provide a report to Council on what work would be proposed to utilise the Voluntary Planning Agreement payment of \$500,000.

## Record of Voting:

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

Against the Motion: Councillors Maggio, Campbell, Salvestro-Martin and O'Donnell.

## **4 109-129 BLAXLAND ROAD, RYDE TOP RYDE SHOPPING CENTRE. Lot 1 DP 1134255. - Local Development Application for construction of two x 4 storey commercial towers above the approved Top Ryde Shopping Centre & allocation of car parking. LDA2009/0169.**

Note: Mr Dan Szwaj, Ms Amanda Harvey, Mr Michell Com and Mr Tim Campbell addressed the meeting.

Note: Councillor Pickering left the meeting at 9.25pm and was not present for consideration of this Item.

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**RESOLUTION:** (Moved by Councillors Tagg and Yedelian)

- (a) That Local Development Application No. 169/2009 which involves:
- (i) Erection of two x four storey commercial buildings over the retail part of the Top Ryde Shopping Centre (also known as Top Ryde City); and
  - (ii) Modification of Condition 317 of the original development consent dated 8 May 2007, by changing the commercial floor space limit of 10,000m<sup>2</sup> to that of 12,000m<sup>2</sup>.

at Lot 1, DP 1134255, known as Nos 115-121 Blaxland Road, RYDE, be approved subject to the following conditions;

**GENERAL**

1. Development is to be carried out in accordance with the following:
  - Architectural drawings prepared by Turner & Associates bearing the job number 07020, as follows;

Drawing No.	Date
DA02 (K)	27/02/09
DA20 (L)	27/02/09
DA21 (N)	27/02/09
DA22 (N)	27/02/09
DA23 (J)	27/02/09
DA24 (K)	27/02/09
DA40 (H)	27/02/09
DA41 (K)	27/02/09
DA42 (G)	27/02/09
DA43 (H)	27/02/09
DA44 (G)	27/02/09
DA45 (G)	27/02/09
DA46 (F)	27/02/09
DA47 (G)	27/02/09
DA50 (H)	27/02/09
DA61 (J)	27/02/09
DA72 (A)	20/03/09

- Statement of Environmental Effects prepared by JBA Urban Planning Consultants Pty Ltd dated 16 April 2009 (ref: 08429);
2. The term of this Consent is limited to a period of five (5) years from the date of approval. The consent will lapse if the development does not commence within this time.

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3. Compliance with the Building Code of Australia
  - a) All building work 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.)
  - b) The proposed building works shall not interfere with and the issue of any construction certificates shall be made taking into consideration all applicable aspects of the base building. This includes recommendations, requirements and previous approvals relating to the Fire Engineering criteria and performance measures relating to the base building.
4. 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.
5. 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).

6. 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.

#### 7. **Fitout and use of commercial tenancies** - A separate development

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- application must be submitted to Council to fitout and use the proposed commercial tenancies.
8. **Sanitary facilities** - Sanitary facilities must be provided in accordance with the requirements of the *Building Code of Australia*.
  9. **Provision of waste room** - A separate waste room must be provided in a convenient location on the premises for the storage of commercial waste.
  10. **Construction of waste room** - The waste 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) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
    - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
    - (i) The room must be provided with adequate artificial lighting; and
    - (j) A tap with a hose connection must be provided in or adjacent to the room to facilitate cleaning.
  11. **Waste collection point** - The waste collection point must be located in a position on the premises that is convenient for servicing and will minimise the impact on residents.
  12. **Ventilation of rooms** - Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate

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natural ventilation or an approved system of mechanical ventilation.

13. **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.
14. **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.
15. **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*.
16. **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*.
17. **Registration of regulated systems** - All water-cooling (cooling tower) and warm water systems 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.
18. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
19. No approval has been granted for the erection of any signage.

#### **BEFORE ISSUE OF CONSTRUCTION CERTIFICATE**

20. A total of 264 off-street car parking spaces shall be provided for the commercial office areas and these car spaces shall be suitably signposted so as to distinguish these spaces from parking associated with other uses in the Top Ryde Shopping Centre.
21. A minimum of 92 bicycle parking rails or lockers in a suitable location for the convenience of employees and visitors to the development which are designed and installed in accordance with Australian Standard AS2890.3 are to be provided. Suitable shower and change facilities for cyclists must also be provided within the development.
22. **Car Parking.** All internal driveways, vehicle turning areas, garage opening

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widths and parking space dimensions ramps widths and grades which form part of this development application shall comply with AS 2890.1-2004 and AS 2890.2-2002 where applicable.

23. The development is to incorporate 8 off-street car parking spaces as disabled spaces. All of these car parking spaces are to be located in areas of easy access to passenger lift cores and achieve a minimum width of 3.66 metres.
24. All road works, including signposting shall be at no cost to the Roads and Traffic Authority.
25. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the relevant **Construction Certificate** being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development / release of the plan of subdivision.

26. Please contact Energy Australia's Local Customer Service Office to obtain documentary evidence that Energy Australia has been consulted and that their requirements have been met.

Energy Australia  
Building No. 2 Bridge Road (near Sherbrook Road) Hornsby  
Telephone: 9477 8201  
Facsimile: 9477 8295  
Postal Address: GPO Box 4009, Sydney NSW 2001  
Website Address: [www.energy.com.au](http://www.energy.com.au)

This information is to be submitted to Council **prior to the release of the Occupation Certificate.**

27. A Traffic Management Plan shall to be prepared and submitted to the Council

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and Roads and Traffic Authority prior to the issuing of any Construction Certificate.

28. An access report shall be submitted to the PCA (and Council if Council is not the PCA) confirming that the relevant Construction Certificate drawings provide sufficient detail so as to identify the proposed buildings will comply with the Disability Discrimination Act – 1992 and Part 9.2 of DCP 2006. The report shall be provided before issuing of the relevant **Construction Certificate**.

A suitably qualified person is to certify that the constructed development complies with the relevant disabled standards prior to the occupation of the building. Such certification is to be forwarded to the PCA prior to the release of the final Occupation Certificate.

29. Handrails shall be provided on the access ramp that services the lobby to Building B.
30. The Level 3 and Level 4 car park lift lobbies shall be wheelchair accessible in accordance with Australian Standard 1428.2.
31. The lobby areas for both buildings are to be wheelchair accessible in accordance with Australian Standard 1428.2.
32. A "Fire Safety Schedule" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 - Environmental Planning & Assessment Regulation 2000 are to be submitted and approved prior to the issue of the relevant **Construction Certificate**.
33. 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.
34. **Energy Efficiency.** Prior to the issue of the relevant Construction Certificate, plans and specifications must be provided to the Principal Certifying Authority (PCA) that detail how the development will achieve a 4 Star Green Star design rating in accordance with the Green Building Council of Australia Office Design v3. Certification that the building will achieve the prediction of this evaluation must also be submitted to the PCA by a suitably qualified consultant prior to the issue of a relevant Construction Certificate.

Certification that the building has achieved the required energy efficiency performance must be submitted to the PCA by a suitably qualified consultant prior to the Final Occupation Certificate being issued.

35. Any hot water system installed as part of the development must achieve a

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minimum 3.5 Star Greenhouse Score. The energy rating of the hot water system should be visible on the product at the place of purchase. The location and rating of any new hot water system is to be reflected on the plans submitted with the relevant **Construction Certificate**.

36. Water Efficient Fixtures - Showerheads and toilet cisterns shall be at least AAA rated water efficient. Bathroom and kitchen taps shall be fitted with aerators and water closets shall have a dual flush cistern. Details are to be noted on the plans submitted with the relevant **Construction Certificate**.
37. To ensure the lights and air conditioning are turned off when not required, occupancy sensors and timers are to be installed on all levels of the building.
38. The roof material is to be finished in a non reflective surface.
39. All external glazing having a maximum reflectivity of 20%.
40. A detailed schedule of external materials and colours is to be submitted to Council. This schedule is to be consistent with the perspectives of the development and the detail on drawing number DA72 Revision A prepared by Turner and Associates and is to be approved by Council prior to construction commencing on the site.
41. The acoustic design of the development is to be in accordance with the requirements of AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.
42. **Waste room details** - Details of the proposed waste room must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
  - (a) the specifications and layout of all proposed waste containers and equipment; and
  - (b) the access to the collection point.
43. **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;
  - (c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and

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- (d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.
44. **Water-cooling (cooling tower) system details** - Details of any proposed water-cooling systems, and alterations to any existing systems (including the installation of new cooling towers), 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 and specifications of the proposed water-cooling systems;
  - (b) A site survey plan showing the location of the proposed cooling towers and any air intakes, exhaust outlets and natural ventilation openings in the vicinity;
  - (c) Access details for inspection and maintenance purposes;
  - (d) Details of the proposed water treatment systems; and
  - (e) A Design Certificate from a suitably qualified person certifying that the water-cooling systems comply with Australian/New Zealand Standard AS/NZS 3666.1:2002 *Air-handling and water systems of buildings – Microbial Control – Design, installation and commissioning*.
45. All contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Section 94 Development Contributions Plan 2007 are to be paid in accordance with the Voluntary Planning Agreement between City of Ryde and Bevillesta Pty Ltd.
46. A security deposit (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.
47. An **Enforcement levy** is to be paid to Council on lodgement of the relevant **Construction Certificate** application in accordance with the requirements of Council's Management Plan (scheduled fees).
48. Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be received prior to the issuing of the relevant **Construction Certificate**.
49. The applicant is to apply to Council, pay the required fee, and have issued street alignment levels by Council prior to the issue of the relevant **Construction Certificate**.
50. Documentary evidence of compliance with Conditions 48, 49, 50 and 51 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the relevant **Construction Certificate**.

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51. The applicant must pay all applicable fees and charges as set out in Council's Management Plan, except where payment has been waived by Council as set out in the Voluntary Planning Agreement.

### **BEFORE WORK COMMENCES**

52. 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":
- a. Security fencing.
  - b. PCA and principal contractor (the coordinator of the building work) signage and site toilets.

### **DURING CONSTRUCTION**

53. The occasions on which building work must be inspected are:
- a) at the commencement of the building work, and
  - b) prior to covering any stormwater drainage connections, and
  - c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the mandatory inspections must be carried out.**

54. In addition to the above stated inspections, 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":
- a) Security fencing.
  - b) Materials or waste containers upon the footway or road.
  - c) PCA and principal contractor (the coordinator of the building work) signage and site toilets.
55. A Registered Surveyors check survey certificate or compliance certificate is to be submitted to the Principal Certifying Authority (*and Council, if Council is not*

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*the PCA*) detailing compliance with Council's approval at the following stages:

- a) 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.
  - b) On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.
56. **Essential Services** - essential services must be provided within the development to the requirements of the Building Code of Australia, the Environmental Planning and Assessment Act 1979 (as amended) and Regulations.
57. Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.
58. Only unpolluted water is to be discharged to Council's stormwater drainage system.
59. The L<sub>10</sub> 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.
60. All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
61. No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.
62. Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".
63. At all times work is being undertaken within a public road adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in AS1742.3-1996 "Traffic Control Devices for Work on Roads".
64. Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorized entries of the site at all times during demolition and construction.
65. Adequate precautions must be taken to control the emission of dust from the site during demolition and construction work. These precautions could include minimizing soil disturbance, use of water sprays, erecting screens and not

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carrying out dusty work during windy conditions.

66. Adequate arrangements must be made for the storage and disposal of demolition and building waste generated on the premises. In this regard the demolishers and builders are encouraged to maximize the re-use and recycling of materials (e.g. Concrete, bricks, roof tiles, timber, doors, windows, fittings, etc.) by separating these materials from other wastes.
67. Signage is to be provided on the site 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 AND 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.
68. All podium level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior façades and visible from a public place is to be removed immediately.
69. **Stormwater Disposal.** Stormwater runoff generated from the proposal shall be collected and piped to Council's drainage system via an On-site detention system designed to comply with DCP 2006 - Part 8.2 of Council's stormwater Management Manual with all gutters, downpipes and pipelines conveying runoff to the OSD system being sized for the 1 in 100 year, 5 minutes duration storm event.

#### **BEFORE ISSUE OF OCCUPATION CERTIFICATE**

70. 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.
71. 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.

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 (i.e. Ryde City Council) a Fire Safety Certificate from a competent person with respect to each essential fire safety measure.

72. **Certification of mechanical ventilation work** - A Mechanical Services

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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.

73. **Certification of water-cooling (cooling tower) systems** - An Installation Certificate must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) on completion and commissioning of all water-cooling systems approved under this consent and before the issue of an Occupation Certificate.

The certificate must be from a suitably qualified person and certify that the water-cooling systems have been installed in accordance with the approved plans and specifications and comply with Australian/New Zealand Standard AS/NZS 3666.1:2002 *Air-handling and water systems of buildings – Microbial control – Design, installation and commissioning*.

### OPERATIONAL REQUIREMENTS

74. Any future application for fit out of the various floors shall demonstrate that a continuous accessible path of travel is provided within the respective floor.
75. Any surveillance equipment installed is to utilise digital or video technology to record images from the cameras. Cameras are to be installed in and around the business to maximise surveillance opportunities. Any surveillance system should be manufactured and installed by a qualified/reputable installer and regularly function tested. If surveillance equipment is installed, it should meet the requirements of the Privacy legislation.
76. Where security lighting is provided within the development, it should not illuminate observers or vantage points. Light should be projected outwards towards pathways and gates, not towards windows and doors. Passing motorists, police and pedestrians will be the likely observers.
77. All loading and unloading in relation to the use of the premises taking place wholly within the property.
78. The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All existing and proposed lights shall comply with the Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
79. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
80. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

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81. **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.
82. **Transfer of wastes to waste room** - Staff or contractors must be employed to transfer the wastes from the commercial tenancies to the waste room.
83. **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.
84. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
85. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
86. **Operation and maintenance of plant and equipment** - The occupier must ensure that all plant and equipment installed on the premises is:
  - (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.
87. **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, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
88. **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*.
89. **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*

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*levels and reverberation times for building interiors.*

- (c) The transmission of vibration to any place of different occupancy.
90. **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.
91. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
92. Following the commercial car parking area becoming operational, the owner of the complex shall review the functionality of the car parking area, and particularly the small car parking spaces. If found necessary, additional lighting/signage to identify these spaces shall be installed.

### ADVICE

1. The New South Wales Roads & Traffic Authority has advised Council in the following terms:

*The RTA will not support the provision of a 'Works Zone' along Devlin Street. However, it is suggested that should there be a need to occupy part of Devlin Street during construction, then the applicant should apply for a Temporary Road Occupancy Licence by contacting the TMC's Planned Incidents Unit on (02) 8396 1513 during office hours (8am to 4pm) or 131 700 after hours.*

2. **Duty to notify pollution incidents** - Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on Tel. 9952 8222.
3. The building management shall monitor the Level 5 and 8 Terraces to ensure that lightweight items, such as chairs, tables and the like are stored when not in use. In the event of an impending storm, lightweight chairs, tables and the like shall be securely restrained within the terrace areas, or alternatively, removed from the terraces.
4. **Workplace Travel Plans.** A Workplace Travel Plan must be submitted to Council for approval with any development application to commence a use within the building and prior to occupation of the building. The WTP must include, but will not be limited to strategies to encourage public transport use, the encouragement to stagger start and finish times for employees, car pooling and teleworking to minimise the impact on the road system.

- (b) Condition 317 of the development consent dated 8 May 2007 which presently reads:

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317. Consent is granted to the concept proposal for subsequent stages of the proposed development comprising:
- a. commercial and residential land uses;
  - b. a maximum of 10,000 sq m net useable floor area (NUFA) for the purposes of commercial premises accommodated within two towers on the south-west portion of the site fronting Devlin Street;
  - c. a maximum of 45,000 sq m NUFA for the purposes of residential flat buildings (a total of approximately 450 apartments) on the eastern portion of the site;
  - d. building envelopes for the commercial and residential towers as depicted on the plans accompanying the development application and as described in Section 6.0 of the *Staged Mixed Use Development Statement of Environmental Effects* dated November 2006 prepared by JBA Urban Planning Pty Ltd, within which the detailed building design will later be developed and will be the subject of separate future development applications;
  - e. car parking allocation comprising two commercial / residential car parking levels (at Levels 3 and 4 of the development ) to service the commercial and residential towers.

Be altered to read:

317. Consent is granted to the concept proposal for subsequent stages of the proposed development comprising:
- a. commercial and residential land uses;
  - b. a maximum of 12,000 sq m net useable floor area (NUFA) for the purposes of commercial premises accommodated within two towers on the south-west portion of the site fronting Devlin Street;
  - c. a maximum of 45,000 sq m NUFA for the purposes of residential flat buildings (a total of approximately 450 apartments) on the eastern portion of the site;
  - d. building envelopes for the commercial and residential towers as depicted on the plans accompanying the development application and as described in Section 6.0 of the *Staged Mixed Use Development Statement of Environmental Effects* dated November 2006 prepared by JBA Urban Planning Pty Ltd, within which the detailed building design will later be developed and will be the subject of separate future development applications;
  - e. car parking allocation comprising two commercial / residential car parking levels (at Levels 3 and 4 of the development ) to service the commercial and residential towers.

(c) That the persons who made submissions be advised of Council's decision.

(d) The Sydney Regional Development Advisory Committee be advised of

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Council's decision.

**Record of Voting:**

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

Note: Councillor Pickering returned to the meeting, the time being 9.32pm

**5 34 HERBERT ST, WEST RYDE. Lot 13 Sec 1 DP 2085. Local Development Application 2008/0845 for demolition, construction of a 5 storey mixed use building with 2 commercial/retail tenancies, 16x2 bedroom units, parking for 27 cars, & strata subdivision.**

Note: Ms Lyndal Evatt, Mr Andy Ludvik and Mr Jason Rudd addressed the meeting.

**MOTION:** (Moved by Councillors Yedelian and Campbell)

1. That the Local Development Application No. 2008/845 at 34 Herbert Street, West Ryde, be approved as a deferred commencement consent subject to the conditions set out in the Committee of Whole Agenda on pages 200 to 228 and with the following amendments as detailed in parts (2) to (5).
2. Condition 93 to be amended as follows: All demolition and all construction and associated work is to be restricted to between the hours of 8am and 5pm Monday to Friday (other than public holidays and between 8am and 1pm on Saturday. No work is to be carried out on Sunday or public holidays.
3. Condition 105 to be amended as follows: All demolition and all construction and associated work is to be restricted to between the hours of 8am and 5pm Monday to Friday (other than public holidays and between 8am and 1pm on Saturday. No work is to be carried out on Sunday or public holidays.
4. Condition 86 to be amended to specifically reflect that access is to be from Herbert Street as far as practicable.
5. A Further Condition 105A be included to state that adequate precautions must be taken to control the emission of dust from the site throughout the construction phase.

**AMENDMENT:** (Moved by Councillors O'Donnell and Tagg)

1. That the Local Development Application No. 2008/845 at 34 Herbert Street, West Ryde, as proposed by the applicant with the 5 five stores be approved as

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a deferred commencement consent subject to the conditions set out in the Committee of Whole Agenda on pages 200 to 228, additional conditions to address the colonnade, engineering and disabled access issues and with the following amendments as detailed in parts (2) to (5).

2. Condition 93 to be amended as follows: All demolition and all construction and associated work is to be restricted to between the hours of 8am and 5pm Monday to Friday (other than public holidays and between 8am and 1pm on Saturday. No work is to be carried out on Sunday or public holidays.
3. Condition 105 to be amended as follows: All demolition and all construction and associated work is to be restricted to between the hours of 8am and 5pm Monday to Friday (other than public holidays and between 8am and 1pm on Saturday. No work is to be carried out on Sunday or public holidays.
4. Condition 86 to be amended to specifically reflect that access is to be from Herbert Street as far as practicable.
5. A further Condition 105A be included to require measures be taken to control the emission of dust from the site throughout the construction phase.

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED  
**CARRIED** THEREBY BECOMING THE MOTION.

### **Record of Voting**

For the Amendment: The Mayor, Councillor Butterworth, Councillors Tagg, Maggio, Pickering, Campbell, Etmekdjian, O'Donnell, Li and Salvestro-Martin.

Against the Amendment: Councillors Perram and Yedelian.

**RESOLUTION:** (Moved by Councillors Campbell and Tagg)

That each part of the MOTION be voted on separately, in seriatim.

### **Record of Voting**

For the Motion: Unanimous

**RESOLUTION:** (Moved by Councillors O'Donnell and Tagg)

1. That the Local Development Application No. 2008/845 at 34 Herbert Street, West Ryde, as proposed by the applicant with the 5 five stores be approved as a deferred commencement consent subject to the conditions set out in the Committee of Whole Agenda on pages 200 to 228, additional conditions to address the colonnade, engineering and disabled access issues and with the following amendments detailed in parts (2) to (5).

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**Record of Voting**

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

Against the Motion: Councillors Perram and Yedelian.

**MOTION:** (Moved by Councillors O'Donnell and Tagg)

2. Condition 93 to be amended as follows: All demolition and all construction and associated work is to be restricted to between the hours of 8am and 5pm Monday to Friday (other than public holidays and between 8am and 1pm on Saturday. No work is to be carried out on Sunday or public holidays.

THE MOTION (2) WAS PUT AND LOST.

**Record of Voting**

For the Motion: Councillors Campbell, Petch, Yedelian and Li.

Against the Motion: The Mayor, Councillor Butterworth, Councillors Salvestro-Martin, Tagg, O'Donnell, Perram, Etmekdjian and Maggio.

**MOTION:** (Moved by Councillors O'Donnell and Tagg)

3. Condition 105 to be amended as follows: All demolition and all construction and associated work is to be restricted to between the hours of 8am and 5pm Monday to Friday (other than public holidays and between 8am and 1pm on Saturday. No work is to be carried out on Sunday or public holidays.

THE MOTION (3) WAS PUT AND LOST.

**Record of Voting**

For the Motion: Councillors Campbell, Petch, Salvestro-Martin and Li.

Against the Motion: The Mayor, Councillor Butterworth, Councillors Yedelian, Tagg, O'Donnell, Perram, Etmekdjian and Maggio.

**RESOLUTION:** (Moved by Councillors O'Donnell and Tagg)

4. Condition 86 to be amended to specifically reflect that access is to be from Herbert Street as far as practicable.

THE MOTION (4) WAS PUT AND LOST.

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**Record of Voting**

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

Against the Motion: Councillor Maggio.

**RESOLUTION:** (Moved by Councillors O'Donnell and Tagg)

5. A further Condition 105A be included to require measures be taken to control the emission of dust from the site throughout the construction phase.

**Record of Voting**

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

Against the Motion: Councillor Maggio.

**RESOLUTION:**

1. That the Local Development Application No. 2008/845 at 34 Herbert Street, West Ryde, as proposed by the applicant with the 5 five stores be approved as a deferred commencement consent subject to the conditions set out in the Committee of Whole Agenda on pages 200 to 228, additional conditions to address the colonnade, engineering and disabled access issues and with the following amendments detailed in parts (2) and (5).
2. Condition 86 to be amended to specifically reflect that access is to be from Herbert Street as far as practicable.
3. A further Condition 105A be included to require measures be taken to control the emission of dust from the site throughout the construction phase.

**Record of Voting**

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

Against the Motion: Councillors Perram and Yedelian.

**SUSPENSION OF STANDING ORDERS**

**RESOLUTION:** (Moved by Councillors Petch and Pickering)

That standing orders be suspended the time being 10.20pm to allow consideration of Item 11 – 20-22 BALL AVENUE, EASTWOOD.

**Record of Voting:**

For the Motion: Unanimous.

**11 20-22 BALL AVE, EASTWOOD. Integrated Development Application & Voluntary Planning Agreement for demolition, new residential flat building (36 units) including an undercroft carpark, landscaping, lot consolidation & strata subdivision. LDA2008/243.**

Note: Mr Jeffrey (Xiaolin) Sa and Mr James Heywood addressed the meeting.

**MOTION:** (Moved by Councillors O'Donnell and Li)

- (a) That Local Development Application No. 2008/243 at 20-22 Ball Avenue Eastwood being Lot 2A DP9691 and Lots 29 & 30 DP6546 be refused for the following reasons:
1. The proposed development will have a significant effect on the critically endangered ecological community, Blue Gum High Forest (“**EEC**”), located on and adjoining the site.
  2. The Species Impact Statement submitted with the development application has failed to:
    - a. provide adequate justification for the significant effect on the EEC; and
    - b. offer any appropriate ameliorative measures for the loss of the EEC. In this regard, the offset proposed to ameliorate the impacts on the EEC does not comply with the DECC “Principles for the use of biodiversity offsets in NSW”.
- (b) That the persons who made submissions be advised of Council's decision.

**AMENDMENT:** (Moved by Councillors Petch and Pickering)

That Local Development Application No. 2008/243 at 20-22 Ball Avenue Eastwood being Lot 2A DP9691 and Lots 29 and 30 DP6546 be referred to Council Officers for a Deferred Commencement Approval and allow the ecologist from the applicant and Council to meet and resolve the matter of the trees.

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

**Record of Voting**

For the Amendment: Councillors Petch, Pickering, Maggio, Tagg and Etmekdjian

Against the Amendment: The Mayor, Councillor Butterworth, Councillors Campbell, O'Donnell, Li, Salvestro-Martin. Perram and Yedelian.

ON BEING PUT TO THE MEETING THE MOTION WAS PUT AND **CARRIED**.

**RESOLUTION:** (Moved by Councillors O'Donnell and Li)

- (a) That Local Development Application No. 2008/243 at 20-22 Ball Avenue Eastwood being Lot 2A DP9691 and Lots 29 & 30 DP6546 be refused for the following reasons:
1. The proposed development will have a significant effect on the critically endangered ecological community, Blue Gum High Forest ("**EEC**"), located on and adjoining the site.
  2. The Species Impact Statement submitted with the development application has failed to:
    - a. provide adequate justification for the significant effect on the EEC; and
    - b. offer any appropriate ameliorative measures for the loss of the EEC. In this regard, the offset proposed to ameliorate the impacts on the EEC does not comply with the DECC "Principles for the use of biodiversity offsets in NSW".
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting**

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

Against the Motion: Councillor Petch, Pickering and Maggio.

**RESUMPTION OF STANDING ORDERS**

**RESOLUTION:** (Moved by Councillor Petch and Pickering)

That standing orders be resumed, the time being 10.56pm.

**Record of Voting:**

For the Motion: Unanimous.

**SUSPENSION OF STANDING ORDERS**

**RESOLUTION:** (Moved by Councillors Petch and Pickering)

That as the time was approximately 11.00pm, the Committee of the Whole meeting now consider:

Item 10 – LOCAL PARTNERSHIP GRANTS COMMUNITY RELATIONS COMMISSION; and

Late Item 13 - REQUEST FOR COUNCIL CONSENT TO CONSUME ALCOHOL AT A CORPORATE EVENT, and the remaining items (Items 6,7,8,9 and 12), detailed below be referred to the Council Meeting to be held on 22 September 2009:

- 6 BOWDEN STREET, MEADOWBANK - Underground Power and Multi-Function Poles
- 7 ENHANCEMENT OF CITIZENSHIP CEREMONIES
- 8 MINUTES OF THE EASTWOOD EVENTS AND PROMOTIONS COMMITTEE
- 9 ANNUAL TENDERS - Preferred Contractors for the Provision of Minor Works
- 12 RYDE PARK - New Cafe

**Record of Voting:**

For the Motion: Unanimous.

**10 LOCAL PARTNERSHIP GRANTS COMMUNITY RELATIONS COMMISSION**

**RESOLUTION:** (Moved by Councillor Campbell and Petch)

- a) That the report of the Social Policy and Planning Co-ordinator, dated 8/09/2009 on LOCAL PARTNERSHIP GRANTS COMMUNITY RELATIONS COMMISSION, be received and noted.
- b) That Council submit an Expression of Interest for funding to the NSW Community Relations Commission under the 'Local Partnership Grants' for a

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full time community development worker targeting the culturally and linguistically diverse communities in the Ryde Local Government Area.

- c) That Council allocate funding to this project over the next three years if Council's application is successful (\$38,108.02 in the 2010/11 budget, \$44,758.64 in the 2011/12 budget and \$51,752.61 in the 2012/13 budget),
- d) That Council be advised of the progress of the Expression of Interest and subsequent application (if applicable).

**Record of Voting:**

For the Motion: The Mayor, Councillor Butterworth, Councillors Tagg, O'Donnell, Campbell, Petch, Yedelian and Li.

Against the Motion: Councillors Perram, Etmekdjian, Pickering, Salvestro-Martin and Maggio.

**13 REQUEST FOR COUNCIL CONSENT TO CONSUME ALCOHOL AT A CORPORATE EVENT**

**RESOLUTION:**

- (a) That the report of the Coordinator Recreation, dated 15/09/2009 on, REQUEST FOR COUNCIL CONSENT TO CONSUME ALCOHOL AT A CORPORATE EVENT be received and noted.
- (b) That Council's consent is given to Canon Information Systems Research Australia to supply alcohol in the quantities indicated in this report, with the following conditions:
  - The supply of alcohol be provided from the identified location in Attachment 1, away from the playground.
  - That a designated person be identified and be the contact for the public and Council in the case of any concern arising regarding the consumption of alcohol at this event.
  - That use be subject to the terms specified by the Licensing Sergeant from the Eastwood Local Area Command, as outlined below:
    - The organisers of the company picnic are responsible for the conduct of the function and the quiet and good of the neighbourhood in the proximity of the function, during and immediately after the function.
    - Under no circumstances will liquor be offered for sale during the

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course of the function.

- Under no circumstances will liquor be supplied to persons under the age of 18 years.
- Responsible service of alcohol practices are adhered to.

**Record of Voting:**

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

Against the Motion: Councillors Salvestro-Martin and Maggio.

The meeting closed at 11.18pm.

Note: As a resolved by the Committee of the Whole, the following items will be referred to the Council Meeting on 22 September 2009 for determination:

- 6 BOWDEN STREET, MEADOWBANK - Underground Power and Multi-Function Poles
- 7 ENHANCEMENT OF CITIZENSHIP CEREMONIES
- 8 MINUTES OF THE EASTWOOD EVENTS AND PROMOTIONS COMMITTEE
- 9 ANNUAL TENDERS - Preferred Contractors for the Provision of Minor Works
- 12 RYDE PARK - New Cafe

CONFIRMED THIS 6th DAY OF OCTOBER 2009.

Chairperson

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