

Meeting Date: Tuesday 11 June 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Yedelian OAM left the meeting at 11.12pm during the consideration of Item 10 – Renewal of Contract - Community of Interest Network (My Place).

Note: Councillor Pickering left the meeting at 11.12pm during the consideration of Item 10 – Renewal of Contract - Community of Interest Network (My Place).

Apologies: Nil.

Absent: Councillor Maggio.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Section Manager – Community Engagement & Social Media, Manager – Customer Service and Governance and Councillor Support Coordinator.

PRAYER

Reverend Mal York of the West Ryde Anglican Church was present and offered prayer prior to the commencement of the meeting.

LEAVE OF ABSENCE

Councillor Etmekdjian requested a Leave of Absence for the period of 1 July 2013 to 29 July 2013.

Councillor Li requested a Leave of Absence for 18 June 2013.

Councillor Yedelian OAM requested a Leave of Absence for 18 June 2013.

RESOLUTION: (Moved by Councillors Simon and Li)

That Council approve Councillor Etmekdjian's Leave of Absence for the period of 1 July 2013 to 29 July 2013, Councillor Li's Leave of Absence for 18 June 2013 and Councillor Yedelian's Leave of Absence for 18 June 2013.

Record of Voting:

For the Motion: Unanimous

DISCLOSURES OF INTEREST

Councillor Perram declared a Less than Significant Non-Pecuniary Interest in Item 2(2) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 29 Vimiera Road, Eastwood - LOT 10 DP 4574 for the reason that he understands that the Applicant's Lawyer is the same Lawyer that he has been using for another matter.

The Mayor, Councillor Petch declared a Significant Non-Pecuniary Interest in Item 2(2) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 29 Vimiera Road, Eastwood - LOT 10 DP 4574 for the reason that the Applicants and Objectors are known to him. He did not participate in consideration of this Item.

The Mayor, Councillor Petch declared a Significant Non-Pecuniary Interest in Item 2(3) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 52a Pellisier Road, Putney – LOT 2 DP 859984 for the reason that the Applicants and Objectors are known to him. He did not participate in consideration of this Item.

Councillor Li declared a Significant Non-Pecuniary Interest in Item 2(2) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 29 Vimiera Road, Eastwood - LOT 10 DP 4574 for the reason that on 4 June 2013, he became aware that the applicant is represented by the same Solicitor who is also representing defendant Councillors in unrelated Supreme Court Proceedings. He did not participate in consideration of this Item.

Councillor Salvestro-Martin declared a Less than Significant Non-Pecuniary Interest in Item 2(2) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 29 Vimiera Road, Eastwood - LOT 10 DP 4574 for the reason that the party is known to him. He did not participate in consideration of this Item.

Councillor Chung declared a Less than Significant Non-Pecuniary Interest in Item 2(3) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 52a Pellisier Road, Putney – LOT 2 DP 859984 for the reason that he is familiar with an objector.

ELECTION OF CHAIRPERSON

As a result of the Mayor, Councillor Petch declaring a Significant Non-Pecuniary Interest in Item 2(2) - 29 Vimiera Road, Eastwood and Item 2(3) - 52a Pellisier Road, Putney and the Deputy Mayor, Councillor Li declaring a Significant Non-Pecuniary Interest in, and being absent for, Item 2(2) – 29 Vimiera Road, Eastwood of the Report of the Planning and Environment Committee Meeting 9/13, Council was required to undertake an election of a Chairperson for when these matters were considered by Council.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Pendleton)

That Councillor Perram assume the Chair for Item 2(2) – 29 Vimiera Road, Eastwood - LOT 10 DP 4574 and Item 2(3) - 52a Pellisier Road, Putney – LOT 2 DP 859984.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council on Items listed on the Agenda.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council on Items not listed on the Agenda:

| | |
|--------------|---|
| Rodney Stern | "To present documents that clearly show that a parking ticket (and court fine) were improperly administered." |
| Peter Peploe | City of Ryde Enforcement |

MATTER OF URGENCY

Councillor Salvestro-Martin advised that he wished to raise a Matter of Urgency regarding parking fines incurred by Mr Stern and Mr Peploe.

The Mayor, Councillor Petch accepted this Item as an Urgent Item.

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

That Council consider a Matter of Urgency regarding parking fines incurred by Mr Stern and Mr Peploe, the time being 7.51pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – INVESTIGATION OF FINES

RESOLUTION: (Councillors Salvestro-Martin and Etmekdjian)

- (a) That the City of Ryde independently investigate the fines incurred by Mr Stern and Mr Peploe as detailed at tonight's meeting.
- (b) That Council makes representations to the State Debt Recovery Office to hold the fines in abeyance whilst Council's investigation is undertaken.
- (c) That the result of the investigation be reported back to Council.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

MM17/13 SELECTION AND APPOINTMENT OF RECRUITER - GENERAL MANAGER'S POSITION

MOTION: (Moved by The Mayor, Councillor Petch and Councillor Salvestro-Martin)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor, Deputy Mayor and the Chairs of both the Planning and Environment Committee and the Works Committee.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

AMENDMENT: (Moved by Councillors Chung and Pickering)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor and all Councillors.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and seven (7) votes Against. The Amendment was LOST. A further Amendment was then put.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Pickering and Yedelian OAM.

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon.

FURTHER AMENDMENT: (Moved by Councillors Etmekdjian and Pickering)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor and at least the six (6) Councillors that completed the scoring of submissions.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

On being put to the meeting, the voting on the Amendment was four (4) votes For and seven (7) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Pickering and Yedelian OAM.

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Salvestro-Martin)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor, Deputy Mayor and the Chairs of both the Planning and Environment Committee and the Works Committee.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Etmekdjian, Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

Against the Motion: Councillors Chung, Pickering and Yedelian OAM

MATTER OF URGENCY

Councillor Perram advised that he wished to raise a Matter of Urgency regarding the May Capital Works Update report to be reported at the next meeting of the Works and Community Committee.

The Mayor, Councillor Petch accepted this Item as an Urgent Item.

RESOLUTION: (Moved by Councillors Perram and Laxale)

That Council consider a Matter of Urgency regarding the May Capital Works Update report to be reported at the next meeting of the Works and Community Committee, the time being 8.34pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – MAY CAPITAL WORKS UPDATE

RESOLUTION: (Moved by Councillors Perram and Laxale)

That the May Capital Works Update report be reported at the next meeting of the Works and Community Committee.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 28 May 2013

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That the Minutes of the Council Meeting 11/13, held on 28 May 2013 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 9/13 held on 4 June 2013

Note: Councillor Salvestro-Martin raised an issue in relation to the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 on page 38, which incorrectly indicates that he had disclosed a Less than Significant Non-pecuniary Interest in Item 2(3) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 52a Pellisier Road, Putney – LOT 2 DP 859984, when in fact it was disclosed in relation to Item 2(2) – 29 Vimiera Road, Eastwood - LOT 10 DP 4574. The minutes of the Planning and Environment Committee Meeting 9/13 will be amended to reflect this change.

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

That Council determine Items 2, 3, 4 and 5 of the Planning and Environment Committee report, noting that Item 1 was dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 29 VIMIERA ROAD, EASTWOOD - LOT 10 DP 4574. Building Certificate Application for unauthorised building works to the existing dwelling, including a first floor addition, extensions to the rear of the dwelling and demolition. BC2013/0003.

Note: The Mayor, Councillor Petch declared a Significant Non-Pecuniary Interest in this Item for the reason that the Applicants and Objectors are known to him and did not participate in consideration of this matter.

Note: Councillor Salvestro-Martin declared a Less than Significant Non-Pecuniary Interest in this Item for the reason that the party is known to him and did not participate in consideration of this matter.

Note: Councillor Li declared a Significant Non-Pecuniary Interest in this Item for the reason that on 4 June 2013, he became aware that the Applicant is represented by the same Solicitor that is also representing defendant Councillor's in unrelated Supreme Court Proceedings and did not participate in consideration of this matter.

Note: Councillor Perram declared a Less than Significant Non-Pecuniary Interest in this Item for the reason that he understands that the applicant's lawyer is the same lawyer that he has been using for another matter.

Note: The Mayor, Councillor Petch and Councillors Li and Salvestro-Martin left the meeting at 8.42pm and were not present for consideration or voting on this Item.

CHAIRPERSON

Councillor Perram assumed the Chair in accordance with Council's resolution earlier in the meeting as detailed in these minutes.

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (a) That BC2013/0003 at 29 Vimiera Road, Eastwood being LOT 10 DP 4574 be refused for the following reasons:
1. The alterations and additions result in a dwelling which is inconsistent with the desired future character for the R2 Low Density Residential zone, and in particular the character of the streetscape in the immediate area.
 2. The alterations and additions create a significant visual impact to the streetscape and public domain with a poor design outcome in terms of form, massing, integration and materiality.
 3. The alterations and additions do not integrate with the form or character of the existing dwelling house on site.
 4. In the circumstances of the case, approval of the development is not in the public interest.
 5. The applicant has not demonstrated full compliance with the requirements of the National Construction Code Series - Building Code of Australia (BCA).
 6. The roof water is not suitably discharged into an approved drainage system as required by the BCA. Documentary evidence has not been submitted demonstrating that the proposed drainage system complies with the Council's Development Control Plan 2010 (DCP).

- (b) In light of the Building Certificate application being refused in Part (a) above, the applicant is encouraged to demolish parts of the unauthorised structure (namely the area containing bedrooms 3,4, and 5 and rumpus room) that are visible from Vimiera Road. A building certificate may be issued on the single storey portion of the unauthorised development that comprises the living area subject to a new building application being lodged together with a development application being lodged (and approved) for additions and alterations to the existing dwelling that are consistent with the immediate character of Vimiera Road and integrates with the existing dwelling.
- (c) That Council pursue demolition of the unapproved structure.
- (d) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: Councillors Li and Salvestro-Martin returned to the meeting at 9.02pm.

3 52A PELLISIER ROAD, PUTNEY. LOT 2 DP 859984. Development Application for alterations and first floor additions to the existing dwelling, and new swimming pool. LDA2013/0012.

Note: The Mayor, Councillor Petch declared a Significant Non-Pecuniary Interest in this Item for the reason that the applicants and objectors are known to him and did not participate in consideration of this Item.

Note: Councillor Chung declared a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is familiar with an objector.

MOTION: (Moved by Councillors Pendleton and Chung)

- (a) That LDA2013/0012 at 52A Pellisier Road, Putney be deferred to enable the applicant to submit amended plans that provide a more skilful design that improves view sharing opportunities for neighbours and relocates the pool further away from the dwelling and lowers the pool coping height.
- (b) That upon receipt of the amended plans required in part A, the plans are renotified to neighbours and all previous objectors.
If no further objections are received, then the application can be determined by the Group Manager Environment and Planning. If further objections are received, then a further report will be prepared for the consideration of the Planning and Environment Committee.
- (c) That the people who made submissions be advised of Council's decision.

On being put to the meeting the motion was LOST there being four (4) votes for and six (6) votes against.

Record of Voting:

For the Motion: Councillors Chung, Li, Pendleton and Perram

Against the Motion: Councillors Etmekdjian, Laxale, Pickering, Salvestro-Martin, Simon and Yedelian OAM

MOTION (Moved by Councillors Salvestro-Martin and Pickering)

- (a) That LDA2013/0012 at 52A Pellisier Road, Putney being LOT 2 DP859984 be approved subject to the conditions set out below:

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

| Document Description | Date | Plan No/Reference |
|---------------------------|------------|---------------------------------------|
| Site Plan | 18.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.2 |
| Ground Floor | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.3 |
| First Floor | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.4 |
| Lower Ground | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.5 |
| Elevation 1 & 2 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.6 |
| Elevation 3 & 4 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.7 |
| Sections | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.8 |
| Window Schedule 01 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.9 |
| Window Schedule 02 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.10 |
| Window Schedule 03 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.11 |
| Work Site Management Plan | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.15 |

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered A154520_06, dated 15 April 2013.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- Protect and support the adjoining premises from possible damage from the excavation, and
 - Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Protection of Adjoining and Public Land

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

Engineering Conditions

11. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".
12. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
13. **Service Alterations.** All mains, services, poles, etc., which require alteration to facilitate the development shall be altered at the applicant's expense. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.

14. **Restoration.** To ensure public areas will be safely maintained at all times all disturbed public areas must be restored to Council satisfaction. All restoration of disturbed road, footway areas, kerb and gutters, redundant vehicular crossings etc arising from the proposed development works will be carried out by Council subject to the lodgement of a Road Opening Permit application to Council with payment of fees in accordance with Council's Management Plan, prior to commencement of works.
15. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
16. **Council's Approval.** To ensure all engineering works within the public road and/or drainage reserve , including Council's parkland will be completed to Council satisfaction, engineering approval and compliance certificates must be obtained from Council for the following works at the specified stage where applicable and **submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.** Fees applicable to the proposed works in accordance with Council's Management Plan are to be paid to Council prior to approval being given by Council.
 - Approval for drainage connection(s) to Council's stormwater drainage systems and inspection of the stormwater connection by council prior to backfilling.
 - Approval shall be obtained for the construction of any structure on Council's road and drainage reserve, including parkland. The inspection(s) for these structures, during construction shall be made by Council e.g. prior to casting & backfilling of Council's pits and other drainage structures including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps etc.
 - Final inspection by Council after completion of all external works with all disturbed areas satisfactorily restored.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

17. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
18. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
19. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
20. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
21. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
22. **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 submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
23. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely 52 Pellisier Road, Putney. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
24. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

25. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
26. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
27. **Slope instability – geotechnical report required.** The subject site is located within an area of slope instability and therefore you are required to obtain a satisfactory Geotechnical Report from a qualified Geotechnical Engineer, which is to be submitted prior to the issue of a **Construction Certificate**.

Engineering Conditions

28. **Site Stormwater Drainage System.** To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to the foreshore in accordance with the requirements of DCP 2010: Part 8.2- Stormwater Management. Accordingly, detailed engineering plans with certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
29. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveways, carparking areas, landscaping and stormwater drainage design where applicable to ensure smooth transition.
30. **Driveway Grades.** The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.
31. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The crossing(s) are to be constructed in plain reinforced with location, design and construction shall conform to Council requirements. Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
32. **Vehicle turning paths.** Vehicle turning areas compliant with AS2890.1 (2004) shall be provided for vehicles entering and leaving the garage. Details of compliance shall be shown on the plans submitted with the **Construction Certificate**.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

33. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

34. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

35. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

36. **Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and

where necessary, underpin the adjoining premises to prevent any such damage.

- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
 - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
37. **Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties namely 52 Pellisier Road, Putney and public infrastructure (including roads, gutters, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.
38. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

39. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
40. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
41. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
42. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
43. **Construction materials.** All materials associated with construction must be retained within the site.

44. Site Facilities

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

45. Site maintenance

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

46. Work within public road. 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 Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

47. Tree protection – no unauthorised removal. This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.

48. Tree protection – during construction. Trees that are shown on the approved plans as being retained must be protected against damage during construction.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

49. BASIX. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered A154520_06, dated 15 April 2013.

50. Road opening permit – compliance document. The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section

139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.

51. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of the **Occupation Certificate**.
52. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Engineering Requirements

53. **Disused Gutter crossing.** Any disused gutter crossings shall be removed and kerb and gutter including footpath shall be reinstated to Council's satisfaction.
54. **Engineering Certification.** To ensure stormwater drainage works are completed in accordance with approved plans, Certification shall also be obtained from a chartered civil engineer with NPER registration with Engineers Australia, indicating the constructed works complied with DCP 2010. Part 8.2.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

55. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.
 - (b) That the persons who made submissions be advised of Council's decision.

AMENDMENT (Moved by Councillors Chung and Pendleton)

- (a) That LDA2013/0012 at 52A Pellisier Road, Putney being LOT 2 DP859984 be granted a deferred approval subject to part (b) and the conditions set out below:

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

| Document Description | Date | Plan No/Reference |
|---------------------------|------------|---------------------------------------|
| Site Plan | 18.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.2 |
| Ground Floor | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.3 |
| First Floor | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.4 |
| Lower Ground | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.5 |
| Elevation 1 & 2 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.6 |
| Elevation 3 & 4 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.7 |
| Sections | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.8 |
| Window Schedule 01 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.9 |
| Window Schedule 02 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.10 |
| Window Schedule 03 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.11 |
| Work Site Management Plan | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.15 |

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered A154520_06, dated 15 April 2013.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Protection of Adjoining and Public Land

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

Engineering Conditions

11. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".
12. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
13. **Service Alterations.** All mains, services, poles, etc., which require alteration to facilitate the development shall be altered at the applicant's expense. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.
14. **Restoration.** To ensure public areas will be safely maintained at all times all disturbed public areas must be restored to Council satisfaction. All restoration of disturbed road, footway areas, kerb and gutters, redundant vehicular crossings etc arising from the proposed development works will be carried out by Council subject to the lodgement of a Road Opening Permit application to Council with payment of fees in accordance with Council's Management Plan, prior to commencement of works.
15. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
16. **Council's Approval.** To ensure all engineering works within the public road and/or drainage reserve, including Council's parkland will be completed to Council satisfaction, engineering approval and compliance certificates must be obtained from Council for the following works at the specified stage where applicable and **submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.** Fees applicable to the proposed works in accordance with Council's Management Plan are to be paid to Council prior to approval being given by Council.

- Approval for drainage connection(s) to Council's stormwater drainage systems and inspection of the stormwater connection by council prior to backfilling.
- Approval shall be obtained for the construction of any structure on Council's road and drainage reserve, including parkland. The inspection(s) for these structures, during construction shall be made by Council e.g. prior to casting & backfilling of Council's pits and other drainage structures including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps etc.
- Final inspection by Council after completion of all external works with all disturbed areas satisfactorily restored.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

17. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
18. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
19. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
20. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy

21. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
22. **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 submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
23. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely 52 Pellisier Road, Putney. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
24. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

25. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
26. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
27. **Slope instability – geotechnical report required.** The subject site is located within an area of slope instability and therefore you are required to obtain a satisfactory Geotechnical Report from a qualified Geotechnical Engineer, which is to be submitted prior to the issue of a **Construction Certificate**.

Engineering Conditions

28. **Site Stormwater Drainage System.** To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to the foreshore in accordance with the requirements of DCP 2010: Part 8.2- Stormwater Management. Accordingly, detailed engineering plans with certification indicating compliance with this condition are to be submitted with the Construction Certificate application.

29. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveways, carparking areas, landscaping and stormwater drainage design where applicable to ensure smooth transition.
30. **Driveway Grades.** The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.
31. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The crossing(s) are to be constructed in plain reinforced with location, design and construction shall conform to Council requirements. Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
32. **Vehicle turning paths.** Vehicle turning areas compliant with AS2890.1 (2004) shall be provided for vehicles entering and leaving the garage. Details of compliance shall be shown on the plans submitted with the **Construction Certificate**.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

33. **Site Sign**
 - (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
 - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
34. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

35. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

36. **Excavation adjacent to adjoining land**
- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
 - (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
 - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
37. **Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties namely 52 Pellisier Road, Putney and public infrastructure (including roads, gutters, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.
38. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

39. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
40. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
41. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
42. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
43. **Construction materials.** All materials associated with construction must be retained within the site.
44. **Site Facilities**

The following facilities must be provided on the site:

 - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
45. **Site maintenance**

The applicant must ensure that:

 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
46. **Work within public road.** 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 Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
47. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.

48. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

49. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered A154520_06, dated 15 April 2013.
50. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.
51. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of the **Occupation Certificate**.
52. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Engineering Requirements

53. **Disused Gutter crossing.** Any disused gutter crossings shall be removed and kerb and gutter including footpath shall be reinstated to Council's satisfaction.
54. **Engineering Certification.** To ensure stormwater drainage works are completed in accordance with approved plans, Certification shall also be obtained from a chartered civil engineer with NPER registration with Engineers Australia, indicating the constructed works complied with DCP 2010. Part 8.2.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

55. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.
- (b) That the applicant submit amended plans to Council which provide for a reduction in the non-compliance of the pool coping height and that these amended plans be notified to the objectors and that should no further objections to the pool coping height be received that the matter be determined under delegation by the Acting General Manager.
- (c) That the persons who made submissions be advised of Council's decision.

On being put to the Meeting, the voting on the Amendment was three (3) votes For and seven (7) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Chung, Pendleton and Perram

Against the Amendment: Councillors Etmekdjian, Laxale, Li, Pickering, Salvestro-Martin, Simon and Yedelian OAM

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

- (a) That LDA2013/0012 at 52A Pellisier Road, Putney being LOT 2 DP859984 be approved subject to the conditions set out below:

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

| Document Description | Date | Plan No/Reference |
|----------------------|------------|---------------------------------------|
| Site Plan | 18.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.2 |
| Ground Floor | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.3 |
| First Floor | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.4 |
| Lower Ground | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.5 |
| Elevation 1 & 2 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.6 |
| Elevation 3 & 4 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.7 |
| Sections | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.8 |
| Window Schedule 01 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.9 |
| Window Schedule 02 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.10 |

| | | |
|---------------------------|------------|---------------------------------------|
| Window Schedule 03 | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.11 |
| Work Site Management Plan | 19.04.2013 | Job No. 12-27-Rof, Issue F Dwg. No.15 |

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered A154520_06, dated 15 April 2013.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Protection of Adjoining and Public Land

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

Engineering Conditions

11. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".
12. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
13. **Service Alterations.** All mains, services, poles, etc., which require alteration to facilitate the development shall be altered at the applicant's expense. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.
14. **Restoration.** To ensure public areas will be safely maintained at all times all disturbed public areas must be restored to Council satisfaction. All restoration of disturbed road, footway areas, kerb and gutters, redundant vehicular crossings etc arising from the proposed development works will be carried out by Council subject to the lodgement of a Road Opening Permit application to Council with payment of fees in accordance with Council's Management Plan, prior to commencement of works.
15. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
16. **Council's Approval.** To ensure all engineering works within the public road and/or drainage reserve, including Council's parkland will be completed to Council satisfaction, engineering approval and compliance certificates must be obtained from Council for the following works at the specified stage where applicable and **submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.** Fees applicable to the proposed works in accordance with Council's Management Plan are to be paid to Council prior to approval being given by Council.
 - Approval for drainage connection(s) to Council's stormwater drainage systems and inspection of the stormwater connection by council prior to backfilling.
 - Approval shall be obtained for the construction of any structure on Council's road and drainage reserve, including parkland. The inspection(s) for these structures, during construction shall be made by Council e.g. prior to casting & backfilling of Council's pits and other drainage structures including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps etc.
 - Final inspection by Council after completion of all external works with all disturbed areas satisfactorily restored.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

17. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
18. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
19. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
20. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
21. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
22. **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 submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
23. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely 52 Pellisier Road, Putney. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.

24. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

25. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
26. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
27. **Slope instability – geotechnical report required.** The subject site is located within an area of slope instability and therefore you are required to obtain a satisfactory Geotechnical Report from a qualified Geotechnical Engineer, which is to be submitted prior to the issue of a **Construction Certificate**.

Engineering Conditions

28. **Site Stormwater Drainage System.** To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to the foreshore in accordance with the requirements of DCP 2010: Part 8.2- Stormwater Management. Accordingly, detailed engineering plans with certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
29. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveways, carparking areas, landscaping and stormwater drainage design where applicable to ensure smooth transition.
30. **Driveway Grades.** The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.
31. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The crossing(s) are to be constructed in plain reinforced with location, design and construction shall conform to Council requirements. Accordingly, prior to issue of

Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.

32. **Vehicle turning paths.** Vehicle turning areas compliant with AS2890.1 (2004) shall be provided for vehicles entering and leaving the garage. Details of compliance shall be shown on the plans submitted with the **Construction Certificate**.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

33. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

34. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

35. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
- (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
- (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

36. Excavation adjacent to adjoining land

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

37. Pre-commencement dilapidation report. The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties namely 52 Pellisier Road, Putney and public infrastructure (including roads, gutters, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.

38. Safety fencing. The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

39. Critical stage inspections. The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

40. Survey of footings/walls. All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

41. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
42. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
43. **Construction materials.** All materials associated with construction must be retained within the site.
44. **Site Facilities**

The following facilities must be provided on the site:

 - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
45. **Site maintenance**

The applicant must ensure that:

 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
46. **Work within public road.** 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 Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
47. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
48. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

49. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered A154520_06, dated 15 April 2013.
50. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.
51. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of the **Occupation Certificate**.
52. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Engineering Requirements

53. **Disused Gutter crossing.** Any disused gutter crossings shall be removed and kerb and gutter including footpath shall be reinstated to Council's satisfaction.
54. **Engineering Certification.** To ensure stormwater drainage works are completed in accordance with approved plans, Certification shall also be obtained from a chartered civil engineer with NPER registration with Engineers Australia, indicating the constructed works complied with DCP 2010. Part 8.2.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

55. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.
 - (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Etmekdjian, Laxale, Li, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillors Chung, Pendleton and Perram

Note: The Mayor, Councillor Petch returned to the meeting at 9.42pm.

4 52 DARVALL ROAD, EASTWOOD. LOT 10 DP 13514. Local Development Application for the use of existing building as a secondary dwelling and an outbuilding. LDA2013/0100.

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

- (a) That the Group Manager Environment and Planning write to the Building Professionals Board expressing Council's concern regarding this matter and to request an urgent response to the complaint.
- (b) That upon receipt of advice from the Building Professionals Board, the Group Manager Planning and Environment provide a report to the Planning and Environment Committee detailing the nature of the response and suggesting measures to ensure that the outbuilding does not provide for permanent habitation.

Record of Voting:

For the Motion: Unanimous

5 3-5 TRELAWNEY STREET, EASTWOOD. Part LOT B & LOT A DP 401296. New mixed use development: a building with six retail/commercial tenancies (534m²); 57 apartments (13X1 bedrooms, 44X2 bedrooms) and basement parking, and strata subdivision. LDA2011/0611.

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

- (a) That Local Development Application No. 2011/0611 for the construction and strata subdivision of a mixed use development consisting of a building with six retail/commercial tenancies, 57 residential apartments and basement parking for 107 cars at 3-5 Trelawney Street, Eastwood be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That Council accept the Voluntary Planning Agreement (Reference No. PJAC_100970_017.DOC) made by N & G Projects Pty Ltd in conjunction with the approval of LDA2011/0611.
- (c) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 8/13 held on 4 June 2013

Note: Councillor Chung left the meeting at 9.48pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Laxale and Pickering)

That Council determine Item 2 of the Works and Community Committee report, noting that Items 1 and 3 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 JOINT NSROC REGIONAL WASTE DISPOSAL INITIATIVE

RESOLUTION: (Moved by Councillors Laxale and Pickering)

Note: Councillor Chung was not present for voting on this Item.

That Council:

- (a) participate in preparations to go to tender for procurement of waste disposal/processing services for NSROC Councils for a contract commencing in 2014, noting that a further report on tender criteria will come to Council for final agreement as to participation in the tender.
- (b) be part of an application for authorisation (through revocation and substitution of 2003 authorisation) from the Australian Competition and Consumer Commission for group purchasing of waste disposal services.
- (c) participate in formal arrangements with NSROC Councils as shown diagrammatically on page 5 of **CONFIDENTIAL ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER**, and to contribute \$8,286 to the costs of establishing partnership arrangements for shared services procurement and management by NSROC Councils, commencing with the waste disposal tender.
- (d) contribute \$13,395 to the governance structure establishment costs on an equal basis amongst all NSROC Councils, and the tender preparation costs in line with volume participation in the waste contract.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Chung returned to the meeting at 9.50pm.

4 OMBUDSMAN SYSTEM

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

That this matter be deferred for consideration at a Councillor Workshop.

Record of Voting:

For the Motion: Unanimous

5 POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS

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

- (a) That Council adopt the ATTACHED Policy on the Payment of Expenses and Provisions of Facilities for the Mayor and other Councillors, as amended and incorporating the proposed changes as detailed in the report.
- (b) That, in accordance with Section 253 of the Local Government Act 1993, a copy of the adopted policy be forwarded to the Division of Local Government.

Record of Voting:

For the Motion: Unanimous

6 VOLUNTARY PLANNING AGREEMENT OFFER - 125-135 CHURCH STREET, RYDE.

RESOLUTION: (Moved by Councillors Perram and Laxale)

- (a) That Council support 'in principle' the Voluntary Planning Offer made by Motive Properties Pty Limited as part of the Development Application LDA2012/97 at 125-135 Church Street, Ryde for the construction of four mixed use residential/commercial buildings,
- (b) That the above be communicated to the Joint Regional Planning Panel at the time of determination of the application, and
- (c) That the Acting General Manager be delegated to finalise the Voluntary Planning Agreement with Motive Properties Pty Limited.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

7 LEADERS FORUMS - LOCAL GOVERNMENT REVIEW PANEL & PLANNING WHITE PAPER

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That the Mayor, Councillor Petch or his nominee attend the Local Government Review Panel Forum to be held on Friday, 28 June 2013.
- (b) That the Mayor, Councillor Petch or his nominee attend the Planning White Paper Forum to be held on Tuesday, 2 July 2013.

Record of Voting:

For the Motion: Unanimous

8 REQUEST FOR TENDER - COR-RFT 09/13 Santa Rosa Park New Amenities Building

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

- (a) That Council accept the tender from Terrafirma Property Developments P/L for the Santa Rosa New Amenities Building works for the amount of \$282,095 as recommended in the Tender Evaluation Report.
- (b) That Council advise all the respondents of Council's decision and thank them for their submissions.

Record of Voting:

For the Motion: Unanimous

9 REQUEST FOR TENDER - COR-RFT-25/12 - Courier Service Tender

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

- (a) That Council accepts the tender from Fleet Flyers Pty Ltd trading as Australian National Couriers for the Courier Service to the City of Ryde to the amount of up to \$110,000 (excluding GST) per annum, for a three year period with an option to extend for a further two year period as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with Fleet Flyers Pty Ltd trading as Australian National Couriers on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision and thank them for their submissions.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Salvestro-Martin and Simon

Against the Motion: Councillor Yedelian OAM

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 PLANNING WHITE PAPER - COMMUNITY CONSULTATION

RESOLUTION: (Moved by Councillors Pickering and Perram)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

2 LOCAL GOVERNMENT (EARLY INTERVENTION) BILL 2013

RESOLUTION: (Moved by Councillors Li and Laxale)

- (a) That the correspondence be received noted.
- (b) That Council note the closing date for submissions has been extended until 12 June 2013.
- (c) That Council expresses concerns and makes a submission based on the following reasons:
 - Due process not being followed prior to action being taken, to suspend Councils as foreshadowed in the legislation.
 - Review and support the issues raised by the Mayor of City of Sydney, Clover Moore.
 - Lack of a requirement for reason to be given with no avenue for appeal.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Laxale, Li, Pendleton, Perram, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillors Etmekdjian and Pickering

3 RESPONSE TO FUTURE DIRECTIONS FOR NSW LOCAL GOVERNMENT - TWENTY ESSENTIAL STEPS

RESOLUTION: (Moved by Councillors Perram and Laxale)

- (a) That Council take action to request Hornsby Council to ensure that any resident of Ryde that is contacted by their surveying Consultants to be advised that data is being collected by Hornsby Council.
- (b) That Council advise our community that Hornsby Council is undertaking surveys seeking information from residents on the issue of amalgamation of Councils and that this survey is not supported by the City of Ryde.
- (c) That Council communicate this matter through The Mayor's Column, City View and Council's website.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

There were no Notices of Motion.

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Jerome Laxale

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

That the following Answers to Questions with Notice be received and noted.

Record of Voting:

For the Motion: Unanimous

In light of Council's recent submission against the UAP process in North Ryde, whereby it was noted that working group meetings and steering committee meetings were simply information sharing exercises where true consultation with Council did not take place, please advise:

1. How many of these types of meetings have been held?

Answer 1:

There have been four types of meetings during the consultation process.

Community Reference Groups (CRG)

8x CRG meetings occurred with the community with CoR as observers.

Agency Working Group

7x working group meetings occurred during the period October 2011 to September 2012 which involved agencies including TfNSW, RMS, CoR, OSL and DoH.

Steering Committee

1x meeting for the North Ryde Station UAP occurred on 8 April 2013.

Meeting planned for 6 May 2013 was cancelled.

Technical Staff Meetings

Around 10x technical meetings took place between August 2011 and April 2012.

These meetings brought together specialist technical staff to discuss detailed design matters. This included matters such as infrastructure standards and specifications, connectivity and access, and other technical matters. Essentially, these were information sharing meetings where Transport for NSW was provided technical documents / comments.

Please Note:

Following the Herring Road Steering Committee meeting on 23 May, CoR's submission on the North Ryde Station proposal was discussed with staff from DP&I. CoR was represented by staff members Dominic Johnson and Adrian Melo. (Councillor Maggio and Etmekdjian were to represent Council as it followed the Herring Road Steering Committee meeting; however they were unavailable on the day for these meetings).

2. Who has attended from Ryde Council (staff and Councillors) and other agencies?

Answer 2:

Community Reference Group meetings were observed by Council staff member Adrian Melo.

Agency Working Groups were attended by the appropriate staff depending on the issue being discussed. Participants included: Adrian Melo, Lexie Macdonald, Harry Muker, Fiona Morrison, John Brown and Dominic Johnson.

North Ryde Station Steering Committee meeting was attended by Clr Petch, Clr Yedelian, Dominic Johnson and Danielle Dickson (DD replaced George Dedes who was unavailable for the meeting as the staff representative).

Technical Staff Meetings were attended by numerous Council officers dependant on the matter to be discussed.

3. What was discussed?

Answer 3:

Key issues considered included:

CRG meetings – Concerns were raised by the community regarding: the size, massing scale of development, amount of open space, overshadowing, visual impact, connectivity and conservation of vegetation.

Agency working groups - Built form, traffic, open space, flood and stormwater, funding of infrastructures, Section 94 Contributions, Voluntary Planning Agreements, affordable housing and planning framework.

During these meetings, Council sought the exclusion of OSL and RMS lands (Tennis World and land adjoining Bundara Reserve).

Steering Committee meeting – given there was only one meeting prior to submissions closing on 19 May, the key issues discussed included: governance, Terms of Reference, time frames and responsibilities.

4. When will a full report on the meetings come back to Council (through CIB, Council report or otherwise)?

Answer 4:

Next report will come to Council as part of the update regarding the appointment of the independent consultant to review the North Ryde Station Precinct proposal.

5. Please elaborate on the format of the meetings? Are they simply briefing sessions as outlined in Council's submission, or are they geared for genuine consultation with Council as a key stakeholder?

Answer 5:

CRG meetings - Members of the community selected for the CRG were provided information (briefing sessions) regarding the project; there was also an opportunity to ask questions. Minutes were taken and are available on the websites of the Department of Planning and Infrastructure and Transport for NSW.

Agency Working Groups – The format of the meetings typically was a presentation on the proposal by either Transport for NSW and Planning with an opportunity to comment afterwards by Council.

Meetings were essentially briefing sessions with the Department of Planning and Infrastructure providing data and information for comment. Opportunity was provided for CoR to comment; though these comments did not seem to change

the original proposal.

Council did provide a submission in response to the proposal at a meeting early in 2012 which summarised Council's key concerns. A copy of this submission can be provided on request.

Steering Committee meetings – given there was only one meeting, the format had not been established. CoR however did raise concerns regarding the Terms of Reference for the Committee, it was CoR's view that the Committee should not be just 'advised about investigations' but rather, be actively involved in the approval and review of investigations.

CLOSED SESSION

ITEM 10 - RENEWAL OF CONTRACT - COMMUNITY OF INTEREST NETWORK (MY PLACE)

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

That the Council resolve into Closed Session to consider the above matters.

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 10.22pm. The public and media left the chamber.

10 RENEWAL OF CONTRACT - COMMUNITY OF INTEREST NETWORK (MY PLACE)

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

- (a) That Council take no further action in this tender.
- (b) That Council pursue an alternative arrangement as part of the Communication Strategy to achieve a similar goal in engaging the community at a lower cost.

AMENDMENT: (Moved by Councillors Etmekdjian and Yedelian OAM)

That Council extends the trial for a further 12 month period, commencing in June, in respect of the contract with Toluna Australia at an estimated cost of \$69,958.

On being put to the Meeting, the voting on the Amendment was five (5) votes For and six (6) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Laxale, Pickering and Yedelian OAM

Against the Amendment: The Mayor, Councillor Petch and Councillors Li, Pendleton, Perram, Salvestro-Martin and Simon

Note: Councillor Yedelian OAM left the meeting at 11.12pm and did not return.

Note: Councillor Pickering left the meeting at 11.12pm and did not return.

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

- (a) That Council take no further action in this tender.
- (b) That Council pursue an alternative arrangement as part of the Communication Strategy to achieve a similar goal in engaging the community at a lower cost.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

Against the Motion: Councillor Etmekdjian

OPEN SESSION

RESOLUTION: (Moved by Councillors Laxale and Simon)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.13pm.

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

That the recommendations of Items considered in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

The National Anthem was sung at the conclusion of the meeting.

The meeting closed at 11.16pm.

CONFIRMED THIS 25TH DAY OF JUNE 2013

Chairperson